UNIVERSAL
LIBRARY
OU_172973
UNIVERSAL
LIBRARY

Encyclopaedia of the SOCIAL SCIENCES

Encyclopaedia of the SOCIAL SCIENCES

EDITOR-IN-CHIEF

EDWIN R. A. SELIGMAN

ASSOCIATE EDITOR

ALVIN JOHNSON

VOLUME ELEVEN

MORBIDITY-PARTIES, POLITICAL

THE MACMILLAN COMPANY
MCMLIX NEW YORK

COPYRIGHT, 1933, BY THE MACMILLAN COMPANY
All rights reserved—no part of this book may be reproduced in any form
without permission in writing from the publisher except
by reviewers who wish to quote brief passages in
connection with a review written for
inclusion in magazines or
newspapers
Published October, 1933
Reprinted April, 1935

Reissued (Volumes XI and XII combined), November, 1937.

Thirteenth Printing 1959

THE MACMILLAN COMPANY
NEW YORK • CHICAGO
DALLAS • ATLANTA • SAN FRANCISCO
LONDON • MANILA
IN CANADA
BRETT-MACMILLAN LTD.
GALT, ONTARIO

: Printed in the United States of America :

EDITORIAL STAFF

EDITOR-IN-CHIEF

EDWIN R. A. SELIGMAN

McVickar Professor Emeritus of Political Economy in Residence, Columbia University; LL.B., Ph.D. and LL.D.; Hon. D., University of Paris and Heidelberg University; Corresponding Member of the Institut de France; Member of the Accademia dei Lincei, of the Russian Academy of Science, of the Norwegian Academy of Science, of the Cuban Academy of Political and Social Science and of the Accademia delle Scienze Morali e Politiche; Laureat of the Belgian Academy of Science; Foreign Correspondent of the Royal Economic Society; Ex-President of the American Economic Association, of the National Tax Association and of the American Association of University Professors

ASSOCIATE EDITOR

ALVIN JOHNSON, PH. D.

Director of the New School for Social Research

ASSISTANT EDITORS

LEWIS COREY
IDA CRAVEN
BENJAMIN GINZBURG
ELSIE GLÜCK
LOUIS M. HACKER
SOLOMON KUZNETS
MAX LERNER
EDWIN MIMS, JR.
FLORENCE MISHNUN
KOPPEL S. PINSON
NATHAN REICH
WILLIAM SEAGLE
JOSEPH J. SENTURIA
BERNHARD J. STERN
HELEN SULLIVAN

Advisory Editors

American

Anthropology

A. L. Kroeber

Economics

Edwin F. Gay
Jacob H. Hollander
E. G. Nourse

Education

Paul Monroe

History

Sidney B. Fay
A. M. Schlesinger

Law

Roscoe Pound

Philosophy

John Dewey

Political Science

Charles A. Beard
Frank J. Goodnow

Psychology

Floyd H. Allport

Social Work

Porter R. Lee

Sociology

William F. Ogburn
W. I. Thomas

Statistics

Irving Fisher
Walter F. Willcox

Foreign

England

Ernest Barker
J. M. Keynes
Sir Josiah Stamp
R. H. Tawney

France

Charles Rist
F. Simiand

Germany

Carl Brinkmann
H. Schumacher

Italy

Luigi Einaudi
Augusto Graziani

Switzerland

W. E. Rappard

CONSTITUENT SOCIETIES
AND
JOINT COMMITTEE

AMERICAN ANTHROPOLOGICAL ASSOCIATION
ROBERT H. LOWIE AND CLARK WISSLER

AMERICAN ASSOCIATION OF SOCIAL WORKERS
PHILIP KLEIN AND STUART A. QUEEN

AMERICAN ECONOMIC ASSOCIATION
CLIVE DAY AND FRANK A. FETTER

AMERICAN HISTORICAL ASSOCIATION
CARL BECKER AND CLARENCE H. HARING

AMERICAN POLITICAL SCIENCE ASSOCIATION
WILLIAM B. MUNRO AND JOHN H. LOGAN

AMERICAN PSYCHOLOGICAL ASSOCIATION
GEORGINA S. GATES AND MARK A. MAY

AMERICAN SOCIOLOGICAL SOCIETY
HARRY E. BARNES AND KIMBALL YOUNG

AMERICAN STATISTICAL ASSOCIATION
R. H. COATS AND ROBERT M. WOODBURY

ASSOCIATION OF AMERICAN LAW SCHOOLS
EDWIN W. PATTERSON AND EDWIN D. DICKINSON

NATIONAL EDUCATION ASSOCIATION
E. L. THORNDIKE AND J. A. C. CHANDLER

Board of Directors

Academic

Franz Boas
Walter Wheeler Cook
John Dewey
John A. Fairlie
Carlton J. H. Hayes
Jacob H. Hollander
Alvin Johnson
Wesley C. Mitchell
John K. Norton
Edwin R. A. Seligman
Mary van Kleeck
Margaret Floy Washburn
Howard B. Woolston

Lay

James Couzens
Thomas W. Lamont
John J. Raskob
Robert E. Simon
Jesse I. Straus
Silas H. Strawn
Owen D. Young

CONTRIBUTORS TO VOLUME ELEVEN

Abel, Theodore
Columbia University
Andler, Charles
Collège de France
Andrews, Charles M.
Yale University
Angell, Norman
London

Barker, Ernest
University of Cambridge
Bauer, Clemens
University of Munich
Bauer, Stephen
University of Basel
Beard, Mary R.
New Milford, Connecticut
Becker, Carl
Cornell University
Beer, Max
London
Bell, Herbert C.
Wesleyan University
Benedict, Ruth
Columbia University
Blanshard, Paul
New York City
Bliven, Bruce
New York City
Boehm, Max Hildebert
Institut für Grenz- und Auslandstudien, Berlin
Borgese, G. Ant.
Smith College
Brady, Alexander
University of Toronto
Brandi, K.
University of Göttingen
Braun, Robert
Budapest
Brinkmann, Carl
University of Heidelberg
Brinton, Crane
Harvard University
Brookes, Edgar H.
University of Pretoria
Buck, A. E.
New York City
Bunzel, Ruth
Columbia University

Campagnac, E. T.
University of Liverpool
Carano-Donvito, Giovanni
University of Bari
Carpenter, Niles
University of Buffalo
Clark, John Maurice
Columbia University
Clarkson, Jesse Dunsmore
Brooklyn College
Cobban, Alfred
University of Durham at Newcastle upon Tyne
Cole, G. D. H.
University of Oxford
Commager, Henry Steele
New York University
Condliffe, J. B.
Canterbury College, Christchurch, New Zealand
Cook, Walter Wheeler
Johns Hopkins University
Corey, Lewis
Encyclopaedia of the Social Sciences
Cowell, Henry
New School for Social Research
Creer, L. H.
University of Washington

Dawson, W. H.
Oxford, England
Deák, Francis
Columbia University
Dewey, John
Columbia University
Dodwell, H. H.
University of London
Driesch, Margarete
Leipsic
Dublin, Louis I.
New York City

Eby, E. H.
University of Washington
Edman, Irwin
Columbia University
Everard, L. C.
American Association of Museums, Washington, D. C.

Faulkner, Harold U.
Smith College
Fay, Sidney B.
Harvard University
Figueiredo, Fidelino de
Academy of Sciences, Lisbon
Finer, Herman
London School of Economics and Political Science
Fisher, Mary S.
Columbia University and *Sarah Lawrence College*
Flournoy, Richard W., Jr.
United States Department of State
Forke, A.
University of Hamburg
Fraser, Lindley M.
University of Oxford
Freund, Michael
Berlin
Friedrich, Carl Joachim
Harvard University
Friess, Horace L.
Columbia University

Gabriel, Ralph Henry
Yale University
Gerhard, Dietrich
University of Berlin
Gerloff, Wilhelm
University of Frankfort
Gillespie, Frances E.
University of Chicago
Ginzburg, Benjamin
Encyclopaedia of the Social Sciences
Goodrich, Carter
Columbia University
Gosnell, Harold F.
University of Chicago
Goyau, Georges
Académie Française
Graham, Malbone W.
University of California at Los Angeles
Groethuysen, B.
University of Berlin
Gurvitch, Georges
Paris
Gwynn, Denis
London

Haines, Anna J.
Pittsburgh
Hamilton, Walton H.
Yale University
Hammond, John Lawrence
Hemel Hempsted, England
Hampe, Karl
University of Heidelberg
Hancock, W. K.
University of Adelaide
Harris, Abram L.
Harvard University
Harsin, Paul
University of Liége
Hartmann, Richard
University of Göttingen
Hartzog, Justin R.
Cambridge, Massachusetts
Hauser, Henri
University of Paris
Hayek, Friedrich A.
University of London
Hayes, Carlton J. H.
Columbia University
Hazeltine, H. D.
University of Cambridge
Heuss, Theodor
Deutsche Hochschule für Politik, Berlin
Hicks, J. R.
London School of Economics and Political Science
Himes, Norman E.
Colgate University
Hippel, Ernst von
University of Königsberg
Hitti, Philip K.
Princeton University
Holcombe, Arthur N.
Harvard University
Holst, Henriette Roland
Bloemendaal, Netherlands
Huart, Frederick J. A.
University of Amsterdam
Hulme, Edward M.
Stanford University
Hyma, Albert
University of Michigan

Innis, Harold A.
University of Toronto
Isaacs, Nathan
Harvard University

Jacob, E. F.
University of Manchester
James, F. Cyril
University of Pennsylvania
Jensen, Christen
Brigham Young University
Jessup, Philip C.
Columbia University
Jones, Chester Lloyd
University of Wisconsin

Kalken, Frans van
University of Brussels
*Kehr, Eckart
Deutsche Hochschule für Politik, Berlin
Kenworthy, J. M.
Lt.-Commander, British Royal Navy, London
Kirby, Richard Shelton
Yale University
Kirchwey, George W.
New York School of Social Work
Kirkland, Edward C.
Bowdoin College
Knight, Melvin M.
University of California
Kocharovsky, K.
Belgrade
Kohn, Hans
Jerusalem
Kötzschke, Rudolf
University of Leipsic
Kuznets, Simon
University of Pennsylvania and *National Bureau of Economic Research, New York City*
Kuznets, Solomon
Encyclopaedia of the Social Sciences

Lauterpacht, H.
London School of Economics and Political Science
Lederer, Emil
New School for Social Research
Leland, Simeon E.
University of Chicago
Lewis, Howard T.
Harvard University
Littmann, Enno
University of Tübingen
Lore, Ludwig
New York City
Lowie, Robert H.
University of California
Lundberg, Emma Octavia
New York City

McKenzie, R. D.
University of Michigan
MacLeod, W. C.
University of Pennsylvania
Macmahon, Arthur W.
Columbia University
Manson, A.
Hawkesyard Priory, Stafford, England
Markham, R. H.
Vienna
Marshall, George
New York City
Martin, Kingsley
London
Matl, Josef
University of Graz
Mendel, Lafayette B.
Yale University
Mercer, T. W.
Manchester, England
Mims, Edwin, Jr.
Encyclopaedia of the Social Sciences
Mishnun, Florence
Encyclopaedia of the Social Sciences
Mitchell, Broadus
Johns Hopkins University
Mombert, Paul
University of Giessen
Moorhead, Helen Howell
Foreign Policy Association, New York City
Moss, Warner
New York University
Munro, William B.
Pasadena, California
Murphy, J. T.
London

Neumann, Sigmund
Berlin
Nevins, Allan
Columbia University
Nock, Arthur Darby
Harvard University

Noel Baker, Philip
Geneva

O'Malley, Ida Beatrice
London
Orton, William A.
Smith College
Ots y Capdequi, José
University of Seville

Parry, Albert
New York City
Parsons, Talcott
Harvard University
Peffer, Nathaniel
New York City
Peterson, Shorey
University of Michigan
Pinson, Koppel S.
Encyclopaedia of the Social Sciences
Plucknett, Theodore F. T.
London School of Economics and Political Science
Plummer, Alfred
Ruskin College, Oxford, England
Posch, Andreas
University of Graz
Priest, George H., Jr.
St. Louis, Missouri
Pugliese, Salvatore
Milan

Quigley, Harold S.
University of Minnesota

Rádl, Emanuel
University of Prague
Rappard, W. E.
Institut Universitaire de Hautes Études Internationales, Geneva
Rawidowicz, S.
Berlin
Reed, Harold L.
Cornell University
Ricci, Umberto
Egyptian University, Gizeh
Rippy, J. Fred
Duke University
Roback, A. A.
Cambridge, Massachusetts
Roberts, Helen H.
Yale University
Roberts, Stephen H.
University of Sydney
Robertson, William Spence
University of Illinois
Rogers, Lindsay
Columbia University
Rosner, Henry J.
New York City
Ross, Mary
New York City
Rubinow, I. M.
Cincinnati, Ohio
Rudlin, W. A.
London School of Economics and Political Science
Rugg, Harold
Columbia University
Ruggiero, Guido de
Regio Istituto Superiore di Magistero, Rome

Sait, Edward McChesney
Pomona College
Salin, Edgar
University of Basel
Salomon, Alice
Berlin
Salomon, Gottfried
University of Frankfort
Salz, Arthur
University of Heidelberg
Sarkar, Benoy Kumar
Calcutta University
Schapera, I.
University of Cape Town
Schiller, A. Arthur
Columbia University
Schuman, Frederick L.
University of Chicago
Seeger, Charles
New School for Social Research
Sharfman, I. L.
University of Michigan
Shepard, Max A.
Harvard University
Slosson, Preston W.
University of Michigan
Spengler, Joseph J.
University of Arizona
Spero, Sterling D.
New York City
Spiethoff, A.
University of Bonn
Stadelmann, Rudolf
University of Freiburg i. Br.
Steen, Sverre
University of Oslo

Steinmetz, S. R.
University of Amsterdam
Stenton, F. M.
University of Reading
Stern, Bernhard J.
Encyclopaedia of the Social Sciences
Stocking, George Ward
University of Texas
Sturges, Wesley A.
Yale University
Subercaseaux, Guillermo
Santiago, Chile
Sydenstricker, Edgar
New York City

Thurnwald, R.
University of Berlin
Tingsten, Herbert
University of Uppsala
Tobey, James A.
New York City
Tobin, Harold
Dartmouth College
Tooke, Charles W.
New York University
Tsurumi, Yusuké
Tokyo

Underhill, Frank H.
University of Toronto

Velasco, Recaredo F. de
Madrid
Vinacke, Harold M.
University of Cincinnati
Viner, Jacob
University of Chicago

Völker, Karl
University of Vienna

Ware, Norman J.
Wesleyan University
Watkins, Frederick Mundell
Harvard University
Weber, Wilhelm
University of Berlin
Weill, Georges
University of Caen
Wendel, Hermann
Neuilly-sur-Seine
Westergaard, Waldemar
University of California at Los Angeles
Wettereau, James O.
New York University
Weyermann, M. R.
University of Jena
Williams, Mary Wilhelmine
Goucher College
Wilson, George Grafton
Harvard University
Winfield, Percy H.
University of Cambridge

Yarmolinsky, Avrahm
New York City
Young, George
Cookham, Berkshire, England

Zielenziger, Kurt
Berlin
Zimmermann, Erich W.
University of North Carolina

* Deceased.

CONTENTS

Contributors to Volume Eleven ix

Articles

MORBIDITY	*Edgar Sydenstricker*
MORE, HANNAH	*Mary Ross*
MORE, SIR THOMAS	*Edwin Mims, Jr.*
MOREL, EDMUND DENÉ	*Kingsley Martin*
MORELLET, ABBÉ ANDRÉ	*Henri Hauser*
MORELLY	*Kingsley Martin*
MORES	*See* MORALS; FOLKWAYS; CUSTOM
MORGAN FAMILY	*Lewis Corey*
MORGAN, LEWIS HENRY	*Bernhard J. Stern*
MORLEY, JOHN	*Kingsley Martin*
MORMONISM	*L. H. Creer*
MOROCCO QUESTION	*Melvin M. Knight*
MOROZOV, SAVVA	*Albert Parry*
MORRIS, ROBERT	*James O. Wettereau*
MORRIS, WILLIAM	*G. D. H. Cole*
MORRISON, JAMES	*Alexander Brady*
MORRISON, JAMES	*J. T. Murphy*
MORTALITY	*Louis I. Dublin*
MORTGAGE	*Wesley A. Sturges*
MORTGAGE TAX	*Simeon E. Leland*
MORTMAIN	*H. D. Hazeltine*
MOSER, JOHANN JAKOB and FRIEDRICH KARL VON	*Ernst von Hippel*
MÖSER, JUSTUS	*K. Brandi*
MOSHEIM, JOHANN LORENZ	*Karl Völker*
MOSHESH	*I. Schapera*
MOST, JOHANN	*Ludwig Lore*
MOST-FAVORED-NATION CLAUSE	*See* COMMERCIAL TREATIES
MOTHERS' PENSIONS	*Emma Octavia Lundberg*
MO TI	*A. Forke*
MOTION PICTURES—INDUSTRIAL DEVELOPMENT SOCIAL IMPLICATIONS	*Howard T. Lewis* *William A. Orton*
MOTLEY, JOHN LOTHROP	*Albert Hyma*
MOTOÖRI, NORINAGA	*Yusuké Tsurumi*
MOTOR VEHICLE ACCIDENTS	*Richard Shelton Kirby*
MOTOR VEHICLE TRANSPORTATION	*I. L. Sharfman* and *Shore Peterson*
MOTT, LUCRETIA	*Mary Ross*
MOUNT STEPHEN, FIRST BARON	*Harold A. Innis*
MOUNTAIN WHITES	*See* ISOLATION
MU'ĀWIYAH	*Philip K. Hitti*
MULCASTER, RICHARD	*E. T. Campagnac*

MÜLLER, ADAM HEINRICH	*Arthur Salz*
MÜLLER, FRIEDRICH MAX	*Koppel S. Pinson*
MÜLLER, JOHANNES VON	*Rudolf Stadelmann*
MÜLLER, KARL OTFRIED	*Wilhelm Weber*
MÜLLER-LYER, FRANZ CARL	*Gottfried Salomon*
MULTATULI	*See* DOUWES DEKKER, EDUARD
MUN, ALBERT DE	*Georges Weill*
MUN, THOMAS	*Jacob Viner*
MUNCH, PETER ANDREAS	*Sverre Steen*
MUNDELLA, ANTHONY JOHN	*J. R. Hicks*
MUNICIPAL CORPORATION	*Charles W. Tooke*
MUNICIPAL COUNCILS	*See* MUNICIPAL GOVERNMENT
MUNICIPAL COURTS	*William B. Munro*
MUNICIPAL FINANCE	*A. E. Buck*
MUNICIPAL GOVERNMENT	*William B. Munro*
MUNICIPAL HOUSING	*See* HOUSING
MUNICIPAL LAW	*See* MUNICIPAL CORPORATION
MUNICIPAL MARKETS	*See* MARKETS, MUNICIPAL
MUNICIPAL OWNERSHIP	*See* GOVERNMENT OWNERSHIP; SOCIALISM
MUNICIPAL REFORM MOVEMENT	*See* MUNICIPAL GOVERNMENT
MUNICIPAL RESEARCH, BUREAUS OF	*See* MUNICIPAL GOVERNMENT
MUNICIPAL TRADING	*See* GOVERNMENT OWNERSHIP; SOCIALISM
MUNICIPAL TRANSIT	*Paul Blanshard* and *Henry J. Rosner*
MUNITIONS INDUSTRY	*Eckart Kehr*
MUNRO, SIR THOMAS	*H. H. Dodwell*
MUNSEY, FRANK ANDREW	*Bruce Bliven*
MÜNSTERBERG, EMIL	*Alice Salomon*
MÜNSTERBERG, HUGO	*A. A. Roback*
MÜNZER, THOMAS	*Michael Freund*
MURATORI, LODOVICO ANTONIO	*G. Ant. Borgese*
MUSEUMS AND EXHIBITIONS	*L. C. Everard*
MUSIC	
MUSIC AND MUSICOLOGY	*Charles Seeger*
PRIMITIVE	*Helen H. Roberts*
ORIENTAL	*Henry Cowell*
OCCIDENTAL	*Charles Seeger*
MUṢṬAFA KĀMIL	*Hans Kohn*
MUTINY	*Frederick L. Schuman*
MUTUAL AID SOCIETIES	*W. H. Dawson*
MUTUAL INSURANCE	*See* INSURANCE
MUTUALISM	*See* LABOR EXCHANGE BANKS
MYSTERIES	*Arthur Darby Nock*
MYSTICISM	*B. Groethuysen*
MYTH	*Ruth Benedict*
NANSEN, FRIDTJOF	*Philip Noel Baker*
NAOROJI, DADABHAI	*Hans Kohn*
NAPOLEON I	*Carl Becker*
NAPOLEON III	*Georges Weill*
NĀRADA	*Benoy Kumar Sarkar*
NARCOTICS	*See* DRUG ADDICTION; OPIUM PROBLEM
NASSE, ERWIN	*Carl Brinkmann*

NATIONAL BANKS, UNITED STATES	*Harold L. Reed*
NATIONAL DEBT	*See* PUBLIC DEBT
NATIONAL DEFENSE	*Philip Noel Baker*
NATIONAL ECONOMIC COUNCILS	*Emil Lederer*
NATIONAL ECONOMIC PLANNING	*Emil Lederer*
NATIONAL INCOME	*Simon Kuznets*
NATIONAL LABOR UNION	*See* TRADE UNIONS, section on UNITED STATES
NATIONAL LIBERAL PARTY, GERMANY	*See* PARTIES, POLITICAL, section on GERMANY
NATIONAL MINORITIES	*See* MINORITIES, NATIONAL
NATIONAL PARKS	*See* PARKS
NATIONAL SOCIALISM, GERMAN	*Theodor Heuss*
NATIONAL WEALTH	*M. R. Weyermann*
NATIONALISM—THEORETICAL ASPECTS	*Max Hildebert Boehm*
HISTORICAL DEVELOPMENT	*Carlton J. H. Hayes*
NATIONALIST PARTIES	*See* PARTIES, POLITICAL, sections for separate countries
NATIONALITY	*Richard W. Flournoy, Jr.*
NATIONALIZATION	*See* SOCIALIZATION
NATIVE POLICY	
LATIN AMERICA	*José Ots y Capdequi*
NORTH AMERICA	*W. C. MacLeod*
THE PACIFIC AND AFRICA	*Stephen H. Roberts*
GENERAL SUMMARY	*Stephen H. Roberts*
NATORP, PAUL	*Horace L. Friess*
NATURAL LAW	*Georges Gurvitch*
NATURAL ORDER	*See* NATURAL LAW
NATURAL RESOURCES	*Erich W. Zimmermann*
NATURAL RIGHTS	*Crane Brinton*
NATURALISM	*Irwin Edman*
NATURALIZATION	*Carl Joachim Friedrich*
NAUMANN, FRIEDRICH	*Theodor Heuss*
NAVAL BASES	*See* NAVY
NAVIGATION LAWS	*See* ACTS OF TRADE, BRITISH
NAVY	*J. M. Kenworthy*
NEALE, EDWARD VANSITTART	*T. W. Mercer*
NEANDER, AUGUST	*Michael Freund*
NEAR EASTERN PROBLEM	*Hans Kohn*
NEBENIUS, KARL FRIEDRICH	*Paul Mombert*
NECKER, JACQUES	*Paul Harsin*
NEGLIGENCE	*Percy H. Winfield*
NEGOTIABLE INSTRUMENTS	*Nathan Isaacs*
NEGRO PROBLEM	*Abram L. Harris* and *Sterling D. Spero*
NEIGHBORHOOD	*Niles Carpenter*
NELSON, LEONARD	*Horace L. Friess*
NEO-MALTHUSIANISM	*See* BIRTH CONTROL
NEOMERCANTILISM	*See* PROTECTION
NEPOTISM	*See* SPOILS SYSTEM
NERI, SAINT PHILIP	*A. Manson*
NERI, POMPEO	*Salvatore Pugliese*
NEUMANN, FRIEDRICH JULIUS	*Wilhelm Gerloff*
NEUTRALITY	*Philip C. Jessup*
NEUTRALIZATION	*George Grafton Wilson*

NEW ECONOMIC POLICY	*See* GOSPLAN
NEW HARMONY	*See* COMMUNISTIC SETTLEMENTS; OWEN AND OWENISM
NEWMAN, CARDINAL JOHN HENRY	*Harold U. Faulkner*
NEWMARCH, WILLIAM	*Lindley M. Fraser*
NEWSPAPERS	*See* PRESS
NEWTON, SIR ISAAC	*Benjamin Ginzburg*
NICHOLAS OF CUSA	*Andreas Posch*
NICOLSON, SIR ARTHUR	*Sidney B. Fay*
NIEBOER, HERMAN JEREMIAS	*S. R. Steinmetz*
NIEBUHR, BARTHOLD GEORG	*Dietrich Gerhard*
NIETZSCHE, FRIEDRICH WILHELM	*Charles Andler*
NIEUWENHUIS, FERDINAND DOMELA	*Henriette Roland Holst*
NIGHT WORK	*See* HOURS OF LABOR
NIGHTINGALE, FLORENCE	*Ida Beatrice O'Malley*
NIHILISM	*Avrahm Yarmolinsky*
NILES, HEZEKIAH	*Edward C. Kirkland*
NITRATES	*George Ward Stocking*
NITZSCH, KARL WILHELM	*Rudolf Kötzschke*
NOBEL, ALFRED BERNHARD	*Eckart Kehr*
NOBILITY	*Carl Brinkmann*
NÖLDEKE, THEODOR	*Enno Littmann*
NOMADS	*R. Thurnwald*
NOMINALISM AND REALISM	*See* SCHOLASTICISM
NOMINATIONS, POLITICAL	*Edward McChesney Sait*
NON-COMBATANTS	*See* WARFARE
NON-COOPERATION	*See* PASSIVE RESISTANCE AND NON-COOPERATION
NON-PARTISAN LEAGUE	*See* PARTIES, POLITICAL, section on UNITED STATES
NON-RESISTANCE	*See* PASSIVE RESISTANCE AND NON-COOPERATION
NON-SUPPORT	*See* FAMILY DESERTION AND NON-SUPPORT
NON-VOTING	*See* VOTING
NORDAU (SÜDFELD), MAX SIMON	*S. Rawidowicz*
NORDENSKIÖLD, NILS ERLAND	*Robert H. Lowie*
NORMAL SCHOOLS	*See* TEACHING PROFESSION
NORMAN, GEORGE WARDE	*Friedrich A. Hayek*
NORTH, SIR DUDLEY	*Jacob Viner*
NORTHCLIFFE, FIRST VISCOUNT	*Kingsley Martin*
NOTARIES, PUBLIC	*Francis Deák*
NOTTINGHAM, FIRST EARL OF	*Theodore F. T. Plucknett*
NOVALIS	*Koppel S. Pinson*
NOVIKOV, YAKOV ALEXANDROVICH	*Theodore Abel*
NUISANCE	*James A. Tobey*
NULLIFICATION	*See* STATES' RIGHTS
NÚÑEZ, RAFAEL	*Mary Wilhelmine Williams*
NURSERIES, DAY	*See* DAY NURSERY
NURSERY SCHOOLS	*See* PRESCHOOL EDUCATION
NURSING	*Anna J. Haines*
NUTRITION	*Lafayette B. Mendel*
OASTLER, RICHARD	*John Lawrence Hammond*
OBEDIENCE, POLITICAL	*W. A. Rudlin*
OBRADOVIĆ, DOSITEJ	*Hermann Wendel*

OBRECHT, GEORG VON — *Kurt Zielenziger*
OBREGÓN, ALVARO — *Mary Wilhelmine Williams*
OBRENOVIĆ DYNASTY — *Hermann Wendel*
O'BRIEN, JAMES (BRONTERRE) — *Alfred Plummer*
OBSTRUCTION, PARLIAMENTARY — *Lindsay Rogers*
OCCUPATION — *Arthur Salz*
OCCUPATIONAL DISEASES AND POISONS — *See* INDUSTRIAL HAZARDS
OCCUPATIONAL THERAPY — *See* REHABILITATION
OCKHAM, WILLIAM OF — *Max A. Shepard*
O'CONNELL, DANIEL — *Denis Gwynn*
O'CONNOR, FEARGUS — *Preston W. Slosson*
ODGER, GEORGE — *Frances E. Gillespie*
ODO OF CLUNY — *See* CLUNIAC MOVEMENT
OGILVIE, WILLIAM — *Max Beer*
OIL INDUSTRY — *George Ward Stocking*
ŌKUBO, TOSHIMICHI — *Harold M. Vinacke*
ŌKUMA, MARQUIS SHIGENOBU — *Harold M. Vinacke*
OLD AGE — *I. M. Rubinow*
OLDENBARNEVELDT, JOHAN VAN — *Sidney B. Fay*
OLIGARCHY — *Carl Joachim Friedrich*
OLIVEIRA MARTINS, JOAQUIM PEDRO DE — *Fidelino de Figueiredo*
OLMSTED, FREDERICK LAW — *Broadus Mitchell*
OLNEY, RICHARD — *Allan Nevins*
OMAR IBN AL-KHATTAB — *Richard Hartmann*
ONCKEN, AUGUST — *Stephen Bauer*
ONCKEN, WILHELM — *Michael Freund*
ONEIDA COMMUNITY — *See* COMMUNISTIC SETTLEMENTS
OPEN DIPLOMACY — *See* DIPLOMACY
OPEN DOOR — *Nathaniel Peffer*
OPEN SHOP — *See* CLOSED SHOP AND OPEN SHOP
OPIUM PROBLEM — *Helen Howell Moorhead* and *Harold Tobin*

OPPENHEIM, LASSA FRANCIS LAWRENCE — *H. Lauterpacht*
OPPORTUNISM — *Frederick Mundell Watkins*
OPTIMISM — *See* PROGRESS
OPTIMUM POPULATION — *See* POPULATION
ORDERS, FRATERNAL — *See* FRATERNAL ORDERS
ORDERS, RELIGIOUS — *See* RELIGIOUS ORDERS
ORESME, NICOLE — *Paul Harsin*
ORGANIZATION, ADMINISTRATIVE — *Herman Finer*
ORGANIZATION, ECONOMIC — *Walton H. Hamilton*
ORIENTAL IMMIGRATION — *R. D. McKenzie*
ORIGEN — *Edgar Salin*
ORLOV, VASILY IVANOVICH — *K. Kocharovsky*
ORNAMENT — *Ruth Bunzel*
ORPHAN ASYLUMS — *See* CHILD, section on INSTITUTIONS FOR THE CARE OF CHILDREN

ORTES, GIAMMARIA — *Joseph J. Spengler*
ORZĘCKI, ROMAN — *See* ORZHENTSKY, ROMAN MIKHAYLOVICH

ORZHENTSKY, ROMAN MIKHAYLOVICH — *Solomon Kuznets*
OSBORNE, THOMAS MOTT — *George W. Kirchwey*
OSGOOD, HERBERT LEVI — *Charles M. Andrews*
OSSE, MELCHIOR VON — *Kurt Zielenziger*

OSTRACISM	*Florence Mishnun*
OSTROGORSKY, MOISEY YAKOULEVICH	*Arthur W. Macmahon*
OTTO I	*Karl Hampe*
OTTO OF FREISING	*Edward M. Hulme*
OTTO-PETERS, LOUISE	*Margarete Driesch*
OUTLAWRY	*Theodore F. T. Plucknett*
OUTLAWRY OF WAR	*John Dewey*
OVERHEAD COSTS	*John Maurice Clark*
OVERPRODUCTION	*A. Spiethoff*
OVERSTONE, LORD	*F. Cyril James*
OWEN, ROBERT DALE	*Norman E. Himes*
OWEN AND OWENISM	*G. D. H. Cole*
OWNERSHIP AND POSSESSION	*Walter Wheeler Cook*
OXENSTIERNA, AXEL GUSTAFSSON	*Waldemar Westergaard*
OZANAM, FRÉDÉRIC	*Georges Goyau*
PACIFISM	*Norman Angell*
PADRONE SYSTEM	*See* CONTRACT LABOR
PAEPE, CÉSAR DE	*Max Beer*
PAGANISM	*See* RELIGION
PAGANO, FRANCESCO MARIO	*Guido de Ruggiero*
PAINE, THOMAS	*Ernest Barker*
PAINTS AND VARNISHES	*George H. Priest, Jr.*
PAISII OF KHILENDAR	*Josef Matl*
PALACKÝ, FRANTIŠEK	*Emanuel Rádl*
PALEY, WILLIAM	*Alfred Cobban*
PALGRAVE, SIR FRANCIS	*F. M. Stenton*
PALGRAVE, SIR R. H. INGLIS	*Lindley M. Fraser*
PALMERSTON, VISCOUNT	*Herbert C. Bell*
PALMIERI, GIUSEPPE	*Giovanni Carano-Donvito*
PAN-AFRICANISM	*See* PAN-MOVEMENTS
PAN-AMERICANISM	*J. Fred Rippy*
PAN-ARABISM	*See* PAN-MOVEMENTS
PAN-ASIANISM	*See* PAN-MOVEMENTS
PAN-GERMANISM	*See* PAN-MOVEMENTS
PAN-HISPANISM	*See* PAN-MOVEMENTS
PAN-ISLAMISM	*George Young*
PAN-LATINISM	*See* PAN-MOVEMENTS
PAN-MOVEMENTS	*Hans Kohn*
PAN-SLAVISM	*See* PAN-MOVEMENTS
PAN-TURANISM	*See* PAN-MOVEMENTS
PANAMA CANAL	*Chester Lloyd Jones*
PANICS	*See* BUSINESS CYCLES; CRISES
PANKHURST, EMMELINE GOULDEN	*Mary R. Beard*
PANTALEONI, MAFFEO	*Umberto Ricci*
PANTHEISM	*See* RELIGION
PAPACY	*Clemens Bauer*
PAPER MONEY	*Guillermo Subercaseaux*
PAPER AND PULP INDUSTRY	*See* PULP AND PAPER INDUSTRY
PAPINIANUS, AEMILIUS	*A. Arthur Schiller*
PARDON	*Christen Jensen*
PARENT EDUCATION	*Mary S. Fisher*
PARETO, VILFREDO	*Talcott Parsons*
PARIS, MATTHEW	*E. F. Jacob*
PARKER, CARLETON HUBBELL	*Carter Goodrich*
PARKER, FRANCIS WAYLAND	*Harold Rugg*

PARKER, THEODORE	*Henry Steele Commager*
PARKES, SIR HENRY	*W. K. Hancock*
PARKMAN, FRANCIS	*Ralph Henry Gabriel*
PARKS,	*Justin R. Hartzog*
PARLIAMENT	*See* LEGISLATIVE ASSEMBLIES
PARLIAMENTARY PROCEDURE	*See* PROCEDURE, PARLIAMENTARY
PARNELL, CHARLES STEWART	*Jesse Dunsmore Clarkson*
PAROLE	*See* PROBATION AND PAROLE
PARRINGTON, VERNON LOUIS	*E. H. Eby*
PARRY, DAVID MACLEAN	*George Marshall*
PARSONS, ALBERT ROSS	*Norman J. Ware*
PARTIES, POLITICAL	
THEORY	*Arthur N. Holcombe*
ORGANIZATION	*Harold F. Gosnell*
UNITED STATES	*Arthur W. Macmahon*
GREAT BRITAIN	*W. A. Rudlin*
CANADA	*Frank H. Underhill*
AUSTRALIA	*W. K. Hancock*
NEW ZEALAND	*J. B. Condliffe*
UNION OF SOUTH AFRICA	*Edgar H. Brookes*
IRISH FREE STATE	*Warner Moss*
FRANCE	*Lindsay Rogers*
BELGIUM	*Frans van Kalken*
ITALY	*See* FASCISM; GOVERNMENT, section on ITALY
GERMANY	*Sigmund Neumann*
SWITZERLAND	*W. E. Rappard*
NETHERLANDS	*Frederick J. A. Huart*
SCANDINAVIAN STATES AND FINLAND	*Herbert Tingsten*
BALTIC STATES	*Malbone W. Graham*
RUSSIA	*See* COMMUNIST PARTIES; GOVERNMENT, section on RUSSIA
SUCCESSION STATES	*Robert Braun*
BALKAN STATES	*R. H. Markham*
TURKEY	*See* GOVERNMENT, section on TURKEY
SPAIN AND PORTUGAL	*Recaredo F. de Velasco*
LATIN AMERICA	*William Spence Robertson*
JAPAN	*Harold S. Quigley*
CHINA	*See* KUOMINTANG; GOVERNMENT, section on CHINA

Encyclopaedia of the SOCIAL SCIENCES

Encyclopaedia of the Social Sciences

MORBIDITY is necessarily a vague term because its incidence and nature are largely determined by subjective experiences. Even when objectively observed and recorded, morbidity must be regarded as relative. A morbid condition may occur often, its frequency depending not only upon its nature, its causes and the susceptibility of the person affected but also upon its duration in relation to the length of the period under consideration. Morbidity is ordinarily defined as an illness or as a case of sickness or, in a narrower sense, as an attack of a specific communicable disease. Records of the incidence of attacks of illness due to disease, of acute attacks of a disease, whether accompanied by illness or not, and of the prevalence of chronic or other illness constitute the statistics of morbidity. By common usage morbidity statistics do not include data relating to the prevalence of physical and mental impairments that are not manifested in a state of illness.

Because of the indefiniteness of morbidity as a statistical unit and the absence of any demand for the registration of precisely defined sickness, there exist no homogeneous collections of statistics of morbidity comparable in size to those of mortality or natality. There is now available a considerable mass of morbidity records compiled for specific purposes and relating to selected population groups, but they are heterogeneous and cannot be combined into a single set of comparable tables.

The completeness of a record of illness is determined by the severity and nature of the illness, by the length of the period for which the informant is asked to report, by the subjectivity of the record and by the particular definition of illness used. An adult will usually remember an illness due to typhoid fever incident upon himself or his family if it occurred within the preceding 10 or 20 years; but few will recall a brief illness due to a common cold unless it occurred within a short time before the date of inquiry. Minor illness is observed and remembered with greater completeness when incident upon the informant himself than when incident upon others, even upon others in the same family. Thus the annual incidence of illness of respiratory nature in families reported upon biweekly was about two attacks per person, whereas in families reported upon at intervals of 6 to 8 weeks it was only about 0.7 attacks per person. The annual illness rate for women reporting upon themselves was found to be 70 percent higher for respiratory conditions, 130 percent higher for nervous conditions and 8 percent higher for digestive disorders than the rates for women reported upon by others in the same household. In families in which the informants were adult males the rates of respiratory attacks were higher for the adult males than for the adult females, whereas all objective observations point to a higher rate among women than among men. Malingering undoubtedly affects the accuracy of statistics based upon records of disability or absence. Even when it is not an important factor, as in the case of two industrial establishments studied by Brundage, it has been found that "if wages are lost entirely when the worker is absent on account of sickness the record usually shows a much lower rate of absences of relatively short duration than when full wages are paid during sickness." Records of communicable diseases are incomplete, because they are reported only by attending physicians; cases not attended by physicians are rarely reported; and the physician frequently fails to report cases that are not malignant.

In spite of the difficulty of reducing illness to precise statistical unity it is measurable in fairly exact terms of specified duration, degree of disability, symptoms, causes and consequences. From the point of view of diagnosis illness is obviously of greater value for statistical purposes than is death, since the ill person is still subject to observations, from which more information can be elicited than through autopsies. Statistics of illness afford an indication of vitality that is not less significant and is more illuminating than that obtained through mortality statistics. They portray the condition of public health far more subtly than do death rates and reveal the prevalence and incidence of disease upon a people in a manner that is as useful to the student of

society as is clinical observation of the patient to the physician.

Although many varieties of morbidity records exist, they may be classified into five general groups: reports of communicable diseases; hospital and clinic records; insurance, industrial and school records; surveys of the prevalence of illness; and records of the incidences of illness in a population continuously or frequently observed.

In a strict sense reports of communicable diseases are not morbidity data, since illness is not necessarily involved. Theoretically they are collected for a specific purpose; namely, the notification of those diseases for which reasonably effective methods of administrative control have been devised. But their usefulness for epidemiological studies is limited, as the reports of most diseases are extremely incomplete and their incompleteness varies according to age. For purposes of notification of certain diseases considerable advances in morbidity reports have been made in most countries. In all the states of the United States records of smallpox, typhoid, diphtheria, scarlet fever and the most malignant diseases—plague, yellow fever, anthrax, typhus—are reasonably complete for cases attended by physicians. Reports are usually made by physicians to local health officers, who in turn report to state departments of health. Some neighboring states have reciprocal notifications. Summaries from larger towns and cities are sent weekly, and summaries from states monthly, in the United States Public Health Service, which rapidly distributes mimeographed general summaries, later published in the weekly *Public Health Reports*; this information is later used in the preparation of annual summaries and periodic special reports issued by the service. Although for many years international interchange of disease notifications has taken place through the International Health Bureau at Paris, of which the United States is a member, the diplomatic procedure is cumbersome and as a result the interchange is too slow to be of value. When the Health Organisation of the League of Nations was formed, rapid and direct interchange of reports of typhus, plague, cholera and smallpox was effected for Russia and countries on its western border. At first, independently of the International Health Bureau at Paris, various countries made statistical notifications to the League until over 50 nations cooperated. In 1921 the League established the Service of Epidemiological Intelligence, which has been publishing the *Weekly Epidemiological Report* (since 1924), the *Monthly Epidemiological Report* (since 1924) and the *Annual Epidemiological Report* (since 1922). In 1925 an eastern bureau of the League's epidemiological service was founded at Singapore. Since then this service has been greatly developed and reports are promptly received and transmitted. A working arrangement with the International Health Bureau has been effected.

Statistics of morbidity derived from hospital and clinic records are of little value in determining the prevalence or incidence of illness in a population, either in terms of a gross rate or of any specific disease. Properly made—as they rarely are—such records are valuable data for clinical studies, and they may grow in value as the tendency to hospitalization increases and as clinicians become trained in analytical methods.

The outstanding examples of insurance and industrial establishment records are the sickness experience of European social insurance systems and the records of absences on account of illness of workers in industrial establishments in the United States. The ratios, first developed in German insurance statistical practise, now generally employed in sickness insurance statistics are the following: (1) cases of sickness per 1000 life-years exposed, i.e. the ordinary morbidity rate; (2) cases of sickness per sick person; (3) sick persons per 1000 life-years exposed; (4) days of sickness per 1000 life-years exposed; (5) days of sickness per sick person; (6) days of sickness per sick case; (7) days of sickness per member-day. English actuaries, using the 1893–97 experience of the Manchester Unity of Oddfellows, computed annual morbidity rates in weeks for different benefit periods for persons of different ages. Although the concept of illness in such records is more than usually specific because of technical and arbitrary definitions imposed for administrative reasons, the content, the meaning and the validity of the data afforded by them are subject to important qualifications. The records cover only persons well enough to be employed. In some cases only disabling illnesses are included, and in others illnesses of short duration are excluded by reason of regulations as to the waiting period or the period of disabling illness that must elapse before the patient begins to draw sick benefits. The annual rate of disabling illness among male industrial workers with a waiting period of one week was found by Brundage to be 104 per 1000, whereas the rate for males in a large public service com-

pany without any waiting period was 1044 per 1000. Data derived from insurance and industrial records and combined with proper care may yield a representative picture of the incidence of disabling illness among insured persons.

Recent compilations of morbidity tables by the International Labor Office are of interest. The annual morbidity rates in days for males in all occupations are shown for a few ages according to the five tables listed in Table I. In spite of the fact that these figures are based on sickness experience under different administrative practises the rates are strikingly close. The German Krankenkasse statistics, particularly those of the Leipsic sick fund, yielded valuable data according to sex, occupation and cause. More recent are valuable contributions from American sick benefit societies, of which Table II from Brundage is an example.

TABLE I

ANNUAL MORBIDITY RATE IN DAYS FOR MALES, ALL OCCUPATIONS*

AGE	KINKOLIN'S TABLE	MOSER'S TABLE	JANSE'S TABLE	AUSTRIAN TABLE	ENGLISH ACTUARIES' TABLE
20	5.78	5.39	4.50	8.4	5.70
30	5.48	5.41	5.16	7.9	5.66
40	6.70	7.24	6.84	9.2	7.08
50	9.43	9.82	8.70	11.5	9.77
60	13.69	16.12	15.34	16.2	15.25
70	19.46	22.59	25.80	23.2	

* Kinkolin's data are based on the experience of 919 Swiss insurance funds operating in 1880. Moser's data are based on the experience of the Bernese Cantonal Sickness Insurance Fund, with an approximate membership of 11,000, covering 359,341 days of sickness. Janse's data are based on the observations made from 1888 to 1897 by the Amsterdam General Sickness Fund. The data for the Austrian table are based on the observations made from 1906 to 1910 for the Austrian compulsory insurance funds, covering an annual average membership of 2,000,000 insured persons and a total of about 95,000,000 days of sickness. The data for the English actuaries' table is a variant of the table constructed by Watson on the basis of the Independent Order of Oddfellows, Manchester Unity, from 1893 to 1897, covering nearly 3,000,000 years "exposed to the risk," and nearly 24,000,000 days of benefit.

Source: International Labour Office, *Compulsory Health Insurance* (Geneva 1927) p. 440–41.

School illness records have not been adopted generally as yet, although several localities have adopted the recommendations of the American Public Health Association that such records be kept. Favorable consideration is being accorded the suggestion made by Collins and illustrated by Downes, that records of illness involving absence from school, if kept with some degree of specificity as to the nature of the illness, could be used profitably to complement the findings of the usually unsatisfactory physical examinations as a method of referring certain children for diagnosis and treatment.

Illness surveys have been made, notably by the Metropolitan Life Insurance Company in the United States, to ascertain by means of a simple house to house canvass the prevalence of illness at a given date in sample populations. The results indicate that about 2 percent of the population, including persons of all ages, at home or at work, are ill. The incidence of illness within a given period is not revealed by this method and, when the results are analyzed by cause, the proportion of cases that are of long duration and of chronic type is much higher than would be shown by records of incidence.

The method of obtaining records of the incidence of illness in a population continuously or frequently observed was first employed on a considerable scale in 1916 in the Goldberger-

TABLE II

FREQUENCY OF DISABILITIES LASTING MORE THAN ONE WEEK IN A GROUP OF MALE WORKERS EMPLOYED IN DIFFERENT INDUSTRIES, 1921 TO 1928 INCLUSIVE

CAUSE*	NUMBER OF CASES	ANNUAL NUMBER OF CASES PER 1000 MEN	PERCENTAGE DISTRIBUTION BY DISEASE GROUPS
Non-industrial injuries (165–203)	9,202	10.2	9.9
Diseases of the respiratory system (11, 31, 97–107, 109)	39,484	43.9	42.4
Diseases of the digestive system (108, 110–27)	12,591	14.0	13.5
Diseases of the circulatory and genito-urinary systems (87–96, 128–36)	6,347	7.1	6.8
Rheumatism (acute and chronic) (51, 52)	5,359	6.0	5.8
Diseases of the nervous system (70–84)	4,026	4.5	4.3
Diseases of the skin (151–54)	3,524	3.9	3.8
Diseases of the organs of locomotion (158)	3,071	3.4	3.3
Epidemic and endemic diseases (1–10, 12–25)	2,435	2.7	2.6
All other diseases	7,025	7.8	7.6
Total sickness and non-industrial injuries	93,064	103.5	100.0

* The numbers in parentheses are the corresponding title numbers given in the International List of the Causes of Death, third revision, Paris 1920. Industrial accidents and venereal diseases are not reported.

Source: Compiled from Brundage, D. K., "The Incidence of Illness among Wage Earning Adults" in *Journal of Industrial Hygiene*, vol. xii (1930) 342.

TABLE III

ANNUAL MORBIDITY RATE FROM VARIOUS CAUSES AMONG WHITE FAMILIES, UNITED STATES, 1928–31*

CAUSE†	ANNUAL CASE RATE PER 1000 PERSONS		
	TOTAL	DISABLING	IN BED
Respiratory diseases (11, 31, 97–107, 109)	355.75	245.02	218.87
Epidemic, endemic and infectious diseases (1–10, 12–30, 32–42)	96.67	74.64	59.36
Other general diseases (43–69)	29.60	13.75	11.83
Diseases of the nervous system (70–84)	23.09	11.75	9.81
Diseases of the eyes and annexa (85)	11.62	4.33	1.30
Diseases of the ears and mastoid process (86)	23.53	12.95	10.46
Diseases of the circulatory system (87–96)	26.67	15.10	13.15
Diseases of the teeth and gums (108)	11.62	3.24	2.23
Diseases of the digestive system (110–27)	91.89	54.77	48.57
Diseases of the kidneys and urinary system (128–34)	15.44	8.54	7.08
Non-venereal diseases of the genital organs and annexa (135–42)	17.51	10.17	9.50
The puerperal state, including chronic conditions resulting from childbirth (143–50)	28.88	26.67	26.54
Diseases of the skin and cellular tissue (151–54)	36.19	10.84	5.24
Diseases of the bones and organs of locomotion (155–58)	11.21	4.83	3.58
Congenital malformations and other diseases of early infancy (159–63)	2.18	1.35	1.30
Accidents and other external causes (165–203)	74.90	36.17	22.57
Other and ill defined causes (164, 204, 205)	32.79	11.44	9.21

* Based on records of 39,185 persons in 8758 white families canvassed in 18 states during 12 consecutive months.
† The numbers in parentheses are the corresponding title numbers given in the International List of Causes of Death, third revision, Paris, 1920.
Source: Compiled from Collins, Selwyn D., "Causes of Illness in 9,000 Families" in United States, Public Health Service, *Public Health Reports*, vol. xlviii (1933) 296–97.

Sydenstricker study of pellagra in several textile communities of South Carolina. The initial attempt to record on any considerable scale all illnesses continuously in a typical population was made by Sydenstricker in Hagerstown, Maryland, from 1921 to 1924. The same methods, with some elaborations, have been used in several subsequent morbidity and epidemiological studies. The most recent and extensive study which employed the Hagerstown method was that conducted from 1928 to 1931 by the Committee on the Costs of Medical Care in cooperation with the United States Public Health Service and state and local health departments. This study covered about 9000 white families observed for 12 consecutive months in 130 localities in 17 states and the District of Columbia with a total of nearly 39,000 person-years of life. The families surveyed lived in rural, urban and metropolitan areas, represented all income classes and included native and foreign born persons. An annual illness rate of 850 per 1000 persons was found. Illnesses that caused loss of time from work, school or other occupation amounted to 516 per 1000 persons and those which entailed confinement to bed for 1 or more days were 434 per 1000 persons. The principal causes of illness are summarized in Table III. Children between the ages of 1 and 10 and persons over 65 years of age living in rural areas were found to be ill less often than such persons living in large cities, but the morbidity rate of all other ages was higher in the country than in the city, as Table IV shows.

TABLE IV

ANNUAL ILLNESS RATE PER 1000 WHITE POPULATION IN RURAL AREAS AND IN LARGE CITIES, UNITED STATES, 1928–31.

AGE	CITIES OF 100,000 OR MORE	TOWNS OF LESS THAN 5000 AND RURAL AREAS
All ages*	79	83
0–1	124	139
1–5	127	119
5–9	101	99
10–14	61	72
15–19	53	61
20–24	62	67
25–34	75	87
35–44	74	78
45–64	73	79
65	89	87

* Adjusted to a single age distribution.
Source: Sydenstricker, Edgar, *Health and Environment* (New York 1933).

The Hagerstown studies of the incidence of illness included inquiry into the extent to which such factors as sex, age, economic status, housing and sanitary conditions were related to cause or kind of illness. It was found that illness was most frequent and the proportion of persons suffering frequent illnesses was greatest in early childhood, lowest in the age period from 15 to

TABLE V

AVERAGE ANNUAL NUMBER OF DAYS OF DISABLING SICKNESS PER PERSON IN FAMILIES CLASSIFIED ACCORDING TO INCOME, 24 COTTON MILL VILLAGES OF SOUTH CAROLINA, 1917

WEEKLY FAMILY INCOME PER ADULT MALE UNIT	ALL AGES ADJUSTED*	UNDER 5	5-14	15-24	25-44	45 AND OVER
Under $4.50	12.7	10.1	4.5	10.6	12.6	25.2
$4.50–$6.49	7.8	5.5	2.5	6.7	7.6	15.3
$6.50 and over	5.8	6.8	2.9	5.3	5.7	8.8

* Adjusted to the age distribution of the total population of the United States, 1910.
Source: Wiehl, Dorothy G., and Sydenstricker, Edgar, "Disabling Sickness in Cotton Mill Communities of South Carolina in 1917" in United States, Public Health Service, *Public Health Reports*, vol. xxxix (1924) 1426–27.

24 years and increased gradually as age advanced. Respiratory diseases were the principal causes of illness throughout life. The chief causes of illness other than respiratory in childhood were communicable and digestive diseases and conditions affecting the skin, eyes and ears; as age advanced after 25 years the chief causes were nervous and circulatory impairments, including those of the heart, diseases of the kidneys and annexa and of the digestive organs and certain diseases such as cancer and arthritis.

Emmet, using the 1912–16 experience of a large American sick benefit fund, found that disabling sickness was more frequent but not longer in duration among unskilled laborers than among skilled workers or persons in professional, trade and clerical occupation. Wiehl and Sydenstricker recorded the disabling sickness during 1917 in 24 cotton mill villages in South Carolina among several thousand white persons classified according to family income as in Table v. Although the entire population was poor, it was shown that the sickness rates for each age group rose sharply when family income reached a very low level. The Hagerstown studies furnished differential morbidity data according to economic status for a more typical general population, and showed that the illness rate among persons classified as poor and very poor was 25 percent higher than that in the group classified as well to do and comfortable. The excess in the illness rate among persons in the poorer families, however, occurred only among adults over 35 years of age. The principal diseases which caused these higher illness rates among the poor were respiratory diseases, including influenza and grippe, rheumatism and nervous diseases.

EDGAR SYDENSTRICKER

See: STATISTICS; MORTALITY; PUBLIC HEALTH; LIFE EXTENSION MOVEMENT; MEDICINE; NURSING; HOSPITALS AND SANATORIA; CLINICS AND DISPENSARIES; COMMUNICABLE DISEASES, CONTROL OF; ABSENTEEISM, LABOR.

Consult: Sydenstricker, Edgar, "Statistics of Morbidity" in Milbank Memorial Fund, *Quarterly Bulletin*, vol. x (1932) 101–19; Snow, E. C., "Some Statistical Problems Suggested by Sickness and Mortality Data of the Large Friendly Societies" in Royal Statistical Society, *Journal*, vol. lxxvi (1912–13) 445–517; Brundage, Dean K., "The Incidence of Illness among Wage Earning Adults" in *Journal of Industrial Hygiene*, vol. xii (1930) 338–58, 381–400; Emmet, Boris, "Disability among Wage Earners" in *Monthly Labor Review*, vol. ix (1919) 1322–41; Germany, Statistisches Amt, *Krankheits- und Sterblichkeitsverhältnisse in der Ortskrankenkasse für Leipzig und Umgegend*, 4 vols. (Berlin 1910); Zwiedineck-Südenhorst, Otto von, "Morbiditätsstatistik in der Krankenkassenverwaltung" in *Zeitschrift für die gesamte Versicherungs-Wissenschaft*, vol. xxix (1929) 150–64; Prinzing, Friedrich, *Die zukünftigen Aufgaben der Gesundheitsstatistik*, Sozialhygienische Abhandlungen, vol. i (Karlsruhe 1920); International Labour Office, "Compulsory Sickness Insurance," *Studies and Reports*, Series M, no. 6 (Geneva 1927); Collins, Selwyn D., "The Place of Sickness Records in the School Health Program" in American Child Hygiene Association, *Transactions of the Fifth Annual Meeting* (Chicago 1928) p. 149–62; Downes, Jean, "Sickness Records in School Hygiene" in *American Journal of Public Health*, vol. xx (1930) 1199–1206; Metropolitan Life Insurance Company, "Some Recent Morbidity Data," compiled by Margaret L. Stecker (New York 1919); Goldberger, J., Wheeler, G. A., and Sydenstricker, Edgar, "A Study of the Relation of Diet to Pellagra Incidence in Seven Textile Mill Communities of South Carolina in 1916," United States, Public Health Service, *Public Health Reports*, vol. xxxv (1920) 648–713, 2673–2714; Sydenstricker, Edgar, "Hagerstown Morbidity Studies," United States, Public Health Service, *Public Health Reports*, nos. 1113, 1116, 1134, 1163, 1167, 1172, 1225, 1227, 1229, 1294, 1303, 1312 (1926–29); Wiehl, Dorothy G., and Sydenstricker, Edgar, "Disabling Sickness in Cotton Mill Communities of South Carolina in 1917," United States, Public Health Service, *Public Health Reports*, vol. xxxix (1924) 1426–27; Collins, S. D., "Causes of Illness in 9,000 Families, 1928–1931," United States, Public Health Service, *Public Health Reports*, vol. xlviii (1933) 283–308; Townsend, J. G., and Sydenstricker, Edgar, "Epidemiological Study of Minor Respiratory Diseases," United States, Public Health Service, *Public Health Reports*, vol. xlii (1927) 99–121; Lombard, H. L., "Chronic Disease in Massachusetts" in *Hospital Social Service*, vol. xxii (1930) 392–97; White House Conference on Child Health and Protection, *Communicable Disease Control* (New York 1931).

MORE, HANNAH (1745–1833), English religious writer and philanthropist. An early example of the sturdy, conservative British spinster who was to demonstrate in increasing numbers through the nineteenth century her ability to make her way without benefit of matrimony, Miss More in her twenties gained freedom to write through a financial settlement she was induced to accept in lieu of matrimony from a middle aged suitor after he had repeatedly postponed their wedding. She wintered in London for many years in the household of Garrick, the actor, who wrote the prologue and epilogue of her tragedy *Percy*, successfully performed at Covent Garden in 1777. Attractive, vivacious, witty, she became a correspondent of Horace Walpole, a valued friend of Dr. Johnson and his circle and a participant in the gatherings of the Blue Stocking ladies, eulogized in her poem *Bas bleu*. Her early interest in society, however, was diverted into more serious channels through the influence of William Wilberforce, the anti-slavery agitator, and John Newton, the London preacher. Removing with her sisters in 1785 to the home, Cowslip Green, which she had purchased near Bristol, Hannah More became actively interested in the spiritual and social welfare of the neighboring villages. Against the opposition of clergy, gentry and farmers she organized Sunday and week day schools to teach the villagers the Bible and "such coarse works as may fit them for servants," although even her interest in education did not go so far as to permit instruction in writing. Her horror at the violence of the French Revolution and the doctrines of Tom Paine was reflected in a series of enormously popular tracts, the first of which, *Village Politics*, was written in 1792. These sketches, later collected in three volumes as *Cheap Repository Tracts*, held up to the poor the virtues of contentment, frugality, sobriety and reverence for God, the gentry and the British constitution. Miss More's most popular book, *Coelebs in Search of a Wife* (1809), only nominally a novel, brought her £2000 in the first year of its English publication and ran through thirty American editions. Despite continuously frail health she lived to the age of eighty-eight, devoting her last years almost entirely to religious and philanthropic activities.

MARY ROSS

Works: *Works*, 11 vols. (new ed. London 1830).

Consult: Thompson, Henry, *Life of Hannah More, with Notices of Her Sisters*, 2 vols. (Philadelphia 1838); Yonge, Charlotte M., *Hannah More* (Boston 1888); Harland, Marion (M. V. Terhune), *Hannah More* (New York 1900); Pearson, Norman, "The Lighter Side of Hannah More" in *Nineteenth Century and After*, vol. lix (1906) 842–58; Meakin, A. M. B., *Hannah More* (London 1911).

MORE, SIR THOMAS (1477/78–1535), English humanist and statesman. In spite of his skepticism regarding the compatibility of philosopher and prince More was persuaded to enter the service of Henry VIII and during his loyal and eminently successful career as ambassador and lawyer preserved a discreet silence in the face of a royal policy which in the main he soon came to disapprove. When the issue between king and pope became so closely drawn that silence was no longer considered an adequate pledge of loyalty, More as lord chancellor refused to renounce the head of the Catholic church and was therefore executed by royal order. In addition to being a political realist and a devoted Catholic More was a warm hearted humanist, an intimate friend of the most distinguished classical scholars of the Renaissance and an almost fanatical devotee of Greek literature and culture. He had moreover a wealth of native humor and fantasy which made it difficult for even his closest friends to single out the serious from the jocular in his flowing conversation.

More's *Utopia* (Louvain 1516; tr. by R. Robynson, London 1551) affords an insight, however deflected, into the manifold compartments of his still inquiring mind. Although his traditionalism prevented him from discerning the real significance of the cataclysmic economic transformation taking place around him, his deep humanitarianism revolted at the popular misery brought on by the enclosure movement and at the rapacity and indifference of the new plutocracy abetted by the older nobility and the royal court. Yet he was realist enough, perhaps as a result of an earlier outburst of indignation which had brought him a sharp rebuke from Henry VII, to recognize the untimeliness of an outright remonstrance. In his search for a less hazardous medium More was guided by his instincts as a humanist and by his own zest for fanciful contrivance. He shared the widespread interest of an age of discovery in remote lands and peoples, and in reading the accounts of Vespucci's recent voyages he allowed his troubled fancy to roam until it came to rest among an unknown people below the equator, who, not surprisingly, bore unmistakable resemblances to the Greeks. Modestly, not to say craftily, disguising his own self-

questionings in the picturesque garb of a Portuguese explorer "skilled in babbling" (i.e. Hythlodaye), the trusted emissary of the king set out with a less harassed mind to think through the social and philosophical issues beneath which his jocular spirits were tending to become depressed.

The enduring influence of the *Utopia* has inevitably tended to dim not a few of the values that constituted its chief charm in the eyes of the humanist circles among which it first circulated: the vigorous Latin style devoid of Ciceronian affectations; the erudite marshaling of patristic and classical sources with a view to harmonizing natural and revealed religion; the resonant echoes of Epicurean and stoic axioms; the Platonic vestments in which the author had bedecked his own humanitarian idealism; the touch of Lucian in the satiric wit turned against the more venial shortcomings of contemporary society; and above all, perhaps, the half serious, half fantastic conceits in which the beloved "Morus" had indulged his talents for the plausibly absurd. To the less amateurish utopians of later ages More has loomed increasingly large as a pioneer social reformer, if not the evangelist of a new communist order who turned the full fury of his eloquent wrath against the unscrupulous domestic and foreign policies of ruthless princes; the corrupting worship of gold; the grievous inequalities of fortune and position; the cruelty of a social system that exterminated the desperate masses by a barbaric penal code instead of alleviating the conditions which forced them to crime; the greediness of privileged orders within the church; the bewildering proliferation of legal enactments and the invocation of precedent rather than justice; military aggrandizement with its progeny of bestialized mercenaries, slaughter and helpless, maimed veterans swelling the ranks of the indigent. Others, fastening upon More's own skepticism, as expressed at one particular point very early in the *Utopia*, regarding Hythlodaye's castigation of private wealth as the prime scourge of the commonwealth, have pointed out that Hythlodaye and More are two distinct characters—and with some justification therefore have been able to pass over the former's repeated and increasingly eloquent renewal of his basic thesis and the latter's final equivocal evasion of the most crucial issue raised during the one-sided dialogue. Another school of critics, drawn mainly from the German academic world, has thrown its emphasis on scattered passages of the *Utopia* which describe the commercial and credit relations obtaining between the inhabitants of the island and their neighbors and the utopian practise of colonizing surplus population in the unoccupied regions of adjacent countries. On the basis of such incidental fragments they have sought, with some logic and little intuition, to transform into a crafty forerunner of British colonial imperialism an essentially reactionary idealist who, beneath his enthusiasm for the new currents of humanism, strove to perpetuate the paternalistic spirit of the rapidly disintegrating mediaeval world.

EDWIN MIMS, JR.

Works: *Omnia latina opera* (Louvain 1566); *More's English Works*, ed. by William Rastell (London 1557), now being republished by W. E. Campbell, A. W. Reed and R. W. Chambers, vols. i–ii (Louvain 1927–31). The best English edition of the *Utopia* is by J. Churton Collins (London 1904), with notes and introduction.

Consult: Chambers, R. W., *The Saga and the Myth of Sir Thomas More*, British Academy Literary History Lecture (London 1927); Dermenghem, Émile, *Thomas Morus et les utopistes de la renaissance* (Paris 1927); Reed, A. W., in *The Social and Political Ideas of Some Great Thinkers of the Renaissance and Reformation*, ed. by F. J. C. Hearnshaw (London 1925) p. 123–48; Campbell, W. E., *More's Utopia and His Social Teaching* (London 1930); Oncken, H., "Die Utopia des Thomas Morus und das Machtproblem in der Staatslehre" in Heidelberg Akademie der Wissenschaften, *Sitzungsberichte, Philosophisch-historische Klasse*, no. 2 (1922); Freund, M., "Zur Deutung der Utopia des Thomas Morus" in *Historische Zeitschrift*, vol. cxlii (1930) 254–78.

MOREL, EDMUND DENÉ (1873–1924), English publicist and statesman. The son of an English Quakeress and a French official, Edmond Morel-de-Ville, Morel was born in Paris and educated in England. After serving a clerkship in an English firm with west African connections he began in 1893 his career as a journalist, reformer and authority on west African affairs. From 1901 to 1913 he fought a continuous battle for the reform of conditions in the Belgian Congo. During this period he edited (1903–15) the *African Mail* and published *Red Rubber* and innumerable articles and pamphlets which thoroughly exposed the enslaved condition of the Congo natives. He mobilized distinguished individuals, governments and public opinion on three continents against the immense vested interests headed by the Belgian sovereign Leopold II, until in 1913 the slavery system was replaced by more usual methods of colonial administration.

Morel next undertook a propaganda campaign for "open diplomacy" and published a startling exposure of the "economic imperialism" of the great powers in Morocco. On the outbreak of the World War Morel and several Liberal and Labour leaders, who felt that after proper military measures had been taken it would be well to propagandize for parliamentary control of foreign affairs and open diplomacy, founded the Union of Democratic Control. In 1917 Morel served six months in prison on a charge of sending pamphlets to Romain Rolland. In 1919 he founded *Foreign Affairs*, the organ of the union, which had considerable influence in popularizing the idea of a League of Nations. After having joined the Independent Labour party Morel was elected to Parliament in 1922, having spectacularly defeated Winston Churchill, and was again returned in the "Zinoviev Letter" election of 1924.

KINGSLEY MARTIN

Important works: *Red Rubber* (London 1906, new ed. Manchester 1919); *Morocco in Diplomacy* (London 1912), republished as *Ten Years of Secret Diplomacy* (London 1915); *Truth and the War* (London 1916); *The Poison That Destroys* (London 1922); *The Secret History of a Great Betrayal* (London 1923).

Consult: Cocks, F. Seymour, *E. D. Morel: The Man and His Work* (London 1920); *The Public Presentation to Mr. E. D. Morel* (London 1911); Brentano, Lujo, *Der Weltkrieg und E. D. Morel* (Munich 1921); Swanwick, H. M., *Builders of Peace* (London 1924).

MORELLET, ABBÉ ANDRÉ (1727–1819), French economist and miscellaneous writer. Morellet, a churchman by formal affiliations and a *philosophe* by predilection, formed a permanent friendship with Turgot while studying at the Sorbonne and subsequently became a disciple of Gournay. He entered the circle of the *encyclopédistes*, collaborating in their venture, and as a frequent guest at the salon of Madame Geoffrin mingled with the luminaries of the Enlightenment, to whom he was recommended by a talent incisive rather than original and a caustic pen particularly relished by Voltaire. In his economic writings, which were devoted chiefly to the cause of liberating commerce and industry, he upheld Gournay's ideas, including the reservations with regard to physiocratic doctrines, with more fidelity than any other member of Gournay's group. His *Réflexions sur les avantages de la libre fabrication et de l'usage des toiles peintes en France* (Paris 1758), elaborating an economic shibboleth of the time, was followed by *Fragment d'une lettre sur la police des grains* (Paris 1764), in which he defended unrestricted internal trade in grains and showed an inclination toward free exportation as well. Galiani's attack upon free trade evoked Morellet's *Réfutation d'un écrit intitulé . . . Dialogues sur le commerce des blés*, printed in 1770 but withheld from publication by the government until Turgot's assumption of the ministry, when it was issued to combat the ideas of Necker. In his *Mémoire . . . de la Compagnie des Indes* (2 vols., Paris 1769) Morellet assaulted the monopolistic privileges of the Compagnie Française des Indes and was rewarded with the suspension of that company's charter from 1769 to 1785. A friend of Lord Shelburne, he participated in the negotiation of the Franco-American commercial treaty of 1786. His *Prospectus d'un nouveau dictionnaire de commerce* (Paris 1769) announced a comprehensive work upon which he labored for many years but which, like his translation of Adam Smith's *Wealth of Nations*, never reached the public; the material which he collected was, however, later utilized by J. Peuchet for his *Dictionnaire universel de géographie commerçante* (5 vols., Paris 1800). After 1789 Morellet became a violent opponent of the revolutionary laws, thus dramatically emphasizing the gap between the Enlightenment and the French Revolution. He survived, however, to become a member of the Corps Législatif under Napoleon and to produce, among other works, his *Mémoires sur le XVIIIe siècle et sur la Révolution*, published posthumously (2 vols., ed. by P. E. Lemontey, Paris 1821; 2nd ed. 1823).

HENRI HAUSER

Consult: Lavergne, Léonce de, and Schelle, Georges, in *Journal des économistes*, vol. xlv (1865) 43–69, and 5th ser., vol. iv (1890) 229–37; Weulersse, G., *Le mouvement physiocratique en France de 1756 à 1770*, 2 vols. (Paris 1910); Mazure, A., *Les idées de l'abbé Morellet* (Paris 1910); Proteau, P., *Étude sur Morellet* (Laval 1910).

MORELLY, eighteenth century French *philosophe*. Nothing is known of Morelly's life, and his works have been frequently attributed to Diderot, Toussaint and others. His *Basiliade* (2 vols., Paris 1753) is a long philosophic poem of no great literary merit, and its ideas are better stated in his principal prose work, *Le code de la nature*, which was published in 1755, during the period when it was becoming fashionable to believe that society ought to be ordered according to principles easily discernible in nature. Whereas the physiocrats held that nature was correctly obeyed by a system of laissez faire and

Rousseau in the *Discours sur l'origine . . . de l'inégalité parmi les hommes* bewailed the loss of primitive egalitarianism, Morelly argued that the code of nature was completely communistic. Starting out from the proposition that moral evil, the essence of which was avarice, could be explained by social conditions Morelly portrayed and advocated an ideal communistic society in which it would be "impossible to be depraved." In this utopia no private property except that necessary for individual daily wants was permitted and every citizen was a public servant fed by the state and working for it according to an elaborate code, which prescribed down to the smallest detail the behavior of the entire population. Morelly described minutely the organization of the nation into families, tribes and garden cities; the architecture and layout of the cities; the conditions of work, education and marriage; the government by a hierarchy of councils composed of patresfamilias over fifty years old; and the precise punishment suitable for various forms of social disobedience. The sacred laws were to be engraved in the market place and learned by heart; the abiding principle of the society would be "reason wills, the law commands." In many respects Morelly's system anticipates the rationalistic utopianism of Fourier.

KINGSLEY MARTIN

Consult: Lichtenberger, André, *Le socialisme au XVIIIe siècle* (Paris 1895) ch. iv; Reverdy, A., *Morelly; idées philosophiques, économiques et politiques* (Poitiers 1909); Martin, Kingsley, *French Liberal Thought in the Eighteenth Century* (London 1929) p. 242-47; Girsberger, H., *Der utopische Sozialismus des 18. Jahrhunderts in Frankreich*, Zürcher volkswirtschaftliche Forschungen, vol. i (Zurich 1924) p. 130–57.

MORES. *See* MORALS; FOLKWAYS; CUSTOM.

MORGAN FAMILY, American financiers. The Morgan family has been prominently identified with the industrial and financial development of the United States since the middle of the nineteenth century. It began its rise to power in the period when commercial capitalism was growing into industrial capitalism and the new country was commencing to import foreign capital on a large scale. As a result of these changes many merchants became investment bankers; among these was George Peabody (1795–1869), who established in London a banking firm which specialized in foreign exchange and the sale of American securities. In 1853 Junius Spencer Morgan (1813–90), who had also been a merchant, became a partner in Peabody and Company; eleven years later Peabody retired and Junius Morgan remained in complete control, changing the name of the house to J. S. Morgan and Company.

As the American representative of his father's firm John Pierpont Morgan (1837–1913) engaged in a brokerage and banking business in New York City during the Civil War. After the war foreign capital again poured into the United States and the Morgans floated profitably many of the American issues. His power now greatly augmented, J. Pierpont Morgan in 1871 combined forces with the Drexels, who had important foreign connections. The London firm was made a branch of the newly formed Drexel, Morgan and Company, with branches in Paris and Philadelphia.

The first real test of Morgan's strength came in 1873 in the contest over the handling of the federal government loan of $300,000,000; here he scored a partial victory over Jay Cooke (and his allies, the Rothschilds); and when a few months later Cooke was overwhelmed by the panic, Morgan's position was supreme in the field of American investment banking. Although he continued to deal extensively in foreign exchange and the sale of American securities abroad, Morgan devoted his attention more and more to domestic investment banking operations. He began also to work out and apply the technique of banking control of industry, a development made possible by its growing capital requirements, its increasingly concentrated character and the separation of ownership from management because of the multiplication of stockholders. Concentration of industrial control was paralleled by centralization of financial control; these two tendencies rapidly became apparent in the railroad field and it was here that the extending Morgan influence was first felt. The imposition of financial control was facilitated by the wholesale railroad bankruptcies of the late 1880's and early 1890's which were produced by speculative expansion, financial exploitation, disastrous competition and depression. Morgan and his partners reorganized the most important bankrupt railroads and these roads remained under the Morgan sway through voting trusts, interlocking directorates and the community of interest of dominant stockholders. By 1900 J. P. Morgan and Company (the firm name since 1895) controlled 29,446 miles of railroads and wielded considerable influence over 37,737 miles more. While

the building up of systems modified competition and restored the prosperity of the railroads, the process neither eliminated financial exploitation nor prevented such disastrous struggles for power as that between Morgan and Harriman for the control of the Northern Pacific Railroad.

At the same time the technique of financial control was being developed in the field of industry. In 1892 Morgan promoted the General Electric Company, a monopolist combination capitalized at $50,000,000, in which two members of the firm served as directors and three as trustees. Morgan was extremely active in the combination movement which swept American industry after 1898 and assured the triumph of trustified capitalism; thus within a few years he succeeded in promoting three steel combinations whose aggregate capitalization was $250,000,000. In 1901 came the organization of the United States Steel Corporation, whose various plants were responsible for more than one half of the heavy and finished steel output of the country. Although the tangible assets were valued at $682,000,000, the corporation was capitalized at $1,400,000,000. As syndicate managers J. P. Morgan and Company received $12,500,000 in addition to their share of the syndicate profits of $50,000,000; actually the promoters of this supertrust were given more than $150,000,000 in United States Steel stock, if previous underwriting commissions of the constituent companies are included. Other large promotions followed, among them the International Mercantile Marine Company, an attempt at combination in the transatlantic shipping field, but this unwieldy and unprofitable enterprise crashed into bankruptcy in 1915. From 1899 to 1913 the Morgans engaged also in the flotation of foreign securities in the American market and challenged the supremacy of European imperialist interests in China.

Underlying Morgan's investment operations, promotions and financial domination over corporate industry was control of the resources of commercial banks, trust companies and insurance companies—a fusion of industrial and banking capital. The so-called Pujo investigation of 1912–13, conducted by a subcommittee of the House Committee on Banking and Currency, showed that Morgan and his partners held seventy-two directorships in financial and other corporations whose capitalization or resources totaled more than $10,000,000,000; it was brought out moreover that the officers and directors of four banks closely allied with the House of Morgan held directorships in other corporations with capitalization or resources of $8,000,000,000. Other investment banking houses (and commercial banks which engaged in investment banking operations) pursued the Morgan policy: one hundred and eighty individuals representing eighteen banking institutions, the Morgan group included, held seven hundred and forty-six directorships in corporations with aggregate capitalization or resources of $25,325,000,000.

Within this system of financial centralization Morgan wielded the power of dictatorship. He opposed bitterly Theodore Roosevelt's program of regulation, and his resentment of interference extended to strikes and unionism. "Men owning property," he said, "should do what they like with it." In the panic of 1907 he was the supreme financial arbiter. But this dictatorship was not inherent in the system and was largely the result of the transition from old institutions to new. After Morgan's death the whole technique of financial control was institutionalized under the rule of an oligarchy, with the result that John Pierpont Morgan, Jr. (1867–), for example, has never possessed the absolute powers of his father.

During the first two years of the World War the Morgan firm acted as the American bankers and purchasing agents for several of the Allied Powers. After the war the export of American capital developed on a large scale. In the years 1919–32 the House of Morgan alone floated $2,232,000,000 of foreign government and corporate securities; in addition it was responsible for the sale of almost $4,000,000,000 worth of domestic securities. It also engaged actively in the merger movement of 1923–29, among its promotions being the United Corporation, a holding company which controlled 22 percent of the nation's electric light and power and gas output. In 1929 the members and directors of the House of Morgan and the banks allied with it held directorships in corporations with net assets of approximately $52,000,000,000, a sum equal to nearly one sixth of the total corporate assets of the country. This did not represent direct rule as much as the institutionalized concentration of dominant financial capitalist interests.

The rise and development of the Morgan power is historically significant in that it typifies the decay of laissez faire capitalism and the growth of monopolistic capitalism, with its.

accompaniments of financial control of industry, the export of capital and imperialism.

LEWIS COREY

Consult: Corey, Lewis, *The House of Morgan* (New York 1930); Hovey, Carl, *The Life Story of J. Pierpont Morgan* (New York 1911); Myers, Gustavus, *History of the Great American Fortunes*, 3 vols. (Chicago 1910) vol. iii, p. 146–310; Brandeis, Louis D., *Other People's Money* (New York 1914); United States, Congress, House of Representatives, Committee on Banking and Currency, *Money Trust Investigation: Investigation of Financial and Monetary Conditions in the United States*, 3 vols. (1913).

MORGAN, LEWIS HENRY (1818–81), American anthropologist. Morgan, a lawyer by profession, had become interested in his youth in the Seneca Iroquois who lived near his home in Aurora, New York. He defended them successfully in litigation against a company which sought by fraud to deprive the Indians of their land and as a reward was formally adopted into the Seneca tribe. His studies of their customs and social organization were, however, confined to brief visits to the Seneca reservation.

When Morgan published his *League of the Ho-dé-no-sau-nee or Iroquois* (Rochester 1851, rev. ed. New York 1922) he believed that the unilateral system of tracing relationship was unique among them; in 1862, however, when he was supervising a railroad in Michigan in which he was financially involved, he observed a similar system among the Ojibwa. This led him to infer that such kinship systems were once universal and were a clue to the solution of the question of the ethnical unity of the human race. It was in an attempt to prove these hypotheses that Morgan undertook his comprehensive collection of the kinship systems of the world, *Systems of Consanguinity and Affinity of the Human Family* (Washington 1870). Although the book did not establish Morgan's original premises, it put forward the important principle that kinship terms have sociological significance, a judgment denied by McLennan and which has been the basis of sharp controversy among anthropologists, with recent evidence substantiating Morgan.

In his preeminent work, *Ancient Society* (New York 1877), Morgan formulated his popular social evolutionary scheme which conceived of culture as having developed in a comparable manner the world over through successive stages of savagery, barbarism and civilization. On the basis of his interpretation of kinship terms as survivals of previous marriage forms he contended that marriage had evolved from promiscuity through a series of progressive stages to monogamy; he recognized, however, that promiscuity, that is, the absence of any marriage regulations, was not to be found among existing peoples. Under the influence of Bachofen he maintained that descent through the maternal line universally preceded descent through the paternal line, the former passing to the latter when property increased and paternity was no longer doubtful. In discussing the development of government he contrasted as did Maine the kinship groupings of primitive societies with the territorial political affiliations characteristic of civilization. His hypothesis that primitive political life was invariably democratic led him to criticize vigorously the exaggerated accounts of the Mexican analysts.

Morgan ranks as the outstanding American anthropologist of his period His influence upon subsequent anthropology was profound: his theories determined the character of the important researches of Bandelier and Powell in America, of Fison and Howitt in Australia, of Sternberg and other European anthropologists. Although at first subject to acrimonious criticism in England, his views on kinship later influenced Rivers and Frazer. Marx and Engels endorsed his work as supporting the materialist interpretation of history, with the result that he is universally known in socialist and communist circles. Recent anthropology has modified basically those of Morgan's theories which postulate unilateral evolution.

BERNHARD J. STERN

Consult: Stern, Bernhard J., *Lewis Henry Morgan, Social Evolutionist* (Chicago 1931), with complete bibliography of Morgan's works.

MORLEY, JOHN (1838–1923), English journalist, man of letters and statesman. During his early period as a journalist Morley was a radical, a rationalist and a republican. After his entry into politics his radicalism toned down into liberalism, his militant rationalism ceased to be noticeable and his republican sympathies were forgotten. He began his public life as a journalist under G. H. Lewes and from 1867 to 1882 he edited the *Fortnightly Review*, in which paper he published drafts of many of his best known books, including *On Compromise* (London 1874), *Rousseau* (2 vols., 1873), *Diderot and the Encyclopaedists* (2 vols., 1878) and *Voltaire* (1872) as well as the shorter studies of eighteenth century France which afterwards appeared in his *Critical Miscellanies* (4 vols., 1886–

1908). For three years (1880–83) he edited the *Pall Mall Gazette*, strongly supporting the radical element in Gladstone's government. His political outlook was clearly expressed in his *Life of Cobden* (2 vols., 1881), of the same period.

In 1883 he entered Parliament and in 1886 became secretary of state for Ireland. During his long parliamentary career he remained a stanch advocate of home rule and supported Gladstone's Home Rule Bill which split the Liberal party. At the death of Mr. Gladstone when the choice of Liberal leader lay between Lord Rosebery and Sir William Harcourt, his weight was thrown on to the side of Lord Rosebery. From 1898–1902 he was largely occupied in writing his authoritative *Life of Gladstone* (3 vols., 1903). He held office in Liberal governments preceding the World War and as lord president of the Council played a prominent part in coercing the House of Lords and procuring the passage of the Parliament Act. As secretary of state for India he was an autocratic administrator, but did what he could to "rally moderates" by a reform policy. He regarded the World War as "a heartbreaking set-back to human progress" and resigned from the cabinet with John Burns.

Morley was at his best when bringing his historical philosophy to the service of current controversies. His view of the forces making for progress and of the relationship between economic and psychological factors in history is most clearly presented in his review article on Taine's *Ancien régime* (reprinted in his *Miscellanies*). He was a consistent champion of rationalism and his opposition to clerical influence was based on his hatred of all obstacles to free thought and scientific progress. Thus his *Voltaire* and other eighteenth century studies were all "dated"—they were written in the atmosphere of the nineteenth century conflict between science and religion. In dealing, particularly in the two volumes on Diderot, with the battle of the *encyclopédistes* against eighteenth century authoritarianism he was inspired by the Darwinian battle against religious orthodoxy. He had an admirable prose style and could hit hard in controversy; in *Vauvenargues* and other essays he also showed an unusual capacity to appreciate points of view which were not his own. His limitations were clearly revealed in his treatment of Rousseau, whose eccentricities he apologizes for rather than explains. But the "advanced" writing of fifty years ago necessarily seems censorious and priggish today. He is a constantly didactic writer: neither a philosopher nor a scholar as the Germans would use those words, but rather a *philosophe*, an enthusiastic disciple of human progress, better with his pen than in action and better when dealing with broad principles than in detailed analysis or constructive suggestion.

KINGSLEY MARTIN

Works: *Works*, 15 vols. (London 1921).

Consult: Benn, A. W., *The History of English Rationalism in the Nineteenth Century*, 2 vols. (London 1906) vol. ii, ch. xviii; Gooch, G. P., "Lord Morley" in *Contemporary Review*, vol. cxxiv (1923) 545–55; Massingham, H. W., "Morley the Humanist," and Escott, T. H. S., "John Morley" in *Fortnightly Review*, n.s., vol. cxiv (1923) 695–721; Beazley, R., "John Morley and the War" in *Nation*, vol. cxxviii (1929) 307–09; Ali Khan, Sirdar, *The Life of Lord Morley* (London 1923).

MORMONISM. The religious philosophy of the Latter Day Saints, more popularly known as Mormons, owes its origin to the supposed divine visions, manifestations and pronouncements of Joseph Smith, who in 1830 published the *Book of Mormon*, a supposed new Word of God. Regarded by his followers as a prophet divinely commissioned to reestablish the church of Christ, Smith officially organized the Church of Jesus Christ of Latter Day Saints at Fayette, Seneca County, New York, on April 6, 1830. At the head of the elaborate church hierarchy stood the president and his two councilors, known collectively as the First Presidency. As its first president, Smith was designated "a Seer, a Translator, a Prophet, an Apostle and an Elder in the Church." This authority was transmitted to his successors. Closely associated with the First Presidency but not in the direct line of power is the position of the presiding patriarch, a high priest, who has the power of pronouncing blessings. The holder of this office descends in direct succession from Joseph Smith. Next after the First Presidency in authority is the Quorum of the Twelve Apostles, which constitutes a traveling high council. This body advises lesser councils and acts as the supreme court of the church. In the event of the death or disability of the president the Quorum of the Twelve succeeds to the supreme authority of the presidency. There are two orders of priesthood: the Aaronic, composed of priests, teachers and deacons, who administer to temporal needs; and the Melchisedek, composed of elders, seventies and high priests, who are interested primarily in spiritual activities. The church is divided and subdivided into stakes under a local presidency

and high council, into wards under bishops and, in areas where the membership is small, into missions. At present there are 104 stakes, 1039 wards and 30 missions. One of the outstanding features in the organization is the emphasis upon service by all members holding the priesthood. Both men and women act as missionaries, donating their time and paying their own expenses.

The Mormons recognize as sources of doctrine the Bible, the *Book of Mormon* and divine revelations through appointed prophets such as Joseph Smith and the presidents of the church. They accept the Trinity and believe that God and Jesus are immortalized, glorified, resurrected Beings, with bodies, parts and passions. They believe that God's declared purpose is to bring to pass man's immortality, which is assured through the death and resurrection of Jesus. They hold the doctrine of eternal progression, which proclaims the power of man to continue to grow in wisdom and learning throughout eternity, reaching thereby a state of perfection approaching the divine. The initiatory rite of baptism may be performed by proxy for the dead. Marriage, with the ecclesiastical ceremony of sealing and performed only in a Mormon temple by ordained officials, is for eternity.

Enthusiastic missionaries carried the new gospel to neighboring states, to adjacent Indian tribes and even to Europe, and converts were rapidly won. When hostility developed, Smith by revelation directed that the headquarters be removed to Kirtland, Ohio, where a communistic organization headed by Sidney Rigdon became the nucleus of the first Mormon community west of New York. Rigdon became interested in the teachings of Robert Owen, who had founded colonies in Ohio, and undoubtedly carried over into Mormonism many features of the reformer's communistic doctrine. At any rate the most significant feature of the church in Ohio was the United Order, a communistic scheme quite similar in practise to Owenism. Each member of the church consecrated his properties to it and was then given "stewardships" over whatever he had consecrated—a farm, workshop, store or factory. Thereafter he was expected to manage the property in the interest of the whole community, gains reverting to a common fund out of which he derived a sufficient support for himself and his dependents. The panic of 1837 caught the Ohio Saints on the crest of wild speculation and they lost heavily. A general store, a sawmill, a tannery and a printing press lost money and the expenditure of $40,000 for the erection of a temple drained the treasury. Like many other banks, the Kirtland Safety Society Bank, a Mormon institution, closed its doors. Dissension arose, and many apostatized. To escape rising prejudices and to enable the disaffected to retrieve their fortunes in an undeveloped country which offered new opportunities the prophet led the Saints to the promised "Land of Zion" in Jackson county, Missouri, where in 1832 a small pioneer group of Mormons had settled.

The Missourians found little fault with the Mormons as individuals but were opposed to the sect as a whole. The literal preaching of such notions as that "all Israel" would be gathered in Zion on the American continent, the founding of the communistic system and the later pronouncement of the doctrine of polygamy precipitated a hostile spirit toward Mormons among "the Gentiles." The Missourians also accused the Mormons, who were radical New England abolitionists, of corrupting their slaves and attempting to break down their economic system. Fearful lest the Mormons gain political control of the country by settling in large numbers, the citizens of Jackson county began to express enmity in mob violence in the spring of 1832: church leaders were tarred and feathered, property was destroyed and Independence, the Mormon capital, virtually besieged. In October, 1833, 1500 Saints fled, chiefly to Clay county. There, and later in Caldwell county, these harrowing experiences were repeated until finally after the frightful Haun's Mill massacre of October 30, 1838, the governor compelled the Mormons to leave the state.

They moved northward into Illinois where, as in Missouri, they were at first welcomed enthusiastically. On the eastern bank of the Mississippi they built Nauvoo, the City Beautiful. Within a year and a half more than two thousand houses were erected, sawmills, foundries and factories were established and a temple begun. Within five years Nauvoo, with a population of approximately 15,000, was the largest city in Illinois. But difficulties soon arose. The leaders of the Whigs and the Democrats, who were about equally divided, each solicited Mormon support. The Saints played one party against the other in return for concessions, as a result eventually losing the confidence and support of both. In 1840 the Mormons won from a Whig legislature a municipal charter that made Nauvoo practically independent of the state government and gave the mayor, Joseph Smith,

almost unlimited civil and judicial power. The charter authorized the incorporation of the Nauvoo Legion, a military organization officered exclusively by Mormons and entirely independent of the state militia. Jealousy of such special favors was soon transformed into popular hatred, and mob violence again broke out. The prophet Joseph Smith, arrested on the charge of abrogating the right of liberty of the press, was slain by a mob on June 27, 1844. In January, 1845, the legislature repealed the Nauvoo charter. This action, followed by the discharge of Smith's assassins, encouraged the mob. The crimes of the whole country were laid to the Mormons. In September, 1845, the Mormon leaders accepted the manifesto of a commission representing the residents of nine counties and agreed to leave Illinois. Nauvoo was evacuated September 17, 1846, and the Mormons moved westward, entering Utah on July 24, 1847, under the leadership of Brigham Young.

From the beginning, agriculture was the foundation of Mormon life in Utah. Young discouraged mining, because according to his theory of socio-democratic development, which aimed at economic independence, agriculture should come first, manufacturing second and more adventurous pursuits later. To make the arid Utah soil productive, the first scientific irrigation system in America was introduced. Its success depended upon the cooperation of all members of the group, and individualistic activity was out of the question. Lands, canals and streams become communal property. Small farms and intensive cultivation were the products of this economic system.

There was organized the Perpetual Emigration Company, of which every Latter Day Saint was a supporting member, and which paid the expenses of Mormon immigrants to Utah and helped to provide employment for them on arrival. From 1849 to 1883 it assisted more than 70,000 converts to settle in Utah. To provide homes, Young planned missions or colonies in the fertile valleys of Utah, Arizona, Colorado, Nevada and Idaho. Each was headed by a bishop in full charge of economic and religious interests, who directed the surveying, plotting and distribution of land and was the lawgiver and adjudicator of all disputes. Land was distributed to individuals according to the size of the family. Material sufferings ended when the rush across the plains which followed the discovery of gold in California enabled the Saints to sell surplus produce at high prices and to purchase supplies for almost nothing. Before the close of 1848 the Mormon population in Utah numbered 5000. During the early 1850's, hundreds joined the sect; by 1853 Salt Lake City had nearly 12,000 inhabitants and Salt Lake valley about 30,000.

Government in Utah from 1847 to March, 1849, was a pure theocracy, church and state being completely fused. As the civic problems of the new territory became more complex this form proved inelastic. The rapid influx of Gentiles established an influential minority not amenable to an ecclesiastical organization with which it could not affiliate. Recognizing this problem, the Saints organized the Provisional State of Deseret in March, 1849. Its petition for statehood was denied by the Congress of the United States, which in 1850 authorized the establishment of the territory of Utah.

Now began a half century of conflict between the Saints and the United States government. Arising from causes similar to those behind the trouble in Missouri and Illinois, this conflict expressed itself politically in the Saints' dissatisfaction with territorial tutelage which denied them the right of choosing their own civil magistrates. Gentile appointees of the federal government felt that Young as governor used his ecclesiastical influence as president of the church to encroach upon their prerogatives. These officials were considered intruders in a community conscious of its ability to govern itself. Many were men of mediocre attainments and all were likely to have little sympathy with those whose religion they despised and whom they considered fanatic and disloyal to the federal government. United States Judges Brocchus and Drummond and Indian Agent Day quit the territory and filed with the federal government incriminatory charges against what they termed the "despotism" of Young. President Buchanan in 1857, on the grounds that a state of rebellion existed, appointed Alfred Cumming to replace Young as governor and sent 2500 men to Utah. The Mormons deserted Salt Lake City and prepared to migrate southward, but on June 26, soon after the troops had passed through the vacated capital, a peace commission arrived with a signed proclamation of pardon.

On no other issue was the conflict more sharply drawn than on that of polygamy, a practise encouraged by the church because it represented a direct revelation to Smith, because it was sanctioned as a practise in Old Testament times and because, it was argued, the patriarchal family relationship was necessary as a means of

acquiring the highest attainable degree of salvation. From 1852 to 1882 polygamy was permitted to run its course, the United States government finding it difficult to control because of the inadequacy of laws and the impossibility of enforcing them. In 1879 the Supreme Court of the United States decided that no such article of faith could claim protection under the constitution; and in 1882 Congress passed the Edmunds Act, which punished polygamy by disfranchisement, imprisonment and by declaring illegitimate children born of such marriages. Fully 1200 Mormons were disfranchised. The Edmunds-Tucker Act of 1887 dissolved the corporation of the Church of Jesus Christ of Latter Day Saints; and in May, 1890, the Supreme Court of the United States (United States *v.* the Mormon Church) upheld this decree on the ground that the Mormon Church was an organized rebellion. In September, 1890, President Wilford Woodruff issued a manifesto warning the Saints against contracting any marriage forbidden by the law of the land. Then on January 4, 1893, in response to a declaration by the authorities of the church pledging the membership to faithful obedience to the laws against polygamy, President Harrison issued a general pardon to all liable to the penalties of the Edmunds and Edmunds-Tucker acts, on condition that they had not violated their provisions since November 1, 1890, and would not violate them in the future. The escheated property of the church was restored in March, 1896, but the reincorporation of the church was forbidden. The enabling act authorizing the admission of Utah to the union in 1896 stipulated that the constitution of the new state prohibit the practise of polygamy.

Church revenue, which is derived mainly from tithing, free will offerings and the income from property holdings (stores, sugar factories, salt works and the like), is used to promote colonization, maintain denominational schools, support traveling missionaries, assist in erecting temples and tabernacles and pay ecclesiastical salaries. The law of tithing, instituted by revelation immediately after the discontinuance of the United Order in 1838, defines a full tithe as 10 percent of the total income of each church member. Collection is not coercive. Many Gentiles and Mormons oppose the church's business activity as obstructive to fair competition. The completion of the first transcontinental railroad in 1869 stimulated cooperative industry and interested the church in business undertakings. The hitherto prevalent domestic system of manufacture gave way as the railroad brought into the valley larger machinery which could be used to advantage in cooperative manufacturing institutions. Even when it was found profitable to patronize eastern industry, cooperative mercantile institutions purchased and distributed the goods. Cooperative institutions not only protected the people from eastern speculative price fluctuations but also assured church control in business and trade and the perpetuation of independent community life. In several small towns a very highly organized communistic society was developed; in others only a few industries were communally controlled. In 1869 the Zion's Cooperative Mercantile Institution was established in Salt Lake City, with branches in smaller communities. At first the purchase of stock was limited to Mormon tithe payers, nearly every one of whom, especially in smaller localities, owned stock. These institutions lowered prices generally and operated at a profit. For a few years the "co-op" held a complete monopoly of mercantile business in small communities, but the rapid influx of Gentiles and the growing complexity of industrial life forced many branches out of business. The parent institution soon admitted Gentile stockholders, who own today about 30 percent of the total stock. The church is no longer the largest stockholder. Between 1880 and 1890 Mormon cooperative activities declined noticeably.

Of recent years many of the earlier peculiarities of Mormonism which characterized its pioneering stage have been swept away. Since 1885 little or no effort has been made to establish communal societies; since 1890 polygamy has been disallowed; since 1910 there has been no serious attempt to organize politically against the Mormons as a group. As the barriers of isolation have broken down, the earlier spirit of group consciousness has subsided noticeably. As a result of these changes, a more tolerant attitude toward the sect is replacing the earlier feeling of hostility and prejudice. In 1932 the church had 688,435 members, representing a gain of 7596 converts in 1931. It had 2854 missionaries in the field and a budget of about $4,000,000, of which $751,200 went for the church school system and a slightly larger sum for missionary work.

L. H. CREER

See: RELIGION; SACRED BOOKS; CULTS; MARRIAGE; COMMUNISTIC SETTLEMENTS; MASS EXPULSION.

Consult: New York Public Library, *List of Works . . .*

Relating to the Mormons (New York 1909); *Catalogue of Books, Early Newspapers, and Pamphlets on Mormonism*, compiled by William Berrian (New York 1898).

GENERAL: Talmage, J. E., *Articles of Faith* (Salt Lake City 1899), and *The Vitality of Mormonism* (Boston 1919); Smith, J., *Doctrine and Covenants of the Church of Jesus Christ of Latter-Day Saints* (new ed. Salt Lake City 1921); Adams, J. Q., *The Birth of Mormonism* (Boston 1916); Beardsley, H. M., *Joseph Smith and His Mormon Empire* (Boston 1931); Richards, K. M., "Les mormons (1830–1930)" in *Revue des sciences politiques*, vol. liii (1930) 513–34; Roberts, Brigham H., *A Comprehensive History of the Church of Jesus Christ of Latter Day Saints*, 6 vols. (Salt Lake City 1930); Cory, Winifred G., *The Mormons; a Popular History* (London 1913); *History of the Church of Jesus Christ of Latter-Day Saints*, ed. by Brigham H. Roberts, 6 vols. (Salt Lake City 1902–12); Busch, Moritz, *Geschichte der Mormonen* (Leipsic 1870); Meyer, Eduard, *Ursprung und Geschichte der Mormonen* (Halle 1912); Guénon, René, "Les origines du mormonisme" in *Revue politique et littéraire*, vol. lxiv (1926) 535–41; Snowden, James H., *The Truth about Mormonism* (New York 1926); Harris, F. S., *The Fruits of Mormonism* (New York 1925); Ericksen, E. E., *The Psychological and Ethical Aspects of Mormon Group Life* (Chicago 1922); Hall, T. C., *The Religious Background of American Culture* (Boston 1930) p. 304–09.

ECONOMIC AND SOCIAL ASPECTS: Creer, Leland H., *Utah and the Nation*, University of Washington, Publications in the Social Sciences, vol. vii (Seattle 1929); Geddes, Joseph A., *The United Order among the Mormons (Missouri Phase)* (Salt Lake City 1924); Gardner, Hamilton, "Cooperation among the Mormons" in *Quarterly Journal of Economics*, vol. xxxi (1916–17) 461–99; Wilson, Albert E., "Gemeinwirtschaft und Unternehmungsformen im Mormonenstaat" in *Schmollers Jahrbuch fur Gesetzgebung*, vol. xxxi (1907) 1003–56; Nelson, L., *The Mormon Village: a Study in Social Origins*, Brigham Young University, Studies, no. iii (Provo, Utah 1930); Larson, G. O., "The Story of the Perpetual Emigration Fund" in *Mississippi Valley Historical Review*, vol. xviii (1931–32) 184–94; Atwood, H. T., "The Mormon Migration and Adaptation to Geographic Environment" in *Vassar Journal of Undergraduate Studies*, vol. iv (1929) 137–58; Lum, Dyer D., *Social Problems of To-day; or, The Mormon Question in Its Economic Aspects* (Port Jervis, N. Y. 1886).

MORMONS OUTSIDE THE UNITED STATES: Buchanan, Donald W., "The Mormons in Canada" in *Canadian Geographical Journal*, vol. ii (1931) 255–70; Church of Jesus Christ of Latter-Day Saints, *Scandinavian Jubilee Album* (Salt Lake City 1900); Sweden, Statistika Centralbyrån, *Mormonvärfningen i Sverige*, Emigrationsutredningen, vol. iii (Stockholm 1910); Beijer, J., *De mormonen in Zuid-Afrika* (Groningen 1863); Poesche, Emma, "Neue Colonien der Mormonen" in *Deutsche Rundschau für Geographie*, vol. xxii (1899–1900) 165–72.

MOROCCO QUESTION. Through economic and political pressure during the course of centuries Spain, France and Great Britain accumulated in Morocco various special rights of a capitulatory nature. By the convention of 1880 signed at Madrid these were pooled and to avert future clashes ten more or less "disinterested" nations were permitted to share them. Great Britain and Germany, in 1880 interested largely as backers of Spain and France respectively, became commercially interested in Morocco on their own account. Endless trouble arose over the rights of protection and tax exemption which article 2 of the Madrid convention enabled foreigners to confer upon native Moroccan protégés. Morocco's contact with industrial Europe made it ever less manageable by its antiquated government, which went increasingly into debt to foreigners in order to pay for wars, rebellions and royal luxuries. By 1900 the Madrid settlement seemed on the verge of dying from congenital weaknesses. Most signatories were indifferent; the rest were anxious to gain the upper hand through financial control.

Informal Franco-Spanish "conversations" reached the stage of a tentative partition scheme in 1902. Touat and Colomb-Bechar on the Algerian border were taken by French troops in 1903. An Anglo-French treaty of 1904 with some secret clauses gave a free hand to France in Morocco and to England in Egypt, and France now reached a secret agreement with Spain. In two speeches at Tangier in 1905 the German emperor defended Moroccan rights as set forth in the Madrid convention and by implication the rights of all signatories. Germany's stand delayed Franco-Spanish penetration for more than a year and led to the conference of Algeciras in 1906, whose act revived the moribund convention with new arrangements and compensations to take care of changes in Morocco's status.

But phrases in the preamble about sovereignty, territorial integrity and economic freedom could not hide the fact that the Moroccan government had been seriously weakened in prestige, funds and forces. Between 1907 and 1911 France conquered nearly 6000 square miles of Moroccan territory including the richest farming district. In 1909 Germany admitted superior French political interests in exchange for a vaguely worded agreement of full economic cooperation. In encouraging the sultan in 1910 to resist a French effort to gain control of the army as well as of finances, Germany claimed that the political concessions of 1909 were naturally within the framework of the Act of Algeciras. A crisis in 1911, when the French entered Fez at the invitation of the penniless and beleaguered sultan, was avoided by France's cession to Germany of

a small piece of Equatorial Africa. Morocco was made a French protectorate in 1912. The mountainous northern zone nominally under the suzerainty of the French controlled sultan went to Spain. Italy's silence was purchased by putting into writing an old promise of a free hand in Tripoli and Cyrenaica.

Although the World War proceeded immediately from other issues, the imperial game for Morocco played a large part in shaping the alliances and sharpening the distrusts which got out of control in 1914. At Versailles Germany was forced to renounce all rights in Morocco. While since the World War Morocco has become relatively less important as a center of imperialist conflict, a new problem, that of native resistance, has become serious. Spain tried to end a succession of wars with the Jebala tribes by subsidizing their chief, Raisuli, in 1921. The Riffs now rose and within four years occupied almost the entire Spanish zone. Abd-el-Krim, Riffian leader, came to blows with France in 1925 over the latter's advance into the grain region between Fez and the Riff. A year of terrific warfare cost France about a billion francs and many thousands of casualties; Spain had already suffered far more. Abd-el-Krim was defeated and banished and the Spanish zone really pacified for the first time.

The government of Tangier has been a problem somewhat apart from that of the rest of Morocco, although the forces involved have been basically the same. The foreign diplomatic corps had come to play an important role in the city administration, and the Act of Algeciras had admitted the rights of thirteen states besides Morocco. In 1923 a settlement was reached by Spain, France and Great Britain. Other signatories of the act, notably Italy and the United States, refused to exchange their rights for so much control by these "interested powers." As a result of conferences held between 1926 and 1928 Spain received further concessions and Italy won full partnership in administration. Tangier is now governed by a legislative assembly comprising seventeen representatives of six powers and nine representatives of the native population, a commission of control made up of the consular officers, and an administrator. The nominal sovereign, the sultan of Morocco, is represented by the mendoub, who has almost absolute control over the native inhabitants. The entire legal structure is such as to place the French Moroccan administration in effective control of the nominally international government. The United States is the one great power which still refuses to give up consular and economic rights in Morocco and Tangier deriving from the Act of Algeciras. While interest in the protection of citizens has declined in importance, that in commercial privileges has grown rapidly and the American share of the Moroccan foreign trade is about $3,000,000 a year.

MELVIN M. KNIGHT

See: IMPERIALISM; SPHERES OF INFLUENCE; CAPITULATIONS; GUERRILLA WARFARE.

Consult: United States, Library of Congress, *The Morocco Question, a Bibliographical List*, Select List of References, no. 1030 (1927); Felix, Lucien, *Le statut international du Maroc* (Paris 1928); Morocco, *Annuaire économique et financier* (Casablanca 1924), for texts of treaties; Gooch, G. P., *History of Modern Europe 1878–1919* (London 1923) ch. x; Moon, P. T., *Imperialism and World Politics* (New York 1926) p. 197–218; Peyreigne, Charles, *Les influences européennes au Maroc avant la conférence d'Algésiras* (Toulouse 1908); Doriot, Jacques, *Les impérialistes et le Maroc* (Paris 1925); Kampffmeyer, Georg, "Die Grundlagen der Marokkofrage" in *Zeitschrift für Politik*, vol. viii (1915) 297–380; Tönnies, Ferdinand, "Marokko und der Weltkrieg" in *Neue Rundschau*, vol. xxvi (1915) 1540–46; Alengry, Jean, *Les relations franco-espagnoles et l'affaire du Maroc* (Paris 1920); Anderson, Eugene N., *The First Moroccan Crisis, 1904–1906* (Chicago 1930); Hartung, Fritz, *Die Marokkokrise des Jahres 1911* (Berlin 1927); Rouard de Card, E., *Les États-Unis d'Amérique et le protectorat de la France au Maroc* (Paris 1930); Bonnet, Pierre, *La banque d'état du Maroc et le problème marocain* (Paris 1913); Crouzet-Rayssac, Arnaud de, *Le régime des capitulations et la condition des étrangers au Maroc* (Paris 1921); Harris, Walter B., *France, Spain and the Rif* (London 1927); Dumont, Charles, in France, Assemblée Nationale, Sénat, Extraordinary sess. 1926, *Documents parlementaires*, p. 261–75, containing an account of the French campaign against Abd-el-Krim; Hutt, Allen, "The Riff War of Independence" in *Labour Monthly*, vol. vii (1925) 489–96; Roberts, S. H., *History of French Colonial Policy (1870–1925)* 2 vols. (London 1929) vol. ii, ch. xiv; Colliez, André, *Notre protectorat marocain; la première étape, 1912–1930* (Paris 1930); Rivière, Paul Louis, *Études marocaines* (Paris 1928); Bernard, Augustin, *Le Maroc* (6th ed. Paris 1921) bk. iv, chs. ii–iv, and bk. v, ch. i; Goulven, Joseph, *Traité d'économie et de législation marocaines*, 2 vols. (Paris 1921); Stuart, Graham H., *The International City of Tangier* (Stanford University 1931).

MOROZOV, SAVVA (1862–1905), Russian manufacturer and supporter of the Bolsheviks. In 1885 after graduating from Moscow University Morozov became a member of the board of directors of the largest textile factory in the Moscow region, which had been established at Orekhovo-Zuevo by his grandfather. The great strike of that year in the Morozov factory, one of the first Russian mass strikes and evaluated by

Plekhanov as the opening of a new phase of the labor movement, resulted in the dispatch of troops against eight thousand workers. Under the influence of the strike and subsequent manifestations of workers' unrest Morozov began to adopt radical ideas. By the turn of the century, when he was in control of the factory, he publicly advocated the rights of workers to form trade unions, to strike and in general to enjoy freedom equal to that of employers in the struggle for their interests. He opposed child labor, advocated compulsory education up to the age of fifteen, helped establish a workers' textile school in Moscow, aided in organizing the first workers' cooperative stores among his employees and made frequent addresses attacking the conservatism of landowners, the piracy of bankers and the lack of culture and self-confidence of industrialists. He proclaimed the justice of workers' demands and the inevitability of revolution.

Morozov and Gorky met in 1901, when the former was subsidizing the Moscow Art Theatre, and within two years they were bosom friends; through Gorky, Morozov met Leonid Krassin and other Bolshevik leaders then working "underground." In 1903 Morozov undertook to support the Bolshevik revolutionary activities with a monthly contribution of about $1000, thus making possible the publication abroad of *Iskra* (The spark), its introduction into Russia, the purchase of arms and the establishment of the short lived legal Bolshevik press of 1905. His home and factory became centers for the concealment of literature, documents and hunted Bolsheviks. Morozov supported the Bolsheviks throughout their struggle against the Mensheviks. Early in 1905 he committed suicide in France, presumably out of fear that his relatives were about to report him to the Russian police. His large insurance policy, naming Gorky's wife as beneficiary, was in reality destined to aid the Bolsheviks.

ALBERT PARRY

Consult: Gorky, Maxim, *Sobranie sochinenii* (Collected works), vols. xvi and xvii (Leningrad 1924), tr. in part as *My University Days* (New York 1923), *Fragments from My Diary* (London 1924), and *Reminiscences of My Youth* (London 1924); Kaun, Alexander S., *Maxim Gorky and His Russia* (New York 1931).

MORRIS, ROBERT (1734–1806), financier of the American Revolution. A native of Liverpool, England, Morris migrated to America in 1747 and quickly became identified with the mercantile life of Philadelphia. During the early stages of the revolution he pursued the course of the typical merchant and like other conservative Whigs patriotically furthered measures of defensive warfare, while striving for reconciliation with Great Britain and opposing the radical political and social changes advocated within Pennsylvania by Thomas Paine. As a member of the Continental Congress (1775–78) he was a nominal signer of the Declaration of Independence although he voted against the measure and for months afterward continued to express the conviction that it had been premature. So great was the financial reputation which Morris acquired as a result of his services with various congressional committees dealing with supplies that in 1781 he was appointed superintendent of finance and shortly afterward agent of marine. American finance was then on the verge of complete collapse. For three and a half years Morris strove heroically to save the financial structure by inducing the Congress to charter a national bank and by retrenching expenditures, raising money abroad, prodding the states into complying with congressional requisitions, reforming the currency and appeasing semimutinous troops and profiteering contractors. His aid in financing the Yorktown campaign won him the enduring friendship of General Washington, while Alexander Hamilton expressed the belief that Morris was the only man who could have kept "the money machine a-going" during those years. But his continuance in private business aroused much malicious criticism; he was never able moreover to settle his public accounts satisfactorily.

Morris attended the Constitutional Convention of 1787 but contributed nothing to the debates on the constitution. Declining the secretaryship of the Treasury under Washington he served as senator from Pennsylvania from 1789 to 1795. Here he embraced the full creed of the Federalist party and in particular gave strong support to Hamilton's fiscal policies. Meanwhile Morris was drifting toward bankruptcy in his private business. A pioneer in the China trade, a promoter of manufacturing enterprises, a speculator in public securities and bank stock, he gradually concentrated his capital in land speculation. He dealt in millions of acres in the unsettled areas of New York, Pennsylvania, Virginia, North and South Carolina, Georgia and Kentucky. But his vaulting ambitions overreached themselves. For a whole decade (1787–97), while his affairs became more and more involved, he continued to circulate his notes in larger and larger volume and at greater

and greater discounts. Ultimately he became a wild and desperate bankrupt. For three and a half years (February 16, 1798, to August 26, 1801) Morris was confined in a debtors' prison, and although released under the federal bankrupt act of 1800 he never recovered from the catastrophe.

JAMES O. WETTEREAU

Consult: Sumner, William Graham, *The Financier and the Finances of the American Revolution*, 2 vols. (New York 1891); Oberholtzer, Ellis Paxson, *Robert Morris: Patriot and Financier* (New York 1903); *The Journal of William Maclay* (New York 1927), with introduction by C. A. Beard; Bullock, Charles J., *Finances of the United States from 1775 to 1789*, University of Wisconsin, Economics, Political Science, and History series, Bulletin, vol. i, no. 2 (Madison 1895) p. 117–273.

MORRIS, WILLIAM (1834–96), English poet, craftsman and social reformer. Morris was trained as an architect and was then for a time a painter but soon found his true fields of activity in literature and the decorative arts. The firm of Morris and Company, founded by him in 1861, led the way in the improvement of decorative design in many fields; and in 1890 he founded the Kelmscott Press, which was the pioneer of the revival of fine printing in England. It was mainly his interest in the arts which caused him to turn from liberalism and become one of the outstanding figures of British socialism in the early days of its revival after the eclipse of the mid-Victorian period, although hatred of Irish coercion also played a part in causing his severance from the Liberal party. As a craftsman he realized that under the existing economic conditions he was able to produce beautiful objects for only a small wealthy minority; and he also came to believe that the divorce between designer and craftsman, which had set in with the coming of capitalism, was fatal to the health of the arts. He took an immense pleasure in his own work and he could not bear to think that for most men work must be mere drudgery. He appealed for the destruction of class divisions and economic inequalities primarily in order to restore the manual arts to what he conceived to be their true position in society and in the lives of men. He disliked the machine age, although he recognized that machines ought to be used—and used more fully—in order to do the rough work of the community. He considered that modern civilization tended to keep up unnecessary needs and thus to impose endless drudgery on the poor; and he believed that under socialist conditions all the necessary work of society could be accomplished without overstrain or difficulty and most of it with actual pleasure in the doing.

In 1883 Morris joined the Democratic Federation founded by H. M. Hyndman two years earlier, and he took part in bringing it over to a definitely socialist policy. In the following year, however, he was one of those who quarreled with Hyndman, largely from a disbelief in the utility of running candidates for Parliament until the propaganda of socialism was further advanced. The seceders formed the Socialist League under Morris' leadership; but after a few years of active work, during which Morris edited and contributed largely to its organ, the *Commonweal*, the league fell under anarchist control, and Morris resigned in 1890. Thereafter he conducted from his house in Hammersmith the Hammersmith Socialist Society, in effect a discussion group which influenced many of the younger artists and socialists.

Morris in addition to his poems and romances published many writings on socialism. *News from Nowhere* (London 1891) presents his vision of an ideal society to be set up by actual revolution and thereafter to sustain itself practically without government. His socialist views are even more clearly presented in some of his essays and lectures, notably *Hopes and Fears for Art* (London 1882) and *Signs of Change* (London 1888) and in *A Dream of John Ball* (London 1888). He was a poor lecturer but he had an admirable prose style, seen at its best in these propagandist writings. Of his artistic work probably nothing is in itself absolutely in the first rank for all time; but his essential contribution to posterity was his practical working out in many fields of the relation between the arts and life and his steady insistence that it was futile to expect men to be happy unless they could find, as he did, happiness in their work.

G. D. H. COLE

Consult: Mackail, J. W., *The Life of William Morris*, 2 vols. (London 1899); Vallance, Aymer, *William Morris, His Art, His Writings and His Public Life* (London 1897); Clutton-Brock, A., *William Morris: His Work and Influence* (London 1914); Helmholtz-Phelan, A. A. von, *The Social Philosophy of William Morris* (Durham, N. C. 1927); Glasier, J. B., *William Morris and the Early Days of the Socialist Movement* (London 1921).

MORRISON, JAMES (1790–1857), British politician. Morrison acquired a large fortune as a draper in London; investing much of it in land

throughout England and Scotland, he developed a special interest in transportation problems. In 1830 he entered Parliament as a liberal and voted for the Reform Bill; and except for an interval of three years he remained a member until 1847, devoting particular attention to the problems of railways and canals as related to national development. Morrison was one of the earliest and most persistent advocates of effective public regulation of railways, which he considered virtually monopolies; such regulation, he held, was necessary in order to bring about prompt reduction in rates as costs were reduced and to insure what competition in itself would not bring about, that all parts of the country should receive adequate service without waste of capital. In 1836 he sought to incorporate, in bills for railways and such public works, the condition that dividends be limited or that power be reserved to Parliament to revise and to fix rates at the end of every twenty years. The proposed measure was not accepted. In 1846, after the unfortunate results of railway speculation had become apparent, he obtained the establishment of a committee, which reported that in the interests of the state and investors there should be a board specially appointed to pass upon new railway projects, insure fair charges, prevent needless expenditure of capital and secure coordination of the lines. Partly as a result of the committee's work a board of commissioners was constituted; but because its powers were so poorly defined, this body failed to accomplish the aims which Morrison had set forth.

Morrison's diagnosis of the evils in the existing railway policy was penetrating, but his prescription of remedies was in advance not of the needs but of the dominant opinion in an age when the doctrine of laissez faire was in the ascendant. Adoption of his proposals might in some degree have saved England from extravagant speculation, large railway debts and the disordered development of railways, which wrought particular injury to the purely agricultural areas.

ALEXANDER BRADY

Important works: *The Influence of English Railway Legislation on Trade and Industry* (London 1848).

Consult: Clapham, J. H., *An Economic History of Modern Britain*, 2 vols. (vol. 1 2nd ed. Cambridge, Eng. 1930–32) vol. i; Cleveland-Stevens, E. C., *English Railways: Their Development and Their Relation to the State* (London 1915); Cohn, Gustav, *Untersuchungen über die englische Eisenbahnpolitik*, 3 vols. (Leipsic 1874–83) vol. i, p. 53–60.

MORRISON, JAMES (1801–35), British labor leader. Morrison was an operative builder by trade. A self-educated leader, he came under the influence of Robert Owen but soon broke with him because he could no longer subscribe to the theory of "class harmony." He was editor of the *Pioneer*, a weekly which was for a time the semi-official organ of the builders' union and later of the Grand National Consolidated Trades Union. At Owen's behest the *Pioneer* was suspended in 1834 and Morrison dismissed. He died the following year of poverty and overwork.

Morrison has been called the originator of the syndicalist conception of class struggle. His activities were concentrated in the period of violent revolt which followed the failure of the Reform Bill of 1832 to give the promised vote to the working class. He fought both Owenism and parliamentarism, favored strikes as the best method in the class struggle and regarded the method of political reform as a means of diverting the working class from the assertion of all its rights. In the formation of the Grand National Consolidated Trades Union he saw the basis for the "House of Trades" which through its strength would give the franchise to the working class and through its influence and scope supplant the existing political system. His hopes proved illusory but his theories were revived in Great Britain with slight modifications by the Syndicalist League under Tom Mann's leadership in 1910 and by James Connolly about the same time in Ireland.

J. T. MURPHY

Consult: Beer, Max, *A History of British Socialism*, 2 vols. (London 1919–20) vol. i, p. 326–47; Postgate, R. W., *The Builders' History* (London 1923) p. 83–84, 105–08.

MORTALITY. This article will consider those aspects of human mortality that are of social significance or that are provided for by administrative machinery forming part of the social organism. The discussion will accordingly cover such topics as the frequency of deaths, that is to say, the death rate in the population; the administrative provisions for registration of deaths; longevity as measured by the mean length of life or, as it is often termed, the expectation of life at birth; the extreme life span; the gains which have been made in the course of past history in the mean length of life and the relation of these facts to the life span; differentiations in mortality according to age, sex, race and other characteristics; the classification of causes of death and the

share which the principal causes contribute to the total death rate. A due appreciation of the various social aspects and implications of death, when considered in connection with fundamental facts regarding births and migration, is basic to the study of the structure as well as the movement of population. The study of mortality is thus a major division of the science of demography.

In all civilized countries the law requires the registration of each death as a condition for the burial of the deceased. Registration is effected by filing with the proper public authority, generally the local registrar, a death certificate so framed as to furnish information concerning the principal characteristics of the deceased and the causes and circumstances of his death. The United States Standard Certificate of Death, for example, calls for the following information: sex, color or race, marital status, age, occupation, nativity, nativity of parents, primary and contributory causes of death. In many countries the law requires the certification of death by the attending physician or by the coroner or equivalent official in case of sudden death without attending physician. The official files of death certificates become the basic material from which modern mortality statistics are constructed.

The earliest mortality statistics published by the United States government, however, were based not upon death certificates but upon facts collected by the enumerators at the decennial census of the year 1850. Thereafter until 1900 the decennial census remained from decade to decade the source of official mortality statistics in the United States. Since 1900 statistics of deaths have been gathered and issued annually by the federal Bureau of the Census on the basis of current death registration. The statistical reports since the beginning of the twentieth century relate to a limited but gradually increasing area of states and cities of the United States in which deaths were satisfactorily registered. This area is called the Death Registration Area. In 1900 it embraced ten states, the District of Columbia and 153 cities of 8000 population and over in other states, covering about 40 percent of the total population of the country. The growth of the registration area of the United States has continued steadily, so that in 1932 it included forty-seven states, the District of Columbia and the larger cities of Texas, the only state for which complete registration of deaths was not available. The registration area of 1932 covered 95 percent of the total population of the United States.

The death rate is the measure of mortality. It is computed by relating the total number of deaths in a given population (excluding stillbirths) during a certain period of time, usually a calendar year, to the average number of people living in that population and during that period. The population for most computations is taken as of July 1; i.e. the middle of the year. The death rate is usually expressed as the number of deaths per 1000 persons in the population. The following is an illustration of how the death rate is obtained. In a given city of 128,142 people as of July 1, 1931, there were 1342 deaths during the entire year. The general death rate is 10.5 per 1000 population for that year, this figure being obtained by dividing the population into the number of deaths and multiplying the quotient by 1000. Although the base most commonly used is 1000 of population, in certain cases, for example in dealing with death rates from specified causes, the rates are often quoted on the basis of 10,000, 100,000 or even 1,000,000 of population.

The variation in the death rate is used as a rough measure of the corresponding variation in the general health conditions of populations at different times and in different places, provided that the several populations are reasonably comparable. We shall presently note how populations differing in certain characteristics are reduced to a more nearly comparable basis. Table 1 presents the death rates per 1000 in recent years in a number of countries where the registration of deaths is carefully administered.

The general death rate of the United States is one of the lowest in the civilized world. It compares favorably with that of England and Wales, where sanitary conditions have been under systematic control for nearly a century. It is somewhat higher than those of the Netherlands, Norway and Denmark, but lower than the rates of Austria, Italy and most other countries of Europe. The best mortality conditions prevail in Australia and New Zealand; the worst are reported in India. In Europe the highest rates are found in Russia and Rumania. But mortality conditions are rapidly improving even in these countries. Unfortunately certain countries where excessively high rates of mortality prevail, such as China, other parts of Asia, large native areas in Africa and other parts of the world, do not have sufficiently reliable registration of deaths to make possible the computation of death rates.

The general death rates, for example, those

TABLE I

DEATH RATES FROM ALL CAUSES IN THE UNITED STATES REGISTRATION AREA AND CERTAIN FOREIGN COUNTRIES, 1881–1930

	ANNUAL CRUDE DEATH RATES PER 1000 POPULATION							PERCENTAGE DECREASE BETWEEN 1881–85 AND 1930
	1930	1921–25	1916–20	1911–15	1906–10	1901–05	1881–85	
United States Registration Area	11.3	11.9	14.5	13.9	15.1	16.2		
Australia	8.6	9.5	10.8	10.7	10.7	11.7	15.7	45.2
Austria	13.5	15.8	21.9	20.0	22.3	24.2	30.1	55.2
Belgium	13.2	13.4	15.8	14.6	15.9	17.0	20.6	35.9
Ceylon	24.4	27.8	30.1	30.6	30.8	26.7		
Chile	23.7	30.2	30.6	28.9	31.3	30.2	26.9	11.9
Denmark	10.8	11.2	13.1	12.8	13.7	14.8	18.4	41.3
England and Wales	11.4	12.2	14.4	14.3	14.7	16.0	19.4	41.2
Finland	13.2	14.2	19.5	16.1	17.4	18.6	22.2	40.5
France	15.7	17.3	20.2	19.3	19.2	19.6	22.2	29.3
Germany	11.1	13.3	19.0	17.7	17.5	19.9	25.3	56.1
Italy	13.7	17.0	21.8	19.3	21.0	21.9	27.3	49.8
Jamaica	17.1	23.4	26.0	22.4	24.4	22.6		
Japan	18.2	21.9	23.6	20.0	20.9	20.5		
Netherlands	9.1	10.4	13.7	12.8	14.3	16.0	21.4	57.5
New Zealand	8.6	8.6	10.7	9.2	9.8	9.9	10.9	21.1
Norway	10.4	11.5	14.2	13.4	13.9	14.6	17.2	39.5
Ontario (Canada)		11.3	13.2	12.3	14.0	13.0	11.4	
Scotland	13.2	13.8	15.0	15.7	16.1	17.0	19.6	32.7
Spain	17.3	20.4	24.8	22.1	24.0	25.9	32.6	46.9
Sweden	11.7	12.1	14.6	14.0	14.3	15.5	17.5	33.1
Switzerland	11.5	12.4	14.9	14.3	16.0	17.5	21.3	46.0
Uruguay	10.5	11.5	13.5	13.0	14.0	12.9	18.8	44.1

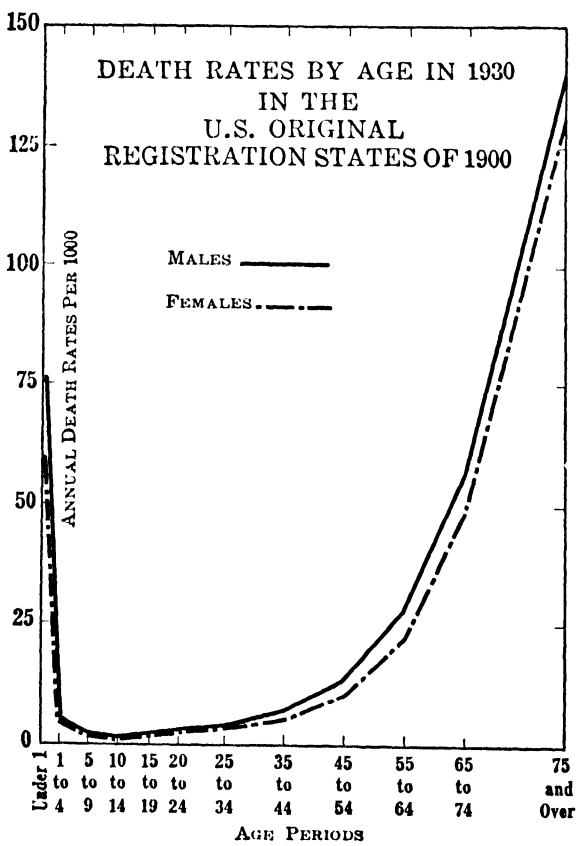
Source: Figures for 1881–1925 are from United States, Bureau of the Census, *Mortality Statistics: 1926* (1929) pt. ii, p. 34. Figures for 1930 are from Germany, Statistisches Reichsamt, *Statistisches Jahrbuch fur das Deutsche Reich, 1931* (Berlin 1931) p. 13*, 14* and from official sources.

appearing in Table I, are often called "crude" death rates, because they include deaths of non-residents and do not make any allowance for such important factors as the particular composition of the population with regard to age, sex or race. In some localities in more restricted areas the number of deaths is unnaturally swollen by the presence of hospitals and other institutions whose inmates have a mortality differing from the general population. In other places the population may contain a relatively large number of old or very young people or of some particular racial group. These are all factors that have an important influence on the death rate. It is necessary therefore to take note of these facts and to compute a "corrected" death rate, which makes due allowance for the composition of the population and furnishes a truly comparative measure of prevailing mortality conditions. It is usual to limit the correcting process to the effect of persons temporarily removed from their regular domicile and more particularly to the effect of variations in age distribution. The death rate of a community standardized for age composition is the mortality that would occur in it if its age composition were like that of a selected standard population.

The risk of death varies widely at different ages, as indicated in detail below. Because of these wide variations in the mortality rate it becomes necessary when comparing the observed general death rate of two contrasted populations to reduce them to a common basis as regards age distribution. This is accomplished by determining for each population the age-specific death rate in successive periods of life (usually five-year age periods) and applying these age-specific death rates to an arbitrarily selected "standard population" having a given age distribution. The age-specific death rate for any quinquennium is obtained by dividing the number of deaths within the corresponding five years of age occurring in a given period of time (one calendar year or sometimes a succession of two or more calendar years) by the population comprised within the same age limits. If the basis of computation is more than one calendar year the population which figures as the denominator of the fraction thus formed is the sum of the populations in the successive calendar years under

consideration. For convenience the quotient obtained as described above is then multiplied by 1000 to express the age-specific mortality as a rate per 1000.

The accompanying graph shows the age-specific death rates by sex for the United States in 1930 for certain five-year and ten-year periods of life. The graph presents to the eye better than any mere tabulation can the general course of mortality throughout human life. The curve showing the relation between mortality and age is roughly U shaped. It starts at a high level on the left, indicating the high mortality of about 76 per 1000 among boys and 60 per 1000 among girls in the first year of life. It then descends steeply, showing that this high mortality very quickly abates as the child outgrows infancy. By the time age ten is reached, mortality is at its lowest point; that is to say, less than 2 per 1000 per year. Then follows a rather long stretch of years, adolescence and maturity of life, during which the mortality remains at a relatively low level, increasing only gradually until about the fortieth year of life, when the mortality is in the neighborhood of 6 per 1000. From this point on the increase of mortality with age is a little more accentuated, the second limb of the U shaped curve turns upward and after age sixty the increase of mortality with age is quite rapid, rising from about 25 per 1000 to about 54 per 1000 at age seventy and to well above 100 per 1000 after age seventy-five is reached.



On the basis of the age-specific death rates obtained as indicated above, the standardized death rate for persons of all ages combined is now computed by applying these age-specific death rates to the corresponding age groups of a standard population, summing the total deaths at all ages and dividing by the total standard population. The quotient so obtained is the standardized death rate per head of the population. When this is multiplied by 1000 or other suitable figure, the death rate per 1000 or other selected basis is obtained. The particular standard population employed is fundamentally arbitrary, but the one in common use is that of England and Wales in the year 1901. Separate standards may be employed for males and females except when comparison is to be made between the two sexes themselves. In that case a common standard must be used for both, and the obvious standard to use is that for persons of both sexes combined in England and Wales in 1901. The methods for effecting these various corrections may be found described in detail in any one of the standard textbooks on vital statistics.

The trend of mortality has been continuously downward for a hundred years since death registration was instituted in England in 1836. The marked improvement of sanitation and standards of living and the advances made in therapeutic and preventive medicine which have characterized the last century have been reflected in the falling death rates. There has probably never been a period in the history of man when life was so safe for the average person as at present. It is necessary to point out, however, that the reduction in mortality during the last century has been very definitely concentrated in the first half of life and more particularly at the younger ages. The deaths of infants always constituted a very large part of the total mortality and this condition prevailed until comparatively recently. Today in the United States infant mortality has to an extent been brought under control. The infant mortality rate, that is, the number of deaths of children under one year in any year per 1000 live births registered in the same year, has been brought down to about 62 per 1000, in contrast with rates of 100 and more prevailing at the time when birth registration was first established in the United States in

1915. In some parts of the world, where life is more difficult and where sanitation and public health education have had little effect, infant mortality rates of 200 and even 300 per 1000 live births still prevail. In lesser degree the age-specific death rates have declined throughout the years of childhood, adolescence and early adult life up to the middle ages of life, say age fifty. After this age among males the improvement in mortality in the last decade has been slight if any, although the facts vary somewhat from country to country. In general it may be said that there has been but little improvement after mid life and that at the older ages there is good evidence of actual retrogression among white males in the United States during the last ten years of this very period of improving sanitation and rising standards of life.

The facts set forth above are in line with the observation that there has been virtually no change in the extreme life span of man in spite of all the sanitary improvement that has taken place in recent years. In fact the human life span has changed very little within historical times. There have always been some persons who lived to the age of eighty, ninety or even one hundred years. What has changed greatly is not the extreme age attained by a few but the proportion of persons who have attained higher ages and contrariwise the proportion of persons who have died early in life. The best practical measure of longevity to be used to indicate the changes that have occurred in the past is the "mean after-lifetime," or the "expectation of life," as it is often called. The "mean after-lifetime," or the "expectation of life" at birth, is the average length of life. This is computed for a group of 100,000 persons born at the same time, which is diminished gradually by deaths in accordance with the current rates of mortality at each year of age. The complete picture of the mortality, from birth until all have died, of such a group of 100,000 persons is called a life table. A complete life table comprises columns showing the survivors to each age, the mortality at each age and the corresponding expectation of life. Table II presents a life table computed for the United States (Original Registration States) for the year 1930, reproduced from a paper presented before the American Association for the Advancement of Science, December 26, 1932, by Louis I. Dublin and Alfred J. Lotka of the Metropolitan Life Insurance Company.

A figure often confused with the mean length

TABLE II

LIFE TABLE, 1930, UNITED STATES, ORIGINAL REGISTRATION STATES OF 1900

	White Males				White Females		
Age	Number Alive at Stated Age	Rate of Mortality per 1000	Complete Expectation of Life	Age	Number Alive at Stated Age	Rate of Mortality per 1000	Complete Expectation of Life
0	100,000	61.78	59.09	0	100,000	49.17	62.62
1	93,822	8.11	61.95	1	95,083	6.99	64.83
2	93,061	4.70	61.45	2	94,418	4.11	64.29
3	92,624	3.51	60.74	3	94,030	2.90	63.55
4	92.299	3.02	59.95	4	93,757	2.41	62.73
5	92.020	2.79	59.13	5	93,531	2.21	61.88
10	91,036	1.52	54.75	10	92,752	1.10	57.38
15	90,321	1.96	50.16	15	92,219	1.55	52.70
20	89,260	2.88	45.73	20	91,318	2.59	48.20
25	87,880	3.29	41.40	25	90,010	3.11	43.86
30	86,385	3.76	37.07	30	88,574	3.47	39.53
35	84,608	4.85	32.80	35	86,955	3.99	35.22
40	82,290	6.73	28.65	40	85,078	5.12	30.94
45	79,139	9.52	24.69	45	82,606	7.26	26.78
50	74,852	13.82	20.95	50	79,192	10.26	22.82
55	69,014	19.84	17.50	55	74,585	14.85	19.07
60	61,406	28.84	14.35	60	68,236	22.65	15.60
65	51,759	41.28	11.54	65	59,517	34.16	12.50
70	40,489	59.64	9.04	70	48,433	51.24	9.77
75	28,127	89.16	6.91	75	35,333	78.84	7.46
80	16,144	131.06	5.22	80	21,570	118.90	5.63
85	7,080	185.63	3.91	85	10,217	170.70	4.24
90	2,144	255.54	2.86	90	3,446	233.63	3.18

Source: "The History of Longevity in the United States," paper presented before the American Association for the Advancement of Science, Section K, December 26, 1932, by Louis I. Dublin and Alfred J. Lotka of the Metropolitan Life Insurance Company.

TABLE III

SELECTED LIFE TABLES

AREA OR REGION *	DATE	EXPECTATION OF LIFE IN YEARS AT THE AGE OF									
		0	10	20	30	40	50	60	70	80	90
All persons											
Breslau (Germany)	1687–91	33.50	39.99	33.61	27.35	21.78	16.81	12.09	7.53	5.74	
Northampton (England)	1735–80	30.00	39.78	33.43	28.27	23.08	17.99	13.21	8.60	4.75	2.41
Carlisle (England)	1779–87	38.72	48.82	41.46	34.34	27.61	21.11	14.34	9.17	5.51	3.28
Massachusetts and New Hampshire	1789	35.47	43.21	34.21	30.24	26.04	21.16	15.43	10.06	5.85	3.73
Philadelphia	1814	25.96	34.59	27.04	21.48	19.15	16.32	13.71	9.83	6.97	4.73
Massachusetts	1855	39.8	47.1	39.9	34.0	27.9	21.3	15.0	9.4	5.0	2.9
Males											
Massachusetts	1850	38.3	48.0	40.1	34.0	27.9	21.6	15.6	10.2	5.9	2.8
United States, white	1860	41.01	48.44	40.87	34.51	27.88	21.22	14.93	9.51	5.41	2.76
Massachusetts	1878–82	41.74	49.92	42.17	35.68	28.86	22.02	15.60	10.32	6.86	
Massachusetts	1890	42.50	48.45	40.66	34.05	27.37	20.72	14.73	9.35	5.40	2.57
Massachusetts	1893–97	44.09	49.33	41.20	34.28	27.41	20.53	14.38	9.34	5.70	3.16
Massachusetts	1901	46.07	50.17	41.82	34.46	27.17	20.15	13.90	8.88	5.07	2.77
Massachusetts	1910	49.33	51.14	42.48	34.55	26.97	19.79	13.42	8.58	5.07	2.96
United States, O.R.S., white	1901	48.23	50.59	42.19	34.88	27.74	20.76	14.35	9.03	5.10	2.85
United States, O.R.S., white	1909–11	50.23	51.32	42.71	34.87	27.43	20.39	13.98	8.83	5.09	2.99
United States, O.R.S., white	1919–20	54.05	52.75	44.29	36.46	28.84	21.34	14.59	9.08	5.15	2.54
United States, 27 states, white	1919–20	55.33	53.46	44.94	37.14	29.55	22.00	15.11	9.43	5.39	3.05
United States, O.R.S., white	1930	59.09	54.75	45.73	37.07	28.65	20.95	14.35	9.04	5.22	2.86
England and Wales	1838–54	39.91	47.05	39.48	32.76	26.06	19.54	13.53	8.45	4.93	2.84
England and Wales	1871-80	41.35	47.60	39.40	32.10	25.30	18.93	13.14	8.27	4.79	2.66
England and Wales	1891–1900	44.13	49.63	41.02	33.07	25.64	18.90	12.93	8.05	4.62	2.58
England and Wales	1901–10	48.53	51.81	43.01	34.76	26.96	19.76	13.49	8.39	4.86	2.56
England and Wales	1920–22	55.62	54.64	45.78	37.40	29.19	21.36	14.36	8.75	4.93	2.82
Females											
Massachusetts	1850	40.5	47.2	40.2	35.4	29.8	23.5	17.0	11.3	6.4	3.0
Massachusetts	1878–82	43.50	50.04	42.78	36.70	30.29	23.50	16.91	11.30	7.37	
Massachusetts	1890	44.46	49.62	42.03	35.36	28.76	22.09	15.70	10.15	5.75	2.83
Massachusetts	1893–97	46.61	50.70	42.79	35.85	29.00	22.10	15.74	10.36	6.56	3.73
Massachusetts	1901	49.42	52.12	43.71	36.19	28.79	21.57	15.06	9.56	5.55	3.00
Massachusetts	1910	53.06	53.56	44.85	36.78	29.04	21.55	14.79	9.49	5.49	3.05
United States, O.R.S., white	1901	51.08	52.15	43.77	36.42	29.17	21.89	15.23	9.59	5.50	3.02
United States, O.R.S., white	1909–11	53.62	53.57	44.88	36.96	29.26	21.74	14.92	9.38	5.35	3.00
United States, O.R.S., white	1919–20	56.41	53.78	45.17	37.62	29.95	22.26	15.27	9.59	5.59	3.06
United States, 27 states, white	1919–20	57.52	54.43	45.77	38.25	30.67	22.93	15.82	9.89	5.69	3.14
United States, O.R.S., white	1930	62.62	57.38	48.20	39.53	30.94	22.82	15.60	9.77	5.63	3.18
England and Wales	1838–54	41.85	47.67	40.29	33.81	27.34	20.75	14.34	9.02	5.26	3.01
England and Wales	1871–80	44.62	49.76	41.66	34.41	27.46	20.68	14.24	8.95	5.20	2.90
England and Wales	1891–1900	47.77	51.97	43.44	35.39	27.82	20.64	14.10	8.78	5.05	2.87
England and Wales	1901–10	52.38	54.53	45.77	37.36	29.37	21.81	15.01	9.25	5.36	2.94
England and Wales	1920–22	59.58	57.53	48.73	40.26	31.86	23.69	16.22	9.95	5.56	3.13

* O.R.S. denotes the Original Registration States of 1900.
Source: Metropolitan Life Insurance Company, *Statistical Bulletin*, vol. ix, no. 3 (1928) p. 7, 8.

of life is the average age at death. In a stationary population, that is, one in which birth rate and death rate just balance and which is not subject to either immigration or emigration, the mean length of life and the average age at death are equal. But otherwise this is not true. For example, in 1922 among males in the United States death registration states the average age at death was 44.1, but the mean length of life was 56.9. Thus it would be greatly misleading to accept the first of these figures as representing the mean length of life.

Some of the salient points in the history of the prolongation of life are set forth in Table III with special emphasis on the United States and England and Wales; the inhabitants of the latter are in a sense the next of kin to those of the former, a fact which makes roughly possible the completion of the very short American data by extending the record back to the earlier part of the nineteenth century. Some of the earliest life tables mentioned in this synopsis are mainly of historical interest, as at the time of their preparation the technique of life table construction was not fully understood. So, for example, the first life table extant, Edmund Halley's table for Breslau, represents at best a very rough approximation of the truth.

Aside from this broadly synoptic table there are also shown in greater detail in Table IV the figures covering that period in the United States for which reliable death rates and life tables have been constructed by the Bureau of the Census; namely, the years 1901, 1910 and 1920. This table also gives figures for 1930 according to the life tables by Louis I. Dublin and Alfred J. Lotka cited above. The data here refer throughout to the Original Registration States in order to make the figures strictly comparable, even though in choosing this restricted area the benefits available in more recent years from statistics of deaths in a materially enlarged registration area have had to be sacrificed.

The figures presented in Table IV are very in-

TABLE IV

EXPECTATION OF LIFE OF WHITES, 1901–30, UNITED STATES, ORIGINAL REGISTRATION STATES OF 1900

	At the age of									
	0	10	20	30	40	50	60	70	80	90
Expectation of life in years										
White males										
1901	48.23	50.59	42.19	34.88	27.74	20.76	14.35	9.03	5.10	2.85
1910	50.23	51.32	42.71	34.87	27.43	20.39	13.98	8.83	5.09	2.99
1919–20	54.05	52.82	44.29	36.47	28.85	21.37	14.62	9.09	5.19	2.75
1930	59.09	54.75	45.73	37.07	28.65	20.95	14.35	9.04	5.22	2.86
White females										
1901	51.08	52.15	43.77	36.42	29.17	21.89	15.23	9.59	5.50	3.02
1910	53.62	53.57	44.88	36.96	29.26	21.74	14.92	9.38	5.35	3.00
1919–20	56.41	53.82	45.16	37.61	29.95	22.26	15.29	9.59	5.57	3.11
1930	62.62	57.38	48.20	39.53	30.94	22.82	15.60	9.77	5.63	3.18
Gain in expectation in years *										
White males										
1910 over 1901	2.00	.73	.52	−.01	−.31	−.37	−.37	−.20	−.01	.14
1919–20 over 1901	5.82	2.23	2.10	1.59	1.11	.61	.27	.06	.09	−.10
1930 over 1901	10.86	4.16	3.54	2.19	.91	.19	.00	.01	.12	.01
1930 over 1910	8.86	3.43	3.02	2.20	1.22	.56	.37	.21	.13	−.13
1930 over 1919–20	5.04	1.93	1.44	.60	−.20	−.42	−.27	−.05	.03	.11
White females										
1910 over 1901	2.54	1.42	1.11	.54	.09	−.15	−.31	−.21	−.15	−.02
1919–20 over 1901	5.33	1.67	1.39	1.19	.78	.37	.06	.00	.07	.09
1930 over 1901	11.54	5.23	4.43	3.11	1.77	.93	.37	.18	.13	.16
1930 over 1910	9.00	3.81	3.32	2.57	1.68	1.08	.68	.39	.28	.18
1930 over 1919–20	6.21	3.56	3.04	1.92	.99	.56	.31	.18	.06	.07

* Figures with a minus sign denote losses.

Source: Figures for 1901 and 1910 from United States, Bureau of the Census, *United States Life Tables, 1890, 1901, 1910 and 1901–10* (1921) p. 64–75. Figures for 1920 from United States, Bureau of the Census, *United States Abridged Life Tables, 1919–20* (1923), interpolated for decennial ages by the Statistical Bureau of the Metropolitan Life Insurance Company. Figures for 1930 reproduced from "History of Longevity in the United States," paper presented before the American Association for the Advancement of Science, Section K, December 26, 1932, by Louis I. Dublin and Alfred J. Lotka of the Metropolitan Life Insurance Company.

structive. It will be noted that up to and including age twenty white males show a steady increase in the expectation of life throughout the period 1901 to 1930. At ages forty to seventy the year 1930 exhibits a loss over 1920 but a gain or no change as compared with previous years. Among females there are gains, in some cases very slight, at each year of life shown in the table for 1930 as compared with any of the previous years.

The systematic classification of causes of death is a comparatively recent development. As late as 1893 no two countries in the world employed precisely the same forms and methods for the classification of causes of death. This lack of uniformity rendered it impossible to make valid comparisons between statistical data of different countries. At the meeting of the International Statistical Institute held at Chicago in 1893 Dr. Jacques Bertillon, the French demographer, presented a draft of a classification of causes of death for international use. This list was an outgrowth of a previous classification designed by the English demographer Dr. William Farr, who had started work on this project as far back as 1853. Several countries promptly adopted the 1893 draft and an international system of classification thus arose. The United States Census Bureau adopted this International Classification of Causes of Death in 1900; England did so in 1911. Periodic revision of the international list in order to keep it in line with medical progress has been provided for through the so-called International Commission which met in Paris in 1900, 1909, 1920 and 1929. By 1932 thirty-nine countries and dependencies had adopted the international list and published their official reports on causes of death in the rubrics required by this list.

Although much has thus been done toward establishing international mortality statistics on a uniform basis, the task is far from being completed. In one respect particularly the state of affairs is still very unsatisfactory. In a large proportion of cases the death certificate reports more than one cause of death. In such cases there is no uniformity of practise, even within the United States itself, as regards the preference to be given to one or another cause for purposes of classification. Until provision is made for this, serious difficulties will remain in the way of making adequate international comparisons for individual causes of death. The latest classification, that of 1929, embraces two hundred main titles, to each of which is assigned a definite code number; typhoid fever, for example, is number one and tuberculosis of the respiratory system is number twenty-three. The following are the eighteen large categories set up in this fourth revision of the International List of Causes of Death:

I	Infectious and parasitic diseases
II	Cancers and other tumors
III	Rheumatic diseases, nutritional diseases, diseases of the endocrine glands and other general diseases
IV	Diseases of the blood and blood making organs
V	Chronic poisonings and intoxications
VI	Diseases of the nervous system and of the organs of special sense
VII	Diseases of the circulatory system
VIII	Diseases of the respiratory system
IX	Diseases of the digestive system
X	Diseases of the genito-urinary system
XI	Diseases of pregnancy, childbirth and the puerperal state
XII	Diseases of the skin and cellular tissue
XIII	Diseases of the bones and organs of locomotion
XIV	Congenital malformations
XV	Diseases of early infancy
XVI	Senility
XVII	Violent and accidental deaths
XVIII	Ill defined causes of death

Table v presents for 1929 and 1930 a list of selected causes of death for the United States with the corresponding number of deaths and death rates per 100,000. It will be noted that the most important cause of death is diseases of the heart. Deaths from this cause far outnumber those from any other single cause, being more than double those from cancer, which comes next in order of frequency. Diseases of the heart and cancer are followed as to frequency by chronic nephritis, pneumonia, accidents, tuberculosis, congenital debility and malformations and influenza.

The situation regarding the relative rank in the causes of death has been much changed in the last generation by the progress made in preventive medicine, sanitation and public health administration. The decline in the death rate has been accomplished very largely through preventive measures resulting in the reduction of mortality from such causes as tuberculosis, the communicable diseases of childhood and other diseases, such as typhoid fever and malaria, con-

TABLE V

NUMBER OF DEATHS AND DEATH RATES BY PRINCIPAL CAUSES OF DEATH IN THE UNITED STATES REGISTRATION AREA, 1929 AND 1930

CAUSES OF DEATH	NUMBER OF DEATHS		DEATH RATES PER 100,000 ESTIMATED POPULATION	
	1930	1929	1930	1929
All causes *	1,343,356	1,386,363	1133.1	1191.9
Typhoid and paratyphoid fever	5,698	4,854	4.8	4.2
Smallpox	165	151	0.1	0.1
Measles	3,820	2,923	3.2	2.5
Scarlet fever	2,279	2,468	1.9	2.1
Whooping cough	5,707	7,310	4.8	6.3
Diphtheria	5,822	7,685	4.9	6.6
Influenza	23,066	64,583	19.5	55.5
Dysentery	3,356	2,777	2.8	2.4
Erysipelas	2,508	2,887	2.1	2.5
Acute poliomyelitis and acute polioencephalitis	1,370	812	1 2	0.7
Lethargic or epidemic encephalitis	1,062	1,313	0.9	1.1
Epidemic cerebrospinal meningitis	4,211	5,208	3.6	4.5
Tuberculosis (all forms)	84,741	88,352	71.5	76.0
Of the respiratory system	75,120	78,624	63.4	67.6
Of the meninges, central nervous system	2,995	3,114	2.5	2.7
Other forms	6,626	6,614	5.6	5.7
Syphilis †	16,676	16,188	14.1	13.9
Malaria	3,403	4,084	2.9	3.5
Cancer and other malignant tumors	115,265	111,569	97.2	95.9
Of the buccal cavity	3,543	3,538	3.0	3.0
Of the pharynx	1,011	1,062	0.9	0.9
Of the esophagus	1,896	1,786	1.6	1.5
Of the stomach and duodenum	25,408	‡	21.4	‡
Of the liver and biliary passages	10,388	10,224	8.8	8.8
Of the pancreas	2,969	2,802	2.5	2.4
Of other digestive tract and peritoneum	17,151	‡	14.5	‡
Of the respiratory system	3,848	‡	3.2	‡
Of the uterus	14,132	13,702	11.9	11.8
Of other female genital organs	2,290	2,242	1.9	1.9
Of the breast	10,912	10,204	9.2	8.8
Of the male genito-urinary organs	8,661	‡	7.3	‡
Of the skin	3,019	2,934	2.5	2.5
Of other or unspecified organs	10,037	‡	8.5	‡
Rheumatism and gout	4,493	4,401	3.8	3.8
Diabetes mellitus	22,528	21,829	19.0	18.8
Pellagra	6,333	6,793	5.3	5.8
Pernicious anemia	3,908	3,608	3.3	3.1
Alcoholism (acute or chronic)	4,158	4,339	3.5	3.7
Meningitis (non-epidemic)	3,048	3,594	2.6	3.1
Cerebral hemorrhage, embolism, thrombosis and softening	100,646	100,061	84.9	86.0
Hemiplegia, other paralysis, cause not specified	4,671	5,532	3.9	4.8
Diseases of the heart	253,084	245,244	213.5	210.8
Diseases of the arteries, atheroma, aneurysm, etc.	25,446	‡	21.5	‡
Bronchitis	4,992	5,470	4.2	4.7
Pneumonia (all forms)	98,657	106,597	83.2	91.6
Respiratory diseases other than bronchitis and pneumonia (all forms)	9,588	‡	8.1	‡
Ulcer of the stomach and duodenum	7,360	7,428	6.2	6.4
Diarrhea and enteritis	31,192	27,357	26.3	23.5
Diarrhea and enteritis (under 2 years)	23,294	20,788	19.6	17.9
Diarrhea and enteritis (2 years and over)	7,898	6,569	6.7	5.6
Appendicitis	18,100	17,687	15.3	15.2
Hernia, intestinal obstruction	12,176	12,283	10.3	10.6
Cirrhosis of the liver	8,583	8,377	7.2	7.2
Nephritis	107,619	106,056	90.8	91.2
Puerperal septicemia	5,439	5,822	4.6	5.0
Puerperal causes other than puerperal septicemia	9,726	9,496	8.2	8.2

TABLE V (*Continued*)

Causes of Death	Number of Deaths		Death Rates per 100,000 Estimated Population	
	1929	1930	1930	1929
Congenital malformations and diseases of early infancy	72,246	72,559	60.9	62.4
Suicide	18,551	16,260	15.6	14.0
Homicide	10,617	9,909	9.0	8.5
Accidental and unspecified external causes	95,527	94,033	80.6	80.8
Burns (conflagration excepted)	5,898	6,168	5.0	5.3
Supplemental **	625	‡	0.5	‡
Accidental drowning	6,641	7,252	5.6	6.2
Supplemental **	809	‡	0.7	‡
Accidental shooting	3,120	3,015	2.6	2.6
Accidental falls	17,390	16,919	14.7	14.5
Supplemental **	2,640	‡	2.2	‡
Excessive heat (burns excepted)	1,487	500	1.3	0.4
Other external causes	56,917	‡	48.0	‡
All other defined causes	100,655	‡	84.9	‡
Unknown or ill defined causes	24,864	24,258	21.0	20.9
Supplemental				
Mine and quarry accidents	2,560	2,766	2.2	2.4
Machinery accidents	2,064	2,281	1.7	2.0
Railroad accidents	5,773	6,769	4.9	5.8
Collision with automobile	1,760	1,958	1.5	1.7
Other railroad accidents	4,013	4,811	3.4	4.1
Street car accidents	1,174	1,439	1.0	1.2
Collision with automobile	463	507	0.4	0.4
Other street car accidents	711	932	0.6	0.8
Automobile accidents (excluding collision with railroad trains and street cars)	29,080	27,066	24.5	23.3
Other transportation accidents ††	2,764	‡	2.3	‡

* Exclusive of stillbirths.
† Includes tabes dorsalis (locomotor ataxia) and general paralysis of the insane.
‡ Not comparable.
** Includes deaths from this cause where the accident occurred in a mine or quarry, by machinery or in connection with transportation.
†† Includes air, motor cycle and water transportation accidents.
Source: Provisional Summary of the United States, Bureau of the Census, Division of Vital Statistics (newspaper release of June 28, 1932).

veyed by definitely established carriers. The advances in modern antisepsis, aseptic surgery and medical treatment have also contributed their share in diminishing the general death rate; especially notable in this connection are successes achieved in the treatment of diphtheria, pernicious anemia and other diseases. On the other hand, the essentially stationary position of mortality after mid life reflects our failure in the battle against cancer and the degenerative conditions, especially diseases of the heart. It is because of this varying success which medical science has had in dealing with different causes of death that their relative rank varies from epoch to epoch.

In view of what has been said above it must be clear that some degree of further change in the life table and in the relative frequency of the different causes of death may be looked for. It will be a long while before the limit of human capacity in reducing mortality is reached. Still further declines may be expected in the mortality from tuberculosis and from the infectious diseases, which are fundamentally preventable and which are coming more and more under control. This is especially true of the diseases of childhood. It must be admitted, however, that the bulk of the saving thus possible has already been accomplished.

Unless altogether unforeseen discoveries in the field of medicine should open up entirely new prospects, reasonable expectation must stop at a mean length of life of about seventy years, which, it is believed, may be attained at a period not more distant than about 1970. At that time the population of the United States for want of additions by immigration as in the past and because of the declining birth rate will become stationary; that is, the birth rate and death rate will balance at about the mortality which is con-

sistent with an expectation of life of seventy years, namely, 14 per 1000.

LOUIS I. DUBLIN

See: CHILD, section on CHILD AND INFANT MORTALITY; COMMUNICABLE DISEASES, CONTROL OF; EPIDEMICS; SUICIDE; LIFE EXTENSION MOVEMENT; POPULATION; BIRTHS; MORBIDITY; LIFE INSURANCE; STATISTICS; CENSUS; DEMOGRAPHY.

Consult: Newsholme, Arthur, *The Elements of Vital Statistics* (new ed. London 1923); Whipple, G. C., *Vital Statistics* (2nd ed. New York 1923); Pearl, Raymond, *Introduction to Medical Biometry and Statistics* (2nd ed. Philadelphia 1930), and *The Biology of Death* (Philadelphia 1922); Thompson, W. S., *Population Problems* (New York 1930); Freudenberg, K., *Die statistischen Methoden*, Handbuch der biologischen Arbeitsmethoden, sect. iv, pt. xi, vol. iii (Berlin 1930); *Handwörterbuch der sozialen Hygiene*, ed. by A. Grotjahn and J. Kaup, 2 vols. (Leipsic 1912); Elston, J. S., and others, *Sources and Characteristics of the Principal Mortality Tables*, Actuarial Society of America, Actuarial Studies, no. i (2nd ed. New York 1932); Hardy, G. F., *The Theory of the Construction of Tables of Mortality* (London 1909); Westergaard, H., *Die Lehre von der Mortalität und Morbilität* (2nd ed. Jena 1901); March, Lucien, *Démographie* (Paris 1929); Bertillon, Jacques, *Cours élémentaire de statistique administrative* (Paris 1895); United States, Bureau of the Census, *Manual of the International List of Causes of Death, Based on the Fourth Decennial Revision by the International Commission, 1929* (1931); Knibbs, G. H., *The Mathematical Theory of Population, of Its Character and Fluctuations, and of the Factors Which Influence Them*, Australia, Census and Statistics Bureau, Census of the Commonwealth of Australia, 1911, vol. i, appendix A (Melbourne 1917); Graunt, John, *Natural and Political Observations . . . Made upon the Bills of Mortality* (London 1662), reprinted in *The Economic Writings of Sir William Petty Together with Observations upon the Bills of Mortality More Probably by . . . John Graunt*, ed. by C. H. Hull, 2 vols. (Cambridge, Eng. 1899); Farr, William, *Vital Statistics: a Memorial Volume of Selections from the Reports and Writings of William Farr*, ed. by N. A. Humphreys (London 1885); Kuczynski, R. R., *The Balance of Births and Deaths*, vols. i–ii (New York 1928–31); Dublin, Louis I., *Health and Wealth* (New York 1928); Dublin, Louis I., Kopf, Edwin W., and Van Buren, George H., *Mortality Statistics of Insured Wage Earners and Their Families* (new ed. New York 1933); Dublin, Louis I., Kopf, E. W., and Lotka, A. J., "The Components of Death Curves" in *American Journal of Hygiene*, vol. vii (1927) 299–333; Gini, Corrado, and others, *Demografia, antropometria, statistica sanitaria, dinamica delle popolazioni* (Turin 1930); League of Nations, Health Organisation, *International Health Year Book* (Geneva 1929); United States, Bureau of the Census, *United States Life Tables, 1890, 1901, 1910 and 1901–1910*, by James W. Glover (1921), and *United States Abridged Life Tables, 1919–1920*, by Elbertie Foudray (1923); Institut International de Statistique, *Aperçu de la démographie des divers pays du monde 1931*, published biennially at The Hague since 1923. Almost all progressive nations as well as many local units publish annual reports detailing their mortality experiences; for these the official bulletins should be consulted.

MORTGAGE. The history of real property mortgages presents one aspect of the history of money and credit. Demands for money and credit have been met by counterdemands from lenders, of which the most important has been the assurance of prompt repayment. Chiefly in response to this demand, scriveners have plied their mortgage forms; while, in behalf of the borrower, courts and legislative authorities have declared against undue forfeitures and have accorded rights of redemption.

Three general "stages" are customarily accounted for in reporting the evolution of the real property mortgage as an accessory of credit transactions. These three stages of evolution, however, do not explain the chronological transition of a transaction of uniform identity. Either the lack of ingenuity or conservatism of scriveners in providing new forms for new functions quite universally led them to borrow old forms, especially of sale and conveyance, and revamp them to the purposes of mortgages. This tradition has given a certain hue of historical continuity and cosmopolitism to the development of real property mortgages.

The first stage in the development of the real property mortgage is typified by the Roman *fiducia*. This mortgage transaction is reported as having consisted of a primary conveyance (*mancipatio* or *in jure cessio*) absolute in form of ownership. A separate collateral agreement (*pactum fiduciae*) recited the lender's obligation to reconvey upon satisfaction of the debt. The lender took possession pursuant to the primary conveyance unless he allowed the borrower to retain possession as upon a tenancy at will (*precarium*). Apparently, even early in the history of the *fiducia*, the debtor was accorded a right of restitution of the property upon payment. If the creditor, however, had disposed of the property to a third person, as he could by reason of the primary conveyance, the borrower was accorded a personal action upon the *pactum fiduciae*. The lender's power of foreclosure seems to have been restricted, at least in earlier times, to the retention of the property, especially if the debt were not payable at a stipulated date. Nevertheless, in time the creditor was allowed, when enforcing his personal claim, to have the land sold as upon execution, whereby his obligation of restitution was dissolved and the borrower's redemption rights were extinguished In later practise a forfeiture clause (*lex commissoria*) was incorporated in the *pactum fiduciae* for the benefit of the lender; but by the time of

Constantine the illegality of this clause was established. Under still later practise a power of sale (*pactum de vendendo*) was incorporated in the *pactum fiduciae* in behalf of the lender. Sale, after notice, was allowed under this power upon default of the debtor. The lender appears to have been accountable to the debtor for any surplus proceeds as well as for rents and profits received while in possession. The *fiducia* appears to have persisted down to and probably after the close of the classical age.

From this account of its form the *fiducia* appears to have been strikingly similar to the Anglo-American land mortgage transaction known as the deed-absolute-in-form mortgage (frequently called an "equitable mortgage") which is in current use in most of the American states. If a deed of primary conveyance is given pursuant to an agreement between the parties that it is for security, it is subject to foreclosure and redemption like other forms of mortgage transactions. Even if the security agreement is oral, these remedies lie, subject to special burdens of proof in redemption cases at least as to the existence of the security agreement. Even against a third person, these remedies lie unless the party is specially protected as a bona fide purchaser or by a recording act.

The earliest stages of Germanic mortgage tradition embraced the proprietary and usufruct gages. The proprietary gage was a primary conveyance of ownership of the land; but, as distinguished from the *fiducia*, it purported to be only a "conditional investiture" of seisin—generally upon condition subsequent—that the conveyance terminate upon payment of the debt. Prerequisite consent of family and of lord of the borrower are supposed from an early date to have affected adversely the use of this type of real property security. The usufruct gage, known as the *ältere Sätzung*, consisting of a primary conveyance of rent and profits of the land, proved more acceptable, appearing in German history around the twelfth century. The later French *engagement*, corresponding to the *ältere Sätzung*, is reported to have been in general usage in France by the Frankish period. In accord with Germanic tradition the documents in both classes of gages were executed with formalities before a public official. The *ältere Sätzung* consisted of a primary conveyance which recited the character of the mortgagee's estate; namely, that it was a seisin as of gage (*ut de vadio*). Thus in neither the Germanic proprietary nor usufruct gages did the mortgagee acquire the powers of ownership as was the case with the *fiducia*. While these mortgage transactions contemplated surrender of possession by the borrower, a "hirer's" possession might be arranged with the lender. Originally, under the usufruct gage, unless it was otherwise agreed, the earnings went to the mortgagee, apparently without any accountability. This characterized the particular gage as the dead gage (the *mortgage* in French law). But, at least after its disapproval by the church for usury, a transition to the live gage (the *vif gage* in France) took place, whereby earnings were applied upon the debt, as was true under the Roman *fiducia*. In the absence of forfeiture provisions the gage apparently endured as a perpetual charge upon earnings and was redeemable at the pleasure of the debtor without power in the mortgagee to foreclose the right of redemption. Since only a seisin *ut de vadio* passed to the mortgagee he could not convey more to third parties. In later usage forfeiture provisions were provided for the lender (forfeiture gages) whereby the content of the primary conveyance, whether of land ownership or only of usufruct ownership, might become forfeited to the mortgagee upon nonpayment of the debt as therein provided. Apparently special agreement was necessary to require the mortgagee to pay any surplus value to the debtor or to enable the mortgagee to hold the debtor for any deficiency. Provisions for sale upon default in payment of the debt (sale gage) were also incorporated in behalf of the lender for foreclosure purposes. In Germanic practise apparently this power was exercised through a judicial sale and required notice to the debtor.

The second stage in the development of real property mortgages is commonly associated with the *pignus* of Roman law, which appears to have embraced a general category of mortgages of both movables and immovables. As a land security transaction it was distinct from the *fiducia* in that the formal primary conveyance in the case of the latter was not employed. Accordingly, as a matter of document, technical ownership was retained by the debtor. Possession is supposed to have been surrendered to the creditor, but it may be doubted if this was the actual practise in the case of real property.

The Roman hypotheca is universally cited as typifying the third stage in the development of real property mortgages. It was predicated upon non-formality as to a primary conveyance and upon the retention of possession by the borrower. It is popular to glorify the hypotheca for

this combination of informality with debtor possession, even though the Roman system, at least for the greater part of its history, provided neither registration nor other formal method of making public outstanding mortgages. This want of publicity was aggravated by the "general mortgage" of Roman law—a hypotheca of not only presently owned assets but also of future acquisitions, both movable and immovable.

In Anglo-American legal history and, not infrequently, in current American usage the hypotheca, as it was used with respect to specific, presently owned property, has its approximation in executory agreements to mortgage or to give security. When such agreements are in writing, they may be specifically enforced (or foreclosed) as an "equitable lien," except against third parties entitled to protection by reason of recording acts, or as *bona fide* purchasers. The Roman general mortgage suggests the after-acquired property clauses, including income clauses, which are common in American farm and large corporate mortgages.

In Germanic tradition a transition comparable to that from the *fiducia* to the hypotheca was duplicated by the change, probably about the thirteenth century, to the *jüngere Sätzung* from the earlier *ältere Sätzung*. Similarly, in French law the *bond* is observed to have followed the *engagement*. The later transactions did not contemplate surrender of possession by the borrower, and the content of the primary conveyance was significantly changed. The *jüngere Sätzung* was constructed upon a primary conveyance which consisted of an anticipatory or provisional subjection of the property to satisfaction of the debt upon default by the borrower as by levy of execution. This new content of the primary conveyance was an adaptation to security purposes of judicial procedure for execution against lands. Indeed the *jüngere Sätzung* has been called the execution gage. The usufruct gages faded from general usage, and forfeiture gages are said to have been entirely superseded. Formality of execution of the documents before public officials was required, as was recordation. But these requirements largely disappeared from the fourteenth to the sixteenth centuries with the reception of Roman law. The Roman general mortgage was accepted also in German usage and appeared as the general *bond* in French law. Since the seventeenth century, however, the trend of Germanic legislation has been to return the mortgage transaction to the ancient requirements of formality, including official determination of the formal validity (the *Legalität*) of the transaction and recordation. The general hypotheca likewise has been displaced by the principle of specialty. In French law, however, the general *bond* is still retained to a limited extent.

In early England duplicates of the Germanic usufruct gages were also in use. In the twelfth century there appeared the so-called Glanvillian gage, which consisted of a primary conveyance with a condition for reconveyance upon payment written therein. The lender took possession in absence of special agreement with the debtor. Later English history records the Bractonian mortgage, a conveyance for years with provision that the term should become a freehold upon default of the debtor.

The Anglo-American classical, or common law, mortgage was developing along with the Glanvillian and Bractonian transactions; its acceptance was assured at least by the time of Littleton. As a matter of document it departed from the earlier gages and from the Bractonian mortgage, in that the primary conveyance embraced the ownership or title to the land. This conveyance, however, was (and still is in American usage) expressly upon a condition subsequent; namely, that it should be void upon due payment by the borrower. In early English common law forfeiture for prompt payment on the due date is said to have been automatic—at least this was generally feared.

Predicating its action upon traditional conceptions of injustice respecting such forfeitures, the Court of Chancery intervened to allow the mortgagor to redeem his property even after default by payment of principal and accrued interest. By the end of the first quarter of the seventeenth century this relief for mortgagors was regularly assured; that is, without any necessity of proving special hardship. With this new remedy came a new "estate" in land with new market values. Remedies of foreclosure, however, were accorded contemporaneously in Chancery whereby, upon default by the mortgagor, the mortgagee could procure a decree that unless the debt were paid within a time stated the mortgagor should be forever barred and foreclosed of his "equity of redemption." If the debt were not paid within this redemption period, the mortgagee took the land on account of the debt. When the land exceeds the mortgage debt in value the mortgagor is an obvious loser. This procedure, called "strict foreclosure," is still available in several American states. But the

rule has always been maintained by the English Chancery that an equity of redemption can never be forfeited or "clogged." The maxim has been "once a mortgage always a mortgage" until valid foreclosure.

Current summaries of learning upon the "nature" of the "mortgage" in modern American law are wont to make a threefold classification of American states. Certain states are called "title theory" states, that is, they declare that the title to the land passes to the mortgagee upon execution of the mortgage document; some are said to have the "intermediate theory," by which the title does not pass to the mortgagee until default by the mortgagor; while in others the "lien theory" is considered to have triumphed, that is, it is said that the mortgage creates only a lien or encumbrance upon the land and does not involve a transfer of title. The lien theory is supposed to have its precedent in the law of the English Chancery, whereas the title theory is traced to the English common law courts. Perhaps the intermediate theory may be characterized as distinctly American. The statutes and decisions, however, which make up the law of mortgages of the American jurisdictions cannot usually be correspondingly classified. A title theory jurisdiction may well reach the same decision on a given issue as a lien theory or an intermediate theory state. The fundamental theory is followed with fair consistency only with regard to problems involving the respective rights of mortgagor and mortgagee to possession. Probably there is as much uniformity of decision throughout the total jurisdictions upon most cases in mortgages as there is in other fields of American law.

Again, the foregoing classification of jurisdictions ignores the not inconsiderable variety of mortgage forms with varying terms, conditions and purposes. Apart from those already described, there is the statutory "short form," which is a statutory simplification of the common law form, and the deed of trust mortgage, whereby property is conveyed to a trustee to hold and supervise as security for the benefit of note holders or bondholders. This type, while generally used in larger financing, such as of railroads, is likewise used in smaller transactions. Indeed in a few American jurisdictions it is more popular than any other form of mortgage. The "mortgage," therefore, in a factual sense, signalizes only a general category. Identification of the particular mortgage transaction and its terms, conditions and purposes is still important in determining a question of mortgage law. The purposes of the particular transaction are important, whatever form of document is used and regardless of theory. If, for example, security of "purchase money" is sought, there is a wide variety of legal rules specially applicable; the same is true in the case of mortgages to finance building and construction and in that of refinancing or refunding mortgages.

Again, the borrower and lender as well as the lawyer must not be unmindful that "foreclosure," and "redemption" remedies of mortgages in the several American jurisdictions are only names for generic and varying procedures which are not readily classified. In some jurisdictions a power of attorney incorporated in a mortgage authorizing the mortgagee or trustee to sell the property upon default is invalidated, while in others it is allowed, subject, however, to various requirements of "fairness." The situation is similar in foreclosure by action. In some jurisdictions foreclosure may be by writ of entry or by strict foreclosure. Procedures vary in these states for ascertaining deficiencies and surpluses. If the mortgage so provides, the mortgagee may be restricted to foreclosure of the land, in which case there will be no claim for any deficiency. In some states foreclosure by sale is generally required. The property is sold at judicial sale and the proceeds paid to the mortgagee to apply on the debt. Various "rights to redeem" from such sales are accorded the mortgagor. In some jurisdictions statutes require that foreclosure shall be prosecuted before an action can be maintained for personal judgment against the mortgagor. In others both proceedings may be maintained contemporaneously. In fact in most American states no single method of foreclosure is exclusively available. These variations in remedies bear heavily upon the price of mortgage money, the price of junior mortgage financing and the "values" of "equities of redemption." It is especially insignificant in this connection to determine as a matter of legal doctrine the nature of the mortgage.

In England the real property acts of 1925, involving comprehensive reforms of English real property laws generally, undertook to resolve the duality of estates under mortgages which continued to exist despite the supposed union of law and equity under the Judicature Acts of 1873–75 and to give the mortgagor as well as the mortgagee a legal estate under a mortgage of a legal estate in land. It was enacted that a fee

simple estate might be mortgaged by either one of two alternative methods: the borrower might execute a long term lease upon the land to the mortgagee with condition for its "cesser on redemption," or the borrower might deed a charge upon the land to the mortgagee expressly providing that it was by way of legal mortgage. These transactions are known as "legal mortgages" to distinguish them from a category called "equitable mortgages," which includes, for example, an informal executory agreement to mortgage and a deposit of his title deeds by a borrower with an informal agreement that they shall be held as security. These equitable mortgages, in turn, are distinguishable from another class of equitable mortgages which are mortgages of equitable estates instead of legal estates in land. Mortgages of legal estates less than a fee simple, especially leasehold estates, are also specially regulated in the statutes. In the case of a legal mortgage the mortgagee is apparently entitled to possession upon execution of the mortgage as of old, unless the parties agree otherwise. For foreclosure purposes the legal mortgagee has by statute a legal power of sale, under which, upon default and after notice to the mortgagor and three months delay after the notice, the mortgagee may sell the entire property. The equitable mortgagee must still bring an action to foreclose as under the practise prior to the statute. As is true in most American jurisdictions, the English mortgagor has been liable to an action for a personal judgment. There is, however, some uncertainty as to the English mortgagee's precise position in claiming deficiency by suit on the personal obligation after foreclosure pursuant to power of sale under the new statutes, because under early English decisions such action was held to reopen the foreclosure, allowing the mortgagor to redeem.

The recent legislation in England respecting real property mortgages has in the main effected only radical changes in scriveners' forms; chiefly, it seems, as an attempt to reconcile ancient doctrine and document by adding to the traditional equitable estate of the mortgagor "a" *legal* estate (of "reversion") and still leaving the mortgagee with "a" *legal* estate (that of the lease with "cesser on redemption") with a power of foreclosure extending to the total estate of the mortgagor subject to the mortgage. Professor Maitland once characterized the English "classical," or common law, form of mortgage deed as "one long *suppressio veri* and *suggestio falsi*." What then is the giving of a 3000-year lease with "cesser on redemption" to secure a demand loan?

The German Civil Code formulates certain general classes of mortgage transactions: the ordinary hypotheca, the cautionary hypotheca, land charges and annuity charges. In content they consist of a charge upon the land and may be foreclosed only by judicial execution. They may be proprietary; they are not restricted to merely usufructuary security as was the *jüngere Sätzung*. They are formed by a "real agreement," (that is, by an agreement of present rather than future security) with official authentication and registration. The debtor retains possession until foreclosure. Functionally the hypothecas are more comprehensive as security transactions than are the land and annuity charges. Upon foreclosure the hypothecary borrower is liable for a deficiency. A cautionary hypotheca is designated as such in the registration and is thereby made distinguishable from the ordinary hypotheca as a matter of document and public record. The cautionary hypothecary obligation is subject to those defenses which the debtor can assert against the debt. In case of the ordinary hypotheca, on the other hand, its registration carries full hypothecary rights to a subsequent "*bona fide* acquirer." *Pro tanto*, in Germanic theory, this legal consequence—the independence of the foreclosure right from the defects in the personal debt—characterizes the ordinary hypotheca as a "real right," upon which great stress has been placed in Germanic tradition. In present American law a similar consequence results where a mortgage is given to secure a negotiable note or bond. The mortgage may be foreclosed by a *bona fide* holder to whom the note has been negotiated as the note may be enforced by him, notwithstanding a defense of the mortgagor against the original payee.

As distinguished from the hypotheca, a land charge involves a "real liability" and a "real right" according to German thought in that the charge is not predicated upon personal liability of the owner of the land. The obligation matures only upon notice, which can be given either by the owner of the land charged or by the creditor. These charges, as rights in, of and to the land, may, when "certificated," circulate and be negotiated even as bearer obligations. An annuity charge is virtually a subclass of land charges. Payments, however, are made from the income of the land at recurring periods. If it is so provided, such a charge may be redeemed after

notice for such sum as is set forth in the registration; but there is no power in the holder of the annuity coupon to force redemption, except when the owner has undertaken to do so by the notice of redemption. Obviously, as financing media, the land and annuity charges contemplate long term investments as distinct from shorter terms of financing.

Under the present French Civil Code, as compared with the German, mortgage transactions assume a lesser complexity of form. The French code recognizes antichresis, under which a creditor is given possession of land to collect the income on account of the secured debt; the creditor is accountable for rents and income received, including at least fair occupation value of the premises, with credit allowed for repairs and expenses of operation, and he is liable also for taxes. A conventional mortgage of land is accomplished by a deed "executed in public form," which must also be registered. The mortgagor is ordinarily entitled to retain possession until foreclosure. The mortgage deed contemplates a charge upon the land, with foreclosure by judicial sale thirty days after a writ of demand for payment has been served upon the mortgagor. The mortgagor is liable for any deficiency upon foreclosure in the absence of special agreement to the contrary. If the mortgaged land has come to a third party, for example, to a purchaser from the mortgagor, the mortgagee must serve summons upon him also. Such party may pay the debt, or he may abandon the estate unless he has assumed the mortgage obligation. There are special proceedings, peculiar to French mortgage law, for "clearance" of the mortgage property available to such a third party. The third party may institute these proceedings either in answer to the mortgagee's writ of demand for payment or independently thereof.

Provisions for junior mortgages and priorities reveal some interesting variations in different legal systems. In American law priority is made to depend upon the date of the delivery of the mortgage subject to the requirement of recordation where third party rights are involved. Under the new English practise, however, a first mortgagee, whether "legal" or "equitable" is, for priority purposes, that one who first acquired the mortgagor's title deeds to the property. Want of recordation is not important to him. Subsequent legal and equitable mortgages, however, rank among themselves according to date of recordation. As a matter of conveyancing a second legal mortgage, called a puisne mortgage since it is without title deeds, is created by a lease for a term one day longer than the first mortgage. A peculiarity of German law is the system of "vacant rank" when one of several mortgages is paid and discharged. The discharged security may become the owner's hypotheca or charge. Thus subsequent mortgages do not each advance a rank and are left without a direct benefit from the discharge of the prior mortgage.

WESLEY A. STURGES

See: LIEN; PLEDGE; OWNERSHIP AND POSSESSION; LAND TENURE; LAND TRANSFER; SALES; CREDIT; LAND MORTGAGE CREDIT; HOMESTEAD EXEMPTION LAWS; DEBT.

Consult: Buckland, W. W., *A Text-book of Roman Law from Augustus to Justinian* (2nd ed. Cambridge, Eng. 1932) p. 473–81, and authorities there cited; Gierke, O. von, *Deutsches Privatrecht*, 3 vols. (Leipsic 1895–1917) vol. ii, p. 809–955; Hubner, R., *Grundzüge des deutschen Privatrechts* (4th ed. Leipsic 1922), tr. by F. S. Philbrick as *A History of Germanic Private Law*, Continental Legal History series, vol. iv (Boston 1918) p. 374–95; Ennecerus, L., Kipp, T., and Wolff, M., *Lehrbuch des bürgerlichen Rechts*, 5 vols. (7th–13th ed. Marburg 1929–32) vol. ii, pt. i, p. 434–624; Brissaud, Jean B., *Manuel d'histoire du droit français*, 2 vols. (2nd ed. Paris 1908), pt. iii tr. by R. Howell as *A History of French Private Law*, Continental Legal History series, vol. iii (Boston 1912) p. 602–20; Baudry-Lacantinerie, G., and others, *Traité théorique et pratique de droit civil*, 29 vols. (3rd ed. Paris 1905–09) vols. xxiv–xxvi; Chironi, G., *Trattato dei privilegi, delle ipoteche e del pegno*, 2 vols. (2nd ed. Milan 1917–18); Holdsworth, W. S., *A History of English Law*, 10 vols. (3rd ed. London 1922–32) vol. iii, p. 128–31; Coote, R. H., *Coote's Treatise on the Law of Mortgages*, 2 vols. (9th ed. London 1927); Fisher, W. R., *Fisher and Lightwood's Law of Mortgage* (7th ed. London 1931); Jones, L. A., *A Treatise on the Law of Mortgages of Real Property*, 4 vols. (8th ed. Indianapolis 1928); Wiltsie, C. H., *A Treatise on the Law and Practise of Mortgage Foreclosure on Real Property*, 2 vols. (4th ed. Rochester 1927); Turner, R. W., *The Equity of Redemption* (Cambridge, Eng. 1931); Short, E. L., *Law of Railway Bonds and Mortgages in the United States* (Boston 1897); *Forms of Trust Mortgages*, compiled by C. W. Horr (Indianapolis 1929); Chaplin, H. W., "Story of Mortgage Law" in *Harvard Law Review*, vol. iv (1890–91) 1–14; Hazeltine, H. D., "The Gage of Land in Medieval England" in *Select Essays in Anglo-American Legal History*, 3 vols. (Boston 1907–09) vol. iii, p. 646–72; Wigmore, J. H., "The Pledge Idea" in *Harvard Law Review*, vol. x (1896–97) 321–50, 389–417, and vol. xi (1897–98) 18–39; Stone, H. F., "The Equitable Mortgage in New York" in *Columbia Law Review*, vol. xx (1920) 519–35; Durfee, E. N., and Doddridge, D. W., "Redemption from Foreclosure Sale—the Uniform Mortgage Act" in *Michigan Law Review*, vol. xxiii (1924–25) 825–69; Lepaulle, Pierre, "Civil Law Substitutes for Trusts" in *Yale Law Journal*, vol. xxxvi (1926–27)

1126–47; Walsh, W. F., "Equitable Mortgages" in *New York University Law Quarterly Review*, vol. ix (1931–32) 429–44; Harr, L. A., "Economic Factors Involved in Maintenance Provisions of Public Utility Corporate Mortgages Issued in Series" in *University of Pennsylvania Law Review*, vol. lxxv (1926–27) 302–43; Smith, James G., "A Forgotten Chapter in the Early History of the Corporate Trust Deed" in *American Law Review*, vol. lxi (1927) 900–11; Foley, H. E., and Pogue, L. W., "After Acquired Property under Conflicting Corporate Mortgage Indentures" in *Minnesota Law Review*, vol. xiii (1928–29) 81–103; Hamilton, D. H., "Future Property Clauses in Corporate Mortgages" in *Temple Law Quarterly*, vol. iv (1930) 131–47; Israels, C. L., and Kramer, M. A., "Significance of the Income Clause in a Corporate Mortgage" in *Columbia Law Review*, vol. xxx (1930) 488–508; Durfee, E. N., "The Lien or Equitable Theory of the Mortgage—Some Generalizations" in *Michigan Law Review*, vol. x (1911–12) 587–607; Lloyd, W. H., "Mortgages—the Genesis of the Lien Theory" in *Yale Law Journal*, vol. xxxii (1922–23) 233–46; Sturges, W. A., and Clark, S. O., "Legal Theory and Real Property Mortgages" in *Yale Law Journal*, vol. xxxvii (1927–28) 691–715; Gavit, B. C., "Under the Lien Theory of Mortgages—Is the Mortgage Only a Power of Sale?" in *Minnesota Law Review*, vol. xv (1930–31) 147–60; Walsh, W. F., "The Development of the Title and Lien Theories of Mortgages" in *New York University Law Quarterly Review*, vol. ix (1931–32) 280–309.

MORTGAGE TAX. Under a system of income taxes the taxation of mortgages offers no special problem; the yield derived from mortgages is usually included in the general taxable income. In some countries, as, for instance, in Germany, the income derived from mortgages is subjected to an additional tax in the form of a special levy on capital earnings, on the theory that funded income presents a higher degree of taxable capacity. Under a general property tax, however, the taxation of mortgages meets with a number of difficulties: first, mortgages being a form of intangible wealth they are not always within easy reach of the assessment authorities; secondly, when reached and taxed while other forms of capital escape assessment the tax is discriminatory and is likely to be shifted to the borrower; and, thirdly, the attempt to tax the mortgage to the mortgagee and the underlying property to the mortgagor constitutes double taxation. It is consequently in the United States, where the general property tax still forms the chief constituent of state and local tax systems, that the problem of mortgage taxation has assumed special importance in fiscal practise and literature.

Mortgages have been taxed in the United States by a variety of methods. Under the general property tax in Arkansas, Illinois, Mississippi (if interest rate is over 6 percent), Missouri and West Virginia they are taxable to resident mortgagees at the same rates of taxation as real estate. The impossibility of securing adequate personal declarations as to ownership of mortgages for assessment purposes and the inability to tax non-resident mortgagees have led some states to declare mortgages to be an interest in land, thereby taxing the mortgagee on the value of the mortgage at the situs of the land and the mortgagor on the value of the property minus the mortgage indebtedness. This method of taxation has been employed at one time or another in California, Colorado, Connecticut, Massachusetts, Nebraska, Nevada, New Jersey, Oregon and Wisconsin. A similar result is sought in Arizona, where mortgaged property is taxed to the mortgagor unless the mortgage is listed as personal property by the mortgagee, an event which seldom happens. In California, Connecticut, District of Columbia, Florida, Iowa, Kentucky, Nebraska (out of state mortgages), Pennsylvania, Rhode Island and South Dakota mortgages are included in the low rate taxes, with rates ranging from 2 to 8 mills per $100, which are applicable to intangible property. In Louisiana, Montana and Maryland only mortgages on out of state property are taxable; they are assessed at 10 percent in Louisiana and at 7 percent in Montana; in Maryland they are taxed at 4.5 mills, but in Frederick county a tax of 8 percent is imposed on gross interest covenanted to be paid annually on mortgages on real estate located in that county. In Ohio mortgages, if paying no interest, are taxed at 2 mills; otherwise on an income basis at 5 percent. Income received from mortgages is taxable under the personal income tax laws in fourteen states and under corporation income taxes in eighteen states. Income from mortgages is also taxed to residents under special taxes on income in New Hampshire, Ohio, Oregon (on out of state mortgages) and Tennessee. In Massachusetts the income tax applies to income from personal property and unrecorded real estate mortgages. In Vermont mortgage income is exempt from the 4 percent income tax unless the rate of interest on the obligation exceeds 5 percent. Finally, income from mortgages is taxed under the federal income tax at the usual tax rates.

The taxation of mortgages to the mortgagee under the general property tax was often assumed to be complete because these instruments usually were recorded in county offices, where the records were easily available to the local

assessor. The negligible amounts of mortgages assessed under this tax indicate the falsity of this assumption. Their non-assessment led to a demand in some states for the adoption of rigorous listing methods. In Michigan in the late 1890's, for example, local registers of deeds were required to compile, for the use of assessors, information as to mortgages recorded. Thus the tax commission was able to increase their assessment from less than $10,000,000 in 1899 to $53,484,802 in 1902; assessments then declined to $39,148,509 in 1911, when the recording tax was adopted. This decline was attributed to the removal of capital from the state, to transfers to more profitable investments and to evasion through non-resident assignments.

The consequences of the taxation of mortgages at "high" rates were seen more clearly when attempts were made to tax them as an interest in land. California followed this plan from 1879 to 1907, and in order to make sure that the tax would not be shifted to the mortgagor agreements relative to the assumption of the tax were made void by constitutional amendment. In Massachusetts and Nebraska a similar tax policy led, in spite of this precaution, to the shifting of the tax to the mortgagor and the insertion of clauses in mortgages under which the burden of the tax was so assumed. The same result occurred in California. A careful investigation of the incidence of the tax by Plehn led him to conclude that California borrowers not only paid the market rate of interest on mortgages but also paid a sum to cover the cost of shifting. In San Francisco the premium to cover the cost of shifting was estimated to be practically $\frac{1}{3}$ percent. Interest rates were found by McCrea to be higher in New York, where mortgages were taxed at high rates, than in Pennsylvania, where they were taxed at 4 mills. Matthews presented statistics tending to show the fall in the rate of interest in Boston following the repeal of the tax in 1881. Seligman concluded from the experience of New York under the general property tax that the interest rate on mortgages was increased about $\frac{1}{2}$ percent, sufficient to constitute a risk premium for getting caught. T. S. Adams investigated the problem in Wisconsin in 1903 and concluded that the size of the tax rate relative to the interest rate was fundamental in determining the incidence of mortgage taxes.

The taxation of both the mortgaged real estate and the mortgage per se as distinct pieces of property was recognized at an early date as double taxation and led to a demand for the exemption of mortgages from taxation. It was argued that if mortgages were exempt from taxation the lower rates of interest secured thereby not only would benefit the borrower but, according to Ely, would diffuse themselves throughout the community to the benefit of all. According to Adams the exemption of mortgages in Wisconsin in 1903 did not lower interest rates to borrowers. Nor did a fall in interest rates take place in Nebraska when, in the hope of effecting a lower rate of interest and affording relief from double taxation, mortgages were taxed as an interest in land, only the excess above the mortgage being taxable to the landowner. In some instances there was an attempt to avoid the consequences of double taxation by allowing offsets against real estate assessments for all or a portion of the mortgaged debt. These provisions were greatly abused and led to the creation of many fictitious debts. By 1932 mortgages on property situated within the state were exempt from taxation as property in California, Colorado, Louisiana, Maine, Maryland (Frederick county excepted), Montana, Nebraska, Nevada, New Jersey, Oregon, West Virginia and Wyoming; in Colorado, Nebraska and Nevada the exemption applies only if the mortgagor assumes the payment of the tax on the mortgage, and in West Virginia only if the mortgage is on church property. All mortgages regardless of character and location of real estate are exempt from property taxes in Idaho, Massachusetts, Mississippi, New Hampshire, North Dakota, Tennessee, Utah, Vermont, Washington and Wisconsin; in Mississippi and in Vermont the exemption applies only to mortgages carrying an interest rate lower than 6 and 5 percent respectively. In some of these states, as, for example, in North Dakota, the exemption is contingent upon classification of mortgages as not being in competition with national banks. In Connecticut a deduction in assessment of mortgage to the mortgagee is allowed to the extent of the assessed valuation of real estate given as security. In Indiana the mortgagor is allowed an exemption of $1000 on account of mortgage indebtedness, but no deduction is allowed which exceeds one half of the assessed valuation.

The shifting and avoidance which followed the rigorous assessment of mortgages and their taxation as an interest in land, combined with a mild repugnance against double taxation and an unwillingness completely to forego the taxation of mortgages as property, tended to pro-

mote the development of differential taxation under classification or recording devices. The low rates employed by these tax methods do not avoid but lessen the burden of double taxation under general property methods. It is doubtful if the low rates are shifted except as to recording taxes, but if shifted the burdens are nominal. The low rate taxes can be made effective only by rigorous central administration, but the recording taxes can be administered through local officers with fair success, especially if adequate penalties are provided for failure to register. The registration requirement, however, should be viewed from the fiscal standpoint as a collection device. In any case the low rate is a prerequisite to the successful taxation of this property and, short of complete exemption, the recording tax appears to be the best method of dealing with mortgages. These taxes tend to discriminate against mortgages with shorter maturities and lower interest rates than other mortgages. Methods of avoidance have been developed, but losses due to their use are probably not serious. Such taxes are found in Alabama, Kansas, Michigan, Minnesota, New York, Oklahoma, Tennessee and Virginia. They are in lieu of other property taxes in all these states except Tennessee and Virginia. The rates range from 2 cents per $100 on mortgages with maturities of less than two years in Oklahoma to 50 cents regardless of maturity in New York. The rates are graduated according to maturities in Minnesota and Oklahoma. Six states share the tax revenues with the localities; two states retain all of the revenue; one state (Kansas) gives all of the revenues to the localities.

SIMEON E. LELAND

See: TAXATION; GENERAL PROPERTY TAX; PROPERTY TAX; CAPITALIZATION AND AMORTIZATION OF TAXES; MORTGAGE.

Consult: Campbell, Robert Argyll, *Mortgage Taxation*, Wisconsin Library Commission, Legislative Reference Department, Comparative Legislation Bulletin, no. 17 (Madison 1908); Wells, David A., *The Theory and Practice of Taxation* (New York 1900) p. 478–81, 485–92; Seligman, E. R. A., *Essays in Taxation* (10th ed. New York 1925) p. 103–07; Adams, T. S., "Mortgage Taxation in Wisconsin" in *Quarterly Journal of Economics*, vol. xxii (1907–08) 1–27; McCrea, R. C., "The Taxation of Personal Property in Pennsylvania" in *Quarterly Journal of Economics*, vol. xxi (1906–07) 52–95; McDonald, E. L., *Taxation of Mortgages in Kentucky, Brief Submitted to Legislative Tax Commission of 1916, Advocating Mortgage Recording Tax Urged by Louisville Real Estate Board* (Louisville 1916); Virtue, G. O., "Mortgage Taxation in Nebraska" in *Quarterly Journal of Economics*, vol. xxvii (1912–13) 695–98; Coray, George, "The Utah Mortgage Tax" in National Tax Association, First National Conference, 1907, *Addresses and Proceedings* (New York 1908) p. 183–88; Plehn, C. C., "The Taxation of Mortgages in California, 1849 to 1899" in *Yale Review*, vol. viii (1899–1900) 31–67; Seligman, E. R. A., *The Shifting and Incidence of Taxation* (5th ed. New York 1927) p. 333–37; Matthews, Nathan, Jr., "Double Taxation of Mortgaged Real Estate" in *Quarterly Journal of Economics*, vol. iv (1889–90) 339–45; Robinson, C. F., "The Mortgage Recording Tax" in *Political Science Quarterly*, vol. xxv (1910) 609–24, with bibliography.

See also: Massachusetts, Commission Appointed to Inquire into the Expediency of Revising and Amending the Laws Relating to Taxation and Exemption Therefrom, *Report* (Boston 1875); Massachusetts, Commission Appointed to Inquire into the Expediency of Revising and Amending the Laws of the Commonwealth Relating to Taxation, *Report* (Boston 1897).

MORTMAIN. In the sources and literature of western history the term mortmain (in mediaeval Latin *manus mortua*, in old French *morte meyn*, in German *tote Hand*, in English dead hand) generally refers to corporations, foundations and other legal (as differentiated from natural) persons, both lay and ecclesiastical, as the owners of property, particularly land; and in a special sense "dead hand" means the Roman Catholic church, a vast legal person composed of many lesser ecclesiastical corporations and institutions, and the greatest of all property owners in mediaeval and modern times.

Dead hand, as a designation of the Roman Catholic church, originally came into usage because, by the mediaeval canon law, lands acquired by the church were inalienable. The ecclesiastical doctrine of inalienability evidently developed at an early time, for Pope Symmachus (498–514) declared that even the pope himself could not sell church property. The usual explanation of the term mortmain in connection with the church is that since the latter had in theory a perpetual existence and since moreover it could never legally alienate its lands, the latter were held as by a dead hand. They could never return to the grantor or become the subject matter of gift or sale and hence were forever lost to lay society. This meaning of mortmain was somewhat different from that which applied in the mediaeval "law of the dead," a survival from very primitive times, in which the hand of a dead man was sometimes regarded as capable of transferring property, as, for example, the heriot, the feudal tribute due a lord on a tenant's death.

In modern literature the term mortmain sometimes refers to the state or condition of

lands held by a legal person in perpetual and inalienable tenure. Indeed it generally, although not always, denotes land the possession or ownership of which is vested in any corporation; and thus the stress has been shifted from the owner to the thing owned. Furthermore the term has lost much of its original meaning, so that it frequently connotes land alienated to or for the purposes of a charity, whether or not the charity is incorporated or in a form not involving legal personality, as in the case of a charitable trust in English and American law. Since lands belonging to charities are often held by a unicorporate body of trustees, which may be perpetually continued by the fresh appointment of trustees to fill vacancies, they are thus removed from commerce and partake of the nature of lands held in mortmain. The similarity in results deriving from the two forms of holdings has occasioned much confusion not only in terminology but in legal ideas.

In the early centuries of the Christian era the problems created by mortmain were already complex; and with the passage of time they tended to become ever more involved. The primary cause was the acquisition of an enormous amount of property and especially of land by ecclesiastical corporations. Similar in character was the problem created by the holding of property by lay corporations, but in both mediaeval and modern times it was largely overshadowed by the ecclesiastical dead hand.

On the ecclesiastical side the history of mortmain represents one of the most important aspects of the struggle between church and state, or from the broadest viewpoint, the struggle between the ecclesiastical and the lay elements in society. These opposing elements represent two entirely different principles in regard to property, more especially land, one holding that lands should permanently remain at rest, as a static and immobile mass; the other that land, even though not physically movable from place to place like chattels, should nevertheless possess a dynamic quality in social development. The application of the first doctrine has meant the concentration or consolidation of lands in the dead hand, whereas the application of the second doctrine by lay society has been one of the leading factors in freeing land from its fetters and in transforming it into an energy making for social and economic progress. In the Middle Ages the two forces were represented respectively by the ecclesiastical and feudal hierarchies. Although the marked feudalization of ecclesiastical institutions meant that they were not completely separate and independent of each other, nevertheless they indicate clearly the general divisions of interest. There was a special antagonism toward the dead hand on the part of the heirs of donors and vendors of property to the church; the towns also were hostile.

The opposition of the territorial lords was due largely to the reduction in the feudal dues to which they were entitled. Their main objection was directed against frankalmoign tenure (*libera elemosina*, *franche aumône*, free alms); for alienation of land to be held by this form of tenure, which was essentially alodial, resulted in a permanent loss to the lay lords. But the holding of even military fiefs by ecclesiastical persons meant a loss to the lords of many of the incidents of tenure, such as wardships, reliefs, escheats and forfeitures. Moreover the church was partially successful in establishing the claim that its constantly increasing wealth in land and goods should be completely free from taxation by temporal rulers. The exemption of church lands from taxation not only meant a serious fiscal loss but frequently resulted in an overtaxation of secular society to meet the needs, sometimes acute and pressing, of the several states of Europe. This overtaxation in many instances bore heavily upon the lower classes in society.

The mediaeval church acquired its wealth by either gift or purchase; and perhaps the earliest form of acquisition was through the last will and testament, for throughout the history of the church the clergy, by stressing the doctrine of sin and by teaching that almsgiving is the best atonement, have exercised a subtle and potent influence over countless donors. Soon after the recognition of the Christian church by the Roman state, gifts by will to Christian churches were authorized by Constantine; the Christian emperors in the latter part of the fourth century forbade legacies to churches and clerics under certain conditions; these laws in turn were repealed shortly afterward. Charlemagne's son, Louis the Pious, decreed in 817 that under pain of punishment and restoration of the property no gifts should be made to clerics if the donor's heirs were thereby disinherited. The encroachment of the church upon the rights of heirs early became and long continued to be one of the main causes of secular legislation directed against the dead hand. By the early Middle Ages the primitive law of inheritance, with its severe restraints on alienation, had suf-

fered modification: economic progress had made a breach by diminishing the rights of heirs. In order to acquire the title to lands subject to the law of inheritance the church had to effect a further encroachment, and accordingly it worked against the law of inheritance and for freedom of disposition; slowly the ancient fetter imposed on land by the rights of the kindred was displaced by the new and far stronger fetter of the dead hand. By gift or purchase the dead hand held in the Middle Ages an ever increasing mass of property throughout Europe, and by this accumulation not only were heirs and feudal lords deprived of their rights but temporal rulers were weakened in their relations with the growing power of the church.

Legislation in regard to mortmain and secularization, both in mediaeval and in modern times, must be studied in the light of the continual struggle between the ecclesiastical and secular forces and the divergent doctrines which they have represented. The main legal remedy adopted by the mediaeval secular communities was the enactment of the laws of mortmain (*leges de non admortizando*, *Amortisationsgesetze*, statutes of mortmain), which have been retained in either their original or revised form by modern states. The rights of the church were of course limited by temporal law in each of the territorial states of Europe. Thus it early became an established principle of secular law that only when the state conferred legal personality on churches, religious houses and other ecclesiastical institutions, could they own property in their own name; hence their property rights were made to rest on the law of the state as opposed to canon law.

Although a comparative study of the mortmain laws along historical lines reveals variations from age to age and among the laws of the several countries, nevertheless in all or nearly all there have been and still are common features based on common legislative ends. Two of their main objects have been either to forbid the acquisition of property by the dead hand or to make it dependent upon the permission of secular authorities. The laws deal with either immovables or movables or with both. In general they forbid the acquisition of immovables without the state's permission, but they usually allow in the case of movables acquisition up to a certain value (*summa pragmatica*) and only require the state's special permission for acquisitions beyond this fixed amount. The regulation of acquisitions by lay juristic persons has been on the whole a matter of secondary importance to the state.

The policy of the mortmain laws, as in Carolingian days, was partly to protect the rights of heirs; but as the struggle between church and state became more intensive, the issue became rather one of legislation against mortmain versus the loss of an ever increasing volume of the revenues of the temporal authorities, which were needed for warfare and other lay purposes. The struggle accordingly assumed largely the character of an effort on the part of the landed aristocracy and of rulers, who were also feudal overlords, to restore the lands of the church to feudal conditions.

In post-Carolingian times the earliest attempts to correct the evils of mortmain were apparently made in Spain. During the tenth and eleventh centuries gifts to the church were by custom limited to three years, after which the property could be retrieved by the heirs. Spanish ecclesiastical councils of the eleventh century protested, declaring the gifts perpetual. This led in 1102 to the prohibition, under penalty of forfeiture, of all gifts or bequests to churches except to that of Toledo. About 1125 the Cortes of Nájera extended the rule to purchases: no lands subject to royal jurisdiction were to fall into mortmain. From this time down to the middle of the sixteenth century there was much Castilian legislation against the evils of mortmain, but it proved ineffectual. Both the piety of the people, as expressed in gifts to the church, and the ever increasing greed of ecclesiastics tended to abrogate the secular law. In the seventeenth century the decadence of the monarchy was attributed largely to the growing numbers and wealth of the clergy, but efforts to enact statutes of mortmain failed. In 1713, however, Philip v annulled all legacies to ecclesiastical persons by penitents in mortal sickness and in 1737 negotiated a concordat with the Holy See by which lands acquired thereafter should be taxable. But even this agreement was continuously evaded by the church until the period of the French Revolution. In 1763 Charles III ordered that no licenses should be granted for transfers of land into mortmain even for the most pious and necessary purposes. The church, however, continued to increase its holdings and in 1793 Charles IV not only gave fresh instructions to enforce the Concordat of 1737 but in 1795 imposed a tax of 15 percent on all alienations to the church.

In thirteenth century Portugal Affonso II per-

mitted gifts and legacies to the church but allowed purchases of land only by royal license. In the early fifteenth century gifts and legacies to the church had to be sold to laymen within a year and a day, while in 1500 lands purchased under royal license were declared taxable by the king. These laws continued in force despite church opposition.

In other parts of Europe also there was legislation against the dead hand. In the Two Sicilies, about 1238 Frederick II revived an old law prohibiting the alienation of land, by gift or sale, to clerics or clerical corporations. Land devised to such persons had to be sold within a year, under penalty of confiscation, to the heirs or to other laymen. In Venice gifts by will and other donations of land to the church were limited in 1329 to a term of ten years (changed in 1536 to two years), after which the land had to be sold. The application of this law in 1605 to the Venetian territories on the mainland was coupled with the provision that the consent of the council of Pregadi was necessary for every transfer to the church. By the Florentine code of 1415 the gift of land by will was permitted in Tuscany, but all other donations and all sales to the church were prohibited. Although renewed in 1457 the ecclesiastics rendered it ineffectual as they did the Concordat of 1515, which provided that all acquisitions by the church during the preceding fifty years were subject to public burdens.

In the northeastern parts of Germany, where the Saxon law prevailed, the heirs were allowed a period of thirty years and a day in which to reclaim property sold to the church; but in the southern and western regions, the territory of the great prince bishops, the *Schwabenspiegel* was in force and no restrictions were imposed on mortmain; indeed donations were stimulated, and at the beginning of the Reformation about one half of the land in Germany belonged to the church. In the sixteenth century temporal rulers, seeing the folly of this condition, passed laws against mortmain. Maximilian I in 1518 prohibited alienations to religious bodies without the permission of the ruler and diet; where alienations were made in contravention of this law the land could be purchased at a reasonable price by the nearest relative, the sovereign or any layman. Ferdinand I in 1564 renewed the latter provision, while in 1669 Leopold I declared that all such alienations should be void. In Flanders as early as 1293 the transfer of land to the church was prohibited, and in the fifteenth century in Brabant the vendor or his heirs had the right to redeem sales to the church. The evasion of these laws led to the issuing of an edict in 1515 whereby all gifts to the church by will or otherwise were declared invalid; all sales were subject to the consent of the prince and the magistrates of the provincial capital. Clerical opposition to the edict and its non-observance caused Charles V to issue a pragmatica in 1538, which stipulated that all parties to a transfer of land must declare on oath that they did not intend to place the land in the dead hand.

In pre-Reformation France and England the effect upon the feudal system of alienation into mortmain, an effect which extended all over Europe, may be studied with special advantage. From the twelfth century the feudal lords in France were seriously perturbed because church tenure had greatly diminished their dues, and they became more and more opposed to ecclesiastical holdings either as fiefs or *aumônes*. The *aumône* was a tenure resulting from the grant of a holding, free of all feudal obligations, to the church. The vassal was supposed to obtain the consent of his immediate suzerain to this grant, and when a fief was thus converted it was said to be amortized, or held in mortmain. The first attack upon mortmain, as found in the *Établissements de saint Louis* and in Beaumanoir, provided that if ecclesiastical corporations did not perform the services due from the fief, they had to sell the land within a year and a day; if not, the lord (suzerain) was entitled to take it. A second principle, embodied in the *Grand coutumier de Normandie*, held that an alienation in mortmain (*donation en franche aumône*) prejudiced only the donor or the lord who gave his consent and that the rights of all the other feudal lords were preserved in respect to it; therefore a forfeiture on the part of the vassal who had alienated in mortmain enabled the overlord to retake the land. Before there could be a true and effective amortization of land, the consent of all overlords, including barons as lords paramount, had to be obtained; for the barons' claim that the right to amortize was baronial was generally recognized in the thirteenth century. Toward the close of that century the king began to assert the right to amortize lands as his prerogative and a century later the royal monopoly of *amortissement* was definitely established.

Meanwhile churches, abbeys and other *gens de mainmorte* adopted methods for acquiring land in the face of the growing hostility of the

feudal lords. In some parts of France the ecclesiastical corporations obtained the right, with the acquiescence of the lords, to designate some man (*un homme vivant, mourant, et confisquant*) to represent the corporation from the point of view of the preservation of feudal rights; hence, upon the commission of delicts by this man or upon his death, the lord could enforce the rights incident to feudal tenure. A more usual method was that whereby the churches and abbeys bought for cash the consent of the overlords to amortization. Once this usage was established the ecclesiastical corporations could keep the fiefs or the *censives*; the payment to the overlords acquired the character of a *taxe de mainmorte*, and amortization became a matter of finance. The *taxe de mainmorte* was at first the subject matter of sharp bargaining, and it had to be paid not only to the immediate suzerain but to all the overlords. Since the tax was not fixed the lords were in general very exacting in their demands. Frequently churches were constrained to pay more than the value of the lands themselves. In order to relieve them there was enacted in 1275 the celebrated ordinance which not only regulated the position in respect of the tax payable for lands already acquired by the church within the king's lands but also served as the basis of all later French ordinances concerning *amortissement* and the scale of *taxes de mainmorte*, which, after the right to amortize had become regal, were extended to the whole realm. During the fourteenth century the fiscal interest predominated and the tax increased, sometimes amounting to spoliation. Under Philip the Fair and his sons there was a certain degree of moderation, but by the reign of Charles VI (1380–1422) the taxes were prohibitive, forcing churches and other *gens de mainmorte* to sell their lands. Introduced in the interests of the church, the legislative *taxe de mainmorte* finally became an instrument directed against it. The heaviness of the tax resulted in frequent evasions, and from the fourteenth to the eighteenth century there were occasional inquests throughout the kingdom designed to follow up alienations and collect the king's tax. During that period both religious houses and mortmain holdings increased, and therefore Louis XIV revived old laws which required special royal licenses for the establishment of new religious houses and made the granting of a license a difficult and formal matter. But even Louis' legislation was not enforced, and in 1749 Chancellor Daguesseau renewed, strengthened and extended it: many houses which had been founded without royal license, in 1636 or later, were suppressed; special royal letters were required for each separate acquisition of land by a religious corporation and these were to be issued only upon clear proof of the necessity or utility of each transaction. Legacies of land to the church had no validity.

Conditions in England differed from those on the continent by reason of the commanding position of the king and also because all land in the kingdom was brought within the scheme of feudal tenure. Since the king was feudal overlord he, not less than all the other feudal lords, had a direct interest in ecclesiastical encroachments upon feudal rights. At English common law the power to acquire and hold land was incident to a corporation. The numerous alienations into mortmain in the Norman and Angevin periods were therefore fully legal. They were, however, alienations *inter vivos*, for there was no power to devise lands by will until the Statute of Wills (1540) and when the power was granted corporations were expressly excluded from its benefits. The vast increase in the estates of ecclesiastical corporations during the twelfth and thirteenth centuries constituted a danger to secular interests, for the church was not only impairing feudal dues but was also asserting and establishing the doctrine that its courts, and not the king's or feudal courts, should decide all litigation concerning land which had been given to God and the saints by way of alms. The first enactment against alienation into mortmain was contained in the reissue of Magna Carta by Henry III (1217), which provided in effect that gifts of the fee simple to ecclesiastical "corporations aggregate" (a corporation composed of a number of persons) should be a cause of forfeiture to the lord of the fee. Ecclesiastics attempted to evade this enactment by taking long leases. Such evasion, together with the fact that the prohibition did not apply to acquisitions of land by ecclesiastical "corporations sole" (an office occupied by one person at a time, such as that of a bishop), led to Edward I's statute *De viris religiosis* of 1279. This statute, which marked a decided victory for the lay elements of society, put a stop to all gifts, leases or sales of land to ecclesiastical corporations without the license of the alienor's lord. In fact the rule became established that a license must be obtained from all the other mesne lords. Without this license, the immediate lord of the fee or, if he defaulted within a year, the other lords para-

mount could seize the land. If all the others failed to take advantage of their rights, the king himself might take the land by way of forfeiture. Grants without license were good until defeated by such an entry. Lawyers in the time of Henry VI, Edward IV and Henry VIII thought that if a lease were made to a religious house for a hundred years or more it might be held void as infringing the policy of the mortmain laws. The provisions of the statute *De viris religiosis* were extended to lay corporate bodies by a statute of Richard II (15 Rich. II, c. 5).

Edward I's statute of 1279 was a part of his land legislation, which was intended both to encourage freedom of alienation and to preserve for the feudal lands the valuable incidents of tenure. One result was the gradual decay of tenure in frankalmoign, or free alms—an alodial type of tenure by which many ecclesiastical corporations held their lands, and which they maintained should stand outside the secular system of law and be under the jurisdiction of the ecclesiastical courts. Indirectly its decay was a blow to mortmain, for religious persons and bodies were brought more and more into the scheme of tenures devised primarily for lay persons.

The ecclesiastics sought to evade the statute *De viris religiosis* through the "common recovery," a form of conveyance which is said to have originated for the express purpose of vesting lands in the dead hand. The device consisted in the bringing of a fictitious action by an ecclesiastical corporation against the tenant in possession for the recovery of the land in question. The ecclesiastical corporation set up a fictitious title to the land; the tenant, acting in collusion, made no defense and hence judgment was given for the corporation. Accordingly, since the statutes of mortmain did not apply to actions, the religious corporation obtained a good title. By the Statute of Westminster II in 1285, however, common recoveries as a mode of effecting alienation in mortmain were stopped.

The next expedient of the church was the use (*usus*) by which lands were conveyed to feoffees for the use of religious houses or other ecclesiastical corporations. Since lay persons held the legal title, the law could raise no objection although the use gave all the practical benefits of ownership to the ecclesiastical corporation and had the effect of limiting freedom of alienation. In 1391, however, uses of land were declared subject to the Statute of Mortmain (15 Rich. II, c. 5).

The history of mortmain in the municipal communities in the Middle Ages represents an important aspect of the fiscal effect of mortmain. Town authorities early perceived that the exemption of ecclesiastical lands from taxation necessitated local laws which would check the flow of gifts to ecclesiastical persons. A town law of mortmain soon developed in all parts of Europe; in some countries, as in England, it preceded national or state legislation. From the thirteenth century there were many municipal ordinances on the continent which forbade all alienations of land or houses to the church. In some towns the laws prohibited donations of movables beyond a certain amount; elsewhere land acquired by the church had to be alienated within a year or, if it remained in ecclesiastical hands, was subjected to municipal law and taxes; while in still other towns a heavy tax was imposed upon property which passed from the burgesses to the clergy.

Many historical factors in the growth of Europe during the fourteenth and fifteenth centuries were leading either directly or indirectly to the transformation from mediaeval to modern conditions. The growth of monarchical temporal power had been accompanied by marked tendencies in political thought favoring the exaltation of the state at the expense of the church; the policy of the secularization of ecclesiastical property, which had been taught by Wycliffe and others, was an integral part of this body of doctrine. The rise of nationalism, accompanied by the establishment and expansion of colonial empires by the monarchical states of Europe in early modern times, only intensified the general trend. Moreover the needs of secular society in agriculture, industry and commerce had increasingly demanded that at least a large part of the vast and multiplying landed wealth of the church should be taken by the state for distribution among the lay classes of society. The need of bringing ecclesiastical property into commercial use was a most powerful incentive. The opposition to the dead hand was aggravated by the non-observance and evasion of the laws of mortmain, action which had resulted in increased ecclesiastical endowments. In addition many held that only by impoverishment could the church be brought to a more perfect fulfilment of its spiritual and moral role.

In a broad sense the changes wrought during the sixteenth century meant the rise of secular interests and their dominance over the ecclesiastical. In this period there emerged the main

features of modern policy in respect to ecclesiastical property. An integral part of this policy was the secularization of church lands. Nor was the seizure of property held by the dead hand restricted to Protestant states, for Catholic statesmen became convinced that the accumulation of ecclesiastical wealth was inimical to the interests of the body politic and that the secular authorities were therefore entitled to appropriate it. The history of mortmain and of secularization from the time of the Reformation is an aspect of the failure of the Roman Catholic church to maintain its former hold on the religious and secular life of western society. Secularization on some occasions had been applied, however, long before the Reformation set in. The forced leases of church lands to the laity, known as *beneficia* or *precaria*, were in fact a form of secularization.

In north Germany, where the princes broke away from the Roman Catholic church during the Reformation, the spoliation and secularization of ecclesiastical property, often accompanied by violence, took a progressive course. In the Scandinavian north, where Lutheranism had intrenched itself, the process was similar. In Sweden Gustavus Vasa carried through in 1527 measures by which all episcopal, capitular and monastic property which was not absolutely required by the church—and of this the king was the sole judge—was to be handed over to the crown. All tax exempt lands which the church had acquired by gift since 1454 were to revert to the original owners and all taxable land was to be surrendered. Under this legislation the monasteries were deprived of most of their property and many ceased to exist, while the bishops also lost many of their holdings.

The secularization of church property in England began in the later Middle Ages. Edward II dissolved twenty-three preceptories of the Templars. In many ways the wealth of the church was confiscated and used for educational purposes; and officials and courtiers were given pensions from monastic estates. At length came Henry VIII's Reformation Parliament of 1529, one of the acts of which had as its main purpose the promotion of the transfer of ecclesiastical property to laymen and which included a provision that although an abbey might lawfully own estates, it could not lease its farms to spiritual persons. The parliamentary acts dissolving the monasteries formed a part of Henry VIII's church settlement. By the act of 1536 the lesser monasteries were dissolved; the greater monasteries suffered the same fate through the statute of 1539. Nearly four hundred smaller houses, about two hundred greater houses and two hundred friaries together with their land and chattels were acquired by the king. From them the king endowed a new nobility tied by self-interest to the crown's ecclesiastical policy.

In Ireland the English Reformation statutes were rapidly copied. A general dissolution followed the suppression of certain monasteries in 1537; and the largest part of the land was conveyed, as in England, to private persons and often at nominal prices. In Scotland also church property was secularized.

In the Catholic states even during the Reformation some of the princes were as eager as the Lutherans to seize the property of the religious orders. At Augsburg in 1524 both Catholics and Protestants proposed to secularize all the property of the Catholic church in Germany: out of the revenues ecclesiastics were to be supported during their lifetime, but the remainder of the income was to be used for public purposes, including the support of a standing army. This project failed, however, as did several similar ones later on; and the process of accumulating property in the dead hand within the Catholic regions continued. But the idea of the secularization of church property was gaining ground; the first attack was upon the property of the Society of Jesus, which engaged in widespread trade activities and held extensive colonial possessions free from taxation. In succession Portugal in the year 1759, France in 1764 and Spain in 1767 expelled the society and confiscated its property. While in some cases the funds were used for ecclesiastical purposes, in others the property was incorporated in that of the state.

In France the Pragmatic Sanction of 1438 had been displaced in 1516 by the Concordat of Leo X and Francis I, which remained a state law until the French Revolution. By obtaining through the concordat the right to nominate the holders of the high ecclesiastical offices the king was enabled to dispose of the great fortune of the Gallican church to reward his followers. Since benefices could be held *in commendam*, the transformation of the revenues of the church property into the king's civil list was complete. All actions involving church property were brought in the temporal courts and not in the ecclesiastical, and church property became subject to taxation. Thus, while in Germany and England the desire to obtain such property motivated temporal rulers during the Reformation,

in France the policy of secularization ceased to be an operative force after the Concordat of 1516, which had itself given to the state practically all that it desired or needed.

With the French Revolution the process of confiscation of property held by the dead hand entered upon a new and important phase of its history. Although the church was under the control of the state in France, together with the nobility it occupied a privileged position. Above all else the French in 1789 demanded the abolition of the fiscal privileges of these two groups. While the bourgeoisie were fighting to obtain the sole control of power, they united with the peasants against the privileged orders; and in general freedom and the enfranchisement of land were the aim of the rural classes. In 1789 the National Assembly declared that all ecclesiastical property was at the disposition of the nation and that the clergy were to be supported by salaries; this act was followed by various decrees in 1790, including one by which the religious orders were suppressed and their temporalities absorbed. The lands were sold; and while many peasants obtained small holdings, most of them went to the urban and provincial bourgeoisie.

This attack upon the dead hand was one of the dramatic and far reaching effects of the French Revolution. Revolutionary legislation favored individualism and it was hostile not only to corporate bodies, which it dissolved, but also to endowments, which it abolished. The revolutionists destroyed both "political feudalism" and "corporate feudalism" and established the principle of free alienation. The church suffered from the revolutionary maxim that "the land may not belong to the dead but to the living."

The action of the French revolutionists hastened the process of secularization throughout Europe. In 1803 in the face of Pius VII's indignant protest a German imperial law, supported by Catholic and Protestant statesmen alike, secularized not only nineteen bishoprics, including the religious houses, but also the four princely archbishoprics of Mayence, Trèves, Cologne and Salzburg. This huge seizure meant a loss to the church of territories containing over three million persons and of a revenue of 21,000,000 florins; all this property was to be disposed of by secular rulers for secular as well as for religious purposes.

In Italy it was only after the unification that the secular elements were strong enough to act effectively. By the laws of 1866 and 1867 the religious houses were abolished and their property secularized; and the enforcement of the law proceeded rapidly. Following the occupation of Rome in 1870, a law of 1873 disposed of the property of the houses suppressed there.

In Portugal in 1833 the convents and the military orders were suppressed and their property confiscated. The process of secularizing church property in Spain, which began in 1808 during the Napoleonic occupation, has been more prolonged and is not yet ended. During this whole period the movement has run parallel with developments in Spanish political history. Secularization carried out by one government has been undone or partly undone by another; and the later victory of anticlerical political elements has restored and carried even further the secularization begun at an earlier time. The measures of 1808–12 were destroyed by the reaction of 1814 but were restored and extended following the revolution of 1820, while in 1823 the purchasers of secularized property were unceremoniously evicted without compensation. Secularization has been the subject matter of concordats between the Holy See and the Spanish state. The general result of the Spanish process is that much ecclesiastical property has been secularized and part of it sold. The republic established in 1931 promises the final secularization of ecclesiastical holdings.

The expansion of Europe in the age of discovery and colonization carried the problems of mortmain to the New World, especially in regions colonized by the Catholic states. In mediaeval times the secular authorities in Spain had been opposed to the unlimited acquisition of property by the church; and this became in the sixteenth century the colonial policy of the Spanish government. In 1535 the sale of land to the clergy and churches was forbidden and made subject to forfeiture; this law was included in the *Recopilación de leyes de los reynos de las Indias*, compiled in 1680. The acquisition of land by the religious orders was disallowed in 1570, and from the seventeenth century to the nineteenth there were decrees prohibiting bequests to the church by dying Indian converts. By frequent renewals of legal prohibitions and by other means the government sought to enforce the principle that no real property could legally be held by churches or convents but nevertheless the church continually increased its holdings; and it is estimated that before the revolution of 1810–21 it controlled at least 50

percent of the land in Mexico. Independent Mexico took no action against mortmain until 1856, when a decree was issued secularizing all church property. During a period of civil war in 1859 Juárez continued this policy. Since much land had been secularized under these laws at the time of the French intervention in 1863, the provisional government found it necessary to recognize as valid the title of the purchasers. By the constitution of 1857 religious institutions were forbidden to hold real estate, except for direct purposes of the institution, or to hold mortgages; and the establishment of religious orders was forbidden. By the constitution of 1917 Mexico now prohibits the ownership by the church even of places of worship.

From colonial days Roman Catholicism has been the prevailing religion of Central and South America. Nevertheless, the general tendency in most of the republics has been to follow the policy pursued by Mexico. The temporal authorities have struggled to prevent the further accumulation of property by the church and have ultimately carried out measures of secularization. In some republics, such as Mexico, Guatemala and Honduras, this process has been accompanied by an absolute separation of church and state. In Ecuador and Colombia the Roman Catholic church is stronger, but even in Ecuador ecclesiastical property has been secularized.

In the Philippines from the Spanish conquest and settlement of the islands in the sixteenth century down to their acquisition by the United States an outstanding feature was the control exercised by the friars. Under this regime the religious orders had acquired vast tracts of land despite repeated prohibitions by the Spanish crown. After the cession of the islands by Spain to the United States in 1898 there came a change. By the act of Congress of 1902 which established the civil government of the islands, the purchase of lands belonging to the friars was authorized; and after negotiations with the Vatican the friars' lands were bought for $7,000,000.

Questions in regard to the acquisition and holding of property by the Roman Catholic church are settled in some modern states by concordats, or treaties with the Holy See. Although a law of mortmain is not a characteristic feature of all modern legal systems it is still important in many states, for there is in general a widespread policy either of preventing the acquisition of immovable property by corporations, whether ecclesiastical or lay, or at least of making such acquisitions subject to the control of the supreme authority of the state. The chief objects are to keep property in commercial use and to prevent the growth of any power which might threaten the state. In some systems a distinction is drawn, with respect to the holding of land, between business corporations and corporations formed for religious, charitable or similar objects which have no intention of making profits. Some strictly limit the amount of land which can be held by churches; and in certain states the law has distinguished between domestic and foreign corporations. In France the law regulates the acquisition of property by corporations, both lay and ecclesiastical, and taxes their holdings. In Prussia, Baden and Hesse the acquisition of property by any corporation, if it be over a fixed value, requires the consent of the state authorities. There are German states in which the acquisition of personal property by religious bodies is not restricted, while in others gifts and bequests of personal property are limited. Prussia and other German states punish infringements of the mortmain laws (*Amortisationsgesetze*) and make the transactions null and void. A few German states have no mortmain laws, but where they exist they generally apply equally to the Roman Catholic church and the evangelical churches.

Mortmain in England is now governed by the Mortmain and Charitable Uses Act of 1888, which provides that every conveyance of land to a corporation, lay or ecclesiastical, requires either the authority of a statute or a license of the crown, without which it is forfeitable. Its operation is limited, however, since there are many English statutes which grant the requisite authority to corporations, both lay and ecclesiastical. In the great majority of cases there is no need for a license; for example, by the Companies Act of 1929, trading companies incorporated under it have power to hold lands notwithstanding the restrictions contained in the act of 1888. The mortmain restrictions have been expressly removed in respect of conveyances by deed or will to certain classes of corporations, such as the universities and colleges of Oxford and Cambridge.

As in some other countries, the laws of mortmain and of charities in England are both historically and in present day practise separate and distinct parts of the legal system. Whereas the mortmain acts regulate conveyances of property to corporations, the charitable uses acts govern assurances of property to charities. The Mortmain and Charitable Uses Act dealing

with both corporations and charities nevertheless treats them separately. The point at which the two branches of the law meet is where a charitable institution is itself a corporation holding property in its corporate capacity. In general the law has been more favorable to conveyances to charities than to corporations. Under the governing Mortmain and Charitable Uses acts (1888, 1891) land may be given by will for any charitable use or purpose but within one year from the testator's death it must be sold, unless the High Court or the charity commissioners hold that it is required not as an investment but for actual occupation by the charity. In part the act of 1888 repeats and modifies some of the provisions of the Charitable Uses Act which became effective in 1736; namely, that if a benefactor intends that a charity shall actually keep the land itself rather than its value, he must make a grant of it twelve months before his death. If such grant is not a gift but takes the form of a "sale for valuable consideration," it need not be made a year before the grantor's death. In the case of a gift in mortmain neglect of the requirements of the law may result in the forfeiture of the land, whereas similar neglect in the case of a charitable gift makes it void.

In Canada in the province of Quebec the law of mortmain was based upon French law and was regulated chiefly by a royal edict of 1743, entitled *Déclaration du roi concernant les ordres religieux et gens de main-morte établis aux colonies françaises*, by which corporations, whether ecclesiastical or civil, were prohibited from acquiring or holding any immovable property unless by the express permission of the crown, "except for certain purposes only and to a fixed amount and value"; and this general principle appears to be the law in Quebec today. The general English law, including the so-called mortmain act of 1736 and the cases decided under it, was adopted in Upper Canada (later Ontario) in 1792. In Alberta, British Columbia, Victoria and Saskatchewan local registration of extraprovincial commercial companies is required; but when thus registered they are permitted to hold land. In Nova Scotia foreign companies are specially empowered to hold land. There are no mortmain laws in Scotland or South Africa.

In colonial days as well as in the period since independence mortmain has played a comparatively slight role in the United States of America because of the facts that a feudal system never developed and that the church did not acquire much power. The English statutes of mortmain were not reenacted or considered in force except in the state of Pennsylvania, where they are judicially recognized. In Pennsylvania grants of land to a corporation are prohibited without a license from the commonwealth, a principle based upon both English statutes and local statutory law. In Maryland a devise to a religious corporation must have legislative sanction, while in Mississippi devises for religious purposes are void by statute. Certain other states have "mortmain acts" restricting the right of religious corporations to hold land or limiting the power to make conveyances, devises or bequests to religious societies or charities. The act of 1862 strictly limited the amount of property which religious societies could hold in United States territories. These mortmain acts are based upon the same general policy as that of the English statutes of mortmain. They avoid the deed or will either altogether or when it is made within a specified time before the death of the grantor or testator or when the conveyance is made without valuable consideration or when the land conveyed is above a specified value; and they do not always draw a clear distinction between corporations and charities. The rights of corporations in general to acquire or hold land depend upon statutes and upon their charters. Certain states limit or forbid the acquisition of property by private corporations.

H. D. HAZELTINE

See: LAND TENURE, section on WESTERN EUROPE, BRITISH EMPIRE AND UNITED STATES; RELIGIOUS INSTITUTIONS; FEUDALISM; PERPETUITIES; CHARITABLE TRUSTS; MASSACHUSETTS TRUSTS.

Consult: Lea, H. C., *The Dead Hand* (Philadelphia 1900); Osten, G., *Das Subjekt des Eigentumrechts am Kirchenvermögen* (Leipsic 1909); Loening, Edgar, *Geschichte des deutschen Kirchenrechts*, 2 vols. (Strasbourg 1878) vol. ii, p. 632–94; Kanl, Wilhelm, *Die deutschen Amortisationsgesetze* (Tubingen 1879); Chénon, Émile, *Histoire générale du droit français public et privé*, 2 vols. (Paris 1926–29) vol. i, p. 785–94; Lesne, E., *Histoire de la propriété ecclésiastique en France*, Facultés Catholiques de Lille, Mémoires et Travaux, nos. 5, 19, 30 and 34, vols. i–ii, pt. iii (Lille 1910–28); Hashagen, J., "Laieneinfluss auf das Kirchengut vor der Reformation" in *Historische Zeitschrift*, vol. cxxvi (1922) 377–409; Roth, Paul, "Die Säcularisation des Kirchengutes unter den Carolingern" in K. Akademie der Wissenschaften, *Münchner historisches Jahrbuch* (1865) p. 275–98; Demante, G., *Étude historique sur les gens de condition mainmortable en France au 18e siècle* (Paris 1894); Boullay, L., *Origine-assiette et recouvrement de la taxe de mainmorte* (Caen 1903); Koerperich, R., *Les lois sur la mainmorte dans les Pays-bas catholiques* (Louvain

1922); Büchi, H., *Ein Menschenalter Reformen der Toten Hand in Toskana (1751–1790)*, Historische Studien, vol. xcix (Berlin 1912); Racca, Vittorio, "La suppression des congrégations religieuses et l'expropriation de la mainmorte ecclésiastique en Italie" in *Journal des économistes*, ser. 5, vol. xlv (1901) 321–43; Buholzer, J., *Die Säkularisationen katholischer Kirchengüter während des 18. und 19. Jahrhunderts* (Lucerne 1921); Antequera, J. M., *La desamortización eclesiástica* (Madrid 1885); Phipps, H., *Some Aspects of the Agrarian Question in Mexico*, University of Texas, Bulletin no. 2515 (Austin 1925) chs. iii–v; Escarra, J., *Les fondations en Angleterre* (Paris 1907); Scrutton, T. E., *Land in Fetters* (Cambridge, Eng. 1886) p. 18–21, 64–66, 80–81; Fisher, H. A. L., *The History of England (1485–1547)*, Political History of England series, vol. v (London 1916) p. 368–80; Hannay, R. K., "On the Church Land at the Reformation" in *Scottish Historical Review*, vol. xvi (1918–19) 52–72; Cripps, H. W., *A Practical Treatise on the Law Relating to the Church and Clergy* (7th ed. London 1921); Potter, H., *The Modern Law of Real Property Founded upon the Fifth Edition of Goodeve's Real Property* (London 1929) p. 49–50, 446–62; Tudor, O. D., *Tudor on Charities* (5th ed. by H. G. Carter and F. M. Crawshaw, London 1929); Tyssen, A. D., *The Law of Charitable Bequests* (2nd ed. by C. E. Shebbeare and C. P. Sanger, London 1921); Zollman, Carl, *American Civil Church Law*, Columbia University, Studies in History, Economics and Public Law, no. 181 (New York 1917) ch. iv; Burge, W., *Commentaries on Colonial and Foreign Laws*, 4 vols. (new ed. by A. W. Renton and others, London 1907–28) vol. iv, pt. ii, p. 45–54.

MOSER, JOHANN JAKOB (1701–85) and FRIEDRICH KARL VON (1723–98). Johann Jakob Moser may be called the founder of the positivistic treatment of public law in Germany. With prodigious labor he brought together the elements composing the law of the old empire, which Pütter later used to create his system. In his rationalism Moser was a modern jurist: the Middle Ages and their conception of the state appeared to him dark and fantastic. His life's work was devoted to the study of facts and sources.

Moser was fitted for this work not only by an almost incredible capacity for labor but also by extensive political practise. He worked in the imperial court as well as in the imperial chamber of justice and the imperial council and acted as adviser to numerous spiritual and temporal princes and cities.

In the positivistic direction of the exact description of existing law Moser treated both public and international law and unquestionably improved their contemporary condition. He has been called indeed the father of German public law, and in the history of international law his name ranks with the great positivists. Averse as he was to all antiquarianism which has no internal relation to speculative thought, he regarded international law not as a system of norms valid in themselves but as a system of customary practises, the principles of which are repeatedly described. In general his conception of the nature of juristic activity made it necessary for him constantly to devote himself in innumerable publications to the newest manifestations of political practise.

Thanks to his character and to his religious outlook Moser escaped the danger of a utilitarian position, which usually accompanies preoccupation with factual data. For him concentration on the actual is the expression of a simple love of truth; and neither the chicane of censorship nor a five-year imprisonment in the Hohentwiel, to which he was sentenced by the duke of Württemberg on account of his support of the estates-constitution of that duchy, was able to shake his convictions. In these difficulties he derived inner solace from his religious convictions. The mode of life of the righteous man and the Christian may be traced in Moser's autobiography, which is as superior to Pütter's autobiography in inner truth and genuine warmth as are the latter's public law writings to Moser's in elegance and clarity of composition.

While Moser can scarcely be spoken of as a political figure in the true sense of the term—within the limits of his juristic convictions he was a loyal subject of authority—his intervention on the side of justice and his sufferings in the Hohentwiel have caused him to be regarded as a national martyr. Seen thus he appears as a great patriot, a liberal citizen and the inflexible champion of threatened liberties.

In contrast with Moser's political position, which although essentially passive was extremely influential, his son Friedrich Karl, under the influence of a changing era, embraced an active policy of resistance, which proclaimed the death of the absolutistic era. As a jurist Friedrich Karl von Moser was essentially a pupil of his father, whose methods of collecting and digesting material he adopted and extended. He surpassed him, however, in his political writings, in which he described with great frankness the wrongs of the existing state; he fearlessly attacked the despotism and the accompanying wastefulness and sycophancy of the many German principalities and demonstrated the responsibility of the prince and his councilors. Moser also exerted practical efforts in behalf of his ideas, vehemently insisting on the relief of the finances

of Hesse-Darmstadt. But to insist upon a good administration as a public legal duty of the ruler was at that time so unheard of that his opinions made little impression on the reigning bureaucracy. In recalling also the old imperial patriotism he was one of the first to stir the German national spirit, although this appeal too could not be immediately effective. The French Revolution, which Moser lived to see, did not make him a democrat but it increased the authority of his writings.

ERNST VON HIPPEL

Important works of J. J. Moser: Teutsches Staatsrecht, 53 vols. (Nuremberg 1737–54); *Neues teutsches Staatsrecht*, 24 vols. (Frankfort 1766–82); *Versuch des neuesten europäischen Völker-Rechts*, 10 vols. (Frankfort 1777–80); *Lebens-Geschichte* (Offenbach 1768; 3rd ed., 4 vols., Lemgo 1777–83). *Of F. K. von Moser: Der Herr und der Diener geschildert mit patriotischer Freyheit* (Frankfort 1759); *Von dem teutschen National-Geist* (Frankfort 1765); *Über Regenten, Regierung und Ministers* (Frankfort 1784). He also edited the *Patriotisches Archiv für Deutschland*, 12 vols. (Frankfort and Leipsic 1784–90), and the *Neues patriotisches Archiv für Deutschland*, 2 vols. (Frankfort and Leipsic 1792–94). A collected edition of F. K. von Moser's works is available: *Gesammelte politische und moralische Schriften*, 2 vols. (Frankfort 1763–64).

Consult: For J. J. Moser: Schmid, August, *Das Leben Johann Jakob Mosers* (Gütersloh 1868); Schulze, Hermann, *Johann Jakob Moser, der Vater des deutschen Staatsrechts* (Leipsic 1869); Wächter, Oscar, *Johann Jakob Moser* (Stuttgart 1885); Stintzing, R. von, and Landsberg, E., *Geschichte der deutschen Rechtswissenschaft*, 3 vols. (Munich 1880–1910) vol. iii, pt. i, p. 313–30; Herzog, J., *Moser, Vater und Sohn* (Kalw 1905); Verdross, Alfred, "J. J. Mosers Programm einer Völkerrechtswissenschaft der Erfahrung" in *Zeitschrift für öffentliches Recht*, vol. iii (1922–23) 96–102, and *Die Einheit des rechtlichen Weltbildes* (Tübingen 1923) p. 98–99; Fröhlich, Marianne, *Johann Jakob Moser in seinem Verhältnis zum Rationalismus und Pietismus* (Vienna 1925); Becher, Ludwig, *Johann Jakob Moser und seine Bedeutung für das Völkerrecht* (Würzburg 1927). For F. K. von Moser: Ledderhose, K. F., *Aus dem Leben und den Schriften des Ministers Freiherrn Friedrich Karl von Moser* (Heidelberg 1871); Renner, Bruno, *Die nationalen Einigungsbestrebungen Friedrich Karl von Mosers* (Königsberg 1921); Witzel, Karl, *Friedrich Carl von Moser*, Quellen und Forschungen zur hessischen Geschichte, no. 10 (Darmstadt 1929); Kaufmann, H. H., *Friedrich Carl von Moser als Politiker und Publizist*, Quellen und Forschungen zur hessischen Geschichte, no. 12 (Darmstadt 1931).

MÖSER, JUSTUS (1720–94), German man of letters and historian, one of the fathers of the historical school of law, economics and ethnology. Möser's entire life was spent at Osnabrück, the capital of the principality of the same name. His father had been one of its high officials, and he himself served it in the same capacity. Constant study of contemporary English and French literature, a long stay in London immediately after the Seven Years' War and his careful observation there of country and people were deciding factors in his mental development.

Early complimentary verses, moralizing articles, the tragedy *Arminius* and discussions upon Voltaire and Rousseau suggest the educated man of letters of the period of Enlightenment rather than the historian he was to become. It was only after the war that he began his *Osnabrückische Geschichte* (3 vols., Osnabrück 1768–1824; vols. i–ii 3rd ed. Berlin 1819). The introduction to this unfinished history created a quite understandable sensation. Möser demanded that history should no longer be "divided into periods corresponding with the different rulers" but that it should be a real history of the people He was still influenced by the doctrine of the social contract, but since his models were the peasants of the principality, who lived according to their hereditary customs, a view of the past in terms of men, soil and freedom took ever deeper root in his mind. He envisaged constitutional history as dealing not with princely liberties but with the rights and duties of the people. The introduction was reprinted in 1773 as "Entwurf einer deutschen Geschichte" together with equally sensational essays by Herder and the young Goethe in the famous volume *Von deutscher Art und Kunst*. From that time Möser was constantly in touch with Goethe, who credited the "Patriarch of Osnabrück" with great influence on his youthful development and who appraised Möser's second work in immortal terms. This was his *Patriotische Phantasien* (4 vols., Berlin 1774–86; new ed. by R. Zöllner, 2 vols., Leipsic 1871), originally published as weekly articles in the *Osnabrückische Intelligenzblätter*. All these essays dealt with the customs and rights of his countrymen and at the same time embraced the vital questions of contemporary administration and economics. Here Möser broke away from the rationalism of his time in order to concentrate attention upon organic development rather than the definition of institutional ideas. He opposed the "present propensity toward general laws and decrees" and tried to show that all existing conditions are sacred and reasonable when viewed in the light of their historical origins, thus paving the way for Savigny and Grimm. It was he who discovered in history the intuition of reality in its prolixity and in its simplicity, in its infinite coherence and

in its mutability. The demand for research based on primary sources results from this view, as does also the abandonment of moralizing contemplation and superior judgment of the past in favor of a humble understanding of it. At the same time Möser advocates the education of the public to an understanding of customs, rights and economic relations.

He did not, however, desert literature, for his last work was *Ueber die deutsche Sprache und Literatur* (Osnabrück 1781), his magnificent answer to Frederick II's critique of German literature. Characteristic of his method was the search for the real, the primordial, the historically evolved, in contrast with convention and the abstract definition in customs, law and art.

K. BRANDI

Works: *Sämmtliche Werke*, ed. by B. R. Abeken and J. W. von Voigt, 10 vols. (2nd ed. Berlin 1858); *Gesellschaft und Staat*, a selection with bibliography, ed. by Karl Brandi (Munich 1921).

Consult: Meinecke, Friedrich, "Über Justus Mösers Geschichtsauffassung. Einleitende Bemerkungen" in Preussische Akademie der Wissenschaften, Philosophisch-historische Klasse, *Sitzungsberichte* (Berlin 1932) p. 2–14; Brandi, Karl, in *Preussische Jahrbücher*, vol. ccxxvii (1932) 54–69; Zimmermann, Heinz, *Staat, Recht und Wirtschaft bei Justus Möser*, List Studien, no. 5 (Jena 1933).

MOSHEIM, JOHANN LORENZ (1694–1755), founder of modern Protestant ecclesiastical historiography in Germany. Mosheim studied at Kiel and became professor of theology at the University of Helmstedt and after 1747 at the University of Göttingen. He was not only the most important theologian of his time but also a humanistic scholar of European reputation. In 1732 he was elected president of the Deutsche Gesellschaft in Leipsic and he took a leading part in the founding of the Göttingen Gelehrten-Gesellschaft—whence the slogan, *Ubi Moshemius, ibi academia*. He placed his rich knowledge and ability primarily at the service of ecclesiastical history, which he elevated from the status of an auxiliary to polemics and apologetics to the position of an independent branch of theological science. Mosheim employed the scientific source methods of the new historical scholarship in solving the problems of ecclesiastical history. His comprehensive knowledge of languages enabled him to make use of the results of the work of foreign scholars, especially English and French. In his many works he treated special questions and presented the general history of the church in its major interrelations. In doing so he drew into his orbit events which had hitherto remained entirely unnoticed in ecclesiastical history, as in his *Historia Tartarorum ecclesiastica* (Helmstedt 1741; tr. into English, London 1750) and in his *Erzählung der neuesten chinesischen Kirchengeschichte* (Rostock 1748). In his *Versuch einer unpartheiischen und gründlichen Ketzergeschichte* (Helmstedt 1746), continued by *Anderweitiger Versuch* . . . (Helmstedt 1748), and in his *Neue Nachrichten von dem berühmten spanischen Arzt Michael Servede* (Helmstedt 1750) his liberal, conciliatory theological standpoint is evident. In his *Institutiones historiae ecclesiasticae Novi Testamenti* (Helmstedt 1726, finally revised as *Institutiones historicae christianae antiquae et recentioris libri quatuor*, 1755; tr. by J. Murdoch, 3 vols., 5th ed. New York 1854) and in his *De rebus Christianorum ante Constantinum Magnum commentarii* (Helmstedt 1753; tr. by R. S. Vidal, 3 vols., London 1813–35) he organized the material according to the "external" and "internal" condition of the church. It was thus natural that he devoted special attention to social questions. He endeavored to demonstrate, for example, the influence of the church on the moral conditions in the Roman state.

KARL VÖLKER

Consult: Heussi, Karl, *Johann Lorenz Mosheim* (Tübingen 1906), and *Die Kirchengeschichtschreibung Johann Lorenz von Mosheims* (Gotha 1903); Bonwetsch, Nathanael, "Johann Lorenz von Mosheim als Kirchenhistoriker" in *Festschrift zur Feier des hundertfünfzigjährigen Bestehens der königlichen Gesellschaft der Wissenschaften zu Göttingen* (Berlin 1901) p. 235–61; Völker, K., *Die Kirchengeschichtsschreibung der Aufklärung* (Tübingen 1921).

MOSHESH (1783–1870), South African native statesman. In the early nineteenth century Basutoland and the neighboring districts of South Africa were in utter confusion because of the devastation wrought by the military campaigns of the Zulu chief Chaka (1784?–1828), who with his well equipped, disciplined force had conquered the region, partly exterminated its inhabitants and established a Zulu nation of the remnants of more than one hundred tribes. Moshesh, originally the chief of an insignificant clan, succeeded by diplomatic skill, fine generalship and peaceful persuasion in attracting to himself and assimilating into a composite whole the scattered remnants of numerous broken tribes. He resisted the attacks of other native chiefs, and with the growth of his prestige people flocked to his rule until he was the most powerful chief in that part of the country. He ruled

with vigor but moderation over the nation he created, welcomed the missionaries and encouraged their activities, although he himself did not adopt Christianity, and promoted the spread of education. From 1838 onward he became involved in several wars with the Boers of the adjacent Orange Free State, with the result that he lost much valuable territory. In 1868 the British intervened and annexed Basutoland. It is due to the influence of Moshesh that of the several native states which arose in south Africa during the last century Basutoland is the only one which has survived the impact of civilization.

I. SCHAPERA

Consult: Ellenberger, D. F., *History of the Basuto* (London 1912); Lagden, G. Y., *The Basutos* (London 1909).

MOST, JOHANN (1846–1906), German-American anarchist. Most first came in contact with the labor movement during his travels as a journeyman bookbinder in Switzerland and Austria. In Vienna he was sentenced to five years' imprisonment for revolutionary activity but was released after twelve months on condition that he leave Austria. He returned to Germany, devoted himself to socialist editorial work and in 1874 became a member of the Reichstag. Under the Bismarck antisocialist laws he was exiled from Berlin and emigrated to London, where on January 3, 1879, he founded his famous weekly, the *Freiheit*. Most, who had become dissatisfied with Social Democracy for its overemphasis of parliamentary work and its neglect of revolutionary education, hoped that the *Freiheit* would serve the German movement as its illegal organ, but the party leaders feared his radicalism and expelled him from the party. His activity in London was short lived; after two prison terms and an unsuccessful attempt to publish his paper in Zurich he left for the United States in 1882.

In New York Most resumed publication of the *Freiheit*, which labored under constant financial difficulties. Despite bitter controversies with various anarchist leaders, with whose tactics he disagreed, he succeeded in organizing a collectivist, or communist anarchist, group which played a dominant part in the movement. He disapproved of Berkman's attack on Frick during the Homestead strike in 1892, declaring that assassinations were justifiable only where they awakened a response among the workers. Most attempted to impart a concrete and practical labor slant to anarchism; under his leadership the American anarchists actively supported the eight-hour movement and all forms of militant labor union struggle. His efforts to indoctrinate the labor movement with anarchism were, however, unsuccessful. He served two terms on Blackwell's Island. Besides his editorial and propaganda work Most was the author of a large number of pamphlets which are still widely read in the labor movement. The *Freiheit* survived only a few years after his death.

LUDWIG LORE

Important works: *Die Gottespest und Religionsseuche* (New York 1883, 12th ed. 1887); *Die Pariser Kommune vor den Berliner Gerichten* (Braunschweig 1875); *Die socialen Bewegungen im alten Rom* (Berlin 1878); *Revolutionäre Kriegswissenschaft* (New York 1885, 3rd ed. 1895); *Memoiren*, 2 vols. (New York 1903–05); *Die freie Gesellschaft* (New York 1884).

Consult: Rocker, R., *Johann Most* (Berlin 1924); Mehring, Franz, *Geschichte der deutschen Sozialdemokratie*, 4 vols. (Stuttgart 1922) vol. iv, chs. vi–vii; *Briefwechsel zwischen Friedrich Engels und Karl Marx*, 4 vols. (Stuttgart 1913) vol. iv; Spies, August, *Autobiography* (Chicago 1887); Goldman, Emma, in *American Mercury*, vol. viii (1926) 158–66; Kautsky, Karl, in *Gesellschaft*, vol. i (1924) 545–64.

MOST-FAVORED-NATION CLAUSE. *See* COMMERCIAL TREATIES.

MOTHERS' PENSIONS. The terms mothers' pensions, widows' pensions, mothers' aid and mothers' allowances have been used to designate public aid extended to children in their own homes. Such aid is aimed to prevent destitution and the break up of the family and commitment of dependent children to institutions. It has taken two forms: non-contributory grants from public funds and national contributory insurance against death or disability of the father. Both forms had their inception at almost the same time, with the introduction of allowances in the United States in 1911 and in New Zealand in 1912 and with the introduction of contributory insurance in Germany in 1911. It was the non-contributory system of aid which developed more rapidly, especially in the United States, because of the absence of schemes of social insurance with which the insurance for dependent mothers and children was linked. This system is not a pension but rather a special form of assistance to families of a selected type; it is based upon established need for assistance and is on a higher plane than outdoor relief as to character of beneficiaries, administration and amounts of aid granted. The non-contributory

system is not only to be found at present in the United States but has existed in Canada since 1916, in Denmark since 1914, in New Zealand since 1912, in New South Wales since 1926 and in certain cities of Norway. National contributory insurance has obtained in Germany since 1911, in Italy since 1919, in Belgium since 1924, in Great Britain since 1925, in France since 1930 and in less definite form in a number of other countries. Great Britain also provides a form of non-contributory grant for a specified group of widows and orphans not covered under the insurance act.

In the United States the movement took definite form after the White House Conference on the Care of Dependent Children held in 1909. Prior to the first legislation in 1911 a number of states and localities had recognized the wisdom of providing care for dependent children in their own homes and had made possible such care in a limited way through county funds granted by juvenile courts or through school funds which enabled children of indigent parents to attend school. The first definite legal provision, passed by the Missouri legislature in 1911 and applying at first only to Jackson county, in which Kansas City is located, called for the "partial support of poor women, whose husbands are dead or convicts, when such women are mothers of children under the age of fourteen years." In the same year the first state wide law was enacted in Illinois; this provided for county funds to be paid on the order of the juvenile court to parents who were unable to care for their children but who were otherwise proper guardians.

In the period between 1911 and 1914 a nation wide campaign was carried on by women's organizations and social welfare agencies. In 1912 Colorado and in 1913 seventeen other states enacted mothers' pension or mothers' aid laws. In 1915 eight states enacted laws for the first time and during the next five years fourteen states adopted the principle of mothers' aid. Laws were passed in other states in 1923, 1926, 1928 and 1931. By 1933 mothers' aid laws were found on the statute books of forty-six states, the District of Columbia and the territories of Alaska and Hawaii. Only the states of Georgia and South Carolina are without such provision. The experimental character of the early legislation, a result of the haste with which the idea was adopted, is evidenced in the numerous later revisions and the necessity of further changes to improve the administration, to make the application more inclusive and to increase the funds available for grants.

While in the earlier laws aid was provided only for children of widows, at the present time all but four states permit aid to be granted to any mother with dependent children or specify a wide range of causes of dependency, including death of father, desertion, divorce, physical or mental incapacity and imprisonment, with necessary restrictions pertaining to desertion and divorce cases. Four states specifically include unmarried mothers, while in some other states the law may be so applied. A few states give assistance to relatives or guardians, other than parents, having custody of a dependent child. In six states aid may be granted to an expectant mother.

The most important consideration with regard to the age up to which a child may be granted aid is that it shall be in conformity with compulsory school attendance and child labor laws. In only eight states in 1932 was aid limited to fourteen years. In four states aid may be granted up to fifteen years; in thirty and the District of Columbia up to sixteen years; in two up tc seventeen years and in two up to eighteen years. In a number of states aid may be continued when a child beyond the usual age limit is incapacitated. In actual application, however, aid is frequently limited to fourteen years because of inadequate funds.

The eligibility requirements as to residence and citizenship vary in the different states from a minimum of one year in the county to citizenship in the United States together with five years' residence in the state and three years in the county. Most states do not require citizenship or declaration of intention to become a citizen of the United States.

Conditions determining the granting of aid refer mainly to economic need and to the mother's ability to give the child proper care. While in the majority of the states no specific mention is made of ownership of real estate and other property, a number of laws set up definite restrictions. Various state laws include a statement relating to investigation of each application in order to determine eligibility, the character of the home and the amount of aid required. In order to adjust the allowances to changing conditions it has been found desirable to provide for review of the grants at regular intervals, in most instances once in six months.

Experience in the administration of mothers' aid laws has shown the desirability of avoiding

strict limitation of allowance and of permitting assistance to be based upon the needs of each individual family. The laws of ten states and the District of Columbia do not place a limit on the grant per child or per family and either provide definitely or imply that the budget method shall be used to ascertain needs. Grants are still limited by law in most states; but in practise many of them grant aid in accordance with individual needs and resources of each family, so far as the limitations of the law and available appropriations permit.

The increasing application of the principle of home care for dependent children is shown in the figures available for three periods. In 1922 the number of children throughout the United States who were beneficiaries of mothers' aid was estimated as approximately 121,000, in 1927 as 200,000 and on the basis of figures obtained in 1930 as approximately 256,000. The annual expenditure for aid to children in their own homes was estimated for 1930 as at least $36,000,000. Because of the lack of funds and the overshadowing need for general emergency relief it is probable that there has been a reduction in the number receiving aid and the amounts of allowances in 1931 and 1932.

Since the problems involved in administration are those of family relief and because public poor relief was in bad repute, administration was in most states lodged in a child welfare agency. The fact that in the middle western and western sections of the country juvenile courts have jurisdiction over dependent children and that in most localities in these states there existed no other county child welfare agencies explains in large measure the selection of the court as the administrative agency in fifteen of the twenty states which enacted laws between 1911 and 1913. In the states in the northeastern section of the country public care of dependent children devolves upon a county or town board instead of a court, and in most of these states administration of mothers' aid was placed in a local board having jurisdiction over dependent children, in the local poor relief agency jointly with the state welfare department or in boards created for this purpose. The development of county boards of child or public welfare in some of the southern states led to the acceptance of these agencies as the logical administrators of mothers' aid. In 1932 the local administrative agencies may be summarized as follows: courts having juvenile jurisdiction exist in nineteen states; county or city child welfare boards, boards of children's guardians or boards of public welfare in eight; special county boards with no other functions in three; county officials granting poor relief in thirteen; in two states administration is by the state welfare department and in one by a special state commission. The state welfare department assumes in five states joint responsibility with the local unit in the administration and financing of mothers' aid; one state administers the local funds; four states give financial aid to the local units with more or less jurisdiction over administrative standards and several other states exercise some form of supervision over local administration.

In a number of states administration of mothers' aid is still at a very low level. But in most of the large cities throughout the United States and in many entire states there has been a continuous growth in the number of children receiving grants and in the amount of aid given. The standards of aid are constantly being improved, waiting periods are being cut down and the budget plan is used increasingly in determining the amount to be granted to the family on the basis of its total needs and its other resources. As new laws are added and old ones revised, the trend appears to be toward placing local administration in county boards of public welfare. State appropriations to supplement local funds are found increasingly desirable, as is supervision by the state welfare department for the purpose of maintaining high standards in the local agencies.

The laws providing for mothers' allowances in six of the nine provinces of Canada approximate closely those of the United States, upon which it may be assumed they were based. The first of these laws was enacted by the province of Manitoba in 1916. Saskatchewan followed in 1917, Alberta in 1919, British Columbia and Ontario in 1920 and Nova Scotia in 1930. In Canada the federation of labor was an active force in the passage of this legislation. Aid is granted by the provincial authorities through a special commission or by the official or board charged with the care of dependent and neglected children. The source of revenue is the provincial treasury, supplemented in some provinces by a levy on municipal funds. All of the provinces include as beneficiaries the children of widows and of fathers physically or mentally incapacitated in varying degrees. Incarceration of the father in a penal institution, desertion or divorce may be the cause of dependency in some of the provinces, and under the general law of

one province aid may be granted to children of unmarried mothers. All the Canadian laws require that the mother shall be a fit person to exercise custody and control over her children. In some provinces maximum amounts of grants are defined; in others they are determined by the needs of the families. Aid is permitted in most of the provinces until the children reach the age of sixteen years; in others the limit is fourteen or fifteen years; in all cases age maxima are correlated with school attendance and employment regulations.

The New Zealand Mothers' Pensions Law was enacted in 1911 and went into operation the following year. This law, which as amended in 1926 is actually a pension plan, provides that applicants for pensions must be British subjects of good moral character with at least one child under fifteen years and includes widows and women whose husbands are in hospitals for mental diseases. One pound is deducted from the mother's pension for every pound of her unearned income in excess of thirty pounds per year. Grants are for a twelve-month period, after which they are subject to revision. In 1913 administration of old age, widows' and military pensions was placed in one department. Four of the six states of Australia have some form of mothers' pension laws and similar provision is made in the other states without special legislation.

The pension legislation of Denmark went into effect in 1914 and as amended in 1918 and 1920 provides for pensions by the communes (half to be paid by the states and half by the communes) for widows with an income below a certain limit. There are requirements as to fitness of home and of guardianship. The pensions vary according to the ages of the children, the largest amounts being paid for children under two years of age. Pensions are granted until children reach the age of fourteen years and under exceptional conditions until they are eighteen years of age. In addition to widows mothers who are divorced, separated from their husbands or deserted are entitled to pensions unless the father contributes to the family's support. Norway does not have a national law providing for pensions, but the cities of Oslo and Elverum pay pensions to widows, unmarried mothers and divorced mothers who have young children and whose income is below a certain minimum.

In Germany as later in Great Britain provision is made through both social insurance and a pension fund. Under the 1911 provision of the invalidity pension act of Germany wage earners' widows' pensions are payable at the age of sixty-five and orphans' pensions are payable to children of a deceased insured father who are under the age of fifteen or to the fatherless children of a deceased insured mother. If the children continue in school they may receive the pension until they reach the age of twenty-one. In contrast to legislation fixing grants according to need or at fixed amounts the German system bases its grant on the previous earning status of the insured and provides that the total survivors' pensions may not exceed 60 percent of the earnings of the deceased. Under the system of German social insurance the contributory partners are the employer and the employee, each of whom contributes 50 percent; the government supplements these with annual allowances for widows and orphans. Administration is in the hands of territorial institutes and special insurance institutes serving particular industries; all the institutes are subject to supervision by the federal insurance office. Under two decrees on public welfare promulgated in 1924 aid is provided from public funds for mothers not in receipt of benefits under social insurance law covering death, disability or unemployment. This aid is given to mothers at childbirth and also to mothers of children under a certain age, the amount being determined by the local administration agencies. Presumably this may apply to the classes of children who receive aid under other provisions; that is, children of separated, divorced or deserted mothers.

The British system of social insurance was extended in 1925 by the Widows', Orphans', and Old Age Contributory Pensions Act which came into effect on January 4, 1926. Under the provisions of this act, which applies to all wage earners except non-manual workers earning more than £250 a year, widows of insured men may receive ten shillings a week with the addition of five shillings a week for the oldest child and three shillings for other children. The age limit of fourteen years may be extended to sixteen years if the children continue in school. Pensions are also granted to full orphans. The insurance is financed by funds from employers and employees, who contribute equal amounts, and by a subsidy from the state. Northern Ireland passed a similar law in 1925 providing for a reciprocal arrangement as to the insured with Great Britain. It is interesting to note that the trade unions, the women's cooperative guild and the family endowment societies protested against

the contribution of workers on the theory that the support of dependent children should be a duty of the state. Also allowances were criticized as inadequate. Since many of the recipients of this form of aid formerly came under the jurisdiction of poor laws, it was feared that the inadequate allowances would unfavorably affect as well general poor law rates. Under the act workers' contributions begin at the age of sixteen and terminate at sixty-five; employers' cover the period of employment. For certain classes of workers exempted or in exceptional employments employers alone pay contributions. In 1929 an amendment to the contributory pensions act extended the provisions to widows of men of the insurable class who died before the law went into effect, provided there had been at least one child under fourteen at the time, and stipulating that the pension ceases six months after the youngest child reaches the age of fourteen years. No provision is made for deserted or divorced wives, unmarried mothers or wives of men permanently incapacitated physically or mentally or in prison or in poor law institutions. Administration is under the Ministry of Health and pension payments are made through the post office.

On the continent practically every country with social insurance legislation has in the post-war period made provision for dependent children. The invalidity and old age insurance law of Italy originally adopted in 1919 provides for pensions to widows and orphans. The Belgian law which went into operation July 1, 1932, replacing acts of 1924 and 1925 provides for payments to widows and orphans supplemented by the widows and orphans' fund, to which the state makes a contribution. In France under the social insurance law of April 30, 1930, the widow of an insured man having at least three children under thirteen years is entitled to a temporary pension for each child beginning with the third. Other countries including Czechoslovakia, Austria, Soviet Russia and Sweden provide for pensions to children under certain ages, the limit ranging from thirteen to sixteen. More or less related to the foregoing system of pensions for mothers and children is the provision for maternity benefits.

Another type of public assistance is found on the continent and in Australia in the system of family allowances by the state to employees in the public services; in New Zealand allowances are made to the families of all workers receiving less than a certain income.

Broadly speaking, under the pressure of agitation for social insurance and the endowment of motherhood the tendency has been for public aid to be applied on an ever widening scale as to types of families included and amounts of allowances granted. In the United States, where the family case work system is employed in the granting of this aid, it is possible to study means of bringing about the economic and social rehabilitation of the family. Everywhere there is a growing recognition of the interdependence of such forms of aid with the growth of movements aimed at raising wage standards and lessening the insecurity and hazards of employment, which should facilitate saving and reduce widowhood and dependency resulting from industrial accident, disease and insecurity.

EMMA OCTAVIA LUNDBERG

See: MATERNITY WELFARE; CHILD, sections on CHILD WELFARE, DEPENDENT CHILDREN, NEGLECTED CHILDREN and CHILD WELFARE LEGISLATION; SOCIAL INSURANCE; FAMILY ALLOWANCES; PENSIONS; POOR LAWS; SOCIAL CASE WORK; FAMILY; ILLEGITIMACY; JUVENILE DELINQUENCY AND JUVENILE COURTS.

Consult: Lenroot, K. F., "Mothers' Aid Legislation and Child Welfare" in *American Federationist*, vol. xxxviii (1931) 608–15; United States, Children's Bureau, "Laws Relating to Mothers' Pensions in the United States, Canada, Denmark, and New Zealand," by Laura A. Thompson, *Publication*, no. 63 (1919), "Tabular Summary of State Laws Relating to Public Aid to Children in Their Own Homes," *Chart*, no. 3 (3rd ed. 1929), "Administration of Mothers' Aid in Ten Localities, with Special Reference to Health, Housing, Education, and Recreation," by M. F. Bogue, *Publication*, no. 184 (1928), and "Public Aid to Mothers with Dependent Children," by E. O. Lundberg, *Publication*, no. 162 (rev. ed. 1928); Davis, A. J., "The Evolution of the Institution of Mothers' Pensions in the United States" in *American Journal of Sociology*, vol. xxxv (1929–30) 573–87; Cohen, J. L., *Mothers' Allowance Legislation in Canada* (Toronto 1927), with bibliography; Cohen, Percy, *The British System of Social Insurance* (London 1932) ch. ii; Breckinridge, S. P., "Widows' and Orphans' Pensions in Great Britain" in *Social Service Review*, vol. i (1927) 249–57; Lundberg, E. O., "Progress of Mothers' Aid Administration" in *Social Service Review*, vol. ii (1928) 435–58; Metropolitan Life Insurance Company, *Social Insurance Legislation*, Social Insurance series, Monograph, no. 4 (New York 1932); International Labour Office, *The I. L. O. Year-Book, 1931* (Geneva 1932) p. 245–48.

MO TI (*c.* 480–400 B.C.), Chinese philosopher and social theorist. More religious than Confucius, Mo Ti taught the worship of heaven; that is, of the supreme being (Shang ti), or God, and of His assistants, the spirits. The principle of universal love based on utilitarian considerations is the corner stone of his system. God

sends happiness to those who comply with His commands; those whom a man benefits repay him with kindness. As soon as men have grasped the truth that it is to their own interest to love and help their brothers, war will disappear. Mo Ti's second great principle was economy and frugality. Articles of luxury are useless and cause trouble to the people; the arts are useless and the refined life of culture should give way to the simplicity of primitive times.

To call Mo Ti a socialist, as many Chinese do, is incorrect. Despite the social elements in his ethics he never advocated the abolition of private property, class struggle or mass rule. Like Confucius he would vest state power in a monarch assisted by an aristocracy of scholars and nobles, to whose higher insight the people must bow. Only the ablest men, whether from the privileged classes or the people, would be appointed officials.

For many centuries the school of thought founded by Mo Ti rivaled that of Confucius. It was revived in the nineteenth century and has since been carefully studied by Chinese and Japanese scholars.

A. FORKE

Works: *The Ethical and Political Works of Motse*, tr. by Yi-Pao Mei (London 1929); Tomkinson, L., "The Social Teachings of Meh Tse" in Asiatic Society of Japan, *Transactions*, 2nd ser., vol. iv (1927) 5–179, with translations from Mo Ti.

Consult: *Mê Ti, des Sozialethikers und seiner Schüler philosophische Werke*, ed. and tr. by A. Forke, Berlin, Friedrich-Wilhelms-Universität, Seminar für Orientalische Sprachen, Mitteilungen, supplement to vol. xxiii–xxv (Berlin 1922); David, Alexandra, *Socialisme chinois, le philosophe Meh-Ti et l'idée de solidarité* (London 1907); Faber, E., *Die Grundgedanken des alten chinesischen Socialismus, oder die Lehre des Philosophen Micius* (Elberfeld 1877); Liang Chi-Chao, *History of Chinese Political Thought*, tr. by L. T. Chen (London 1930) ch. vi; Kuei Yuan Huang Quentin, "The Life of Meh-Ti," "The Philosophy of Meh-Ti," "Meh-Ti on Non-fatalism," and "Meh-Ti on Virtue" in *Open Court*, vol. xlii (1928) 224–39, 277–89, 430–34, and 492–96.

MOTION PICTURES

INDUSTRIAL DEVELOPMENT. The first public screen showing of a motion picture took place on May 21, 1895, but it was not until the close of 1906 that the new industry was definitely launched as a commercial enterprise. In its earlier development the motion picture industry was dominated by companies interested primarily in the manufacture and lease or sale of equipment—a peep show device by which a single spectator peered at a continuously moving film. In order to assure to the purchaser an adequate supply of films the companies which manufactured the exhibiting equipment found it necessary to take charge of film production as well. Exhibitors ordinarily bought films outright at prices ranging from $10 to $25 apiece and used them until they wore out.

When technical developments made possible projection upon a large screen so that many patrons could view a subject simultaneously, frequent changes in program became necessary. The exhibitor soon accumulated an obsolete but physically undepreciated stock of films from which he could derive no further profit. In order to eliminate the wasteful process of making a separate print for each exhibitor, so-called film exchanges came into existence; these purchased the films outright from the producers and leased them successively to various exhibitors. Ownership of the film remained with the exchange, while the exhibitor obtained merely a license to exhibit a particular film in a particular place for a stipulated period of time.

But the new film exchanges in attempting to expand their sales clashed with the manufacturers of equipment, who made a practise of selling a machine to an exhibitor only on condition that he use films produced by the seller. As a compromise the leading manufacturers of equipment organized in 1908 the Motion Picture Patents Company, into which they pooled their several patent rights, and came to an agreement with the new middlemen that thereafter distribution of films should be the monopoly of licensed exchanges, which should in return agree to sell only to such theaters as had licensed projecting machines. Because of the tremendous demand for films, however, unlicensed picture producers were still able to offer their products on the market and independent exchanges continued to operate. Realizing the necessity for further consolidation, the members of the Patents Company organized in 1910 the General Film Company, which succeeded, by threatening to revoke licenses, in buying up 57 of the 58 independent exchanges.

The dissolution of the monopoly in 1915 by the federal courts merely completed the effects of underlying economic and aesthetic forces. Both the public and the exhibitors were becoming interested in obtaining better quality pictures, and this led to the rise of the feature picture, which varied in both length and quality. It became increasingly apparent that the traditional policy of pricing pictures at a flat rate

per foot must give way to some system of comparative pricing. For the first time the attempt to anticipate the volatile whims of the public became a major problem. One of the earliest indications of readjustment was the introduction of the "star" system, whereby groups of seven or eight pictures were offered, each group featuring a particular actor or actress. Production costs rose accordingly. Scenarios became more expensive; filming costs increased; while the star insisted on a salary commensurate with his personal attraction.

After the dissolution of the General Film Company, actual distribution was effected, not too satisfactorily, by "state right" exchanges, operating within a more or less limited territory, which bought films of various producers outright or leased them exclusively over a period of years. No exchange could operate profitably so long as it was forced to rely upon the occasional production of the few long pictures which the single producer could offer. On the other hand, the producer, as his output increased, came to feel that he could distribute more economically than could the individually owned exchanges. Furthermore there appeared to be an inadequate number of good exchanges available to any one producer, who then as now felt the necessity of standardized distribution on a nation wide scale and consequently the desirability of actually controlling the distributive organization. With the producer in control, a shrewder price bargain might be struck with the exhibitor and a higher rental obtained. The subsequent development of large chain theaters, the mergers among producers and the integration of producers with theater chains materially augmented the financial strength of the producing companies and consequently minimized still more the importance of the independent exhibitor. In 1929, out of 533 exchanges there were 444 producers' exchanges as against 75 independent exchanges (exclusive of 14 export exchanges); the former, representing 83.3 percent of the total, handled 94.67 percent of the business, the remainder being divided between the independent exchanges, which handled 2.2 percent, and the export exchanges, which handled 3.1 percent.

The entrance of the producer-distributors into the exhibition branch of the industry may be attributed to such technical considerations as the pricing of pictures, competition for desirable play dates, booking, checking on the physical condition of films, collection of rentals and bad accounts and the inconvenience and expense of disputes. By 1920 a very substantial number of theaters had been acquired by leading producers. From 1920 to 1925 there were no particular indications that this number would be substantially increased. In fact by the latter year the industry had reached a period of temporary stabilization; the leading producers had acquired their own branches for film distribution, independent producers and distributors still held an important position in the industry and the product itself had become stabilized. Except for minor technical improvements, it was commonly believed that the limitations of the silent feature picture had been realized.

Beginning in 1925, however, producer-distributors once again launched a general program of theater acquisition. This may be accounted for by a desire on the part of the distributors to secure a guaranteed outlet for their companies' product, to exploit their films before they had been generally released and to eliminate the competition of independent "booking combines" and well intrenched independent chains. Furthermore a belief developed that the exhibition branch of the industry was one of its most profitable ramifications. Mergers and consolidations in other lines of business suggested a development which could well be imitated in the motion picture industry. The entrance of certain large banking firms, interested in the flotation of new securities, was probably a contributing factor. The advent of synchronized sound and its promise of large profits, the scarcity of sound reproducing equipment and the priority rights on installations secured by chains from electrical manufacturers, the competitive advantage of securing the more strategic locations and theaters before competitors had acquired them and a most unusual stock market condition were also among the important factors which contributed to the growth of theatrical chains in the period before 1931.

A revolutionizing element was injected into the situation in 1928 when sound pictures were introduced. Reluctantly adopted by a few producers, this innovation came in some respects at a most opportune time. With the introduction of sound the electrical companies became vitally interested in the industry. Allied with the electrical interests were various investment and banking houses which sought to make profits by participating actively in the new venture. At the outset the Western Electric Company secured a large part of the available market for recording

and reproducing devices. Subsequently the Radio Corporation of America, the General Electric Company and the Westinghouse Electric and Manufacturing Company became powerful competitors; in fact they decided to enter the industry as producers, distributors and exhibitors of motion pictures. The intercorporate relations which have developed between the motion picture companies on the one hand and the electrical and financial interests on the other have thus become most intimate and diversified. The affiliation of allied interests with the motion picture industry has been extended to include control over music publishing houses, radio broadcasting chains, phonograph concerns and even the legitimate theater. It is thus apparent that the motion picture industry has grown to one of vast size involving interests far beyond those considered to be within its proper field. While the capital invested in the industry increased in the decade 1921–30 from about $75,000,000 to $850,000,000 (see Table I), the value of the annual output of motion picture equipment manufactured during the same period rose from about $4,000,000 to $14,250,000 (see Table II).

TABLE I

ASSETS AND CAPITALIZATION OF MOTION PICTURE INDUSTRY, UNITED STATES, 1921–30
(In $1000)

YEAR	TOTAL ASSETS	NET WORTH	FUNDED DEBT
1921	95,969	68,539	9,691
1922	104,796	73,572	15,966
1923	117,593	77,723	22,703
1924	145,930	97,465	25,266
1925	202,249	129,182	35,935
1926	282,829	157,909	71,578
1927	320,695	165,798	105,465
1928	460,956	278,804	128,537
1929	764,566	425,599	227,066
1930	1,001,314	544,400	305,586

Source: *The Motion Picture Industry*, Poor's Analytical Services (New York 1932).

TABLE II

VALUE OF ANNUAL OUTPUT OF MOTION PICTURE EQUIPMENT, UNITED STATES, 1921–29
(In $1000)

YEAR	MOTION PICTURE CAMERAS AND PROJECTORS	SCENERY AND STAGE EQUIPMENT	TOTAL
1921	2,869	1,214	4,083
1923	2,631	1,626	4,257
1925	4,620	3,578	8,198
1927	8,345	5,745	14,090
1929	8,755	5,508	14,263

Source: *The Motion Picture Industry*, Poor's Analytical Services (New York 1932).

According to the United States Bureau of the Census (Fifteenth Census, Census of Distribution, Wholesale, *Motion Picture Films*, 1932, p. 3–4) there were in 1929 approximately 142 motion picture studios in the United States as compared with 127 in 1921 and 132 in 1925. Of these establishments 40.84 percent, producing 70.28 percent of the total output, were located in California; 21.12 percent, producing 23.83 percent, were located in New York state. The films produced were valued, on a production cost basis, at $184,102,419. The number of persons employed totaled 19,639, of whom 37 were proprietors and firm members, 8818 were salaried officers and employees (including actors) and about 10,784 were wage earners. Salaried officers and employees received $60,167,520, while wage earners received $24,860,092. Salaries constituted 32.68 percent of the total cost; wages 13.5 percent; and materials, fuel and purchased electric energy 20.88 percent. Of the total cost value "$128,496,710 consisted of negative films, the remainder comprising unfinished productions, the development of positive films, receipts for laboratory work done for others, receipts for use of studio facilities, and other work done for others. No less than 92.39 percent of the value of all negative films was in theatrical pictures (both feature pictures and short subjects), in which but 13.06 percent was in silent pictures."

The determination of which pictures to produce presents in some respects the most difficult problem confronting the industry. Unless it can offer box office successes to the public, the company creating the pictures cannot be a financial success. The primary consideration is a large volume of productions which will meet the requirements of producer owned theaters. No company can be expected to turn out thirty or forty pictures year after year and have them all distinctly and uniformly successful. Nor is it likely that the trend toward decentralization of production, desirable though it is, will solve the problem. Real progress must be accompanied, it would seem, by a different approach.

In the era of silent films censorship, however unsatisfactory, involved as a rule a rather simple procedure. Sequences could be deleted and subtitles could be rewritten at the distributor's local exchanges, while the usual fee charged by censorship boards was nominal. The annual cost to the industry of the censorship process in those days was, according to one estimate, approximately $3,500,000 a year. Since the introduction

of talking pictures, however, the matter of deletion and reediting has become seriously complicated and increasingly expensive. A "Code Regulating Production of Motion Pictures," formulated by the Association of Motion Picture Producers, Inc., and the Motion Picture Producers and Distributors of America, Inc., adopted in March, 1930, has contributed suspiciously little to the solution of the problem. It seems likely that unless the industry takes rather drastic steps, those interested in obtaining more rigid governmental regulation will succeed in forcing their views upon the public.

The production organization is as a rule designed to insure a maximum degree of flexibility. As a rule directors are free to proceed unmolested with their respective assignments, while supervision by associate producers is of an advisory character. Studio cabinets consisting of the principal production officials hold frequent meetings to discuss current problems of the various productions. In general a vice president in charge of production is responsible for the coordination of the production function with the other major functions of finance, distribution and exhibition. He is likely to be assisted by a general manager, who divides his time between the home office and the studio. Under the general manager are the studio business manager, who is responsible for the actual operation of the studio, including projection, sound effects, music and construction, and the production manager, who has charge of costumes, art and location. Other assistants include a chief of publicity, a number of directors and heads of miscellaneous departments.

The story departments, maintained usually as separate units, obtain information and records of stories, plays and other material which may be used as plots for motion pictures. Briefs of all reviewed material go to the studios regularly. If the production heads are interested in a brief, a rough motion picture version is prepared. If this script is approved, it is edited and usually submitted for censorship to the Motion Picture Producers and Distributors of America, Inc. After the approval of a story a price limit is decided upon and the legal department is instructed to complete the purchase.

As a general rule production is planned during the spring for the ensuing year. The estimate of the distribution department as to the number of pictures required determines the production program, which includes the material content and the cost of each picture. The head of the distribution department and the head of the theater division, if there be one, as well as the president of the company and the head of the production department participate in drawing up the final program. A release schedule, at first tentative in character, is prepared, ordinarily covering the following six months. In view of unpredictable eventualities it is not deemed advisable to lay down definite plans beyond this date. Although changes are of course necessary, the release schedules provide roughly for an average of one picture a week.

The actual production process of the picture usually begins with a directorial assignment, approximately thirty days in advance of the date set for actual production. While decisions are being made in reference to cast, locations and sets, a scenarist completes the script, determining the number of sets to be used, the amount and text of the dialogue, musical scores and other effects. The production manager also appoints a business manager, who with the director decides upon a production schedule and detailed budgets.

Probably no industry has had such a reputation for extreme waste and extravagance, resulting from the excessive salaries paid both to directors and to stars, from the prices paid blindly for stories, from the number of "takes" for individual scenes as well as from many other causes. Within the past few years very substantial progress has been made toward reducing these production costs, primarily because of the business depression but also because of the increasing influence which has been exercised by the electrical and banking interests. Studios are now quite generally on a budgetary system; each unit is expected to keep within its budget. Whereas in former years the average cost of a feature picture ran over $400,000, in 1931–32 it was probably under $300,000 with a substantial number of films produced at well under $200,000.

Distribution activities, which involve the rental of films to exhibitors, the dating in of the pictures, the distribution of films and the collection of the amounts due, are centered in the New York offices of all the major producers. It is from the New York offices that the sales and advertising programs are outlined and the operations of the various exchanges or branch offices supervised. The actual sales plans for the ensuing year are formulated in the spring, and the actual selling of the pictures is customarily preceded by a general convention of the salesmen

of the company, at which time the product is announced as definitely as possible both at the convention and generally through the medium of trade journals. Actual selling begins late in June. Pictures are sold through two agencies. The large chain theaters usually deal directly with the sales manager of the company or with his immediate representative. Since no company produces enough pictures to occupy the entire screen time of its own theaters during any year, it is essential that pictures be secured from other producer-distributors. The arrangements for the purchase of these pictures are a matter of direct negotiation and involve considerable bargaining.

Smaller chains and individual theaters are ordinarily canvassed through the various exchanges, which number from 25 to 32. As indicated above, all the more important companies operate their own exchanges, maintaining one in each of the so-called "key centers." The activities of the exchange, supervised through a director of exchange operations and carried out by the branch exchange managers, include selling pictures and advertising accessories; booking pictures for exhibition; shipping, inspecting and servicing films; billing exhibitors; and making collections. Each salesman is provided with a sales manual, an announcement of the product for the ensuing season and a price classification of product and price schedules for posters and accessories. A contract signed by the exhibitor does not become effective until approved by the general sales manager of the distributor at the home office. In recent years this supervision of the work of the exchanges by the home office has shown a marked tendency toward centralization. Pictures were formerly sold under a "standard exhibition contract," which attempted to provide for all possible contingencies and which was uniform as between all major companies. It provided in detail for the terms of sale, for the machinery of dating in the pictures and for the arbitration of disputes and was for years bitterly attacked by the independent exhibitors, especially those clauses relating to compulsory arbitration.

Today the price paid by an individual exhibitor is the result of a bargaining process. The distributor does not set a specific price on a picture and then sell it to all exhibitors at that price. Frequently he does not even sell it to exhibitors of the same type at the same price. The price actually paid by the exhibitor is, roughly speaking, the outcome of negotiations based upon what the exhibitor has paid in the past for similar pictures, what the salesman thinks he should or can be induced to pay, the type of picture under consideration, the number of the particular distributor's pictures which the exhibitor is willing to take, the type of theater in which the picture is to be shown and the amount of competition within the area. Pictures are sold almost entirely by description, and only rarely does the exhibitor see a picture before he buys it.

Particularly since the advent of sound there has been considerable experimentation with the rental of pictures on a percentage basis, probably as a result of the large element of uncertainty which existed in the minds of both distributors and exhibitors concerning the box office value of sound pictures. The basis of the percentage division varies widely, frequently involving a guaranty to the distributor with some proportional division of the receipts above that amount. The distributor has often, however, experienced extreme difficulty in securing an adequate check on the box office returns of the individual exhibitors, who have tended to resent outside supervision of their bookkeeping operations; and as it becomes increasingly apparent that the difference between percentage and flat rentals is negligible, it is not unlikely that the percentage arrangement will tend to lose in importance. Under the so-called system of block booking pictures are offered as a group and the aggregate price is in part contingent upon the quantity taken. Some distributors have offered blocks of pictures to the exhibitors on an "all or none" basis. The chief arguments against this policy are that it limits the exhibitor's choice, often forcing him to take pictures which he does not want; that it assures the distributor an income on all pictures regardless of quality; that it causes overbuying on the part of the exhibitors; and that it enables the distributor to usurp the playing time of the exhibitor to the exclusion of other distributors. The main points in its favor are that it constitutes simply a wholesaling technique applied to the sale of motion pictures; that it reduces the cost of distribution and thereby benefits distributors and exhibitors alike; that it simplifies the buying problem of exhibitors by making it possible for them to obtain a year's supply of pictures in a few large purchases; that it insures to the producer a definite income, which enables him to make better pictures; and that it has thus far proved more successful than any other method. The Federal Trade Commission had the policy of block book-

ing under review for some time, and sporadic attempts have been made in Congress to have the practise declared illegal.

In buying a picture the exhibitor has consistently sought to secure from the distributor some protection against the competition of other theaters in his vicinity. The validity of such protection as well as the manner in which it should be provided has provoked much discussion. It is claimed that 40 percent of the total revenue of all pictures is secured from the first run showings in 100 key centers and that 50 percent of the total revenue of a picture is obtained within the first 90 days after its release. Hence a first run house wishes to be certain that no other theater within the same competitive area, possibly charging a lower admission price, will run a given picture "day and date" with it. Furthermore, realizing that many patrons do not wish to wait too long before seeing a new and recently discussed picture, the exhibitor insists that a substantial interval of time elapse between the last showing of the picture in his theater and its first showing in some cheaper house. The amount of protection obtained by any particular theater is only in part dependent upon the price paid by the exhibitor for his films. Other factors, involving the development of chain theaters with great bargaining power, the rise of neighborhood de luxe theaters, the construction of good roads and the widespread use of the automobile, have extended the area from which the clientele for a theater can be drawn.

Even though the practise is firmly established and in many ways justified, much dissatisfaction exists on the part of both distributors and exhibitors with the manner in which protection is actually carried out, as to both the length of time during which protection is granted and the extent of the area covered by the restrictions. That the policy has been overworked by shortsighted executives as a protection against competition, especially in cases where the producer-distributor owns the theater, there seems to be little doubt. Several attempts have been made through the courts to secure relief, and in some cases these have been successful. Substantial modifications are likely to be made as a result of legislative enactment by the interpretation of existing statutes or as a result of realization on the part of distributors that some concessions may well be granted before much larger ones are forced from them. Although it would be highly desirable to establish greater uniformity of protection, the flexibility necessarily required by local situations has precluded the possibility of finding a generally acceptable solution.

Another serious exhibition problem is that of the control of theater chains. Particularly since 1925 the expansion of the chains has not always been on a sound basis. Many producer-distributors have had no uniform plan for penetration into the exhibition field; independent chains have likewise been guilty of inadequate planning. In a period of mushroom growth and prosperity there was a general tendency to minimize realistic considerations as to how many theaters could be operated profitably under single management, whether the large or the small theater was best adapted to exhibition purposes, whether or not these theaters should be concentrated in any particular geographic area, and why they should be purchased at all. The attempt at readjustment necessitated by the depression has revealed the complexity of problems still requiring solution.

The independent exhibitor likewise has been seriously affected. The trend toward integration and particularly the growth of the large producer-distributor owned chains have rendered his position increasingly difficult. Many unaffiliated exhibitors have withdrawn from the field entirely; others have sought to supply a type of service which they have felt could not be offered in larger organizations. As early as 1920 a national organization, the Motion Picture Theater Owners Association, was established for the purpose of protecting the interests of the unaffiliated exhibitor. Its control, however, passed into the hands of the chain theaters, and in 1929 there was formed a new organization, the Allied States Association of Motion Picture Exhibitors. The efforts of the latter to protect the interests of the independent exhibitor have in some respects been most successful.

For years the settlement of disputes between exhibitors and distributors over provisions in the contract has been a source of great irritation and cost. The Standard Exhibition Contract, adopted in 1922 as a means of eliminating arbitrary variations as between contracts, contained also a clause calling for compulsory arbitration of disputes. The machinery which it set up was built around the local film boards of trade organized under the auspices of the Motion Picture Producers and Distributors of America, Inc., and composed of local representatives of the distributors. These boards were empowered to select distributor representatives to act in mat

ters of local arbitration, while the exhibitor representatives were as a rule to be chosen by the local exhibitor associations. While it was widely believed that the effort was an outstanding success, a great many exhibitors were bitterly opposed to compulsory arbitration. The Department of Justice maintained that it "constituted an unreasonable restraint of trade." Elsewhere it was felt that the machinery was inadequate and that compulsory arbitration seemed to operate inevitably against the interests of the independent exhibitor. On October 15, 1929, the United States District Court, Southern District of New York, held that the Standard Exhibition Contract, particularly in its provisions relating to arbitration, was illegal. Since this decision a persistent attempt has been made to draft a new contract which would be mutually satisfactory to distributors and exhibitors.

While it is true that the greater part of the revenue received by American motion picture companies is derived from the distribution and exhibition of pictures in the United States, it is probable that the largest American distributors obtain from 25 to 40 percent of their total revenue from foreign distribution.

TABLE III

GEOGRAPHICAL DISTRIBUTION OF THEATERS, 1929

United States	20,500
Europe	27,379
Latin America	3,981
Far East	3,976
Canada	1,100
Africa	755
Near East	52

Source: United States, Bureau of the Census, Fifteenth Census, Census of Distribution, Wholesale, *Motion Picture Films*, 1932, p. 6. Data ascribed to the Motion Picture Division, Bureau of Foreign and Domestic Commerce.

The American companies have been very successful in their efforts to establish American pictures in the foreign field, which according to a recent estimate includes almost twice as many theaters as there are in the United States (Table III). This is due partly to chance, partly to natural advantages for production and partly to the keenness of the men responsible for the direction of the industry. On the other hand, the dominance of the American distributors, both through the control of their own chains and through their relations with independent theaters, makes it extremely difficult for any European producer to distribute in the United States. The importance of American films in certain foreign countries is shown by the figures in Table IV.

TABLE IV

MARKETS FOR AMERICAN FILMS, 1931

	TOTAL FILMS	AMERICAN FILMS	PERCENTAGE OF AMERICAN FILMS TO TOTAL
United Kingdom	647	470	72.0
Germany	286	80	27.9
Australia and New Zealand*	513	457	89.0
Scandinavian countries†	296	179	60.5
Argentina			90.0‡
Canada	398	377	94.7
France	453	220	48.5
Japan			11.6
Brazil	310	240	77.4

* Average compilation.
† Average compilation for Denmark, Norway and Sweden.
‡ For 1930.
Source: Obtained from the Motion Picture Division of the United States Bureau of Foreign and Domestic Commerce.

It was not to be expected that this situation would be permitted to continue without strenuous opposition on the part of producers abroad. In the first place there was the obvious suggestion that Germany with 5000 theaters, the United Kingdom with 4500 theaters and France with 3000 theaters could each support one or more distributing companies whose pictures might find preferred showing in their own theaters and perhaps have some exhibition value elsewhere. This economic reason was strongly supported by a telling political and social argument. The power of motion pictures to influence the conduct and beliefs of people is clearly recognized. It is perfectly natural therefore that the Germans should be concerned with the effect of American motion pictures upon public opinion in Germany. To subject millions of people in Germany to this subtle influence time after time would have the effect of developing a favorable response not only to American attitudes of mind but also to American goods other than pictures.

This situation was seized upon very early by those who thought that it would be to their economic advantage to develop a native motion picture industry. The first of the important European countries to take action was Germany. The German *Kontingent* law stipulated that foreign pictures could be imported only through the purchase by a foreign producer or distributor of a permit, or *Kontingent*, issued to the domestic producer on the completion of a picture. Subsequently a straight import permit was substituted which definitely restricted the number of imported foreign films. It sought to insure to German producers a definite portion of the

domestic market. Moreover, since the domestic producer could sell his product to whomsoever he pleased, it placed within the power of the German producer the right to decide which foreign countries would be permitted to export pictures into the German market. The introduction of sound in 1928 further modified the situation. The German public wants to see sound pictures and it wants pictures with understandable dialogue. The result of the two combined forces naturally is reflected in an increase in the number of producing companies in Germany and a decreased importation from the United States. On the other hand, the experience of Germany with the *Kontingent* can scarcely be said to be satisfactory. Exhibitors have found difficulty in getting a sufficient number of pictures to meet their requirements. German producers have not been able to create pictures equivalent in quality to those which could be obtained elsewhere, and the public in some instances has reacted against them. Some modifications have been made in the law since 1928, but the situation continues substantially as described.

The original French film decree of February 19, 1928, authorized the release of foreign films on the basis of import permits. A control commission fixed the number of permits, which were issued in a definite ratio to domestic films shown. The French export situation resulted in a long series of negotiations between American and French interests, which finally culminated in a tentative agreement. The English law, instead of being concerned directly with the number of foreign films which may be imported, requires that the English exhibitors reserve a certain portion of their screen time for British pictures. Under the Cinematograph Films Act, which became effective on January 1, 1928, the restriction quotas were set for a ten-year period. The Austrian and Italian laws are based on regulations similar to those which prevail in Germany and France. Closely related to the problem of film importation is that of an extremely complicated international patent situation, all the more involved because of the underlying political considerations.

HOWARD T. LEWIS

SOCIAL IMPLICATIONS. The general character of motion pictures under private ownership and development is determined almost entirely by the economic nature of the product. Photographic film admits of mechanical duplication and is clearly subject to the "law of increasing returns." It reflects therefore the effort of its financial backers at mass appeal and has been confirmed in this tendency by the methods of wholesale distribution and exhibition adopted in the United States, and to some extent in Great Britain and Germany. The economic motivation is conspicuous in the history of the American motion picture, which was developed almost entirely by persons of humble origin, mostly Jewish, who entered the "show business" in the days of the penny arcade with little capital but a keen instinct for the exploitation of popular appetites. Some of them have subsequently acquired a certain degree of education, of aesthetic appreciation and ambition; to others technical and financial advance has given an opportunity to exhibit the same motivation on a wider, but hardly a higher, plane.

With the constant increase in the size of the market the industry traveled the familiar road which led through expanding output to large scale production. Investment and working capital were multiplied with unprecedented prodigality, while production costs rose on a wave of reckless extravagance. Whereas in 1913–14 D. W. Griffith's spectacular and very profitable film *The Birth of a Nation* cost about $100,000, costs of $1,000,000 were frequent twelve years later. Cecil de Mille spent $2,300,000 on *The King of Kings*, and the Metro-Goldwyn-Mayer concern put up $4,000,000 for a half interest in *Ben Hur*. Salaries of leading players were advanced to fantastic levels reflecting their real or imputed drawing power. Such expenditures naturally entailed an increased dependence on the size of the market. As in other such cases the eventual results were the elimination of the small producers and a bitter struggle to control the market, culminating in a very expensive policy of theater proprietorship on the part of the leading firms and their associates.

In order to maintain the rapid changes of program which competitive conditions appeared to demand, the number of films produced also increased greatly, reaching a total of six to eight hundred annually in 1929–31. Under no circumstances could more than a small proportion of such an output be interesting. But in this way the maintenance of the widest mass appeal became a matter of financial life or death to the industry; and the cultural aspects of the American film were thus almost exclusively determined. The circumstances were distinctly adverse to artistic or thematic experiment. A

selective appeal was precluded by the scale of production and distribution. Exhibitors developed a horror of the "highbrow" picture and emphasized the financial failure of films which demanded more than the most rudimentary intelligence on the part of the spectator. While artistic or thematic significance was not entirely precluded by this attitude, it was made conditional on the maintenance of mass appeal—a somewhat difficult condition for such significance to fulfil. So long as the industry is equipped and financed on the assumption that 90 percent of the "product" must appeal to every possible type of audience—to the "hick towns" of the middle west as well as to the playgoers of New York and Philadelphia—no rapid intellectual or artistic progress need be expected.

Further it must be noted that the arts of music, drama, opera and the ballet owe much of their cultural advance to disinterested patronage of various kinds, under which selected audiences have encouraged and eventually popularized artistic innovations. The economic circumstances of the motion picture, especially since the introduction of the sound film, have rendered this difficult, except in Russia. The manager of a motion picture theater is not, as is the manager of a stage theater or a concert hall, an artistic entrepreneur; he is merely the retailer of a "product" manufactured for mass entertainment. There have been in the United States as in Europe a few independent producers of experimental or purely "art" film; but there are no regular channels through which their efforts can be made available to the public. In London the Film Society—a subscription and noncommercial enterprise—has acted for several years as a medium for introducing to the intelligentsia foreign and domestic pictures of minority interest; and its organization has been duplicated in Oxford, Cambridge and a number of provincial cities. In the United States there has been no centralized means of distribution or exhibition of exceptional pictures. There were, until the coming of sound, perhaps two or three dozen small exhibitors maintaining a somewhat precarious existence for special types of audience. The distribution system of the Hollywood concerns denied them a selection of the more popular screen material; the introduction of sound presented them with a financial problem to which their resources were in many cases unequal; and the trade depression still further thinned their ranks. Unaffected by their influence, the commercial film has therefore followed rather than led the herd mentality. It has embodied not simply the crowd instincts and stereotypes of mass psychology but the interpretation of these as viewed exclusively from the profits angle by the salesmen's and exhibitors' conferences, which have the ultimate control of production policy.

While therefore the technical development of the American motion picture has reached a very high level, its artistry and ideology have remained extremely conservative. This conservatism, dictated by the financial assumption of mass appeal, has been reenforced by the industry's fear of offending any influential group in the community. The organization of Motion Picture Producers and Exhibitors of America, Inc., by Will H. Hays, early in 1922, arose out of the industry's apprehension of adverse political action following a succession of unsavory events involving film personages. The Hays office adopted from the start a policy of cooperating with critically minded groups under the slogan "Selection not censorship." It arranges for the previewing of films by representatives of women's clubs and religious organizations and assists in giving publicity to their endorsements of inoffensive pictures. These and similar societies have in many cases organized locally to exert what influence they can on the exhibitors in favor of "endorsed" films. The point of view of such groups is mainly moralistic, expressing the mores of the consciously conservative elements in society. The production code of the industry, drawn up and enforced through the medium of the Hays office, is similarly conservative in effect, consisting of negative maxims expressly designed to avoid conflict with the ethical, political, racial or religious attitudes of the mass of the people. The result is that in comparison to the freedom with which social or individual issues are handled in literature and drama the motion picture scarcely figures as a factor in ideological advance. Such current issues as appear on the screen are selected rather for their "publicity value" than for their intrinsic significance, and those on which public opinion is strongly divided are either avoided or handled in a manner which evades their more controversial aspects.

The National Board of Review, originally organized in New York in 1909, gives considerable attention to other than the merely moralistic aspects of the pictures it reports on. The board works through "better films committees" in the

localities, of which the membership, like its own, is individual rather than representative of organizations. Like the other groups it is dependent on the industry itself for its previewing and some other facilities; but otherwise its connection is much less close. It is one of the few previewing organizations which keep systematically in touch with the newer developments in art and technique. From this point of view the average list of "approved," or "endorsed," films is not encouraging. Inasmuch, however, as all such effort comes into effect only through local groups of "publicly minded" (and often self-appointed) citizens, the moralistic approach on the whole prevails. It is difficult for a heterogeneous and usually untrained group of people to agree on an interpretation of the term "better" without falling back on the popular mores.

The social significance of the film remains as it was described by Milton Sills, a popular movie star of the early 1920's, in a lecture at the Harvard Business School in 1927: "Just how does this form of amusement function as compensation to the drudging millions? By providing a means of escape from the intolerable pressure and incidence of reality. The motion picture enables the spectators to live vicariously the more brilliant, interesting, adventurous, romantic, successful, or comic lives of the shadow figures before them on the screen. . . . The film offers them a Freudian journey into made-to-order reverie, reverie by experts. Now reverie may be unwholesome—our psychological studies are still too immature to decide this question—but in our present form of culture it seems to be necessary. In any case, reverie engendered by motion pictures is certainly more wholesome than that engendered by the corner saloon or the drab walls of a tenement house. For an hour or two the spectator identifies himself with the hero or heroine; potential adventurer at heart, he becomes for the moment an actual imaginative adventurer in a splendid world where things seem to go right." A further comment on film ideology, still largely true, was supplied in the same course of lectures by Cecil de Mille: "When a star reaches the point where the sales department can 'sell' him or her, then he or she gets most of the weak stories. The good stories will sell themselves, and the star doesn't need a good story."

The development of more intelligent film criticism in the press and the success of the large number of adaptations from the stage have done much in recent years to improve the quality of both acting and scenarios. On the other hand, the block booking system, whatever its financial pros and cons, is probably a retarding influence on film quality since it acts as a strong buffer between critical opinion and sales. A further retarding influence has been the monopolization of the domestic commercial screen by pictures produced in the United States. Several of the foreign producing concerns maintain distribution centers in this country, but the exhibition of their product is practically confined to the very small number of independent concerns catering to special publics. On the other hand, American film is largely shown everywhere except in Soviet Russia and in Italy, although its sharpest critics are found in foreign lands. There have been vigorous efforts on the part of other countries to restrict the proportion of American film or to increase that of domestic by the quota system; and the economic as well as the cultural results of film export cannot as yet be said to have contributed much to international amity. The cinema committee of the League of Nations is endeavoring to secure international free trade in educational and cultural films; but the technical and other difficulties of the attempt are evident and serious.

Both in the Soviet Union and in Italy the governments, either directly or by subsidy, have actively promoted the production and exhibition of films designed to strengthen national self-consciousness and to guide it in a desired direction. In the former production policy as well as the training of cinema artists and technicians is under the direct charge of the federal and constituent states. In the latter the state supports and controls L'Unione Cinematographica Educativa (LUCE), which in addition to producing films of approved quality, distributes independent commercial product as well; Italian exhibitors are compelled to include cultural, educational or propaganda films in their programs. In Germany the Lampe Institut, staffed and partly supported by the state, supervises, encourages and correlates the production and distribution of artistic, educational and interest films; their exhibition in commercial theaters is further encouraged by the remission of entertainment taxes. The Japanese government as well as certain semipublic bodies in Japan undertakes the production of cultural and educational films and has greatly facilitated their exhibition in the schools. The French government has limited its direct activities mainly to the classification of films and the collection, for loan purposes, of

educational ones. In this latter connection the state meets part of the cost of projector installations in the schools. The most important step recently taken in England is the endorsement by the government, and its financial support, of a projected film university, which will not only act as a center of collection and distribution of non-commercial film but will engage in all phases of education related to or suitable for treatment by the cinema. By comparison with the foregoing, the attitude of public authority in the United States reflects the same general policy of leaving cultural values to look after themselves as is seen in the broadcasting business, although certain government departments, museums of art and universities have made non-commercial film collections available for educational showing. The "news reel" films generally shown in commercial theaters may perhaps be credited with some educational value; but they suffer from the same conservative influences as above described and have lost a good deal of their authenticity by their increasing devotion to subjects specially posed for the camera.

There has been for many years a voluminous controversy waged on an international scale as to the effect of the cinema upon children and adolescents. In England and America there are movements, mostly voluntary, to discourage or prohibit attendance of children at films classified only for adult showing and to encourage special showings of films for children; but a recent and most authoritative British report (*The Film in National Life*, 1932) urges that the line of advance is to improve the general quality of the films rather than to encourage the further segregation of the child from the adult by restrictive action. The same report endorses a statement of the British home secretary in Parliament to the effect that "on the whole the cinema conduces more to the prevention of crime than to its commission." In general the conclusion is that restrictive or censorial activities are less important than constructive policies devoted to the dissemination and preservation of cultural values. In education, while the informative possibilities of the film are obvious, there is the handicap that it tends to encourage too passive an attitude on the part of the pupil. Recent investigations show that certain types of mind respond more readily to visual than to oral presentation; but the best current opinion emphasizes more and more the need of carefully planned integration and active response, if film presentation of subject matter is to be genuinely educational. In this respect much existing film of the merely informative type is unsuited to modern teaching technique. Mention must be made, however, of the jointly educational and commercial success of the British Instructional Films and some of the German Ufa and Russian Sovkino productions, which combine exceptional cinematic merit with valuable content.

It is an open question whether an art which relies almost exclusively on mass appeal can adequately preserve or foster the higher cultural values. Great art and mass appeal are not inconsistent, but their coincidence in any medium is too rare to constitute the sole assurance of cultural progress. It has been suggested that the world wide dissemination of American film will at least encourage the spread of the English language as well as of American trade. To some extent this is true; but there are strongly nationalistic tendencies in the films of all nations, particularly of those subject to severe American competition, and in view of the ease with which the film lends itself to propaganda its influence in a world of increasing international tension must remain debatable.

WILLIAM A. ORTON

See: AMUSEMENTS, PUBLIC; ART; EDUCATION; PROPAGANDA; PUBLICITY; CENSORSHIP; COMBINATIONS, INDUSTRIAL; PATENTS; THEATER.

Consult: FOR INDUSTRIAL DEVELOPMENT: Lewis, H. T., *The Motion Picture Industry* (New York 1933); *Cases on the Motion Picture Industry*, ed. by H. T. Lewis, Harvard Business Reports, vol. viii (New York 1930); Ramsaye, T., *A Million and One Nights*, 2 vols. (New York 1926); Franklin, H. B., *Motion Picture Theater Management* (New York 1927), and *Sound Motion Pictures* (New York 1929); Messel, R. P., *This Film Business* (London 1928); Seabury, W. M., *The Public and the Motion Picture Industry* (New York 1926); *The Story of the Films as Told by Leaders of the Industry to Students of the Graduate School of Business Administration, Harvard University*, ed. by J. P. Kennedy (Chicago 1927); "The Motion Picture in Its Economic and Social Aspects" in American Academy of Political and Social Science, *Annals*, vol. cxxviii (1926); Fawcett, L'Estrange, *Films: Facts and Forecasts* (London 1927); United States, Congress, Senate, Committee on Interstate Commerce, *Motion Picture Films, Hearings*, 70th Cong., 1st sess. (1928); Federal Trade Commission, *Decisions*, vol. xi (1930) 187–213; Poor's Analytical Services, *The Motion Picture Industry* (New York 1932); Poor's Analytical Services, *Analysis of Warner Bros. Pictures, Inc.* (New York 1932); Radovkin, V. I., *On Film Technique* (London 1929); The Film Daily, *Year Book of Motion Pictures*, published in New York since 1918.

FOR SOCIAL IMPLICATIONS: Commission on Educational and Cultural Films, *The Film in National Life* (London 1932), with bibliography; Galliard, Olphe, "La place du cinema dans la vie sociale" in *Musée*

sociale, vol. xxxviii (1931) 297–324; Carter, H., *The New Spirit in the Cinema* (London 1930), and *The New Spirit in the Russian Theatre 1917–28 and a Sketch of the Russian Kinema and Radio 1919–28* (London 1929); Rotha, P., *The Film till Now* (London 1930), and *Celluloid, the Film Today* (London 1931); Seabury, W. M., *Motion Picture Problems, the Cinema and the League of Nations* (New York 1929); Montagu, Ivor, *The Political Censorship of Films* (London 1929); Federal Council of the Churches of Christ in America, *The Public Relations of the Motion Picture Industry* (New York 1931); Hampton, B., *History of the Movies* (New York 1931); Seldes, G., *The Seven Lively Arts* (New York 1924); Irwin, W., *The House that Shadows Built* (New York 1928); Bryher, W., *Film Problems of Soviet Russia* (London 1929); Potamkin, H. A., "The Mind of the Movie," and "Motion Picture Criticism" in *New Freeman*, vol. i (1930) 538–41, and vol. ii (1930–31) 591–93; Bloem, W. J., *Seele des Lichtspiels* (Leipsic 1922), tr. by A. W. Porterfield (New York 1924); Steiner, J. F., *Americans at Play*, Recent Social Trends in the United States (New York 1933) p. 108-12; Willey, M. M., and Rice, Stuart A., *Communication Agencies and Social Life*, Recent Social Trends in the United States (New York 1933) p. 177–86.

MOTLEY, JOHN LOTHROP (1814–77), American historian and diplomat. After graduating from Harvard in 1831 Motley spent two years in Germany, where at Göttingen and Berlin he attended various lectures, chiefly on civil law. Returning to Boston he continued his legal studies and in 1839 published an unsuccessful historical novel. During the next ten years with the exception of a brief absence of three months as secretary of the American Legation in St. Petersburg he studied in Boston, turning out occasional historical and literary essays and reviews and in 1849 a second and more successful novel. In 1851, having become absorbed in the generally neglected story of the uprising of the Dutch against the duke of Alva, he went to Europe, where over a period of four years he carried on exhaustive researches in the archives of Dresden, Brussels and The Hague. In 1856 he published his celebrated masterpiece, *The Rise of the Dutch Republic* (New York), a work in three volumes covering the struggle for Dutch independence from Spain in the period from 1555 until the death of William the Silent in 1584. The dramatic plot, the dignified style and the enthusiastic libertarianism of the author stamped it as one of the outstanding literary and historical productions of the nineteenth century, although the appraisal of the two contending forces was strongly colored by Motley's anti-Catholic outlook. In the years between 1856 and 1868 Motley published another monumental work, *History of the United Netherlands from the Death of William the Silent to the Twelve Years' Truce* (4 vols., New York), covering the period from 1584 to 1609. In *The Life and Death of John of Barneveld* (New York 1874)—a somewhat anticlimactic sequel for the period from 1609 to 1619—Motley's strong Unitarian sympathies blinded him to the merits of Maurice and of the other strictly Calvinistic opponents of Barneveld. In general it may be said that all of his volumes are marred to a slight degree by his inadequate knowledge of general European history. During the American Civil War Motley was minister to Austria; in this capacity he wrote numerous letters attempting to acquaint Europeans with American civilization. These were published in 1889 (his *Correspondence*, ed. by G. W. Curtis, 2 vols., New York). In 1869 he served as minister to Great Britain but the next year he was recalled, charged with excessive Anglophilism.

ALBERT HYMA

Consult: Jameson, J. F., in *The Columbia University Course in Literature*, vol. xvii (New York 1929) p. 267–73; Blok, P. J., "John Lothrop Motley as Historian" in Leyden University, *Lectures on Holland* (Leyden 1924) p. 67–75; Bassett, J. S., *The Middle Group of American Historians* (New York 1917) p. 223–32; Holmes, Oliver Wendell, *John Lothrop Motley* (Boston 1879); *John Lothrop Motley and His Family, Further Letters and Records*, ed. by his daughter S. M. S. Motley and H. A. St. John Mildmay (London 1910); Heywood, J. C., *How They Strike Me, These Authors* (Philadelphia 1877) p. 236–50; Fruin, Robert, "Motley's Geschiedenis der Vereenigde Nederlanden" in his *Verspreide geschriften*, vol. iii (The Hague 1901) p. 118–224.

MOTOÖRI, NORINAGA (1730–1801), Japanese historian. Motoöri was born in the province of Ise. After studying Confucianism and medicine he came under the influence of the Japanese classics and became a disciple of Kamo Mabuchi. He carried on the work of the latter and became one of the greatest figures in the movement of the classical renaissance which later played a great role in the restoration of 1868. His works, the productions of a keen scientific mind, contributed much to the creation of the new school of classical study which sought to break away from the school of Chinese classics then predominant in Japan. His influence was most important in the interpretation of Shintoism. He evolved a new concept of God in Shintoism and based all his philosophy of the state as well as that of human conduct on this. He confessed to the belief that man was first created by God and that all human conduct was dictated by His will. This divine law was left,

according to him, in the custody of the sun goddess, Amaterasu, the ancestress of the imperial family. Hence the emperor was the spiritual as well as the political center of the nation and his will must be accepted as that of God and obeyed by all the Japanese. He explained also that all the actual rulers of the country had been successful only when they had respected the will of the emperor. He traced the Tokugawa shogun's success to the same reason. He did not intimate the overthrowing of the Tokugawa regime, but it was quite natural that his theories when carried to their logical conclusion became one of the main intellectual forces that brought about the destruction of the shogunate in 1868.

YUSUKÉ TSURUMI

Consult: Satow, E. M., "The Revival of Pure Shintô" in Asiatic Society of Japan, *Transactions*, vol. iii (1874) Appendix, p. 17–40; Aston, W. G., *A History of Japanese Literature* (London 1899) p. 319–33; Florenz, K., *Geschichte der japanischen Litteratur* (Leipsic 1906) p. 434–36.

MOTOR VEHICLE ACCIDENTS. The increasing modern use of the motor vehicle has brought in its wake the motor vehicle accident; and despite better built automobiles and trucks, more and better roads, more traffic regulation and intensive and well organized safety campaigns traffic accidents have steadily mounted. Motor vehicle accidents in the past decade have almost consistently shown a tendency to grow with the increase in the number of registered motor vehicles and the rate of gasoline consumption, or motor mileage. The result has been that in the United States, since 1927, motor vehicle fatalities have stood highest in the list of accidental deaths. Thus in 1911 deaths from motor vehicle accidents (excluding collisions with street cars and railroad trains) made up but 2043 out of the total of 79,305 accidental deaths in the registration area, or less than 3 percent; in 1927 motor vehicle deaths totaled 23,251 out of a total of 95,496 accidental deaths, or 24 percent; in 1930 they totaled 29,080 out of 95,527 accidental deaths, or 30 percent. The Travelers Insurance Company has estimated that motor vehicle deaths for the whole United States numbered 34,400 persons in 1931 and 29,000 persons in 1932.

The ever growing threat of the automobile and truck to the lives of modern populations can be shown also in the ratio of motor vehicle deaths to population and in the ratio of such deaths to registered cars. The rate of motor vehicle fatalities increased from 1.8 per 100,000 population in the registration area of the United States in 1910 to 10.4 in 1920, 24.5 in 1930 and 24.9 in 1931. The number of motor vehicle fatalities per 100,000 registered cars and trucks in the United States was 136 in 1920, 110 in 1925, 118 in 1929 and 127 in 1931.

Fatalities in European countries have naturally been fewer than in the United States in view of the smaller number of cars on streets and highways; but proportionately, particularly in terms of registered cars, they have been as great if not greater. Thus in London the number of motor vehicle deaths per 100,000 registered cars was 298 in 1926 and 372 in 1928; in Paris the fatality rates for 1926 and 1927 were 112 and 109; in Berlin the rates for the same years were 257 and 227. In three of the largest American cities the fatality rates per 100,000 registered vehicles for 1926 and 1928 were as follows: New York, 170 and 140; Chicago, 200 and 221; Los Angeles, 65 and 70.

Motor vehicle accidents continue to take an alarming toll of child life, but the recent declining proportion of child fatalities out of the total number justifies a hope that educational campaigns have not been without result. In the United States the proportion of fatalities of children (i.e. those under 15 years) out of total fatalities in 1922 was 29.4 percent (collisions with heavier vehicles excluded); in 1926 the proportion was 23.2 percent; in 1927 it was 22.0 percent; and in 1928 it was 19.8 percent. Put in another way, between 1922 and 1928 the total number of motor vehicle fatalities increased 82.2 percent; but child fatalities increased only 22.9 percent as compared with an increase in adult fatalities of 106.9 percent.

A study of street accidents to children in Greater London showed that 932 children under 15 years were killed, for the most part by motor vehicles, between the years 1925 and 1928 inclusive. Up to the age of 5, when the number of deaths was greatest, the fatalities gradually increased with the age of the victims; after age 5 there was a decline until age 14 was reached, when fatalities suddenly rose again. The principal causes of death among child pedestrians were distributed as follows: running across streets without due care, 362; playing in streets, 109; passing in front, behind or between stationary vehicles, 94; improperly riding on vehicles, 62; running from behind vehicles, 51. Eighty-four pedal cyclists also met death as a result of skiddings, collisions and the like.

For each person killed by a motor vehicle in

the United States as many as 35 sustain more or less serious bodily injuries. In 1927 the ratio of non-fatal injuries to fatalities in the state of Connecticut was 34 to 1 and in the state of New York it was 35 to 1. If unreported injury accidents could be included these ratios would be increased, perhaps considerably. In 1927 the London ratio was about 45 to 1; in Berlin it was about 63 to 1; and in Paris it was about 130 to 1, although in this city the police included among the injured great numbers of persons who were only slightly hurt. Of the persons injured but not fatally perhaps half are pedestrians. This proportion varies widely, however, from year to year and in different places. In Massachusetts in 1926 there were recorded 25,351 non-fatal injuries distributed by groups as follows: pedestrians, 56 percent; occupants of cars, 37 percent; bicyclists, 3 percent; motorcyclists, 2 percent; others, 2 percent. Of the some 100,000 non-fatal injuries reported in New York state in 1928 the following was the distribution by nature of injury: slight shock and shake up, 67 percent; severe general shock with contusions and lacerations, 12 percent; miscellaneous fractures, 7 percent; miscellaneous injuries, 6 percent; not stated, 6 percent; internal injuries, 1 percent; concussion of the brain, less than 1 percent; fractured skull, less than 1 percent; fractured spine, a few (49 in all).

The reporting of motor vehicle accidents has not yet reached a standardized basis, with the result that comparable data over a period of years and for different countries are difficult to collect. This is particularly true of the causes of such accidents. The Travelers Insurance Company, however, prepares annually elaborate estimates for the United States, based on the detailed reports from states containing 90 percent of the country's population; these are adequate for an estimation of existing trends. In the year 1932 the following four major causes were responsible for American motor vehicle fatalities: the condition of streets and highways, 30 percent; defects in the motor vehicle, 9.6 percent; children playing in streets and pedestrians using roadways, 43.8 percent; the condition and behavior of the motorist, 70 percent. Both direct and contributory causes are included in the above tabulation, with the result that there is a considerable amount of duplication.

It is important to observe that despite great strides made in the science of road building in recent years, road and street conditions still account for almost one third of the fatal accidents. Many traffic hazards, such as narrow bridges, sharp curves, insufficient sight distances, blind intersections and unprotected grade crossings, continue to exist and accidents from these causes probably will not diminish until even greater efforts have been made for surmounting them. Among suggested improvements of the highway, most of which are already being carried out in many localities and with some reduction in the number of accidents, are removal of obstructions, the rerouting of traffic, the placing of warning signs and improved lighting. In at least one state the proposal has been made that all main thoroughfares be adequately lighted throughout and that cars using them be required to dim their headlights.

The recent improvements in motor vehicle construction account for the comparatively slight proportion of fatal accidents due to mechanical conditions of trucks and automobiles. The most frequent causes for accident here are glaring headlights, imperfect headlights and tail lights, defective brakes, worn tires, imperfect steering mechanism, absence of chains and the lack of proper windshield cleaners and rear vision mirrors. Increasing vigilance on the part of police authorities and periodic inspection of motor vehicle equipment have gone far in keeping vehicles in good condition. It must be conceded, however, that the mounting cost of public agencies responsible for enforcement of such laws and the occasional heavy expenditures motorists must meet to comply with official regulations concerning equipment tend to make both inspections and motorist compliance perfunctory.

Although the estimate referred to for 1932 shows that children playing in streets and pedestrians using roadways accounted, at least in part, for 43.8 percent of the motor vehicle deaths, the accidents among this group have shown marked proportionate declines in recent years. This is due in part to the successful educational work carried on among children and the better police protection afforded children of school age. Naturally pedestrian accidents occur more frequently in urban than in rural areas; in cities about 60 percent of fatalities involve pedestrians, while in the country the proportion is only 30 percent. The nature of the hazards to pedestrians is indicated in the following distribution of the causes of pedestrian fatalities in 1932: crossing at intersections (with signal, no signal, against signal or diagonally), 23.5 percent; crossing between intersections, 28.8 per

cent; coming from behind parked car, 9.0 percent; children playing in street, 10.8 percent; walking on or along rural highway, 13.8 percent; miscellaneous (waiting for or getting off street car, getting on or off another vehicle, at work in roadway, riding or hitching on vehicle and so on), 14.1 percent.

To cope with these various problems presented by pedestrian traffic the following special provisions have recently been discussed and in some places already adopted. *Marked crossings.* These are becoming increasingly common in American cities; parts of Paris and Berlin and a few points in London are already well marked. *Safety isles.* These are more common in foreign cities than in the United States. Zones of safety for street car passengers at stated halting places are in use in many American cities; footpaths on interurban highways would remove one source of risk for the pedestrian. *Underground walks.* A few subways for pedestrian traffic have been opened in American cities, notably in Los Angeles, which has fifty or more. In London there are a number, for the most part in connection with stations of the London Underground; the longest is at the South Kensington station and the most complex is at the Elephant and Castle station. There are two pedestrian subways in Berlin. Subways which lead simply from one sidewalk to the other do not ordinarily attract many pedestrians. *Overhead bridges.* These are not very frequently encountered, being even less numerous than underground walks. *Traffic lights.* Within the past decade these have become a common sight in cities and towns in the United States. They serve the double purpose of expediting traffic for motorists and reducing collisions with other vehicles or with pedestrians. *Educational campaigns.* These are carried on in a great variety of ways. The schools are learning to do much, as a part of their daily routine, in instilling in the minds of pupils care in the use of the streets. The public, including both driver and pedestrian, is being reached through the medium of the press, by placards posted at conspicuous points or carried on street cars, and in other ways. This work is being fostered in the United States by such organizations as service clubs, chambers of commerce and especially the National Safety Council. In Great Britain a similar organization sponsoring safety work is the National "Safety First" Association; in Germany there is the Deutsche Verkehrswacht.

The condition and behavior of the motorist contributed to fatalities in 70 percent of the motor vehicle accidents in the United States in the Travelers Insurance Company estimate for 1932. The leading actions of drivers as a result of which deaths resulted were the following: exceeding the speed limit, 35.3 percent of all accidents in this group; on wrong side of the road, 12.3 percent; did not have right of way, 11.9 percent; cutting in, 2.9 percent; drove off roadway, 18.8 percent; all others, 19.8 percent. It will be observed that the accidents arising from the first three causes, constituting almost three fifths of the fatalities in this group and two fifths of all the fatal accidents arising out of the use of motor vehicles, may be directly laid at the door of the motorists themselves. Speeding and reckless driving are among the greatest menaces of the road, and the problems they present are among the leading concerns of public officials supervising motor transportation and traffic regulation. Mechanical restriction of the speed of vehicles has been suggested many times but the proposal has been nowhere adopted thus far. There are two reasons standing in the way: no device has yet been invented which could not be tampered with; and the prevention of necessary acceleration at critical moments might in itself prove a source of accident rather than a preventive.

During the early years of the motor age any person could drive an automobile or truck without restrictions except perhaps as to speed; indeed today in some of the American states, particularly in the south and west, there are still literally no formalities. One is as free to operate a motor vehicle as to drive a span of horses. In Great Britain there are no qualifications, except a minimum age limit, for an ordinary driver's license; an applicant simply remits five shillings and receives a license by mail. In most European countries, however, in Australia, South Africa, New Zealand and Canada and in many states of the United States applicants for permission to operate must submit to a more or less rigid test or examination. This covers in general four points: skill as a driver; knowledge of rules of the road and of motor vehicle laws; familiarity with mechanical details of the car; and physical fitness, particularly as to sight and hearing. In the United States licenses are commonly granted for one year only but are renewable; in Germany they are granted for life or until revoked.

New York and Connecticut in 1901 and Massachusetts in 1902 were the first American states to enact legislation concerning the control

and operation of motor vehicles. Additional legislation in Massachusetts in the following year provided for the registration of motor vehicles and the issuing of licenses to operate them. The examination of one class of operators only, namely chauffeurs, began in Massachusetts in 1907 and continued until the inauguration in 1920 of the present system, which provides for the examination of all applicants. Drivers' licenses are now required in about half of the states of the United States. All of the states require registration of the vehicle.

The common minimum age limit for drivers in the United States is 16 years. In Great Britain it is 21 years for public service drivers, 17 years for motor car drivers and 16 years for motorcyclists. In France and Germany the age limit is 18 years. It is perhaps true, although statistics on the subject are as yet very meager, that young drivers cause more than their share of accidents. Drivers of commercial vehicles receive special attention in the United States and in England in the form of schools of instruction and "safe drivers" competitions. England has also a Road Fellowship League designed to cultivate a spirit of mutual consideration among drivers in the use of the highways.

One of the most pressing problems that have appeared in connection with motor vehicle accidents is that arising out of the inability or failure of operators and owners of trucks and automobiles to compensate the victims of accidents both for physical injuries and for economic loss. It has been established by the Committee to Study Compensation for Automobile Accidents that considerably less than one third of all private passenger and commercial motor vehicles registered in the United States are insured for public liability, or injuries to persons; as a rule common carriers are required to carry such insurance. By 1932 some eighteen states carried on their statute books financial responsibility laws, designed for the most part to increase the number of financially responsible owners and drivers by requiring those who had been at fault in the commission of accidents either to pay damages to their victims or to insure themselves against public liability in the future or both, but these laws were not proving particularly successful.

In the United States it is only in Massachusetts that effective efforts have been made to see that the injured persons are not without sure relief. By law enacted in 1925 and effective as of January 1, 1927, Massachusetts required that all motor vehicles belonging to resident owners be insured against public liability. The statute demanded that each resident owner give proof of financial responsibility with respect to personal injury before the registration of his motor vehicle was possible, the proof being usually a certificate of insurance covering the owner and all operators as well. The statute also empowered the state insurance commissioner to establish the premium rates for all classes of coverage. According to the Committee to Study Compensation for Automobile Accidents, more than 90 percent of motor vehicles operating in the state have been brought within the insured group and the law has thereby achieved its purpose of protecting the public against the financial irresponsibility of motorists Similar compulsory liability insurance laws were enacted in Denmark in 1918, in Finland in 1925, in Norway in 1926 and in Great Britain in 1930; some of the cantons in Switzerland have also undertaken legislation of this kind.

But students of the question are not convinced that insurance, even on a compulsory basis, offers the best solution. The Committee to Study Compensation for Automobile Accidents (*Report*, p. 216) thus sums up the outstanding objections: "The generally prevailing system of providing damages for motor vehicle accidents is inadequate to meet existing conditions. It is based on the principle of liability for fault which is difficult to apply and often socially undesirable in its application; its administration through the courts is costly and slow. . . ." Therefore the committee favors a plan of compensation with limited liability and without regard to fault, analogous to that of workmen's compensation. The committee's proposal, which has gained the serious attention of many persons alarmed by the growing seriousness of the problem, embodies the following suggestions: first, that the principle of negligence or liability for fault be discarded; second, that every motorist involved in an accident be required to pay compensation for injuries or death caused by his motor vehicle; third, that such payments be made on the basis of a statutory scale of benefits; and, fourth, that all motorists be required to carry insurance against their liability to pay compensation.

RICHARD SHELTON KIRBY

See: MOTOR VEHICLE TRANSPORTATION; TRAFFIC REGULATION; ROADS; SAFETY MOVEMENT; AUTOMOBILE INSURANCE.

Consult: National Conference on Street and Highway

Safety, *Reports*, nos. 1–3 (Washington 1924–30); Conference on Motor Vehicle Traffic. . . . Held under the Joint Auspices of Yale University and the State of Connecticut, *Proceedings*, ed. by R. S. Kirby (New Haven 1924); Kirby, R. S., *A Study of Motor Vehicle Accidents in the State of Connecticut for the Years 1924 and 1925* (New Haven 1926), and *Third . . . to Eighth Study* . . . (New Haven 1927–32); Great Britain, Ministry of Transport, London and Home Counties Traffic Advisory Committee, *Street Accidents in Greater London* (1927), *Report on Street Accidents in Greater London* (1927), *Second Report on Street Accidents in Greater London* (1929), *Report on Street Accidents to Children in Greater London* (1929), and *First–Third Reports*, Cmd. 3365, 3416, 3751, 3 vols. (1929–31); Stockum, H. G. van, *Die neuesten Verkehrs- und steuergesetzlichen Bestimmungen für das Kraftfahrwesen nach dem Stande vom 1.iv.1928/1.vii. 1928* (Berlin 1928); Volkmann, K., *Kraftfahrzeugunfälle und Kraftfahrzeugrecht* (Berlin 1929); Kopp, V., *Verhutung von Autounfallen* . . . (Berlin 1929); Paris, Conseil Municipal, "Les mesures récentes prises pour améliorer la circulation, les réalisations à l'étranger, les projets et suggestions pour l'avenir," by Émile Massard, *Rapports et documents 1928*, no. 93 (1928); Eno, W. P., *Fundamentals of Highway Traffic Regulation* (Washington 1926); Cox, W. J., "Automobile Hazard in Cities and Its Reductions" in American Society of Civil Engineers, *Transactions*, vol. xcii (1928) 1–27; McClintock, M., *Report and Recommendations of the Metropolitan Street Traffic Survey* (Chicago 1926), *A Report on the Street Traffic Problem of San Francisco* (San Francisco 1927); Harvard University, Albert Russell Erskine Bureau for Street Traffic Research, *A Report on the Street Traffic Control Problem of the City of Boston* (Boston 1928); Sawyer, H. H., "The Law of the Road" in *American Mercury*, vol. xix (1930) 204–11; Holmstrom, J. E., "Prevention of Road Accidents" in *Fortnightly Review*, vol. cxxxiii (1933) 619–29; Simonin, Camille, *L'automobile homicide: étude médico-légale et médico-sociale des accidents d'automobiles* (Paris 1931); National Safety Council, *Accident Facts, 1932*, Public Safety series, no. 26 (Chicago 1932); The Travelers Insurance Company, *Worse Than War!* (Hartford 1931), *Tremendous Trifles* (Hartford 1932), and *They Call Us Civilized* (Hartford 1933); "The Causes and Prevention of Automobile Accidents" in *Travelers Standard*, vol. xix (1931) 61–80; Committee to Study Compensation for Automobile Accidents, *Report* (Philadelphia 1932); Deák, F., "Automobile Accidents: a Comparative Study of the Law of Liability in Europe" in *University of Pennsylvania Law Review*, vol. lxxix (1930–31) 271–305.

MOTOR VEHICLE TRANSPORTATION came late into the family of transport agencies. A century of intermittent experiment had foreshadowed the automobile but without suggesting the amazing rapidity of its development since 1900. From possibly 600,000 in 1910 the number of motor vehicles in the world increased to 11,000,000 in 1920 and to 35,000,000 in 1931; these figures indicate their past without presaging their future curve of growth. Motor transport has won its present place partly by displacing horse drawn vehicles, partly by capturing steam and electric railway traffic and partly by increasing the total amount of transportation. Exceptionally diversified in form and function, it has become conspicuous in both the freight and the passenger fields; in local, radial and intercity movements; and in public and private transport service. It fills with a finer weave the coarse meshes of the railway net and it also opens up areas unmarked by rails. Although its contributions in both of these directions have already been notable, motor transport continues to display a vigor and versatility which preclude confident prediction of the magnitude of its final place in the transportation scheme.

In number of vehicles operated the United States, with almost three fourths of the world's total, is clearly the outstanding country; and the private passenger car is easily first in both volume and significance. In other countries the preponderance of the automobile is not so great; in Russia and a few other areas motor trucks and buses together are more numerous. In the United States the private car has resulted in a tremendously increased total of transportation service. While it has cut deeply into the province of horse and railroad, but a minor part of the 300,000,000,000 passenger miles accumulated annually through its use is thus to be explained. With the means available for exploiting a wider field of experience, man has become more mobile, and the motor car now ranks as a leading consumers' good. It is true of course that the automobile has become a necessary business adjunct; but its use nevertheless is largely a function of income otherwise derived. In the United States the ratio of passenger cars to population in 1931 was 1 to 5.5; in England and Wales, 1 to 40; in Italy, 1 to 197; in Japan, 1 to 1100; and in China, 1 to 16,000. Although other factors are present—among them, inequality in the cost of vehicle ownership and operation—a direct relation of car registration to income is generally to be observed.

Passenger transport of an individualized character is provided commercially in towns and cities by the taxicab, which in western nations has displaced other facilities in this field. But as an agency of public passenger transportation the motor bus, or coach, operating as a common carrier both within and between cities, is of chief importance. With both spheres of use included, bus routes in the United States exceed the line mileage of steam railways and account for prob-

ably half as many passenger miles, although not one tenth as many as the private car. More than two thirds the world's buses are found outside the United States, their most intensive utilization occurring in England, with noteworthy beginnings in the industrially backward regions of Asia and Africa. The rapid increase in bus travel since 1920 is attributable largely to improvements in safety, reliability and comfort.

In meeting the requirements of large cities motor buses are clearly unequal in speed, and probably unequal in cheapness, to the underground and the suburban railway. They are more expensive also than well patronized street railways, and their inadequacy as a means of mass transportation for cities exceeding 30,000 in population has frequently been stressed. Buses have seemed ideally fitted to serve on streets of light traffic, as extensions of street railways in unserved districts and as an attractive alternative to the basic agencies where competition is feasible. But too constricted a view of their proper sphere may be taken. In an increasing number of cities with populations of 50,000 and more electric lines have yielded completely to buses, and the latter have proved an adequate substitute. In London, conspicuously, the bulk of the short distance traffic is carried by 5000 double deck buses at fares ranging upward from one penny and at speeds surpassing the surface railways. In Paris too an extensive and effective bus system has developed. But where, as is generally true on the continent of Europe, individual enterprise in transportation is sharply restricted by public authority and the spheres of the several agencies are predetermined according to a central plan rather than by trial and error, buses have not threatened the supremacy of the tramway.

Intercity bus operations are of greater importance. For light traffic they are much cheaper than the steam train; and for most short routes the convenience of their terminals and stopping places compensates for the greater station to station speed of the railroad. For longer journeys the bus is slow; but the practise, unlike that of the railways, of charging less per passenger mile as the journey lengthens, combined perhaps with other appealing features, is drawing a small but growing traffic. England with its myriad neighboring towns served, if at all, by rail stations inconveniently remote and with its tradition of free enterprise, has offered the ideal field for exploitation; only the frequency and cheapness of rail service, made possible by the density of the population, have saved the railroads from disastrous losses. Sight seeing tours, usually seasonal and varying in duration from a few hours to several days, have developed extensively in both Europe and America as a supplement to common carrier bus services; and in the United States the bus has become an important factor in the centralization of the rural school system.

The varied applicability of the motor vehicle is most fully revealed in freight transportation. Over 5,000,000 trucks or lorries are now in use, two thirds of them in the United States. In this country the outlay on motor freight service probably approaches the freight revenue of the railroads, although the ton mileage produced, with both urban and intercity operations included, is perhaps not over one twentieth as great. In the vast local movement of raw products and merchandise to and from factory, farm, store, warehouse, steamship pier and railway station the truck has found its least disputed and most distinctive place. Except when much stopping and waiting are necessary or when, as is often the case in agriculture, hauling is done while facilities and labor are temporarily free, the employment of horses on road or street is seldom economical; even then the resulting increase in traffic congestion discourages their use.

The motor truck has widened appreciably the range of local transportation and has thus penetrated the intercity field sufficiently to threaten the railroad. The position of the latter is secure enough in effecting mass commodity movements; and since trucking costs do not taper with distance or vary with the value of freight in nearly the same degree as railway rates, motor competition is limited largely to short hauls and high class commodities. But even if relative costs only are considered, the economic sphere of trucking may not be defined simply. The extra packing often required for rail shipments and the cartage at terminals are factors of highly variable magnitude; whereas the ton mile cost of trucking may be high or low, depending upon the size of vehicle and the average proportion of capacity utilized. Timeliness of arrival at destination or some other refinement of service accounts in numerous instances for the use of trucks, especially on hauls exceeding one hundred miles, although cheapness sometimes motivates their employment even for very long distances. While the passenger business of American railways declined by almost one half between 1920 and 1930, aggregate freight sta-

tistics scarcely reflected the presence of motor competition. The rather common view of such competition—that railroads are benefited by the loss of short distance, less-than-carload traffic—is acceptable only if rail carriers are relieved of their responsibility toward such traffic. It is for such shipments, if any, that the truck is an adequate substitute for the railroad in the United States; but with a very small percentage of all freight appearing in consignments of under five tons and with an average haul exceeding three hundred miles, the range of substitution is not large. In Great Britain, on the contrary, with hauls averaging less than one fourth of the distance and with an average carload, minerals included, not exceeding the capacity of a large truck, an extremely damaging competition might seem inevitable. Yet so effective is the service of fast scheduled freight trains, and so prompt and economical is the railway collection and delivery service, that only certain relatively large merchandise shipments making full truckloads move by highway.

In undeveloped regions, because the railroad is a costly means of opening new territory, the motor truck is best adapted for long distance operation. Using trucks equipped for both freight and passengers the South African railways have demonstrated their effectiveness under primitive highway conditions, as an alternative to branch line construction. But the exploitation of vast areas in Africa and elsewhere requires a vehicle which will carry bulky goods several hundred miles over poor roads at a cost acceptable to world markets; to this problem engineers have turned their serious attention.

The flexibility which characterizes the functioning of motor transport distinguishes its organization as an industry. Not only is the private vehicle the principal means of passenger transport, but also three fourths of all freight vehicles are in private use. Commercial trucking commonly makes fuller employment of labor and equipment but renders a less prompt and particularized service which is devoid of advertising value. Of the two forms of commercial trucking, the common carrier freight line achieves, with balanced loading, the lowest net ton mile cost; but the contract hauler, usually carrying but one consignment at a time, often reduces greatly the packing and handling otherwise required and sometimes, as through the comprehensive organization of certain American furniture movers, attains a high proportion of revenue mileage. For reasons already suggested motor freight lines are not conspicuous in Great Britain, although the London area enjoys the finest motor express service in the world. Commercial motor transport, both freight and passenger, has usually been inaugurated on a small scale, often with a single truck or bus; but with success has come the growth of individual concerns and the combination of companies. The spur of competition and the requirements of long distance service have promoted this tendency. With it there have been marked improvements in operation, not so much because of large scale operating economies as because of the attraction of better business ability and the establishment of sounder financial structures.

Steam and electric railway companies have begun to participate extensively in road transport. In conformity with traditional policy France, Germany and other continental countries have sought to bring motor common carrier services under railway control. The British Parliament in 1928 authorized the railways to engage in intercity road operations, in consequence of which they have purchased a controlling interest in many of the larger bus companies. Participation by railways in both truck and bus services is proceeding rapidly in the United States as well. The purposes are various. Sometimes an extension of tributary territory is sought; sometimes the objective is the elimination of unprofitable trains or the closing of branch lines. Main lines may be paralleled with a view to expediting both through and local traffic. In terminal areas trucks are used for interline transfers, for reaching off track stations, for consolidating shipments to specific points and for handling standardized freight containers. It is true that the railways have begun the collection and delivery of freight; but were they to assume full responsibility for these processes, important economies and improvements of service would undoubtedly result. The established practise in the United States is difficult to change. In countries where railways already perform the cartage function, extensive coordination of rail and motor services is a less revolutionary venture. In no other department of transportation is close cooperation of agencies as essential as in urban passenger service; here the electric railways frequently control the buses and in a number of cities they have set up a hybrid form, the trackless trolley. Such participation of rail interests in motor transport is generally explained in terms of better service and lower cost, but doubtless the basic reason

is usually the hope of reducing the force of competition. Whatever the object sought, the method is commonly to provide road services through subsidiaries or by contract rather than through direct operation.

The earliest forerunners of the automobile met legislative discouragement. Collective interest in the present phase of motor transport has assumed a variety of manifestations. The roadway used is publicly provided and specially improved for motor traffic; the problem of safeguarding human lives is a pressing one; vested interests of existing transport agencies and of communities dependent upon them are threatened; and public interference is facilitated by the tradition of transport regulation, quite apart from specific reasons for its initiation in this instance. Public policy in developing highways and in apportioning their cost undoubtedly modifies the industry's growth; but the special license fees and fuel taxes, now almost everywhere imposed, go far—although not equally far in all countries and regions—to refute the view that motor transport is being promoted at public expense to the prejudice of other agencies. On the whole there is no generally accepted view of the highway function. Traffic is usually controlled in order to expedite movement, preserve roads and reduce accidents; in the case of common carriers special standards are established for both vehicles and operators and liability insurance is often required. Only the details of such control appear to be debatable.

But when regulation is grounded in the conception of motor transport as a public service industry, there are notable departures, in both purpose and justification, from traditional policy. Rates and fares have been neither high nor discriminatory in sufficient degree to arouse concern, and control of charges rarely exceeds the requirement that they be published and followed. Of chief significance is the provision that proposed services be inaugurated only when the public need for them has been amply demonstrated. The characteristics which tend to render railway operations monopolistic are almost wholly lacking in motor transport; the new industry has suffered, on the contrary, from the marked ease with which persons with slight capital and business experience may enter it, and restrictions upon entrance are designed to contribute to the orderliness and dependability of service. Control of this nature rests primarily upon the conviction that the relationship of motor service to other transport facilities should be publicly adjusted. Small reductions in railroad patronage often create losses; and when the continuance of specific rail services is at stake, choice between agencies must be made on broad grounds of public interest. Vital issues are involved. Should motor transport be granted a coordinate place in the transportation scheme or be made an auxiliary to fill in gaps? How may stability be furthered without checking progress? Is monopoly desirable, either in motor transport alone or in all agencies combined? When should rail service be discontinued, and when, if ever, should unprofitable operations be subsidized? Answers to these questions are being sought, but regulation is everywhere impeded by administrative difficulties and by the largely private character of motor transport. In Great Britain local jurisdictional limitations must be overcome, and in the United States interstate motor operations continue free of control in the absence of congressional action.

An interesting speculation concerns the place which motor transportation would occupy today in the industrial and social pattern had it developed contemporaneously with the railroad. A field for investigation along these lines is provided by the undeveloped regions of Africa, Australia and South America, where the effectiveness of the motor car as a pioneering agency is being demonstrated. In older lands existing arrangements have not been fundamentally altered by the new agency, although there have been noteworthy changes. Agriculture has become more diversified, particularly near large markets, and some new land has been opened to profitable use. Increased facility in replenishing stocks and therefore the reduction of inventories have resulted in the saving of capital by manufacturers and distributors. This is in part due to improved rail service, but this in turn has been stimulated by motor competition. Many rural retail centers have declined, while cities are spreading out and a more rounded suburban development is under way. Motor transport must be credited with a nicer articulation of the parts of the current economic machine and an appreciable broadening of the field within which human desires may be satisfied.

I. L. Sharfman
Shorey Peterson

See: Automobile Industry; Roads; Transportation; Railroads; Express Companies; Rate Regulation; Municipal Transit; Motor Vehicle Accidents; Traffic Regulation.

Consult: Wilson, G. L., *Motor Traffic Management*

(New York 1928); Moulton, Harold G., and associates, *The American Transportation Problem* (Washington 1933) pt. vi; Johnson, E. R., Huebner, G. G., and Wilson, G. L., *Principles of Transportation* (New York 1928) pt. 5; Brunner, C. T., *The Problem of Motor Transport* (London 1928); Fenelon, K. G., *The Economics of Road Transport* (London 1925); White, Percival, *Motor Transportation of Merchandise and Passengers* (New York 1923); Spurr, H. C., *Motor Vehicle Transportation* (Rochester 1922); Daggett, Stuart, *Principles of Inland Transportation* (New York 1928) ch. xxxiv; Peterson, G. S., "Motor-carrier Regulation and Its Economic Bases" in *Quarterly Journal of Economics*, vol. xliii (1929) 604–47; Great Britain, Ministry of Transport, *Report of the Conference on Rail and Road Transport* (1932); Great Britain, Royal Commission on Transport, "The Coordination and Development of Transport," *Report*, vol. iii, Cmd. 3751 (1931); National Industrial Conference Board, *The Taxation of Motor Vehicle Transportation* (New York 1932); Bratschi, Robert, *Railway and Motor Transport*, International Transportworkers' Federation, I. T. F. Documents, n.s., no. 7 (Amsterdam 1930); United States, Bureau of Foreign and Domestic Commerce, *Motor Freight Transportation*, Domestic Commerce series, no. 66 (1932); "The Motor Bus Controversy in Congress" in *Congressional Digest*, vol. x (1931) 65–96; World Motor Transport Congress, *Proceedings*, vols. i–iii (New York 1924–27); National Automobile Chamber of Commerce, Inc., *Facts and Figures of the Automobile Industry: 1932* (New York 1932); *Motor Transport Year Book and Directory*, published in London since 1916; *Bus Transportation*, published monthly in New York since 1922.

MOTT, LUCRETIA (Coffin) (1793–1880), American reformer and feminist. Lucretia Mott, the daughter of a Nantucket ship captain, entered by birth, choice and marriage into the religious and social traditions of the Society of Friends, the inspiration of her lifelong efforts for the abolition of slavery, for women's rights and for peace. At sixteen she became a teacher in a Friends' school and observing that the salaries of the women were half those of the men, although boy and girl students paid the same tuition fee, she remarked, "I early resolved to claim for myself all that an impartial Creator had bestowed." At eighteen she married a fellow teacher, James Mott. Their subsequent life was spent and their family raised in and about Philadelphia, where Lucretia ran a small shop at one time and a school at another, all the while serving as a minister to the Society of Friends. Her ardent espousal of abolition, which led her husband to give up a thriving business because it dealt with cotton, a product of slave labor, aroused considerable antagonism even among the Quakers and once brought a threatening mob to her door. In 1840 she and her husband were sent to London to attend the World's Anti-Slavery Convention, but Lucretia was barred from active participation because of her sex, as was Elizabeth Cady Stanton, another American delegate. This experience and the meeting of the two women stirred their interest in the dawning field of women's rights. Both were among the organizers of the convention called at Seneca Falls in 1848 "to discuss the social, civil and religious condition and rights of women." In her *Discourse on Woman* delivered the following year Lucretia Mott declared that woman's "right to the elective franchise . . . should be yielded to her, whether she exercise that right or not." In 1870 she became president of the Pennsylvania Peace Society. Her letters reflect a gentle but spirited woman, one devoted to her family and to the home at whose hospitable board Negro guests mingled with white, one impelled at all times to speak out dauntlessly on behalf of "the millions of slaves . . . the greatest sufferers, the most oppressed class."

MARY ROSS

Consult: Hallowell, Anna Davis, *James and Lucretia Mott: Life and Letters* (Boston 1884); *American Women*, ed. by F. E. Willard and M. A. Livermore, 2 vols. (rev. ed. New York 1897) vol. ii, p. 526.

MOUNT STEPHEN, FIRST BARON, GEORGE STEPHEN (1829–1921), Canadian capitalist. The son of a Scottish carpenter, he attended parish school and worked as a herd boy during the summer. From 1843 to 1847 he was apprenticed to an Aberdeen draper and in 1850 after living for a time in Glasgow and London went to Montreal and entered a cousin's mercantile firm. Ten years later he acquired control of the firm, which had thrived as a result of the expansion of Upper Canada following the construction of railroads, and engaged in the woolen industry and the manufacture of textiles at Almonte, Sherbrooke and Cornwall. His shift from trade to industry and especially his increasing interest in cotton apparently led him to a protectionist attitude by 1872.

His success in textile trade and manufacture brought him in touch with financial and political circles. He became a director of the Bank of Montreal in 1873 and its president in 1876. Western interests acquired through his cousin D. A. Smith (Lord Strathcona) turned his attention to railroads. He was one of a group which bought and profited substantially from the St. Paul and Pacific Railway and established connections with important capital markets in New

York and Holland. In 1880 he became president of the Canadian Pacific Railway and in 1881 resigned his bank presidency. His control of capital and strong political, financial and technical alliances enabled him to complete the Canadian Pacific Railway in a remarkably short period without resort to extensive bond issues.

He resigned from the presidency of the railway in 1888 and retired to England. Although he continued to exercise considerable influence on the policy of the Great Northern and the Canadian Pacific, his main interest henceforth was medical philanthropy. Mount Stephen's business activities played a leading role in linking Montreal's metropolitan growth with the development of ocean steamship navigation to the city and railroad expansion to the Pacific.

HAROLD A. INNIS

Consult: Morris, Keith, *The Story of Lord Mount Stephen* (London 1922); Pope, Joseph, *Memoirs of the Rt. Honourable Sir John Alexander Macdonald* (new ed. Toronto 1930); Innis, H. A., *A History of the Canadian Pacific Railway* (London 1923); Skelton, O. D., *The Railway Builders*, Chronicles of Canada series, vol. xxxii (Toronto 1916); Willson, Beckles, *The Life of Lord Strathcona and Mount Royal*, 2 vols. (Boston 1915); Pyle, J. G., *The Life of James J. Hill*, 2 vols. (New York 1917); *Correspondence of Sir John Macdonald*, ed. by Joseph Pope (New York 1921); Vaughan, Walter, *The Life and Work of Sir William Van Horne* (New York 1920); Tupper, Charles, *Recollections of Sixty Years* (London 1914), and *The Life and Letters of the Rt. Hon. Sir Charles Tupper*, ed. by E. M. Saunders and C. H. Tupper, 3 vols. (London 1916–26).

MOUNTAIN WHITES. *See* ISOLATION.

MU'ĀWIYAH (*c.* 605–80), Arab caliph and founder of the Ommiad dynasty. Mu'āwiyah, who belonged to the tribe of Mohammed, began his political career as governor of the province of Syria. In 660 with the aid of his Christian Syrian subjects he succeeded in wresting the caliphate from its rightful occupant, 'Ali. He reorganized the government on a Byzantine basis and became the second founder of the Arab state. Although not a soldier he was a great military organizer and rid the military machine of its archaic tribal formation. His generals extended Moslem territory eastward to the Indus and beyond the Oxus into Turkestan and westward to modern Tunis, where Kairwan (al-Qayrawān) was founded in 670. Against the Byzantine Empire he pressed hostilities by land and sea; in 669 and from 674 to 680 he laid siege to Constantinople. His fleet, the first in Islam after the Egyptian, was built on the Byzantine model in the old dockyards of Acre; it conquered Cyprus in 649 and ravaged Rhodes and Crete.

Mu'āwiyah was the first caliph to institute a bureau of registry and a postal service. Shortly before his death he nominated as his successor Yazīd, his son by the Christian Maysūn, thus introducing the hereditary principle into the caliphate. Although his critics, mostly Alides or Abbassides, impugn his piety and accuse him of having secularized the caliphate and changed its character from that of a theocratic office to that of a temporal sovereignty (*mulk*), all his biographers consider that his supreme virtue was *ḥilm*, the use of non-violent methods save when force was absolutely necessary. An opportunist with a highly developed sense of political finesse, Mu'āwiyah has been justly considered one of the four political geniuses of Islam and has lived in tradition as the model Arab sovereign.

PHILIP K. HITTI

Consult: Wellhausen, J., *Das arabische Reich und sein Sturz* (Berlin 1902), tr. by Margaret G. Weir (Calcutta 1927) chs. ii and iii; Lammens, Henri, "Études sur le règne du calife Omaiyade Mo 'āwia Ier" in Université Saint-Joseph, Beirut, *Mélanges de la faculté orientale*, vol. i (1906) 1–108, vol. ii (1907) 1–172, vol. iii (1908–09) 145–312; Muir, William, *The Caliphate: Its Rise, Decline, and Fall*, rev. ed. by T. H. Weir (Edinburgh 1915) p. 234–318.

MULCASTER, RICHARD (1531?–1611), English educator. Mulcaster's writings are concerned primarily with the daily business of a schoolmaster and the philosophy which should direct it. As the first head master of the Merchant Taylors' School (1561–68) and as high master of St. Paul's (1596–1608)—and no doubt also in the ecclesiastical appointments which he enjoyed—he proved his theories and principles. His *Positions* (1581) and his *Elementarie* (1582) are landmarks in the history of English education. He wrote in English, claiming for his native language a subtlety equal to that of Greek and a range not less than that of Latin. He argued in favor of a general elementary education for all children and paid great attention to the teaching of the youngest, holding that they required the most skilful and accomplished masters. But the simplest foundations once laid, a higher education was to be reserved for pupils, boys and girls alike, really capable of receiving it. The best wits were to be best cultivated. Of the best there were sure to be enough for the needs of society. Learning bestowed on persons unfit for it would make them injurious to the body politic. He adopted Plato's doctrine that

education has its goal in the service and maintenance of the state. He insisted upon judicious and systematic physical education. His pupils were taught to sing and to act. Perhaps he is most memorable for his demand that, since teaching is an art, those who are to practise it should learn it; teachers must be trained.

E. T. CAMPAGNAC

Chief works: *Positions* (London 1581; ed. by R. H. Quick, 1898); *Elementarie* (London 1582; ed. by E. T. Campagnac, Oxford 1925).

Consult: Barnard, Henry, *English Pedagogy*, 2 vols. (2nd ed. Hartford 1862) vol. ii, p. 177–84; Quick, R. H., *Essays on Educational Reformers* (new ed. New York 1890) ch. viii; Klähr, T., *Leben und Werke Richard Mulcasters* (Dresden 1893); Benndorf, Cornelie, *Die englische Pädagogik im 16. Jahrhundert*, Wiener Beiträge zur englischen Philologie, vol. xxii (Vienna 1905) ch. iii; Wiener, Leo, "Richard Mulcaster, an Elizabethan Philologist" in *Modern Language Notes*, vol. xii (1897) 128–39.

MÜLLER, ADAM HEINRICH (1779–1829), German political and social philosopher. Müller was born in Berlin of a Protestant Prussian family but embraced Catholicism in 1805. He entered the service of the Austrian government in 1813 and was consul general in Leipsic from 1818 to 1827. He acted as a political observer for Metternich both in Leipsic and at subsequent international congresses.

Müller was one of the founders and leading representatives of German romanticism. He was largely influenced by the ideas of Burke and his views also resemble closely those of Bonald. His theories centered chiefly around the categories of "opposition" and "mediation," "community" and "organism," and were directed against the rationalistic philosophy of the Enlightenment. Müller opposed the principle of liberalism with that of authority, progress with the value of tradition, the idea of individual liberty with the principle of the binding ties of the organic community, the idea of revolution with that of the restoration, in the spirit of a transfigured mediaevalism, of a universal, corporate, Christian and authoritarian order of society. Christianity, church, nation and state are the great collectivities in which the individual first becomes conscious of his own personality. The highest realization of community life is the national state, which stands for the totality of human affairs, an "eternal alliance" not only of contemporaries but of all past and future generations. Its chief function is to integrate all physical and spiritual elements and to mediate between the nobility, which represents the plantlike, feminine and conservative principle in society, and the bourgeoisie, which represents the animal, masculine and republican principle. The ideal form of government is therefore the mediaeval corporate state in which the various functional groups (*Stände*) are the members of the state organism.

Müller's economic views are directed against the rationalist and individualist economic doctrines of Adam Smith. They constitute an elaborate attempt to "spiritualize" the basic doctrines of classical political economy and to introduce into economic considerations all nonmaterial and spiritual values. The essential principle of money, for example, says Müller, is not its physical value but its spiritual function as an intermediary and as a measure of the importance of objects for society. Capital symbolizes the significance of the past for the present and future. The wealth of a nation consists, in addition to the physical elements, of the spiritual capital of ideas and scientific experience.

Müller's political and social doctrines provided the spiritual foundations for political conservatism and nationalism, particularly Prussian agrarian conservatism, as well as for the organismic socialism of Rodbertus and Marlo. The socialists of the chair and the Christian Socialists of both faiths, particularly the Social Catholics of the nineteenth century, have been greatly influenced by Müller's writings. Othmar Spann has constructed his universalist political and social system on the basis of Müller's ideas. All opposition in Germany to liberalism and capitalism, to democracy and republic, to cosmopolitanism and humanity, may be traced to Adam Müller. He is the spiritual ancestor of the ideology, although not of the methods, of National Socialism.

ARTHUR SALZ

Chief works: *Die Lehre vom Gegensatze* (Berlin 1804), reprinted in *Ausgewählte Abhandlungen*, ed. by Jakob Baxa, Die Herdflamme, vol. xix (2nd rev. ed. Jena 1931) p. 213–80; *Vorlesungen uber die deutsche Wissenschaft und Literatur* (Dresden 1806; new ed. by Arthur Salz, Munich 1920); *Zwölf Reden über die Beredsamkeit, und deren Verfall in Deutschland* (Leipsic 1816; new ed. by Arthur Salz, Munich 1920); *Die Elemente der Staatskunst*, 3 vols. (Berlin 1810; new ed. by Jakob Baxa, Die Herdflamme, vol. i, 2 vols., Jena 1922); *Versuche einer neuen Theorie des Geldes* (Leipsic 1816; new ed. by Helene Lieser, Die Herdflamme, vol. ii, Jena 1922); *Vermischte Schriften über Staat, Philosophie und Kunst*, 2 vols. (Vienna 1812, 2nd ed. 1817).

Consult: Baxa, Jakob, *Adam Müller* (Jena 1930), with complete bibliography, and *Adam Müllers Philosophie*,

Ästhetik und Staatswissenschaft (Berlin 1929); Meinecke, Friedrich, *Weltbürgertum und Nationalstaat* (7th ed. Munich 1928) ch. vii; Schmitt, Carl, *Politische Romantik* (2nd ed. Munich 1925); Martin, Alfred von, "Die politische Ideenwelt Adam Müllers" in *Kultur- und Universalgeschichte* (Leipsic 1927) p. 305–27; Rubinstein, Sigmund, *Romantischer Sozialismus* (Munich 1921) p. 98–105; Lenz, Friedrich, *Agrarlehre und Agrarpolitik der deutschen Romantik* (Berlin 1912); Palyi, M., "Die romantische Geldtheorie" in *Archiv für Sozialwissenschaft und Sozialpolitik*, vol. xlii (1916–17) 89–118, 535–60; Spann, Othmar, *Die Haupttheorien der Volkswirtschaftslehre auf lehrgeschichtlicher Grundlage* (21st ed. Leipsic 1931), tr. by E. and C. Paul as *Types of Economic Theory* (London 1930) ch. viii, pt. ii.

MÜLLER, FRIEDRICH MAX (1823–1900), Anglo-German orientalist and philologist. Max Müller was born in Dessau, Germany, the son of the poet Wilhelm Müller. He studied at the universities of Leipsic and Berlin and was influenced particularly by the comparative philologist Franz Bopp and the romanticist philosopher Schelling. In 1845 he visited Paris, where he became acquainted with the work of Eugène Burnouf, the foremost Zend scholar of the time. He went to England in the following year and in 1848 settled permanently in Oxford, becoming full professor in 1854.

Müller's writings covered the wide fields of comparative religion, comparative mythology and comparative languages. His method was based on the essentially romantic identification of thought and language. Müller held that all thought finds its last consummation in language, hence the "growth of the human mind must be studied in the history of language." His investigations into religion and mythology were thus of a more metaphysical character and showed little trace of the influence of the newer anthropological and ethnographic currents. Most of his theories, such as those of the origin of myth in "diseased language" and of the origin of religion in the recognition by man of the "infinite cause," have since been successfully disproved. But no writer during the nineteenth century has contributed as much as Müller toward the popularization of the study and problems of comparative religion and toward arousing the interests of a wide reading public in the subject. His critical edition of the *Rigveda* with the Sāyana commentary (6 vols., London 1849–73; 2nd. ed., 4 vols., 1890–92), his most lasting contribution to learning, and his edition of the *Sacred Books of the East* (49 vols. and Index, Oxford 1879–1910) have been more effective than any other works in placing the study of comparative religion on a sound basis.

Max Müller is chiefly responsible also for the wide vogue of the theory of Aryanism. It was he who coined the word Aryan to replace the more cumbersome term Indo-Germanic. Although he categorically denied the identification of language and race and held that "it would be as wrong to speak of Aryan blood as of dolicocephalic grammar," his writings are full of such expressions as Aryan race, Aryan ancestors and Aryan peoples. The wide circulation of his writings and the scholarly prestige attached to his name helped to pave the way for the elaboration and acceptance of the Aryan racial theory which became so prominent in the literature of the late nineteenth and the early twentieth century.

KOPPEL S. PINSON

Important works: *The Science of Thought* (London 1887); *Lectures on the Science of Language*, 2 vols. (London 1861–64, new ed. 1885); *Biographies of Words* (London 1888); *Introduction to the Science of Religion* (London 1873, new ed. 1882); *Lectures on the Origin and Growth of Religion as Illustrated by the Religions of India* (London 1878, new ed. 1891); *Anthropological Religion* (London 1892); *Natural Religion* (London 1889, 2nd ed. 1892); *Contributions to the Science of Mythology*, 2 vols. (London 1897); *Chips from a German Workshop*, 4 vols. (London 1867–75, new ed. 1894); *Selected Essays on Language, Mythology and Religion* (London 1881); *Last Essays*, 2 vols. (London 1901).

Consult: *The Life and Letters of the Right Honourable Friedrich Max Muller*, ed. by Georgina Müller, 2 vols. (London 1902); Winternitz, M., in Anthropologische Gesellschaft in Wien, *Mittheilungen*, vol. xxxi (1901) 80–87; Lang, Andrew, in *Contemporary Review*, vol. lxxviii (1900) 784–93; Pinard de Laboullaye, H., *L'Etude comparée des religions*, 2 vols. (3rd ed. Paris 1929) vol. i, p. 360–73.

MÜLLER, JOHANNES VON (1752–1809), Swiss historian. Müller studied at Göttingen under Schlözer and thereafter served as librarian and historiographer in the governments of Hesse-Cassel, Mainz, Austria, Brandenburg and Westphalia. Fanciful and sentimental, he became enthusiastic over all current ideas, changing his views so often as to lay himself open to the reproach of weakness of character. He never developed an independent philosophical or methodical criticism.

Although late in life he attacked Rousseau, the latter's idea of freedom and his cultural pessimism are basic to Müller's historical approach. Müller fancied himself in the role of Tacitus, whose style he imitated. Convinced that Europe was facing ruin because of the destruction of

the balance of power, he feared an era of despotism in which all noble impulses would find expression only in utopian form. He believed that culture would decay in Europe and soon be transplanted to America. He sought to stimulate in his countrymen a consciousness of former political and intellectual glories, idealizing mediaeval purity of morals and civic virtue, especially as reflected in the old aristocratic Bernese constitution, in contrast to modern intrigue and violence. This return to the archaic he tried to combine with admiration for the principles of equality. Affected by a religious Pietistic revival in 1782, Müller began to view world history as the expression of divine ordinance—all motives, crises and men of might are of divine origin and holy; they must be honored and not opposed. Consequently under the influence of the rising Napoleonic power Müller abandoned his predilection for the Prussian state and became an admirer of Napoleon, the "scourge of God."

Despite his Enlightenment philanthropism Müller ranks with Rousseau, Herder and Justus Möser as an inspirer of the romantic view of history. He first revived the language of the old chronicles and disclosed the aesthetic charm of the antique, of local color. He paved the way for the cult of the Middle Ages, especially through his admiration for the paternalism of the Catholic church. Like Gibbon he helped to spread the enthusiasm for Switzerland in Europe and he gave to rising German nationalism its patriarchal, democratic tendency. Müller planned but never completed a universal history. Forty-three volumes of notes for this, now in the municipal library in Schaffhausen, his birthplace, entitle him to be regarded as the precursor of Leopold von Ranke, whom, moreover, he influenced by the religious basis of his historical philosophy. The monumental character of his work placed him, in the eyes of his contemporaries, in the same rank with such classic historians as Livy and Polybius.

RUDOLF STADELMANN

Works: *Sämtliche Werke*, ed. by J. G. Müller, 27 vols. (Tübingen 1810–19); *Die Geschichten der Schweizer* (Berne 1780; revised ed. with title *Die Geschichten schweizerischer Eidgenossenschaft*, 5 vols., Leipsic 1786–1808; vols. i–iii, 3rd ed. 1806); *Vier und zwanzig Bücher allgemeiner Geschichten, besonders der europäischen Menschheit*, ed. by J. G. Müller, 3 vols. (Tübingen 1810), tr. by J. C. Prichard as *An Universal History*, 3 vols. (London 1818); *Reisen der Päpste* (Frankfort 1782; new ed. by G. Kloth, Aachen 1831), tr. by R. Raby (London 1852).

Consult: Henking, Karl, *Johannes von Müller*, 2 vols. (Stuttgart 1909–28); Requadt, Paul, *Johannes von Müller und der Frühhistorismus* (Munich 1929); Jaggi, Arnold, *Ueber Johannes von Müllers Geschichtsauffassung* (Berne 1922); Post, K., *Johannes von Müllers philosophische Anschauungen*, Abhandlungen zur Philosophie und ihrer Geschichte, vol. xxi (Halle 1905); Wernle, Paul, *Der schweizerische Protestantismus im XVIII. Jahrhundert*, 3 vols. (Tübingen 1923–25) vols. ii–iii; Stadelmann, R., "Grundformen der Mittelalterauffassung von Herder bis Ranke" in *Deutsche Vierteljahrsschrift für Literaturwissenschaft und Geistesgeschichte*, vol. ix (1931) 45–88; Fueter, Eduard, *Geschichte der neueren Historiographie*, Handbuch der mittelalterlichen und neueren Geschichte, vol. i (Munich 1911) p. 403–07; Schueck, Karl, *Studien über Johannes von Müller* (Heidelberg 1912); Henel, Heinrich, *Die Entwicklung des geschichtlichen deutschen Prosastils bei Johannes von Müller*, Historische Studien, vol. clxxix (Berlin 1928).

MÜLLER, KARL OTFRIED (1797–1840), German classical historian. Müller was born in Silesia and studied first at Breslau and then at Berlin, where he came under the influence of Böckh and Buttmann. In 1819 he became professor at the University of Göttingen, a post which he retained until his death.

Müller's importance in the development of modern historiography lies chiefly in his wide use of mythology for the reconstruction of the earliest periods of classical antiquity. He was an adherent of the politico-romantic school of historians, who looked upon historical development as an organic unfolding of national life. Müller aimed to write a general history of the Greeks based on materials from mythology, history, art, politics, literature and religion, in which he planned to trace the development from the earliest migrations down to the era of Alexander the Great. His ambition was never realized, however, and the work survives only in fragmentary form.

Müller's first work, *Aegineticorum Liber* (Berlin 1817), in which he set forth the history of Aegina from the mythical period to the Middle Ages, already revealed his interest in and use of mythology as well as of natural topography. He continued his investigations in his *Orchomenos und die Minyer* (Breslau 1820) and *Die Dorier* (2 vols., Breslau 1824; tr. by H. Tufnell and G. C. Lewis, Oxford 1830), which formed the first three volumes of a projected history of Hellenic races and cities (2nd ed. by F. W. Schneidewin, Breslau 1844). He drew a picture of the strength, dignity, persistence and disciplined solidarity of the Dorians and attempted to show that their political organization was not the work of a single creator but rather an out-

growth of innate national energies and unbroken tradition. This study aroused particular opposition because of his underestimation of the Ionian contributions to Greek civilization. In his *Die Etrusker* (2 vols., Breslau 1828; new ed. by W. Deecke, Stuttgart 1877) Müller applied his method to the veiled subject of Etruscan life. He answered his critics and justified his use of mythology in his *Prolegomena zu einer wissenschaftlichen Mythologie* (Göttingen 1825, new ed. by W. Deecke, Stuttgart 1877; tr. by John Leitch, London 1844). With his *Handbuch der Archäologie der Kunst* (Breslau 1830, 3rd ed. by F. Welcker 1848; tr. by J. Leitch, London 1852), in which he made use of all the materials on Greek art and literature gathered in the museums, he laid the foundations for a new branch of study which has since enormously enriched contemporary understanding of ancient civilization. His scattered essays and smaller works have been collected in *Kleine deutsche Schriften*, edited by Eduard Müller (2 vols., Breslau 1847–48), and in *Kunstarchaeologische Werke* (Calvarys philologische und archaeologische Bibliothek, vols. viii–xii, 5 vols., Berlin 1873).

WILHELM WEBER

Consult: *Carl Ottfried Müller, ein Lebensbild in Briefen*, ed. by O. and E. Kern (Berlin 1908); Dilthey, K., *Otfried Muller* (Göttingen 1898); Curtius, Ernst, *Alterthum und Gegenwart*, 3 vols. (vol. i 4th ed., vols. ii–iii 2nd ed. Berlin 1886–95) vol. ii, ch. xvi; Gooch, G. P., *History and Historians in the Nineteenth Century* (2nd ed. London 1913) p. 35–40.

MÜLLER-LYER, FRANZ CARL (1857–1916), German psychologist and sociologist. Müller-Lyer studied medicine in Strasbourg, Bonn and Leipsic. In 1881 he became assistant physician in the Strasbourg psychiatric clinic. His first researches were concerned with physiological and experimental psychology, and for this purpose he studied in the laboratory of Du Bois-Reymond and Charcot. In 1888 he moved to Munich. His last study in individual psychology was *Vereinfachte Harmonik, auf Grundlage eines natürlichen Harmoniesystems* (Regensburg 1894); he then undertook a large, systematic work in the field of sociology, of which seven volumes appeared.

In his sociological work he merged the social evolutionism of nineteenth century sociologists and the historical materialism of Marx. By his "phraseological method" of research he distinguished, described and correlated general successive culture stages through which human societies had passed. His classifications were built around social economy, systems of government and the intellectual life; social economy was emphasized as the most fundamental in that every great epoch was ushered in by the extension of natural resources, by technical inventions or by new forms of labor organization. He recognized that each of the separate peoples of the world, living under diverse conditions of nature, possesses a history of development that does not exactly coincide with that of any other; he contended, however, that in spite of these differences a universal system of stages may be arranged if local peculiarities are ignored, that everywhere culture has advanced not haphazardly but according to regular laws and in a fixed direction—in general from simple to complex, from homogeneous to heterogeneous, from concrete to abstract. A system of stages he regarded as a scientific necessity to give a requisite setting for the studying of local differences, to permit analysis of the direction of cultural change and to make possible programs to control its future development. He pointed out that not all aspects of culture advanced at the same rate; he stressed particularly the fact that the development of social organization did not keep pace with the rapid advance of technical art and economic life, with the result that proletarianism and pauperism persisted in spite of the fact that material resources were available to eliminate them. Keenly sensitive to the economic exploitation of the masses under capitalism, he attributed to inheritance and the transmission of property within the family the increasing disparity between the classes. He regarded "anarchy of production" of individual competing units as inherent in capitalism. The periodic economic crises of capitalism he ascribed to underconsumption; this was due to insufficient buying power of the workers resulting from their low wage levels. He believed that the solution of the problem required the complete centralization and organization of production in such a way as to bring it into equilibrium with consumption, that this should be effected gradually by the pressure of workers' associations rather than by revolution, that capitalism would give way to socialism and that in time the state would give way to independent associations of workers who would maintain themselves in perfect equipoise in ideal anarchy.

His writings, which have been printed in editions of 75,000 copies, have been popular among the monists, freethinkers' societies and ethical culture societies and among many workers'

groups and have been translated into many languages.

GOTTFRIED SALOMON

Important works: *Entwicklungsstufen der Menschheit* includes: *Der Sinn des Lebens und die Wissenschaft* (Munich 1910); *Phasen der Kultur und Richtungslinien des Fortschritts* (Munich 1908), tr. by E. C. and H. A. Lake (London 1920); *Formen der Ehe, der Familie und der Verwandtschaft* (Munich 1911); *Die Familie* (Munich 1912), tr. by F. W. Stella Browne (London 1931); *Phasen der Liebe* (Munich 1913), tr. by I. C. Wigglesworth as *The Evolution of Modern Marriage* (London 1930); *Die Zähmung der Nornen, Soziologie der Zuchtwahl und des Bevölkerungswesens* (Munich 1918); *Die Zähmung der Nornen, Soziologie der Erziehung* (Munich 1924); and *Soziologie der Leiden* (Munich 1914).

MULTATULI. *See* DOUWES DEKKER, EDUARD.

MUN, ALBERT DE (1841–1914), French politician. A descendant of old nobility, de Mun became interested in social reform after serving in the colonial forces, in the war of 1870 and in the suppression of the Commune. He became associated with Maurice Maignen, a militant Catholic, who had founded in Paris the Cercle Montparnasse, a working men's club. De Mun established a national organization, the Oeuvre des Cercles Catholiques d'Ouvriers, and from 1871 to 1875 devoted his remarkable oratorical powers to a nation wide campaign, attacking the principles of 1789 and preaching "counter-revolution through the syllabus." He advocated restoration of the legitimist pretender Henry V and the reestablishment of Christian guilds to organize workers under the leadership of the upper classes. Elected deputy in 1876, he upheld these ideas before the Chamber but was led to moderate his views by the defeat of the Boulangist movement, which he had ardently supported, and by the influence of Pope Leo XIII. He accepted the republic and while continuing to attack the laissez faire school used his influence in support of laws favorable to the working classes. He warmly applauded the encyclical *Rerum novarum*. Since the Oeuvre had failed because few workers would accept upper class leadership, he inspired a new organization of educated youth, the Association Catholique de la Jeunesse Française. He was accused by some Catholics of having become a socialist, but he won the approval of Leo XIII and regained intransigent sympathies by the ardor which he displayed against Dreyfus. It was de Mun who demanded the prosecution of Zola. He was a tireless opponent of the Waldeck-Rousseau and Combes ministries in their attacks on the Catholic school system and monasteries. In his last years illness prevented him from speaking in public and he occupied himself with the publication of his works. He frequently contributed articles to the social Catholic review, *Association catholique*, and to various newspapers. During the World War he advocated national unity against Germany.

GEORGES WEILL

Important works: *Discours et écrits divers*, ed. by C. G. Grandmaison, 7 vols. (Paris 1888–1904); *Combats d'hier et d'aujourd'hui*, 6 vols. (Paris 1910–16); *Ma vocation sociale* (Paris 1908).

Consult: Giraud, Victor, *Un grand français. Albert de Mun* (Paris 1918); Piou, Jacques, *Le comte Albert de Mun* (Paris 1925); Moon, Parker T., *The Labor Problems and the Social Catholic Movement in France* (New York 1921); Lecanuet, É., *L'église de France sous la troisième République*, 4 vols. (vols. i–ii, 2nd ed. Paris 1930–31); Sangrier, Marc, *Albert de Mun* (Paris 1932).

MUN, THOMAS (1571–1641), English mercantilist. Mun, a wealthy merchant, was a director of the East India Company, which was a target for criticism in England because it exported bullion and imported East India goods exceeding in value its exports of English wares. In defense of the company he wrote two books which had great influence on subsequent thought and made him the foremost English exponent of mercantilism. In his first book, *A Discourse of Trade, from England into the East-Indies* (1st and 2nd ed. London 1621; reprinted New York 1930), he accepted the current bullionist doctrines. He maintained, however, that the East India trade was profitable to England because it brought into England necessary and useful commodities which could be purchased elsewhere only at a higher cost; and because a large proportion of these goods were reexported at a profit, so that the net result was an inflow instead of an outflow of bullion. The evils from which England was suffering he attributed not to the East India trade but to manipulation of their currencies by foreign countries, abuse of the foreign exchanges by moneyed men, failure to enforce the Statutes of Employment and excessive consumption of foreign wares. Malynes, the foremost exponent of the bullionist doctrines, attacked this book, but Misselden came to its defense along lines which anticipated Mun's subsequent position. In his second and more important book, *England's Treasure by Forraign Trade, or, the Ballance of our Forraign Trade Is the Rule of our Treasure*, written about 1630 but

first published after his death by his son (London 1664; reprinted Oxford 1928), Mun broke definitely with the bullionist theories and criticized severely Malynes' doctrines with respect to the evils resulting from the alleged manipulation of the exchanges by private dealers. While convinced that the object of commercial policy must be to augment the national stock of bullion, he urged that all bullionist measures which sought this end through interference with the individual transactions of merchants and prohibition of the export of bullion were bound in practise to prove both costly and ineffective. Repeating the already familiar argument that only by an excess of total exports over total imports could a country without gold or silver mines augment its stock of bullion, he recommended as the most promising means toward this end the domestic production of commodities hitherto imported, sumptuary laws to restrain the consumption of foreign luxuries, the exaction of high prices for English commodities for which there was no alternative source of supply, the promotion of English shipping and fisheries, the fostering of the entrepôt trade, moderation of the duties on exports and heavy duties on imports destined for home consumption. He pointed out clearly that non-commodity items affect the direction and amount of the balance of trade payable in bullion, and here perhaps lies his one real claim to originality of analysis. As items to be added to or subtracted from the statistics of commodity trade in computing the total balance he specifically listed earnings from shipping, fisheries and insurance, remittances to Rome, travelers' expenses, foreign merchants' commissions and goods included in the statistics but lost at sea. There are also to be found in this book an embryonic quantity theory of money, the germs of a theory of value and some sensible remarks about public finance; his analysis of the shifting of the excise led him to the opinion, which thereafter enjoyed considerable currency, that the masses of consumers were virtually immune to the burden of taxation.

JACOB VINER

Consult: Viner, Jacob, "English Theories of Foreign Trade before Adam Smith" in *Journal of Political Economy*, vol. xxxviii (1930) 249–301, 404–57; Heckscher, Eli F., *Merkantilismen*, 2 vols. (Stockholm 1931) vol. ii; Seligman, E. R. A., *The Shifting and Incidence of Taxation* (5th ed. New York 1927).

MUNCH, PETER ANDREAS (1810–63), Norwegian historian and philologist. Together with Rudolf Keyser, Munch laid the foundations of the Norwegian historical school. He did pioneering research in runology, mythology, archaeology, textual criticism and old Norwegian as well as in Norwegian history. He cooperated in the publication of the old Norwegian laws, runic inscriptions, mediaeval diplomas and a great number of manuscripts. Munch was moreover the first to utilize the rich treasures of mediaeval northern history buried in the archives of the Vatican. His work was inspired by a strong sense of Norwegian nationalism, and his view of history plainly bore the stamp of the national romantic period in which he lived. Munch held that Norway had a very old history of its own. The Norwegians had always been a separate people; they had wandered into the country by their own ways and not together with the Danes and the Swedes; the ancient literature of the Eddas and the sagas was not a literature common to all the northern peoples but a distinctly Norwegian-Icelandic product. The Norwegian people thus became the hero of his work, and the age of the sagas and the age of independence came to stand as the noontide of glory in Norwegian history.

SVERRE STEEN

Important works: *Historisk-geographisk beskrivelse over kongeriget Norge* (*Noregsveldi*) *i middelalderen* (Historical-geographical description of the kingdom of Norway in the Middle Ages) (Christiania 1849); *Det norske folks historie*, 8 vols. (Christiania 1852–63), vol. v partly tr. by J. Forbes and E. Wishart as *The Norwegian Invasion of Scotland in 1263* (Glasgow 1862); *Throndhjems Domkirke* (The Cathedral of Trondhjem) (Christiania 1859), in Norwegian and English.

Consult: Sars, J. E., "Peter Andreas Munch" in *Nordmænd i det 19de aarhundrede*, ed. by G. Gran, 3 vols. (Christiania 1914) vol. i, p. 353–77; Brinchmann, Christopher, *Nationalforskeren P. A. Munch, hans liv og virke* (Christiania 1910); Elviken, Andreas, *Die Entwicklung des norwegischen Nationalismus*, Historische Studien, no. 198 (Berlin 1930) ch. v.

MUNDELLA, ANTHONY JOHN (1825–97), English social reformer. Mundella, the son of an Italian political refugee, showed at an early age considerable aptitude for business and at the age of twenty-three had become by his own efforts partner in a hosiery firm at Nottingham. He first rose to eminence by his success in settling a serious strike in the hosiery trade, which had long been disturbed by industrial disputes. Using the settlement as a basis for a more permanent understanding he secured in 1860 the formation of a joint board—the first successful board of its kind in England—consisting of

representatives of employers and workmen in equal numbers, which met periodically. There was no impartial arbitrator but simply a chairman to preserve order. The business before the board was largely of a trivial character, but it taught the habit of peaceful negotiation. The scheme had remarkable success, and Mundella subsequently occupied himself for some years in stimulating the adoption of similar devices elsewhere. From 1868 until his death he represented Sheffield in Parliament, where he led the movement for giving trade unionism a legal status and advocated popular education and social reform in general. He held ministerial office in the later Gladstone cabinets first as vice president of the Council of Education and later as president of the Board of Trade.

The industrial conciliation board has not proved a panacea, as Mundella evidently expected, but it has done good work in reducing personal misunderstanding. Before Mundella's day the typical attitude of employer to trade unionist was that of magistrate to prisoner; Mundella at least imported some "mutual courtesy." But he was a little blind to the economic difficulties which underlie industrial conflict and which cannot be removed simply by good feeling and tact.

J. R. HICKS

Important works: "In What Manner Can Arbitration and Conciliation be Best Applied . . . ?" in National Association for Promotion of Social Science, *Transactions, 1868* (London 1869) p. 524–32; "Industrial Association" with G. Howell in Ward, T. Humphry, *The Reign of Queen Victoria*, 2 vols. (London 1887) vol. ii, p. 43–82.

Consult: Hicks, J. R., "The Early History of Industrial Conciliation in England" in *Economica*, vol. x (1930) 25–39; Amulree, W. W., *Industrial Arbitration in Great Britain* (London 1929); Grandmaison, Charles Le Cour, "Mundella et les conseils d'arbitrage en Angleterre" in *Revue des deux mondes*, vol. cxlvi (1898) 583–609; Rothstein, T., *From Chartism to Labourism* (London 1929); Webb, Sidney and Beatrice, *The History of Trade Unionism* (new ed. London 1920).

MUNICIPAL CORPORATION. A municipal corporation is a body politic, created by the incorporation of the people of a prescribed locality and invested with subordinate powers of legislation, for the purpose of assisting in the civil government of the state and of regulating and administering its local and internal affairs. Under the corporate name it has continuous legal identity regardless of changes in its membership. In the United States municipal corporations differ from private corporations in several important particulars. Private corporations are created only with the assent of their incorporators; their charters and contract rights are the private property of the stockholders and are protected by the federal constitution against impairment by the legislative power of the state. Municipal corporations, on the other hand, are regarded as purely political institutions created by the legislative power without the necessary consent of the inhabitants. As agencies of the state they are endowed with important governmental powers, but all their powers, rights and privileges are conferred upon them as trustees for the public welfare and are subject to the legislative power of the state, within the limits of the state constitution. Within the sphere assured to them by their charters, however, they are independent corporate entities. The scope of their functions is often broader than that of the state government, and the rules and regulations enacted by them affect the life of the citizen far more directly than do those of the federal government

It is in the Roman law that the source of the idea of corporate entity is to be found. While the concept of the state, endowed with a corporate life independent of the lives of the individual citizens, may be traced to early historical times, it was not until the rise of the Roman *municipium* that the idea of corporate status, already developed in private law, was carried over to promote the administration of subordinate municipalities. The Roman genius for organization attributed a juristic entity to subject cities in order to centralize the responsibility of their inhabitants to the state and to assure their continuous corporate existence. The existence of the *municipium* required the sanction of the state, but a certain sphere of independent action was assured to the freemen of the city. Within prescribed limits the *municipium* regulated its local affairs; it was responsible for obligations and delicts of its agents; it could acquire property by purchase and by gift if not by devise.

The chaotic conditions following the fall of the empire made impossible any local political autonomy, but with the advent of a more stable social and political order toward the end of the tenth century the municipal corporation reappeared as a governmental institution, aided by the revival of Roman law concepts. The success of the continuous struggle of the cities for independence and of the smaller towns and rural areas for some degree of local autonomy varied as the forces of feudalism and of monarchy

gained ascendancy from time to time. The theory of corporate independence persisted wherever the localities were able to establish their authority. This is manifest in the rise of the free cities of Italy and of Germany, in the struggle of the towns and *hermandadas* in Spain to maintain their charter privileges (*fueros*) and in the efforts of the communes of northern France to keep their political identity even after the triumph of absolutism.

It is to the democratic forces of the French Revolution, however, that modern local government upon the continent owes its existence. The Constituent Assembly sought to revive the communal liberties, but under the empire the French commune became merely the local administrative unit of the central government. A lasting equilibrium between the prerogatives of the state and the liberties of the localities was not established until 1884. Today local government in France is based upon the 38,000 communes, each with a *maire* and a locally elected council, responsible to the supervisory administrative officers of the *département*. The marked characteristic of the system is that the powers exercised by officers of the communes are regarded as administrative rather than legislative and the ordinances adopted by the communes are not local laws but administrative regulations. All local powers emanate from parliament, which by general statutes fixes their limits and defines the method of their exercise. While extensive powers to levy taxes, to own and manage property and to enact police regulations are conferred upon the communes in general terms, they are subject to strict administrative supervision, with ultimate control vested in the system of administrative courts. Thus the assurance of local self-government in France is political rather than constitutional and the commune as a municipal corporation must be regarded as almost exclusively a local agency of the state.

The development of the modern municipal corporation in Germany is interwoven with the history of the individual states. The rise of the Prussian monarchy in the eighteenth century marked the practical extinction of the municipal corporation as a self-governing autonomous unit. But with the collapse of the Prussian government under the French invasions subsequent to the revolution the necessity of reorganizing municipal institutions became apparent. The Stein-Hardenberg legislation of 1808 and 1810 recreated local self-government in Prussia by establishing a general network of local governmental agencies, both urban and rural, each with a popularly elected council (*Gemeinderath*), which chose the *Bürgermeister* and his corps of executive assistants (*Magistratsmitglieder*) This system spread with the growth of Prussia and was adopted in the other states. Municipal corporations in Germany possess very extensive powers of local government. They have the general power not only to undertake the ownership and operation of local utilities but to engage in any activity not expressly forbidden by law or not preempted by the Reich or the state. They are also the ultimate units of an administrative hierarchy which transcends state boundaries and culminates in the Reich itself. The German municipal corporation thus differs from the American not only in its possession of far broader powers conferred by general grant and freely exercised under an efficient administrative supervision but also in the important part it plays as an administrative agent of the central government.

In England by the time of Edward I there were numerous towns and cities organized as boroughs, each with a local judicial and administrative body called the court leet. Certain boroughs had existed before the Conquest, some had been created by the Norman kings, while others held their privileges by the grace of the feudal lords. The customary rights of the boroughs from the time of the Conquest had been generally recognized by the Norman kings. As towns increased in wealth and population, the crown assured to them or to a portion of their inhabitants certain franchises and privileges under the solemn form of charters. They were permitted to collect their own taxes and to enjoy the revenue arising from the franchises and from the administration of their local government. The borough in turn assumed the obligation of making fixed periodical payments (*firma burgi*) in money or in services. The borough community collectively was recognized as a continuing body and subject to penalties for the nonperformance of the duties it owed the crown, just as were the local administrative units, the county, the hundred and the rural township.

Beginning with the charter of Kingston upon Hull in 1439, some of the boroughs came to be incorporated in the modern sense; and by the beginning of the sixteenth century the borough corporation was recognized in law as a "Body Politick that indureth in perpetual succession." As in all other corporations whose charters were granted by royal prerogative the consent of the

incorporators was essential to their creation, and their charters were subject to forfeiture for misuser or nonuser of their franchises. They differed from corporations created by Parliament, which are called into existence solely by the will of the legislature and can only be dissolved by an act of that body.

The most marked characteristic of the borough charters was the lack of uniformity in the rights and privileges granted by the crown, in the nature and amount of their *fermes* and in the public duties imposed upon them. On the other hand, they all possessed some measure of local legislative power, limited in most cases to the preservation of their ancient customs, the maintenance of the commercial privileges of their inhabitants and the administration of such property as they might hold. No general power to enact police ordinances existed, although in London and a few of the more important centers such power was exercised with the acquiescence of the crown. By the time of the Commonwealth, however, the boroughs were allowed by law to enact such laws and ordinances for the better government, oversight and correction of the borough or city and the people thereof as to the governing authorities should seem good and proper, "so as they be not repugnant to the laws of the nation nor against the public and common good of the people" within or without their limits. Such local legislative power was seldom expressly granted by charter; it was still incidental to the preservation of the ancient customs assured to the borough by the crown, so that those which enacted bye-laws had to show, in the absence of a grant, express or implied, that such power had been exercised by them from time immemorial. In most boroughs local legislation was in the hands of small, inefficient, self-continuing and self-serving bodies. The inevitable result was a progressive decay of local government in England from the close of the fifteenth century to the time of the Municipal Corporations Act of 1835, which sought to replace the existing chaotic conditions with a uniform system of responsible local government based upon popular suffrage. Following closely the reform of representation in Parliament, this act gave a new life to municipal institutions in England under legislative rather than prerogative sanction. The Municipal Corporations Act of 1882, which is still operative, while not abridging the common law prerogative of the crown, nevertheless prevents its granting charters of incorporation with the powers conferred by the act save with the advice of the Privy Council and on petition of "the inhabitant householders." Although the theory of prerogative creation is still maintained, nearly all municipal corporations in England are now parliamentary in character.

There are thus two general classes of municipal corporations in England: the boroughs, with some degree of ancient prerogative and customary powers; and other urban and rural authorities created by later legislation, commonly referred to as statutory corporations, with none but strictly enumerated powers. In legal theory the corporate entity in the latter class is conceived to be the governing body rather than all the inhabitants of the prescribed area, as in the borough. Both by general laws and by special statutes Parliament may extend or restrict the powers of all the units of local government. The public health acts, for example, apply to or may be adopted by all urban districts and, in some cases, by rural districts as well. Powers granted by these acts are subject to the control of the Local Government Board and a general administrative supervision is exercised over the financial powers of all the local bodies. This administrative supervision, unlike that in Germany and France, is subject to the control of the ordinary courts. Special statutes often relieve the larger boroughs from the supervision of the central administration by directly authorizing the municipalities to act in a given case without such approval. The enumerated powers thus granted are always strictly construed, and no official act can bind the corporation unless there has been a compliance with the statutory directions. The English system of local government, although it lacks the uniformity of the French system, is much simpler than the American in that the control of Parliament is not restricted by constitutional limitations. The construction of enumerated powers follows rules similar to those applied in the United States, but the general use of administrative control over the exercise of the delegated powers renders the system more adaptable to different local requirements.

The English colonists in America carried with them the common law and their local institutions. The towns set up in New England and parts of New York were from the first not only subordinate agencies of the colonial administration but also local self-governing units exercising delegated powers with a quasi-corporate status. In legal contemplation they were public corporations created by the state; their charter rights

were not the result of contract but were held and administered in trust for the benefit of their inhabitants and of the general public. In Massachusetts, Connecticut and Rhode Island the colonial legislature assumed itself to be the source of the existence of these public corporations and jealously prescribed the methods they should follow in exercising the powers conferred upon them.

In the southern colonies the subordinate unit for general governmental purposes was the county, upon which were charged most of the duties of a general governmental nature which in New England were imposed upon the towns. These larger involuntary governmental units served admirably the purpose of their creation, but because of their large area and sparse population they were neither called upon nor fitted to exercise local governmental powers. For ecclesiastical and minor administrative purposes they were divided into loosely organized territorial divisions called townships or parishes. Indeed local government of a kind even approximating that which prevailed in New England was practically non-existent elsewhere except on Long Island and in the larger centers of population. The germ of modern American city organization, modeled upon the English borough, is to be found in the central and southern colonies. Upon the development of urban communities in the colonies the royal governors as representatives of the crown made charter grants similar to those made by the crown in England. The commissions of the royal governors usually gave them express power to exercise this prerogative in the colonies. Some twenty of the leading towns outside New England were thus incorporated with property rights and more or less extensive powers of local government. Almost from the beginning the colonial assemblies assumed a relationship to the chartered cities similar to that of Parliament to the boroughs. Numerous instances may be cited of their attempts to confirm the charters granted by the royal governors and even to confirm the powers of the governor himself. Just as an act of Parliament was necessary to confer upon chartered boroughs governmental powers in addition to those established by immemorial custom, so by analogy the colonial legislatures assumed that powers of local taxation, local judicial administration, care of the highways and police regulation lay within their province, and either exercised these powers directly or imposed their administration upon the chartered cities.

After the revolution the state legislatures became the depositories of all legislative power and at once took over the granting of charters of incorporation. For the next fifty years local government outside New England was characterized by a general system of administrative units consisting of counties and towns or parishes, generally denominated as quasi-municipal corporations, with an increasing number of self-governing cities, villages and boroughs organized under special charters and having delegated legislative powers. Such municipalities were usually superimposed upon the administrative units and were concerned primarily with their own local interests, but gradually the legislatures committed to them an increasing burden of administrative duties within their territories. The resulting dual nature of the municipal corporation as at once a subordinate administrative agent of the state and a unit of local self-government became a fixed characteristic of the American system.

The democratic movement in the first part of the nineteenth century promoted decentralization of governmental powers and the multiplication of local self-governing units. While the state legislatures still exercised the plenary charter granting power, the ascendant political theory compelled them to grant or amend the charters as the local governing authorities might dictate. The resulting chaos led many states to adopt constitutional amendments requiring general laws for the granting of charters of municipalities and for the regulation of their internal affairs. Such amendments, however, did not prevent classification of municipalities for purposes of legislation, based either upon population or upon the existing division into cities, villages or towns. The later movement toward the optional adoption of the provisions of general incorporation laws was uniformly upheld, but the evils of unrestrained legislative control became so marked that within the past fifty years many states have adopted constitutional home rule amendments, transferring the charter making power from the state legislature to the electors of the various municipalities. This power is necessarily subject to the constitution and the general laws of the state, so that the domain of constitutional home rule is limited to strictly municipal affairs and must adjust itself largely to the will of the state as expressed in general legislation (*see* HOME RULE).

So frequently have statutes purporting to create municipal corporations violated consti

tutional inhibitions and so often has the action of the local authorities in complying with statutory requirements for incorporation been found defective, that the courts have been compelled to develop and apply a doctrine of de facto municipal corporations, based upon principles analogous to those of de facto officers. Briefly stated, the doctrine is that a municipal corporation which is not created de jure will nevertheless be regarded as a corporation de facto, provided it has been organized under color of legislative authority in good faith and has exercised the franchises as of a de jure corporation. If found to be a de facto corporation, all of its corporate acts will be held valid and not subject to attack in any collateral proceedings. Moreover, in a direct proceeding by *quo warranto* to test the validity of the incorporation, the courts of many of the states have asserted their discretionary power and have refused to declare a judgment of ouster when the de facto status has persisted so long that confusion or injustice might result from the termination of the corporate existence. These doctrines have been largely instrumental in reconciling the conflicting principles of statutory and constitutional construction and have assured the essential stability of the corporate existence of local governmental agencies.

The present organization of municipal government in the typical American state is characterized by the coexistence of two classes of local agencies. In each state the entire territory is divided into districts called counties which in turn are divided into towns. These districts are given a corporate status and elect their own officers but act primarily if not solely as administrative agencies of the state. These so-called quasi-municipal corporations discharge certain state functions, including the maintenance of peace, the administration of justice, the care of the public highways, the collection of taxes, education and the preservation of the public health. Although these functions may be committed in whole or in part also to the municipal corporations within the same area, the latter are primarily self-governing units with delegated powers of local legislation and as such are differentiated from the quasi-municipal corporations. The powers of the municipal corporation are said to be defined by its charter, but except for the metropolitan cities, municipalities are ordinarily organized under general statutes instead of special charters. In the broad sense therefore the charter may be said to consist of all statutes providing for the creation of the corporation and delimiting its powers, to be construed in the light of other general legislation and subject to the provisions of the state and federal constitutions.

The American municipal corporation from the legal point of view is entirely the creation of the legislative power of the state and can be terminated only by legislative act. It is organized exclusively for public purposes and neither its charter nor any right or privilege granted thereby is protected by the contract clause of the federal constitution. The doctrine of the inherent right of local self-government, always a potent force in American political theory, has been finally discarded as a principle of constitutional law. Except as exercised directly in the state constitution or limited thereby, the state legislature possesses the plenary power to create and dissolve municipal corporations, to enlarge or curtail their powers and to supervise their local activities. Under the home rule amendments this legislative power is vested to some degree in the local electorate, which is given the power of adopting or amending the charter.

Under the American system the powers of a municipal corporation are granted not in general terms but by enumeration. The fundamental principle is that a municipal corporation can exercise no powers except those expressly granted by the state or those implied as necessary to carry out some express power or those indispensable to the declared objects of its incorporation. Unless authority can be found in the state constitution, the general statutes or the instrument or instruments which constitute its charter, the attempted exercise of a power will be *ultra vires* the corporation. Any reasonable doubt of the existence of a power will be resolved by the courts against the corporation. While recent legislation in the several states shows a marked tendency toward extending the scope of local powers, this doctrine is still the fundamental rule of construction. As a corollary to this doctrine certain other principles of construction follow: its powers can be exercised only for municipal purposes, that is, for those objects which the municipal corporation is expressly authorized to undertake; discretionary powers may not be redelegated but must be exercised by the officer or body of officers in whom the duty to perform them has been vested; the method of exercising a municipal power prescribed by the charter is exclusive and no valid act can be effected without complying with the

statutory requirement; a municipality may not by contract limit the exercise of its legislative powers nor of its governmental powers—taxation, police or eminent domain—except as expressly authorized by statute. In addition to these elementary rules the courts apply the general principle of construction that all local legislative powers conferred in general terms are to be reasonably exercised and that the determination of what is reasonable is a judicial question.

The application of these principles may be illustrated by the attitude of the courts toward certain auxiliary powers, such as the power to contract, to incur indebtedness and to levy taxes. The power of a municipal corporation to contract is generally expressly conferred but it may be implied wherever reasonably necessary to the execution of any express power. The contracting power is a discretionary power and must be exercised only by the municipal body upon whom the express or implied power is conferred. Where a statute imposes a positive duty upon a municipality to be executed by a particular officer, he may bind the municipality by contracts necessary to the performance of the duty imposed. If by charter or general statute a method of contracting is attached to the power granted, such method is a limitation upon the power and no valid contract can be made except by the prescribed method. All persons contracting with a municipal corporation are bound at their peril to take notice of the powers to contract of the corporation or of its officers and of the statutory requirements as to method. Where, however, the exercise of the power is only irregular and does not amount to an evasion of a positive statutory requirement, the doctrine of estoppel may be set up; but no estoppel is available against acts *ultra vires* the corporation. All contract obligations of municipal corporations are protected by the contract clause of the federal constitution but the rights acquired by the corporation itself are subject to legislative control.

Unless restricted by the constitution or statutes, a municipality has the implied power to incur indebtedness whenever this is necessary to accomplish an authorized function; but the power to borrow money is not an incident of its corporate existence, nor is it to be implied from any of the ordinary powers conferred by the charter. Where the power to borrow is expressly granted, either generally or for a specified purpose, the power to issue such negotiable evidences of the indebtedness as may be necessary to raise the funds will ordinarily be implied. Constitutional, statutory and charter provisions relating to the manner of exercising the power to incur indebtedness are mandatory, and the power can be exercised only by the officers or board prescribed and for the purposes authorized. In the majority of the states this power has been greatly restricted by constitutional amendments which prohibit municipalities from giving aid or loaning their credit to private corporations and which fix a maximum indebtedness, usually a certain percentage of the assessed valuation of taxable property. When the debt limitation has been reached, the corporation may contract no obligations which may have to be met directly or indirectly from the proceeds of public taxes. If, however, the indebtedness is contracted for a local purpose, the corporation may be estopped to deny the validity of securities issued therefor.

The general power of taxation for local purposes is usually expressly conferred; it may be implied only when necessary to the performance of a statutory duty or to carry into effect a discretionary power. The discretionary power to tax is rigorously limited to raising revenue for such purposes as the corporation is expressly authorized to undertake, and a general grant of the power of taxation will not be construed to extend the ordinary municipal powers. Local taxation can be exercised only for a public purpose, and whether a purpose is public or not is for the ultimate decision of the courts. The power to levy proportionate assessments upon property especially benefited by a local improvement (*see* SPECIAL ASSESSMENTS), although generally granted, must be expressly conferred and can never be implied from the grant of the general power of taxation or from the power to make local improvements. Because of the constitutional limitations upon taxation and municipal indebtedness, special assessments have been extensively employed to finance the cost of street improvements, the construction of sewers and the purchase of lands for parks. While special improvement bonds are primarily to be met from the assessment laid against the property benefited, generally the municipality becomes directly liable upon its failure to make collections sufficient for their liquidation.

Another important auxiliary power usually delegated to municipal corporations is that of eminent domain (*q.v.*). This power also must be expressly conferred either by a general grant

or for a specific public improvement. The state courts have uniformly held that in the absence of an express provision in the state constitution only such property may be condemned as is essential for public use in connection with the improvement for which it is authorized. Within recent years nine states have adopted constitutional amendments to validate condemnation of lands in excess of those actually required for a given public improvement (*see* EXCESS CONDEMNATION), but even in these states it has seldom been used and the question is still open whether under the Fourteenth Amendment it could constitutionally be exercised solely to defray the expense of a public improvement.

A municipal corporation is most clearly distinguished from a quasi-municipal corporation by its power to enact ordinances of local police which have the force of law within the municipal limits. The power of the state legislatures to delegate this sovereign power to municipal corporations has never been questioned. Although municipal charters usually contain a clause conferring this discretionary power for the general welfare of the locality, the scope of such general grant is cut down and often made inoperative by the specific enumeration of local police powers. The delegated power must always be reasonably exercised within the limits of the policy of the state as declared by its constitution and the general statutes. The municipality has no implied power to extend the scope of its delegated police power by any act of its own. Thus the power to enact general zoning ordinances was not upheld until general empowering statutes were enacted. Authority to enact police ordinances operative beyond the boundaries of the municipality has frequently been conferred for the protection of the health and morals of the community and to permit effective city planning. Police ordinances will not be binding upon the corporation itself or upon the state. The local power may be exercised by different overlapping municipalities upon the same territory, but subject to the primary rule that no two corporations may exercise the same local legislative power upon the same territory. The ultimate control of the state legislature over local legislative powers is plenary and it may reassume direct exercise at any time. The municipality has the implied power to enforce its ordinances by the imposition of reasonable fines, but the power to attach the sanction of imprisonment must be specifically granted. Infractions of ordinances may be punished summarily without trial by jury, unless the state constitution or statutes provide otherwise. The power to impose license fees must also be expressly granted.

All property of the municipal corporation devoted to a public use is considered to be held in trust for the public. It is exempt from execution and from taxation or condemnation by other local governmental agencies, except as expressly authorized by statute. Municipal property used for public purposes may not be conveyed or mortgaged without legislative consent. In the conduct of its local business affairs, such as the operation of public utilities, the municipal corporation is held to the same limitations as a private corporation authorized to engage in a similar enterprise and is similarly bound by its contract obligations. But the legislature may deprive the municipal corporation of its trusteeship and transfer the title to its so-called private property to other local governmental agencies or vest in state administrative boards the control over its business affairs. Upon the dissolution of a municipal corporation or the readjustment of its boundaries, the legislature may allocate its assets and liabilities among its successor corporations, subject only to the limitations imposed by the federal or state constitutions to protect the existing rights of creditors.

The liability of a municipal corporation upon a contract implied in law for benefits received is far more restricted than in the case of private corporations. A municipal corporation will not be held liable upon such a contract which is illegal or *ultra vires* the corporation. Furthermore no recovery in quasi-contract is allowed upon a contract within the general powers of the corporation, where the effect of allowing such recovery would be to nullify the mandatory provisions of statutes enacted to safeguard the interests of the taxpayers. Where, however, money has been turned over to a municipality in good faith under a contract void because *ultra vires* or *malum prohibitum* and has been expended for legitimate municipal purposes, a recovery in quasi-contract will be allowed. Similarly, money paid to a municipality under compulsion through the illegal exercise of the power of taxation or of special assessment may be recovered in a quasi-contractual action. An appropriate action, other than that in quasi-contract, may be instituted by the owner where personal property has come into the possession of a municipal corporation under an agreemen void because *ultra vires* or because it contravenes a mandatory provision of the charter; under

these circumstances the seller may recover his property in kind.

With reference to liability in tort the prevailing American doctrine is that a municipal corporation is not liable to respond in damages for the negligence of its officers, agents or employees when they are acting in the discharge of so-called governmental functions. Among these functions are education, health, public charities and the protection of persons and property. The municipality will be held liable, however, for the negligent acts of its officers and agents acting within the scope of their authority, when they are performing corporate or proprietary functions, which include all those from which it derives a substantial revenue and, in many states, also those which are carried on primarily for the convenience or benefit of the inhabitants of the locality. Such functions include the furnishing of water, light, power and transportation and the management of any municipal property from which a substantial revenue is derived. The courts furthermore uniformly charge municipal corporations with liability when the injury complained of is a positive trespass to real property or a nuisance created by the acts of its officers. In no case will a municipal corporation be held liable for acts which are *ultra vires* the corporation or for failure of the municipality to exercise its legislative or its police powers. In most states the common law duty is imposed upon municipal corporations to keep the streets and highways committed to their care in a reasonably safe condition of travel, and in the other states such liability is imposed by statute. There is a marked tendency to extend by statute the liability of municipal corporations in tort for the negligence of their officers and agents in the discharge of the governmental functions of the corporation.

Within the general principles enumerated, the law relating to municipal corporations in the United States is more complex than in any other nation. Except for the limitations of the federal constitution, municipal government, outside the District of Columbia and the territories, is left entirely to the determination of the state authorities. The multiplicity of separate jurisdictions makes possible innumerable experiments in organization. One of the most important political problems before the people of each state is how to adjust its municipal system to the centralizing tendencies induced by social and economic changes and to preserve at the same time the vitality of the principles of local self-government. Coincident with the growth of restrictions upon the power of the state legislatures by constitutional provisions for home rule, the states are more and more resuming direct control over many functions, such as education, health and highways, which were formerly committed to the municipalities. On the other hand, the municipal corporate status is being extended in many states to all the local governmental authorities, such as counties and towns, and wider powers of intercorporate action for regional planning and utility services are being conferred upon them. With the extension of such powers and the increase in state subventions, there is a distinct movement toward the establishment of an administrative control over municipal finance similar to that in England. The fact that a central administrative supervision, which would make possible the delegation of powers to municipal corporations in more general terms, has never been tried out in any state in the United States is due primarily to the history of the institution and the persistence of the political theory that local liberties are less endangered by legislative than by administrative or bureaucratic control.

CHARLES W. TOOKE

See: MUNICIPAL GOVERNMENT; LOCAL GOVERNMENT; CORPORATION; CONSTITUTIONAL LAW; HOME RULE; DELEGATION OF POWERS; SEPARATION OF POWERS; POLICE POWER; EMINENT DOMAIN; EXCESS CONDEMNATION; SPECIAL ASSESSMENTS; GOVERNMENT OWNERSHIP; PUBLIC CONTRACTS; MUNICIPAL FINANCE; COUNTY COUNCILS; COUNTY GOVERNMENT, UNITED STATES; COMMUNE, MEDIAEVAL.

Consult: FOR THE MUNICIPIUM: Reid, J. S., *The Municipalities of the Roman Empire* (Cambridge, Eng. 1913); Abbott, F. F., and Johnson, A. C., *Municipal Administration in the Roman Empire* (Princeton 1926); Arnold, W. T., *The Roman System of Provincial Administration to the Accession of Constantine the Great* (3rd ed. Oxford 1914) ch. vii.

FOR UNITED KINGDOM: Arnold, T. J., *Arnold's Municipal Corporations* (6th ed. by L. L. Macassey and F. C. Minshull, London 1930); Jennings, W. I., *Principles of Local Government Law* (London 1931); Clarke, John J., *Local Government of the United Kingdom* (6th ed. London 1931); Redlich, Josef, *Englische Lokalverwaltung* (Leipsic 1901), tr. with additions by F. W. Hirst, as *Local Government in England*, 2 vols. (London 1903); Maitland, F. W., *Township and Borough* (Cambridge, Eng. 1898); Stephenson, Carl, *Borough and Town*, Mediaeval Academy, Publications, no. 15, Monograph no. 7 (Cambridge, Mass. 1933); Eaton, A. M., *The Origin of Municipal Incorporation in England and in the United States* (New York 1902); Robson, W. A., *The Development of Local Government* (London 1931); Griffith, E. S., *The Modern Development of City Government in the United Kingdom and the United States*, 2 vols. (London 1927); Lowell, A. L., *The Government of England*, 2 vols. (rev. ed. New York 1912).

FOR UNITED STATES: Dillon, John F., *Commentaries on the Law of Municipal Corporations*, 5 vols. (5th ed. Boston 1911); McQuillin, Eugene, *The Law of Municipal Corporations*, 7 vols. (2nd ed. Chicago 1928), and Supplement (Chicago 1932); Cooley, Thomas M., *A Treatise on the Constitutional Limitations*, 2 vols. (8th ed. by Walter Carrington, Boston 1927), especially ch. viii; Goodnow, F. J., *Comparative Administrative Law*, 2 vols. (New York 1893) bk. iii; Tooke, C. W., "Status of Municipal Corporation in American Law" in *Minnesota Law Review*, vol. xvi (1932) 343–60; Walker, Harvey, *Federal Limitations upon Municipal Ordinance Making Power* (Columbus, O. 1929); Tooke, C. W., "De Facto Municipal Corporations under Unconstitutional Statutes" in *Yale Law Journal*, vol. xxxvii (1927–28) 935–54, and "Extension of Municipal Liability in Tort" in *Virginia Law Review*, vol. xix (1933) 97–120; Borchard, E. M., "Government Liability in Tort" in *Yale Law Journal*, vol. xxxiv (1924–25) 1–45, 129–43, and vol. xxxvi (1926–27) 1–41, 757–807, 1039–1100, and in *Columbia Law Review*, vol. xxviii (1928) 577–617, 734–75; Sly, J. F., *Town Government in Massachusetts (1620–1930)* (Cambridge, Mass. 1930); Howard, G. E., *An Introduction to the Local Constitutional History of the United States*, Johns Hopkins University, Studies in Historical and Political Science, extra vol. iv (Baltimore 1889); Munro, William B., *Municipal Government and Administration*, 2 vols. (New York 1923); Reed, Thomas H., *Municipal Government in the United States* (New York 1926); McBain, Howard L., *The Law and Practice of Municipal Home Rule* (New York 1916); Fairlie, J. A., and Kneier, Charles M., *County Government and Administration* (New York 1930); Wallace, S. C., *State Administrative Supervision over Cities in United States* (New York 1928).

FOR FRANCE: Morgand, Léon, *La loi municipale*, 2 vols. (10th ed. Paris 1923); Hauriou, Maurice, *Précis de droit administratif et de droit public* (11th ed. Paris 1927); Poincaré, Raymond, *How France Is Governed*, tr. from French ms. by Bernard Miall (London 1913) ch. ii; Gooch, Robert K., *Regionalism in France*, Virginia University, Institute for Research in the Social Sciences, Institute Monographs, no. 12 (New York 1931), especially ch. ii; Giry, A., and Reville, A., "Émancipation des villes" in Lavisse, E., and Rambaud, A., *Histoire générale du IVe siècle à nos jours*, vol. ii (Paris 1893) ch. viii, tr. by F. G. Bates and P. E. Titsworth as *Emancipation of the Medieval Towns* (New York 1907).

FOR GERMANY: Blachly, F. F., and Oatman, M. E., *The Government and Administration of Germany*, Institute for Government Research, Studies in Administration (Baltimore 1928), particularly the extensive bibliography p. 732–36; Boldt, W., *Stadtverfassung und Stadtverwaltung in Preussen* (Berlin 1931); Neubauer, H., and Kleinsorg, F. J., *Das Stadtverfassungsrecht Deutschlands* (Berlin 1930); Wells, Roger H., *German Cities* (Princeton 1932).

FOR SPAIN: Spain, Ministerio de la Gobernación, *L'autonomie municipale*, Troisième Congrès International des Villes, Question 3e (Madrid 1925); *Las siete partidas*, tr. and ed. by S. P. Scott (Chicago 1931); Hinojosa y Naveros, E. de, "Origen del régimen Municipal en Léon y Castilla" in his *Estudios sobre la historia del derecho español* (Madrid 1903) p. 1–70.

FOR OTHER CONTINENTAL COUNTRIES: Vogt, A., *Die Aufsicht der Kantone über die Gemeinden* (Giessen 1922); Walthard, R., *Die Gliederung der Gemeinden im schweizerischen Recht* (Berne 1924); Poelje, G. A. van, *De nederlandsche gemeente* (Zwolle 1921).

MUNICIPAL COUNCILS. *See* MUNICIPAL GOVERNMENT.

MUNICIPAL COURTS are the tribunals of first instance for the administration of justice in the cities. As such they stand in a peculiarly close and vital relation to the people, especially to the poorer classes in the crowded sections. Those who dwell in the tenements rarely come into contact with any other courts, hence it is from the work of these municipal bodies that they obtain their conceptions of what justice or injustice implies. The judicial branch of local government, however, is one of the hardest to keep on a high plane of probity. The pressure of political and personal influences upon the administration of justice in the local courts of large cities exerts itself upon the slightest opportunity.

The history of judicial administration in the cities of Europe and America is a long and complicated one, extending over at least twenty centuries. Since Athens was a city-state, the Athenian dicasteries may be regarded in a sense as municipal courts. When Rome during the imperial era maintained a regular professional magistracy, magistrates also functioned in the provincial cities throughout the empire. But with the decline and fall of Roman power this magisterial system collapsed and on its ruins a feudal jurisdiction arose and spread over a large part of Europe. Since feudalism was not merely a system of landholding but a scheme of legal jurisdiction based on the tenure of land, the feudal lord held court with authority over his dependents in town and rural community alike. When, however, large numbers of dukes and counts and barons took part in the crusades during the twelfth and thirteenth centuries they found it necessary to raise money for their expeditions. For this reason they were willing to bargain with the towns for the exemption of the latter from feudal jurisdiction in return for cash payments. Many of the French communes obtained in this way their charters of privileges; these gave them the right to maintain their own municipal courts in lieu of the lord's tribunal, which hitherto had been amercing the townsmen for the profit of the baronial treasury. Although the spread of this judicial immunity was stimu-

lated by the crusades it was by no means wholly due to them. More broadly it was the logical outcome of urban growth in population, wealth and power.

In England the granting of borough charters with judicial privileges came chiefly from the king rather than from his barons, because most of the towns lay within the royal domain. When an English borough obtained the right to maintain its own local court, the judicial function was usually entrusted to the mayor or to a special justiciar or to the aldermen. No outside official, save only the circuit judges of the king's high court, could come into the enfranchised borough and conduct trials, and even these royal justices had the right only in cases of major importance beyond the charter competence of the borough. Appeals from the borough court were also heard by them, and in some cases appellate jurisdiction was vested in the county court as well.

In the continental countries, especially in France, the enfranchised jurisdiction of the communes did not last very long. Royal intervention in local affairs during the seventeenth and eighteenth centuries led to the placing of the king's appointive officers in immediate charge of the municipal courts and indeed of the entire local government. In France these appointive judges developed into hereditary functionaries, for the Bourbon kings found that they could secure considerable revenue by selling local judgeships with hereditary rights attached. In Prussia likewise such municipal posts were often given to royal favorites or used as a means of pensioning aged officials of the central government.

It was not until after the French Revolution that a general reorganization of the municipal courts took place in the countries of continental Europe. France came out of the great convulsion with a judicial system which was at once homogeneous and highly centralized. The municipal courts of France since the time of Napoleon I have been an integral part of the national system. Their judges and officials are appointed by the president of the republic on recommendation of the minister of justice. In Prussia the reform of the municipal judiciary came with the general reorganization which took place under Freiherr vom Stein after the Peace of Tilsit. The states of the Italian peninsula also centralized their systems of municipal jurisdiction during the Napoleonic era.

Thus in these various countries during the past century there have been no municipal courts in any strict sense of the term. The administration of the law in cities as well as in the rural districts is entrusted to magistrates who form the lowest rung in the ladder of the national judiciary. The methods of selecting these magistrates as well as the scope of their authority and the procedure which they follow are determined in each country by the national laws. In all cases they are appointed, not elected.

In England the reorganization of the local courts did not come until long after it had been effected on the continent. Well into the nineteenth century the English borough courts continued to be manned by aldermen or by unpaid justices of the peace. This indeed continues to be the case at the present day in the smaller boroughs, where a court of petty sessions is held by one or more justices appointed by the crown. But in each of the larger towns and cities a regular municipal court has now been established with one or more stipendiary magistrates at its head. These magistrates, as their title implies, are salaried officials paid from the borough treasury but appointed by the national government.

Such courts are known as courts of summary jurisdiction. They have jurisdiction over misdemeanors and minor offenses against the public order, especially those which constitute violations of the town by-laws. In addition they conduct preliminary hearings in the case of persons charged with more serious offenses, and they have power to order such offenders held for trial in the higher courts. Stipendiary magistrates hold court daily and dispose of cases in much the same fashion as do the police justices of American cities. From their decisions an appeal may be taken in most cases to the higher tribunals. Jurisdiction in civil cases is not usually vested with these borough courts but belongs to the county court.

In colonial America, when the earliest boroughs were chartered, there was no clear distinction between legislative and judicial functions. Hence the mayor and the aldermen exercised jurisdiction in both fields, although there were separate meetings for the two purposes and the records were kept distinct. Sitting in their judicial capacity these officials constituted "the court of the mayor and aldermen." They penalized violations of the ordinances which they themselves had made. The boroughs were small, however, and the court of the mayor and aldermen had very little to do.

But as the cities and towns of the Atlantic

seaboard became more populous during the latter half of the eighteenth century, the mayor and aldermen found that their judicial duties interfered with the performance of their other functions. So the duty of holding court was gradually turned over to a special officer, usually known as the recorder of the borough, or to a magistrate appointed for the purpose. This change was expedited by the general acceptance of the principle of checks and balances which became embodied in the new state and national constitutions after the revolution. Even today, however, the American municipal judiciary retains a trace of its colonial ancestry in the charter provisions, which frequently designate the mayor as an ex officio justice of the peace and sometimes even authorize him to preside in the municipal court whenever the regular judge is absent.

At the outset the municipal recorders, magistrates or justices of the peace were appointed by the city council or in some cases by the governor of the state; but as new communities developed in the western portion of the United States, it became the practise to have them elected by popular vote. The emphasis on an elective local judiciary became strong in the Jacksonian era but it did not affect all portions of the country to the same extent. Hence the diversity which one now finds in the methods of organizing American municipal courts. In some cities, especially in New England, the municipal judges are appointed by the governor; in others, as in New York, they are appointed by the mayor; but in a majority of the states they are elected by popular vote for relatively short terms.

Originally moreover there was a single municipal court for each city. But with the growth of cities in size it became necessary to provide more judicial machinery. This was usually done by dividing the community into two or more districts with a municipal court for each. Sometimes a separation was also made between criminal and civil jurisdiction.

To the local courts with summary jurisdiction in minor criminal cases the name police courts was usually applied. As a rule these courts were also empowered to give a hearing, in the first instance, to persons accused of more serious offenses and to hold the accused for trial by a higher court or for the presentation of the case to a grand jury. When the work became too heavy for a single police court the earlier practise was to establish additional tribunals of the same kind, dividing the city among them.

In due course the disintegration which resulted from this process of jurisdictional division developed to a point where it approached judicial chaos, with a half dozen or even a dozen municipal courts functioning in different parts of the same city, hearing all kinds of local litigation, under no unified supervision and with judges usually chosen for political reasons. Dealing with a wide variety of cases, including ordinary misdemeanors, traffic violations, juvenile offenses, domestic relations and even small civil claims, these courts did not become proficient in handling any of them and their methods disclosed such a wide diversity that much dissatisfaction resulted.

In recognition of the need for specialization in the work of the municipal courts a movement for the reorganization of the city's judicial machinery has been making headway during the past thirty years. Several of the largest American cities have now unified their judicial organization by establishing a single court with its work divided among several branches, each of which deals with cases of a designated type. In other words the division is functional, not geographical. In Chicago, for example, there is now a single court with a chief justice and more than thirty associate justices. The latter are assigned to hear various kinds of cases—criminal charges, civil claims, traffic violations, juvenile offenses, cases involving domestic relations, small claims and so on. Each court confines itself to its own specialty. Detroit and Cleveland have also unified their municipal judicatures and provided for a somewhat similar division of court work.

New York City still maintains a separation between criminal and civil jurisdiction. Most criminal cases come in the first instance before the magistrates' courts, but more serious offenses go directly to the Court of Special Sessions or to the Court of General Sessions. Special magistrates' courts are also established for traffic cases, night court cases, juvenile cases and cases arising out of domestic relations. The magistrates and justices of all these courts are appointed by the mayor. Minor civil cases come before the civil justices of the Municipal Court, who are elected by popular vote. Thus the judicial system of the metropolis is decentralized and as yet rather poorly coordinated. In 1928, however, the civil municipal courts were centralized to a large extent by the creation of a presiding justice with large supervisory powers.

Some years ago the American Judicature Society put forth a model plan of judicial administration for use in rather large cities. This plan proposes a single court with unified criminal and civil jurisdiction. Its work, however, would be apportioned into five general divisions and each of these divisions would have a divisional chief justice with power to assign the individual justices to their respective fields of work. The five presiding justices of divisions together with the chief justice of the municipal court would determine the rules of procedure and exercise a general supervision over the workings of the city's judicial machinery. In this way there would be centralization and uniformity combined with flexibility of procedure and an opportunity for the development of judicial specialization.

The tendency of American municipal court organization is in the general direction indicated by the foregoing proposal. The great number and variety of matters coming before the municipal courts of the larger cities make it desirable that the cases be classified and assigned to special branches of a unified court in which the procedure is adapted to the efficient administration of justices for each class. The extent to which the classification may be carried will depend on the size of the city. A small city needs only a division between criminal and civil cases with special sessions of the municipal court for juvenile cases and for small civil claims. A large municipality is likely to require a further decentralization of the work with provision for a night court, a traffic court, a morals court, a court for the settlement of domestic controversies and perhaps a special court for dealing with infractions of the liquor laws.

Numerous evils and abuses are connected with the work of American municipal courts, especially in the larger cities. These are mainly due to the sinister influence of metropolitan politics upon the judges and court officials. The first thought of every arrested offender is to seek the intercession of some local politician on his behalf. In every large city one can find a dozen of these local "fixers" around the courthouse lobby each morning. Their power comes from the fact that magistrates and prosecuting officers so frequently owe their positions to the favor of party organizations.

The administration of justice in American cities has also suffered by reason of the ease with which cases may be appealed from the municipal courts and the frequency with which the penalties imposed by the latter are reduced or set aside. Appeals are also utilized to bring about unreasonable delays in the execution of penalties; in fact the history of a criminal trial in any large American city is often a long record of hearings, continuances, postponements, objections, rehearings, motions in arrest of judgment, exceptions, pleas for a new trial, applications for probation and various other devices which the resourcefulness of a defendant's lawyer can suggest.

To some extent reform may be achieved by giving the cities home rule with respect to the organization and procedure of their municipal courts. The application of uniform provisions to all the cities of a state is obviously not a wise plan, because there are wide differences among them in size and in the texture of their populations as well as in the kind of work which the municipal courts have to do. Home rule in the administration of municipal justice would permit experimentation with remedial measures.

It has been said and it is probably true that American municipal democracy has made its poorest showing in the administration of criminal justice. The reasons for this situation are so widely ramified that they cannot be exorcised by any one remedial measure. Instead it will be necessary to secure an improvement in both the personnel and methods of law enforcement, greater specialization in municipal court work under unified supervision, an elimination of political influences in the selection of judges, a reform of the bail-commissioner system, simplified court procedure, a reasonable limitation upon the privilege of carrying appeals to the higher courts and an improvement in the caliber of the lawyers who appear in police court cases. No one of these reforms is more essential than any other.

WILLIAM B. MUNRO

See: COURTS; JUDICIARY; JUSTICE, ADMINISTRATION OF; JUSTICE OF THE PEACE; DOMESTIC RELATIONS COURTS; JUVENILE DELINQUENCY AND JUVENILE COURTS; SMALL CLAIMS COURTS; LEGAL AID.

Consult: Munro, W. B., *Municipal Government and Administration*, 2 vols. (New York 1923) vol. ii, ch. xxxii, and authorities there cited; Webb, S. and B., *English Local Government*, 9 vols. (London 1906 29) vols. ii and iii; Howard, P., *Criminal Justice in England* (New York 1931); Willoughby, W. F., *Principles of Judicial Administration* (Washington 1929) ch. xxi, and bibliography p. 607–52; Smith, R. H., *Justice and the Poor*, Carnegie Foundation for the Advancement of Teaching, Bulletin, no. 13 (3rd ed. New York 1924); Bruce, A. A., *The American Judge* (New York 1924); Callender, C. N., *American Courts, Their Or-*

ganization and Procedure (New York 1927); Moley, R., *Politics and Criminal Prosecution* (New York 1929); Ervin, S., *The Magistrates' Courts of Philadelphia* (Philadelphia 1931); Harley, H., "Court Organization for a Metropolitan District" in *American Political Science Review*, vol. ix (1915) 507–18, and "Model Act to Establish a Court for a Metropolitan District" in *Yale Law Journal*, vol. xxv (1915–16) 443–58; Pound, Roscoe, "Administration of Justice in the Modern City" in *Harvard Law Review*, vol. xxvi (1912–13) 302–28; Saby, R. S., "Simplified Procedure in Municipal Courts" in *American Political Science Review*, vol. xviii (1924) 760–72. There are some legal manuals available describing the practise of the courts of the larger American cities: Lauer, E. J., *Municipal Court Practice* (2nd ed. New York 1928); Gilbert, H. T., *The Municipal Court of Chicago* (Chicago 1928); Tuttle, E. W., *A Treatment of Municipal Courts in California* (San Francisco 1926); Social Science Research Council, Committee on Survey of Research on Crime and Criminal Justice, *A Guide to Material on Crime and Criminal Justice*, compiled by A. F. Kuhlman (New York 1929) p. 317–19.

MUNICIPAL FINANCE is the process by which city governments raise and spend the money necessary for their support. Until recent times this process was comparatively simple. Even the city governments of two or three generations ago had only a limited number of functions, whose financial requirements were met without much difficulty from a few sources of revenue. But today these governments are vastly different. Largely as a result of the machine age, cities in nearly every part of the world are fast becoming industrial centers with rapidly growing populations. This development has already brought about the wide extension of municipal functions and consequently a vast increase in the financial requirements of city governments. Although this great expansion has perhaps been more marked in the United States than elsewhere in the world, the growth of cities in this country during the past thirty years is nevertheless typical of the general trend. In 1900 there were 135 cities with 30,000 or more inhabitants, comprising an aggregate population of 19,000,000, or 25 percent of the total population of the country at that time. These cities spent a total of about $500,000,000 during that year. By 1930 the cities of this class in the United States had more than doubled in number, their population had increased approximately two and a half times, while their total annual expenditures had multiplied sevenfold.

An impression of the scope, variety and relative importance of municipal expenditures may be gained from an analysis of the major groups of municipal functions. The statistical data available in the United States and in England permit an interesting comparison between these two countries. While in the British figures tabulated by the Ministry of Health there are included smaller and less urban governments than in those of the United States compiled by the Bureau of the Census, the statistics are nevertheless fairly comparable. It is interesting to note, in the percentages of Table I, the relative emphasis placed upon the different functions by the two countries. Despite their very similar racial and cultural characteristics there are, however, some wide divergencies. For example, the United States spends more than twice as much as do England and Wales on general government and protection, half as much on highways and public welfare, much more on education and nothing on housing and town planning. This is significant as indicative of the current trend of municipal development in the two countries.

TABLE I

PERCENTAGE DISTRIBUTION OF MUNICIPAL EXPENDITURES, UNITED STATES AND ENGLAND, 1930

FUNCTIONS	UNITED STATES	ENGLAND AND WALES*
General government—administrative, legislative and judicial	8.6	4.1
Protection, police, fire, etc.	19.6	9.0†
Health	2.5	5.3
Sanitation	7.2	5.5
Highways	8.4	18.2‡
Charities, hospitals, correction	7.0	14.3
Education	36.6	26.9
Libraries	1.4	0.7
Recreation	3.6	1.7
Housing and town planning	—	11.1
Miscellaneous or unclassified	5.1	3.2

* Year ending March 31, 1930.
† Includes street lighting.
‡ Includes cleaning and scavenging.

Source: United States figures compiled from United States, Bureau of the Census, *Financial Statistics of Cities Having a Population of over 30,000, 1930* (1932) p. 410; the English figures, which cover all local governments of England and Wales, compiled from Great Britain, Ministry of Health, *Thirteenth Annual Report, 1931–1932* (1932).

The distribution of municipal expenditures in Denmark (Table II) may be taken as typical of fairly stable countries in western Europe. Germany, Holland and Sweden follow a similar pattern in their municipal finance.

A markedly different distribution is revealed in the compilation of the Statistical Bureau of Tokyo covering the expenditures of the six large cities of Japan. Here the emphasis is on public works, more than one half of the total expenditures going to this function. Education claims a fifth of the total, while social welfare is allotted only a very small percentage. Protection, includ-

TABLE II

PERCENTAGE DISTRIBUTION OF MUNICIPAL EXPENDITURES IN DENMARK, APRIL 1, 1928–MARCH 31, 1929

FUNCTIONS	EXPENDITURES
General administration	7.1
Police and justice	7.3
Health	12.4
Roads and sewers	9.4
Social services	
Public assistance	12.1
Old age pensions	8.1
Relief funds	7.5
Unemployment	2.3
Other social purposes	2.7
Education	17.8
Miscellaneous or unclassified	13.3

Source: Denmark, Ministry for Foreign Affairs and Statistical Department, *Denmark, 1931* (1931) p. 60.

ing police and fire, is under the control of the national government, so that it does not appear among the municipal activities.

The municipal expenditures examined above are mainly those of an operating character. Capital outlays and debt charges are generally not included. During recent years city governments in nearly every country have enormously increased their expenditures for capital outlays. This is particularly true in the United States, where a nation wide attempt has been made since 1929 to combat unemployment by speeding up capital expenditures. During 1930, for example, the 310 cities of the United States with 30,000 population or more spent $1,115,000,000, an amount equivalent to about 50 percent of their expenditures for all other purposes. Most of this money, not only for this year but for other years, was raised by the sale of municipal securities. As a result the gross debt of these cities has grown by leaps and bounds; it was over $10,000,000,000 at the close of 1930. After the deduction of sinking fund assets a net debt of $6,857,240,000 remained; this is equivalent to a net debt per capita of $144.57. The annual interest charges for 1930, according to the United States Bureau of the Census, were $405,153,000. Capital expenditures by the local governments of England and Wales amounted to slightly more than £83,000,000 for the fiscal year ending March 31, 1930, which was about 25 percent of the total expenditures of these governments for all other purposes. The net debt of these governments at the end of this period was £1,157,879,087, with a net debt per capita of £29. 5. 0. But 36 percent of this belonged to the trading undertakings, the loan charges being paid from their earnings.

The expenditures of municipal enterprises or trading undertakings are growing in importance in most countries. In the 310 largest cities of the United States the operating expenditures of municipal enterprises for 1930 amounted to $178,110,000. Water supply was by far the most important of these; next came electricity supply and then a number of smaller enterprises, such as street railways, gas supply, docks, markets and cemeteries. It cannot be said as yet, however, that these enterprises have assumed very large proportions in the municipal expenditures of the United States. England has developed trading undertakings to a much greater extent in its local governments; the aggregate expenditures of these in England and Wales for the year ending March 31, 1930, amounted to £112,000,000. Electricity supply and transportation (tramways and omnibuses) were about of equal importance and together comprised approximately 50 percent of the total expenditures of local trading undertakings. Water supply and gas supply were nearly equal, representing approximately 30 percent of the total for both, with 20 percent left for the remaining enterprises, consisting mainly of harbors, docks, piers, canals, ferries, markets and cemeteries. In Germany, Switzerland and the Scandinavian countries such expenditures assume even greater importance than they do in England. Even in the Orient they are not to be overlooked, since the leading Japanese cities have large electricity works and to some extent water and gas works.

The general character of municipal revenues in some of the leading countries may be indicated by an enumeration of the main sources from which these revenues are derived. While city governments of the United States have numerous sources of revenue, only a few are of any importance (Table III). It should be noted

TABLE III

PERCENTAGE DISTRIBUTION OF MUNICIPAL REVENUE BY SOURCES, 310 LARGEST CITIES IN THE UNITED STATES, 1930

SOURCES		REVENUE
General property tax		63.8
Special taxes		5.8
Special property taxes	2.4	
Poll, or head, tax	0.2	
Business and non-business taxes	3.2	
Special assessments and special charges		6.9
Subventions and grants		5.8
Miscellaneous sources		7.7
Fines, forfeits and escheats	0.6	
Highways privileges, rents, interest	4.6	
Departmental fees and earnings	2.5	
Earnings of public service enterprises		10.0

Source: United States, Bureau of the Census, *Financial Statistics of Cities Having a Population of over 30,000, 1930* (1932) p. 237.

that the general property tax, the principal source of municipal revenue, is one in name only, being in practise a tax on real property. In several states special taxes on corporations, incomes, inheritances and mortgages are collected by the state governments and the receipts shared with the city governments. But these receipts constitute only a small part, approximately 3 percent, of the total city revenues.

The local governments of England and Wales secure their revenues from four main sources. The most important of these, levied on the rental value of real property, is local rates, which constituted 36.4 percent of the total revenues for the fiscal year ending March 31, 1930; grants from the national Exchequer accounted for 25.2 percent of the total, miscellaneous sources, such as fees, rents and so on, 11.1 percent, earnings from trading enterprises 25.6 percent and special funds 1.6 percent.

The municipal revenue systems of the countries of continental Europe generally possess a greater variety of sources but are more restricted than that of England. The municipalities are usually limited by the national governments as to the amount of revenue they may raise by taxation. In France, for example, the most important source of revenue for the communes is the addition, to certain of the national taxes, of so many hundredths, or *centimes additionels*, as they are called. The number of centimes which may thus be added by the local authorities is governed by state law. There are four so-called "direct" national taxes to which centimes may be added for municipal purposes: the land tax, the land and buildings tax, the tax on the rentals of houses and apartments and the license tax on trades and professions. The centimes constituted in 1926 about 28 percent of the total revenues of the communes. The taxes collected by the state, called *fonds communs*, amounted for this same year to 13.4 percent. The *octrois*, a series of local customs duties, produced 13.1 percent. The two remaining general sources are municipal fees of various kinds, including the so-called poor taxes, which produced 26.6 percent, and the sundry communal taxes, the most important being the road tax, which amounted to 18.9 percent.

Several European countries, notably Belgium, Italy, Spain and Switzerland, have municipal revenue systems similar to that of France. They use the additional centimes under much the same legal restrictions. Although the *octroi* in France is becoming less important than formerly, it still continues to be one of the chief sources of revenue in Spain. It is practically unknown outside of Europe except in British India, where it constitutes a large source of revenue. The French system of levying taxes on a long list of specified objects, such as domestic servants, pianos, motor cars, billiard tables, sale of liquor and tobacco, horses and visitors, is followed by several other countries, especially Belgium, Czechoslovakia and Estonia, and by certain Swiss cantons. In some countries of Europe a local income tax may be levied directly by the municipal authorities. This tax forms one of the chief sources of revenue in Denmark, Holland, Finland, Norway and Sweden. In the urban communities of Denmark, for example, the income tax contributed 45.9 percent of the total revenue for the fiscal year ending March 31, 1929; rates provide 11.8 percent; other taxes, mainly on motor vehicles, 7 percent; and earnings from public undertakings, 35.3 percent. In Holland practically all the communes levy an income tax for local purposes, which is collected in many cases by state officials and paid over to the communes. In Germany the bulk of local tax revenue is derived from taxes on land, buildings and business. Local income taxes were of importance at one time, but even before the World War the states restricted the local use of this form of taxation on the ground that it was unsuitable for local purposes and interfered with state income taxes; since the war the income tax has become a federal tax with the states and localities sharing some of the proceeds. In Soviet Russia local tax revenue is composed mainly of the shares of national taxes assigned by the central authority and of revenue derived from local additions to some of the state taxes; non-tax sources, such as earnings from trade undertakings and public property, supplied 39 percent of the total local revenue in 1927–28. In Japan the system of municipal revenue combines features which resemble both the American and European systems. The Japanese cities have practically no independent taxing power and rely mainly on surtaxes laid upon the national and prefectural taxes. The principal sources of revenue for the six leading cities of Japan for 1929 were city taxes, 17.4 percent; state and prefectural subsidies, 17.3 percent; earnings from property and undertakings, 37.6 percent; and the remainder, or 27.7 percent, fees, assessments, contributions and miscellaneous income.

In the operation of municipal undertakings, particularly in England and in Germany, where

they assume considerable importance, different policies are followed by governmental authorities with reference to their earnings. In England it is the general policy to operate these undertakings on the minimum charges consistent with efficient service and the maintenance of adequate reserves. Any profit from them, which may be transferred to the support of the general municipal budget, is regarded as an indirect tax. In Germany, however, municipal undertakings are generally operated with the idea of making a profit which may be used for the support of the regular municipal services and thereby reduce somewhat the direct tax burden of the localities. So far no definite policy seems to have been developed with reference to the earnings of municipal undertakings in the cities of the United States, but except in a few cities these have not as yet assumed much importance.

The financial organization of municipalities varies considerably from one country to another and is often greatly influenced by the nature and extent of state or national control. Sometimes it differs widely even within a single country, the greatest lack of uniformity being shown by the cities of the United States. In some cities in the United States the financial organization is quite decentralized; there are several fiscal officers, such as auditor, comptroller, treasurer, tax collector and assessor, who are more or less independent of each other and of the city executive. In order to make a scattered financial organization of this character workable some cities have set up a board of estimate consisting of the mayor, one or two representatives of the council and the important fiscal officers. But this device has not been popular. Other cities, as, for instance, Boston, have established executive control over their several fiscal agencies without consolidating them.

The development of a single department of finance was the outgrowth of the commission type of city government, which originated in the United States about 1900. The commission type soon displayed serious weaknesses, however, some of which hindered effective financial administration and control. Its popularity has therefore greatly declined in recent years, and it has been displaced in many instances either by the manager type or by the strong mayor type of city government. These types have in most cases carried over the centralized department of finance, extending its powers and functions. Today this department represents our most advanced form of financial organization. It is usually headed by a director of finance appointed by and responsible to the manager or to the mayor. Generally it has four or five bureaus, particularly in the larger cities, designated as control and accounts, treasury, taxation, purchasing and budget, with an officer responsible to the director of finance in charge of each bureau. The bureau of control and accounts performs the current auditing of receipts and expenditures and maintains the general accounts; the treasury attends to the collection, custody and disbursement of city moneys; the bureau of taxation covers the assessment of general property, unless otherwise provided by state law, and looks after the levy of special assessments and the administration of minor taxes; and the bureau of purchasing is in charge of centralized buying for all city agencies. Supervision of the preparation and execution of the city's budget are the main functions of the budget bureau. Debt administration is generally a function of the department of finance, including the management of sinking funds. Municipal pension funds are often handled by this department, and sometimes general supervision over the city's employees is vested in it. Some provision is often made for the auditing of municipal finances independently of the city executive and the department of finance. Frequently this function is performed by an auditor appointed by the city council, who may be either a permanent officer or a qualified accountant temporarily employed.

In England and Scotland the financial organization of cities is fairly uniform. Responsibility for the administration of the major municipal functions usually rests with certain committees of the council. The fiscal functions are under the general direction of the finance committee, which delegates the actual administration of these functions to the chief finance officer, who is a permanent official, usually called the treasurer in England and the chamberlain in Scotland. He and his departmental staff perform such duties as the preparation of the budget, general accounting, current auditing, rating, revenue collection, custody of funds and debt management. Thus the financial functions are fairly well integrated in most of the cities. Costing and centralized buying have not yet been developed to any marked degree.

The cities of continental Europe are nearly all subject to a system of national control, which is not to be found in the United States and only to a small degree in England. The French system, which has influenced most of the other Euro-

pean countries, especially Belgium, Italy and Spain, is highly centralized, the local units of government being controlled as to their finances and many of their other functions by agents of the national government, called prefects. The most important fiscal officer of the French municipality is the treasurer, *le receveur municipal*. In the larger municipalities, where the annual revenues exceed a fixed amount, this officer is appointed by the president of the republic on the recommendation of the minister of finance, but in the smaller municipalities his appointment is made by the prefect. In either case the choice is generally made from three names submitted by the municipal council. The treasurer's office may be combined with that of the tax collector (*précepteur*); this is usually the practise in the smaller communes. The treasurer is the head of the city's department of finance and custodian of the communal funds. While responsibility for municipal payments rests primarily with the mayor, the treasurer may refuse to honor the mayor's warrant when there is no appropriation for the purpose or no funds are available or when the warrant is not supported by proper vouchers. The treasurer must submit an annual report to the municipal council and also to the national receiver of finances. If the municipality spends more than a specified amount, this report must be submitted also to the national court of accounts (*cour des comptes*), which has the authority to audit the entire field of public finance.

In Italy the municipal organization, including the fiscal structure, has been largely transformed by recent decrees of the national government. These decrees have vested sweeping powers over the financial and other administrative matters of city governments in the national agents. Whether this will be a temporary or a permanent policy of the Fascist regime is not yet apparent.

The finances of German cities, under the existing economic stress, are being subjected to increasing regulation on the part of both the Reich and the state governments, although considerable power still remains with the city authorities. The main responsibility for fiscal administration rests with the city executive, who has the assistance of a treasury, or finance, department, usually headed by the chamberlain (*Kämmerer*). The municipal accounts are centralized in this department and the financial reports emanate from it. There is also an auditor's bureau or staff which examines the treasury at frequent intervals. In Holland the financial structure of the city governments resembles that of the German cities, but the control exercised over local finances by the national government is not unlike that under the French system. The cities of Denmark, Norway and Sweden usually have their financial functions centralized in a single municipal department, whose administration is controlled in a large degree by national regulations.

Budgeting may be called the first requisite of effective financial administration. It has been in vogue longest among the cities of Great Britain and continental Europe, and only within the past two or three decades has it been applied in the municipal governments of the United States. As yet no uniformity has been developed in the budgetary methods of the different cities of the United States, because of variations in municipal organization and of great diversity in local practises and in state legislation. But it is possible roughly to trace certain similarities of budgetary procedure as at present practised.

There are three or four types of municipal budgeting authorities in the United States. When the municipal organization is such as to center the administrative powers in the mayor or the manager, these officers are usually responsible for the preparation as well as the execution of the budget. In this work they generally have the assistance of some staff agency, such as the department of finance. Under other types of municipal organization the budget may be prepared by the city council or commission, by an administrative-legislative board or by an independent fiscal officer; in these cases authority over the execution of the budget is often quite diffused. No such difficulties are to be found in most other countries, since their types of municipal government are generally uniform and the procedure for preparing and executing the budget is rather well defined. The voting of the budget is universally a function of the municipal legislative body, subject in some countries to approval by a department or agent of the superior government.

In the United States the municipal budget is not always a comprehensive plan; that is, it does not include all financial proposals of the government. Usually it covers purely operating requirements, sometimes even omitting the municipal undertakings. Capital requirements are frequently not included in the general budget but are planned independently during the fiscal year. In this respect the municipal budgets in the United States lag behind those of some of the European countries, notably England, where the

municipal budgets are quite comprehensive, usually including all municipal undertakings either in the general plan or as annexes to it. Some cities in the United States, however, have combined long term financial planning, especially for capital improvements, with their annual budgeting, thus advancing even beyond European practise in this regard.

In preparing the budget city authorities in the United States usually prescribe printed forms upon which the estimates are submitted, and they require these estimates to follow classifications of expenditures and income which are more or less uniform. Such is seldom the practise among British municipal authorities or those of continental Europe, who have not thought it necessary thus to govern the details of budgetary information. Nevertheless, the estimates are generally more carefully prepared, especially with reference to income, than are the estimates of municipal authorities in the United States.

In the execution of the budget many municipal authorities in the United States rely upon exceedingly ineffective methods consisting largely of formalized accounting and auditing, political checks and balances and legal restraint. Some city administrators have recently applied the technique of allotting appropriations for the fiscal year, estimating the rate of flow of income into the treasury, and reviewing and revising expenditure requirements upon the basis of realized income as the fiscal year progresses. These adjustments are usually made quarterly and sometimes monthly. The object is to maintain the budget as a balanced plan throughout the period of its execution regardless of changed conditions other than those of a cataclysmic nature. In the execution of their budgets the municipal authorities of England and continental Europe still depend largely upon the routine methods of accounting, auditing and reporting and upon cooperation between the finance and the spending officers. Outside of England, however, these authorities are so closely supervised by agents of the superior governments that they have very little opportunity to exceed their appropriations, although they may spend more than their available income when revenues are declining.

General accounting, an important adjunct of budgeting, has not been developed uniformly in municipalities. Aside from the system of general accounting peculiar to France, there are two systems in vogue in the cities of other countries. One of these operates on a cash basis, that is, by collections and disbursements, and the other on an accrual basis, sometimes called a commercial basis, which records income and expenditure obligations. The latter system is undoubtedly the more effective from the budgetary standpoint. It is supplanting cash accounting at a rapid rate in the cities of the United States, largely as a result of the growth of the budgetary movement. Accrual accounting is likewise gaining in popularity in British municipalities and in the municipalities of some European countries, notably Germany.

Cost accounting, as applied in municipalities, is still a comparatively unexplored field. It is being used in connection with certain municipal functions in a few cities of the United States, but in no case has it been very definitely related to general accounting. In European cities, notably those of England and Germany, where cost accounting is being developed and applied rather extensively, its possibilities as a tool of administration are still largely unrealized.

The purchasing methods of municipalities have been systematized in recent years, particularly in the United States, where a large number of city authorities have centralized their buying of commodities in a single agency under uniform regulations as to specifications, bidding, deliveries and storage. With a few exceptions the municipal authorities of other countries generally operate under decentralized schemes of buying and storing their commodities.

The general methods of treasury management and control are similar in all city governments. Very little advance has been made in these methods during recent years, except perhaps in the matter of billing taxes or rates. In European cities, particularly in England and Scotland, treasury officers are usually more aggressive in collecting municipal taxes than they are in the United States.

In the handling of municipal moneys city treasurers in the United States, almost without exception, are handicapped by the establishment of a number of special funds into which the current receipts are placed. When the available cash in the treasury is thus segregated, there is little or no mobility in the treasury balances. Aside from hampering treasury operations, special funds restrict free budgeting and are furthermore of doubtful advantage to the agencies or functions of city government for which they have been established.

Supervision over the financial administration of municipalities by superior governments is in-

creasing in practically all of the leading countries. At the present time this supervision is least felt by the municipal authorities of the United States and of England. In the United States it is exercised entirely by the state governments and relates mainly to four fiscal functions of cities: budgeting, accounting and auditing, taxation and incurring of indebtedness. Not all of the states cover the functions enumerated, and those which do lack uniform regulations. Six states exercise varying degrees of supervision over municipal budgeting, ranging from casual review to approval of the financial requirements as voted in the budget. Twenty states prescribe a system of municipal accounts, while thirty-five provide some kind of audit by state authorities, often not very thorough. About thirty-five states have set up machinery for the equalization of general property valuations as between local units, which includes a review of assessments in about half of this number. Wherever municipal tax rates are controlled by the states, this is done through the imposition of maximum tax limits. The approval of municipal bond issues is required in fifteen states, while a slightly larger number require reports on outstanding indebtedness.

In English municipalities the approval of a department of the national government is usually required whenever grants-in-aid are received for certain municipal functions, such as education, housing, street improvements and construction of bridges, relief work and public assistance. Aside from this supervision, the municipal authorities must secure, practically without exception, the approval of the Ministry of Health or of Parliament in order to issue bonds for capital outlays and municipal undertakings. The accounts of all the local governments, with the exception of some of the boroughs, are gone over annually by the district auditors of the Ministry of Health. Thus the condition of these accounts is established at least once a year and, when necessary, the auditors make recommendations for improving the accounting systems. This audit has no direct counterpart in the cities of the United States.

The supervision over the finances of French municipalities by the national government may be regarded as fairly typical of that followed in many of the other European countries. Under the French system the prefects, who are agents of the central government, control not only the form but the amounts contained in the municipal budgets. They may reduce expenditure items, and when certain obligatory charges have been omitted by the municipal authorities, they may insert them in the budgets. They approve practically all expenditures, contracts and purchases of property for public use. If the mayor and council of any city think they have been unfairly dealt with, they can appeal to the prefect's superior, the minister of the interior, and from him to the highest administrative court in France, the Council of State. No new or special tax may be levied for any purpose by municipal authorities without the approval of the prefects. Municipal bond issues, in every case of any importance, must have the approval of the prefects and sometimes of the government at Paris. There are no general debt limits, as found in the states of the United States, the French system of approving loans being based entirely upon each city's needs and financial condition.

A. E. BUCK

See: MUNICIPAL GOVERNMENT; URBANIZATION; LOCAL FINANCE; PUBLIC FINANCE; PUBLIC DEBT; BUDGET; GOVERNMENT OWNERSHIP; HOUSING; MUNICIPAL TRANSIT; PUBLIC UTILITIES.

Consult: Buck, A. E., and others, *Municipal Finance* (New York 1926); Burton, J. H., *Local Authority Finance, Accounts and Auditing*, 2 vols. (2nd ed. London 1932); Roberts, A. Carlson, *Treatise on Local Administration and in Particular on Finance and Accounts* (London 1930); Walker, Mabel L., *Municipal Expenditures*, Johns Hopkins University, Studies in Historical and Political Science, extra vol., n.s., no. 13 (Baltimore 1930); Raiga, E., and Félix, M., *Le régime administratif et financier du département de la Seine et de la ville de Paris* (Paris 1922, and supplement 1928); Lefebvre, Jacques, *Les taxes municipales de Paris* (Paris 1928); Haig, R. M., *The Public Finances of Post-war France*, Columbia University, Social and Economic Studies of Post-war France, vol. i (New York 1929); Corti, Ugo, *Il problema della finanza locale* (Rome 1924); Falck, Ernst, *Das Problem der kommunalen Zuschlagsbesteuerung mit besonderer Rücksicht auf die kommunale Betriebs- und Anleihepolitik*, Verein für Kommunalwirtschaft und Kommunalpolitik, Vereinsschriften, no. 32 (Berlin 1929); Maxwell, B. W., *Contemporary Municipal Government of Germany*, University Research Monographs, no. 2 (Baltimore 1928); Sokolnikov, Gregory, and others, *Soviet Policy in Public Finance 1917–1928* (Stanford University 1931) ch. ix; Beard, C. A., *The Administration and Politics of Tokyo* (New York 1923); Warren, J. H., *Municipal Trading* (London 1923); Buck, A. E., *Public Budgeting* (New York 1929); Rightor, C. E., *The Preparation of a Long-term Financial Program*, Municipal Administration Service, Publication no. 5 (New York 1927); Taylor, R. E., *Municipal Budget-making* (Chicago 1925); Brassaud, P. A., *La réforme des finances locales* (Nancy 1924); Mittelstaedt, Curt, and Schrader, Oskar, *Das städtische Haushaltswesen nach Form und Inhalt*, Verein für Kommunalwirtschaft und Kommunalpolitik, Vereinsschriften, no. 25 (Berlin 1928).

MUNICIPAL GOVERNMENT has risen to a place of high importance in modern political society not only because urban dwellers now form so large an element in the populations of western Europe and America but because city administration has developed by its complexity into a problem of great inherent difficulty. The rural district requires very little government; its people are habituated to do things for themselves. But when great bodies of people are massed closely together they inevitably become more interdependent. To promote their safety, health and convenience they gradually devolve more responsibility upon the public authorities, and the larger the community the greater is this tendency. The governing authorities of the city are required to take over one by one a long list of duties and obligations which formerly were left to the initiative of individuals.

Undoubtedly the earliest municipal function was that of safeguarding life and property against marauders from outside. Then came the establishment of courts for the maintenance of peace and order within the city gates. Presently the building of roadways became necessary, followed by the setting up of a market place, the construction of some public buildings, the care of the poor and the lighting of the streets by night. Later, with progress in the standards of living, came the function of caring for the public health, providing a water supply, a system of sanitation, schools, hospitals, parks and other places of recreation, public libraries and museums. At the same time it became necessary to control private enterprise in the general interest —hence the development of building codes, public utility regulation, licensing and zoning ordinances. The number of separate functions now performed by the municipal authorities in a large city runs into the hundreds. This discussion is concerned primarily with the governmental structures and agencies established to perform these functions. (For the history of the growth of cities and of the resulting problems, *see* CITY.)

Although the existence of cities can be traced as far back as the third millennium B.C., no permanent contribution to the art of urban government was made until Greece developed a system of cities which were independent political units governed by the people. The city-state (*q.v.*) of Greece, of which Athens is the outstanding example, performed both local and national functions. The same authorities declared war and made peace, negotiated treaties, authorized the construction of streets and public buildings, levied taxes, provided the city with police and controlled the harbor. Only Athenian citizens, however, shared in the process of government; and since they formed a minority of the city's population, Athenian democracy was really government by a privileged class, but a class too large to be called an oligarchy.

With the decline of Greece the seat of urban leadership passed to Rome, which became the richest, most populous and best governed municipality of the ancient world. The City of the Seven Hills, with the adjacent territory, formed a corporate community, or *civitas*, which not only governed itself but served as the source of authority over vast areas from Syria to Spain. In becoming a continental empire Rome never sacrificed its original organization as a city-state; hence the same source of authority controlled the government of distant provinces, maintained the legions on land and the galleys at sea, waged wars, made treaties, promoted trade, constructed highways, provided water supply and sanitation within the city, built public baths, regulated housing and developed facilities for public recreation.

Throughout the imperial territories there were many municipalities, some of considerable importance. At first these provincial cities were given a varying measure of independence; but as time went on they were all placed upon a common basis and ultimately became mere administrative districts, their affairs being controlled by imperial officials appointed from Rome. In the course of their relations with the provincial cities the Romans developed the concept of a municipal corporation (*q.v.*), which has served as the legal foundation for the science of municipal government. Moreover the Romans made great progress in the practical art of city administration, including the building of roads, the provision of water supply and the protection of life and property, as well as in the technique of raising an adequate municipal revenue by taxation.

The collapse of Roman power demoralized the municipal life of western Europe. During the period from the fifth to the tenth century the towns declined everywhere and there was almost complete stagnation in municipal life. About the eleventh century, however, indications of revival of city life appeared in the Mediterranean area and this development was presently stimulated by the crusades. With the economic revival came a partial restoration of municipal inde-

pendence in the larger urban communities of northern Italy, some of which now regained the status of independent city-states (*see* COMMUNE, MEDIAEVAL). Similarly, with the broadening of their trade the ports of the North and Baltic seas increased their economic prosperity and began to shake off the rulership of feudal suzerains. Many of them became free cities, subject only to the shadowy overlordship of the Holy Roman emperor. By the thirteenth century many of these free cities, including Hamburg, Bremen, Frankfort, Danzig, the towns of the Rhine valley and various other trading communities, had formed leagues for their mutual protection, especially the Hanseatic League and the Rhenish and Swabian leagues of cities. Thus the paths of municipal emancipation followed the great commercial currents of the age. Three of these free cities—Bremen, Hamburg and Lübeck—retain their status in the German commonwealth of today; they have their own constitutions and are governed as independent states of the Reich, with state and municipal government combined.

In France the emancipation of the communes did not come so early. Especially in the northern portion of the country, feudalism had achieved its greatest strength and the towns with scarcely an exception had been brought under the control of lay or clerical lords. But as these French towns grew in size during the twelfth and thirteenth centuries, the townsmen set out to obtain the rights of local self-government. Sometimes they revolted, drove out the feudal bailiffs, declared their independence and by force of arms compelled a recognition of their free status through the grant of charters. In other instances they purchased their charters of emancipation. By one process or another most of them had obtained charters before the close of the thirteenth century; they were frequently aided in this struggle by the royal government, which looked upon the rise of the towns as a useful counterpoise to the strength of the feudal magnates.

In England during the same period an analogous movement took place, but because the boroughs or towns lay for the most part within the royal domain rather than in the territories of the barons, most of the borough charters were obtained from the king, not from the feudal lords. The early borough charters moreover were obtained by free grant or by purchase, not by violence or revolt. The privileges granted by these royal or baronial charters varied, but as a rule they included exemption from feudal dues and the right to elect their own local officers and to control their own courts.

At the beginning of the fifteenth century municipal autonomy was the rule almost everywhere in western Europe. This municipal freedom, however, proved to be of short duration, for with the growth of royal power in the various countries the independence of the towns began to be impaired. Strong monarchical governments extended their authority and the towns were no longer permitted to enforce regulations hostile to one another or to the rural districts. They were compelled to act in conformity with the general policy of the realm; when they resisted they were forced into submission and frequently their charters were taken away. Step by step with the strengthening of national governments the subordination of the cities to the royal or ducal authorities became more pronounced.

World events during the sixteenth century and after greatly increased the importance of the cities of Europe. The growth of maritime commerce with both the eastern and western continents enlarged the importance of the seaports everywhere. The distribution of maritime products to the inland regions fostered domestic trade. Hand industries developed extensively in all the towns. Nevertheless, in no country of Europe at the middle of the eighteenth century did the population of the towns form more than a small fraction of the whole people. The industrial revolution gave an extraordinary stimulus to urban growth. The rise of the factory system developed small villages into great industrial centers. It also created a proletariat of factory workers, who were without political privileges but insisted on having them. Under the stress of this rapid growth the old municipal system broke down; rigid control by the central authorities or by close corporations had to be abandoned. The reconstruction of urban government was accomplished during the political convulsions which began with the French Revolution and which continued for several decades thereafter.

In England the existing system of borough government dates from the era of reform in the third decade of the nineteenth century. Prior to that time the government of urban communities by close corporations of freemen had become steadily more unsatisfactory until Parliament, itself reformed by the great act of 1832, authorized the appointment of a royal commis-

sion to investigate the situation. As a result of this commission's report the Municipal Corporations Act of 1835 established the general scheme of government which the English boroughs still retain. The term borough is applied to any urban community which has received a charter giving it the status of a municipal corporation. There are over three hundred boroughs and they vary greatly in size. The large towns and cities—about one fourth of the total number of boroughs—have the status of county boroughs, under which they administer the functions of both borough and county. A county borough charter is not now granted to any borough having fewer than 75,000 inhabitants. The struggle between the counties and the existing or aspiring county boroughs is an important element in contemporary English municipal government (*see* COUNTY COUNCILS). The term city is by usage restricted to those boroughs which are or have been the seat of a diocese or which have been given the title by royal patronage as an honorary distinction.

A large degree of local autonomy is permitted in England, but the formal structure of municipal government is rather uniform. The chief organ of municipal authority in England is the town council, which consists of councilors, aldermen and a mayor, all sitting together. The size of the council is fixed by the borough charter and varies with the population. The councilors are elected by direct popular vote for a three-year term, and in all the larger boroughs the selection is made by wards, each ward electing 3, 6 or 9 councilors. An election is held every year, one third of the councilors retiring annually. Except in London boroughs, where only two signatures are required, nominations are made by petition of at least ten qualified voters, and no party designations appear on the municipal ballot.

After the council elections the councilors choose from their own membership or from the population at large a number of aldermen equal to one third of their own number. These aldermen serve for a six-year term, but one half retire triennially. They do not form a separate body but sit with the council and have the same voting power. When a councilor is chosen to be an alderman, a special election is called to fill the vacancy.

From within their own ranks or from outside the councilors and aldermen together elect a mayor for a one-year term. His position is largely one of honor and social leadership; he presides at council meetings and represents the city on all ceremonial occasions but has no special powers of an executive character. He does not vote at council meetings except in case of a tie. No remuneration is paid to the aldermen or councilors, but an allowance may be made for necessary expenses incurred by the mayor and he may receive a salary.

The powers of the English borough council are extensive and include both legislative and executive authority. As a legislative body the council is responsible for passing such municipal by-laws as may be found necessary for the protection of life, health, safety and property as well as for the promotion of the public convenience. It adopts the annual budget, fixes the local taxes, or rates, and authorizes any borrowing which may become essential. All borough loans, however, with minor exceptions must be approved in advance by the appropriate department of the national government.

Even more important than its legislative functions are the administrative powers of the borough council. It maintains a series of standing committees, each with immediate supervision over a department of municipal administration —police, fire protection, streets, public health and education; it also appoints the permanent officials in charge of these departments and may remove them at any time. These permanent officials are not selected under civil service rules nor have they any guaranteed permanence of tenure; they are termed permanent because by tradition their tenure is of that nature. The official in charge of each department is given a relatively free hand in its administration, but he confers regularly with the appropriate council committee and works in close contact with its chairman. Recommendations affecting the department are presented by the permanent official to the committee, which submits them to the council, by which they are usually adopted as a matter of course.

Among the permanent officials the most important is the town clerk, who is the pivot of English municipal administration and the English city's nearest approach to a city manager. Usually a lawyer, he serves as the legal adviser of the council as well as its secretary. His office prepares all committee reports in proper form and drafts all resolutions and by-laws. The town clerk acts also as registration officer for the borough in preparing the voters' list.

Public education, which is a borough function, is administered by an education committee

appointed by the council. A majority of the members of the committee must be councilors, but the remaining members are appointed by the council from outsiders recommended by various bodies of laymen. The borough council may delegate to the education committee all its powers with respect to education except that of raising taxes or borrowing money. Since this is commonly done, the education committee enjoys in practise a large measure of independent and final authority. The Local Government Act of 1929 abolished the boards of poor law guardians and transferred their functions to the county councils or to the borough councils in certain of the larger boroughs.

London's scheme of government differs from that of other English cities. But there are three Londons. First there is the City of London, the ancient core of the modern metropolis, occupying an area of about 1 square mile, which is almost wholly occupied by banks, warehouses and public buildings. Surrounding it is the administrative County of London, which includes an area of over 100 square miles with a population of about 4,000,000. Finally, there is the London Metropolitan Police District, or (including the City) Greater London, which takes in a much larger area and has about 8,000,000 inhabitants.

The government of the City of London is vested in the hands of a corporation which governs the City through a lord mayor and three councils (officially called courts): the Court of Aldermen, the Court of Common Council and the Court of Common Hall. The aldermen and the common councilors are elected by wards, while the Court of Common Hall is a sort of town meeting. Most of the power rests with the Court of Common Council, which manages all the municipal services through its committees. The lord mayor is elected annually by the Court of Aldermen from two aldermen who have been nominated by the Court of Common Hall and who have previously served as sheriff. The office of lord mayor is an altogether honorary one, for he performs no executive functions.

The administrative County of London is governed by a County Council consisting of 124 elected councilors and 20 aldermen. As in other cities the councilors are elected by popular vote and choose the aldermen either from within their own ranks or from outside; councilors and aldermen sit together and have the same voting powers. Together they elect each year a chairman of the council, who has no powers save those of a presiding officer. The powers of the London County Council are extensive (*see* METROPOLITAN AREAS). As in other cities the functions of the council are delegated to a series of committees, which in turn devolve a large part of the work upon the permanent officials. The higher permanent officials are appointed by the council at its discretion, but subordinate officials are now selected by civil service competition. Within the administrative County of London moreover there are twenty-eight metropolitan boroughs, each with its regular borough council, which has jurisdiction over certain branches of local administration.

Neither the County Council nor the borough councils have anything to do with the policing of Greater London. The City has its own police establishment, but the county and surrounding circle are included in the Metropolitan Police District. At the head of this district is a police commissioner appointed by the national government. The commissioner has charge of organization and discipline; but the financial administration of the force, including the erection and management of police stations, the awarding of contracts and the purchasing of supplies, is in the hands of a receiver, likewise appointed by the national authorities.

The system of municipal government in Scotland and in Ireland is very similar to that in England; in Scotland, however, the nomenclature of the local authorities is somewhat different and in Ireland a modification of the American city manager system has been introduced, notably in Cork in 1929 and in Dublin in 1930. The British dominions have also followed the general example of the mother country in their municipal systems, but in all of them there has been a gradual moving away from the original scheme. This is particularly true in Canada, where the influence of the United States has been strong. In Canadian cities, for example, the mayor is elected by popular vote and is usually a paid official with important functions. Some Canadian cities likewise have adopted the city manager plan of government and in most of them there are independent boards or commissions, after the American fashion, in direct charge of such municipal services as police, parks, schools and public utilities.

Modern municipal government in Germany begins with the reforms of Baron vom Stein in Prussia in 1808. For two centuries prior to that time local self-government existed only in the few surviving free cities. The municipalities of

Prussia were governed by burgomasters and councilors chosen from a select class of citizens —those who owned property or had inherited the right to vote. In many cases the king appointed the important officials of the cities, which became mere administrative districts for the central government. The comprehensive Prussian municipal code of 1808 extended the municipal suffrage and gave the voters the right to elect their own local officers, who were to manage the affairs of the cities subject to a definitely limited supervision by the higher authorities.

During the ensuing century there was a steady tightening of central control over the municipal authorities. Prussia moreover adopted in 1853 a curious system of suffrage known as the three-class system, under which the voters were divided into categories according to their annual tax payments; and each of these classes elected one third of the membership of the city council. The council in turn chose a burgomaster for a long term of years, sometimes for life. It also selected a group of paid and unpaid magistrates, to whom the administration of the various city departments was entrusted. The three-class system precluded any control of the municipal authorities by the great mass of the voters, since two thirds of the city council's membership was elected by the heavy taxpayers. In the period of great municipal progress in Germany from 1871 to the World War the German system of municipal government gained a high reputation for efficiency.

The revolution of 1918 made radical changes in the basis and structure of municipal government. The Weimar constitution required that universal, equal, direct, secret suffrage and proportional representation be established in all municipal elections but left other features of the municipal system to the various states. The new municipal codes framed by the states differ considerably from one another. There are three distinct types of municipal organization in Germany with many variations. The strenuous efforts of the Deutscher Städtetag (League of Cities) to secure the adoption of a uniform municipal government act for the entire Reich have not yet borne fruit.

In most of the Prussian provinces the pre-war system of magisterial government (*Magistratsverfassung*) has been continued with some important changes. Under this system the voters elect a municipal council, which serves as the policy determining branch of the government but has nothing to do with administration, which is under the direct supervision of magistrates elected by the council. Some of these magistrates are paid (professional) officials chosen for twelve-year terms; others are unpaid (lay) and serve for the term of the council, usually four years. A paid magistrate presides over each of the regular city departments, assisted by an unpaid colleague and usually by a deputation or administrative committee made up of magistrates, councilors, other city officials and some private citizens chosen for the purpose. Collectively the board of magistrates (*Magistrat*) has the important power of appointing all subordinate city officials, whose qualifications are determined by the general laws. Decisions of the council require the consent of this board, but if such consent is refused there are rather elaborate ways for resolving the difference. Cities with this magisterial type of government also have a chief executive officer known as the burgomaster, chosen by the city council with the approval of the higher state authorities for a term not exceeding twelve years. The burgomaster is chief of the magistracy and the coordinating head of the city administration. He assigns the several magistrates to their respective departments and he has a limited veto power over actions of the city council, but he makes no administrative appointments on his own responsibility.

A second type of municipal government, which may be called the mayoral type (*Bürgermeisterverfassung*), exists in the Rhine provinces and to some extent in Westphalia. At the head of the government is a burgomaster, chosen by the elective city council. In addition to the powers possessed by the burgomaster under the magisterial type of government he has all the administrative powers of the *Magistrat* itself. He is assisted by a corps of executive subordinates, who are elected by the council for six or twelve-year terms.

Finally, in some of the south German states, including Bavaria and Württemberg, the conciliar form of government (*Stadtratverfassung*) prevails. A municipal council, elected by the voters, not only determines all questions of general policy but takes immediate charge of all administrative functions. In the smaller cities the work is performed by council committees as in the English boroughs, but in the larger municipalities the council elects salaried officials to perform administrative functions and sometimes to sit and act with it. The council also

elects a burgomaster, who presides at its meetings and carries out its instructions but who has no independent executive functions.

For Berlin a special form of government was devised in 1920 by a Prussian statute which created the municipality of Greater Berlin with an area of about 350 square miles and a present population of over 4,000,000. The central government of Greater Berlin was organized on a magisterial basis as in most other Prussian cities. There were also twenty boroughs, or administrative districts (*Verwaltungsbezirke*), each with its own framework of local administration. A revision of the structure of Berlin's government in 1931 was intended to accomplish a greater centralization of control in the burgomaster as opposed to the *Magistrat* (*see* METROPOLITAN AREAS).

In France the municipal system differs considerably from those of Great Britain and Germany. Before the revolution of 1789 there was no French system of municipal self-government; the 40,000 communes, ranging from little hamlets to large cities, were governed in haphazard fashion by the king's appointees, many of whom had purchased their posts. The revolution reorganized French local government and placed it on a basis of self-determination. Every village, town and city in France was directed to choose its own officials by manhood suffrage, and the central authorities were enjoined to keep their hands off. This new freedom was badly abused, however, and in 1795 the government of the communes was brought more closely under central supervision. When Napoleon Bonaparte came into power he continued the process of centralization, providing that all municipal officers should be appointed, not elected. The French system of local government since Napoleon has been made more democratic by republics and less democratic by kings, but the centralization which he established has never been greatly relaxed. The city authorities are regarded primarily as the agents of the central government and are under the control of the central authorities.

The term commune in France includes everything that would be called a municipality in the United States. Marseille is a commune, as are Bordeaux, Toulon and Lyons; so is every little town and village. There are now about 38,000 communes in France, some with fewer than fifty inhabitants, others with several hundred thousand. All are governed under the provisions of the same municipal code. The only important difference is that the larger communes have larger municipal councils and some additional administrative machinery.

The government of the French commune is a relatively simple affair. Except for Paris and Lyons, each commune has a municipal council of from 10 to 36 members. These councilors are elected for a six-year term and serve without pay. Voting is on a manhood suffrage basis; women have not yet been admitted to voting rights in any French election. The municipal council is the dominating factor in the government of the commune, for it not only makes the appropriations but elects the mayor, his assistants, or adjoints, and all other high officials of local administration. The mayor and his assistants are chosen by the council from within its own membership. They hold office during the same term as the councilors and while they serve as executive officers of the commune, continue to be members of the council, the mayor acting as its presiding officer.

Although the mayor of the French commune is not an independent administrative officer like the American municipal executive, he is by no means a figurehead. On the one hand, he is the local agent of the national government and as such is responsible for the administration of the laws and regulations relating to police, public health, finance, the census and military service. The higher authorities may suspend or remove a mayor if he fails to carry out their instructions in these fields. On the other hand, the mayor is the chief executive of his commune and in this capacity follows the instructions of his municipal council. He prepares the budget for submission to the council, promulgates decrees in accordance with its resolutions and tries to keep the administration running smoothly. A close supervision of his work, however, is exercised by the prefect, a nationally appointed officer who is at the head of the *département* in which the commune is located.

Paris like London, Berlin and Washington is under a special dispensation. The city covers almost the entire department of the Seine and is governed from the prefecture. Unlike the other eighty-nine departments of France, however, Paris has two prefects—the prefect of the Seine and the prefect of police. The latter has the function of maintaining law and order. The former is the dominating factor in Parisian government, and like all other prefects he is the dependable agent of the national government Both prefects are appointed by the president of

the republic upon the advice of his ministry. Paris also has a municipal council of 80 members, 4 from each of the twenty *arrondissements*, or districts, into which the city is divided. With the addition of certain members from communes just outside the city this municipal council serves also as the general council of the department of the Seine.

Paris has no mayor in the American sense, but the administrative heads of the *arrondissements* are known as mayors. In reality they are subprefects appointed by the national government. The Paris municipal council votes the budget and has some other important powers, but it does not control the city administration. The council meets regularly four times a year, but extra sessions, which may be called whenever necessary, occupy most of the intervening periods. At all sessions the two prefects have the right to be present and to be heard. The council maintains a considerable number of committees, which investigate and advise but which have no direct control over the various municipal services.

In Italy as in France the basic unit of local government is the commune, of which there are now about 7300. Prior to 1926 each Italian commune had an elective council and a *sindaco*, or mayor, who was chosen by the council from among its own members; in that year both the councils and mayors were abolished in all communes with a population of less than 5000 and by subsequent decree of the same year in the larger communes as well.

The chief officer of the commune under the present extreme centralization is the *podestà*, who is appointed by the crown on recommendation of the minister of the interior for a term of five years and may be removed by royal decree at any time. The *podestà* has acquired all the powers formerly vested in the *sindaco* and the municipal council. He is responsible for the maintenance of public order and security in his commune; he prepares the local budget and virtually fixes the municipal tax rate. He is directly responsible to the national government for the administration of all municipal services and is therefore under the strict control of the prefect of the department in which his commune is situated.

Rome has been under a special regime since 1925. Its mayor and elective council were then abolished and replaced by an appointive municipal organization consisting of a governor, 2 deputy governors and 10 rectors, all named by the crown on the advice of the ministry. The governor, assisted by his 2 deputies, is virtually the *podestà* of Rome, while the rectors serve as the heads of the various municipal departments and services. A consultative council of 80 members, who are appointed according to a procedure set by law, has advisory functions only.

In Spain the system of municipal government before the revolution of 1931 was modeled on that of France but with a somewhat larger measure of decentralization. Each commune had an elective council with broad powers and an *alcalde*, or mayor, usually chosen by the council from its own membership; in the larger cities two or more deputy mayors were similarly chosen. In Madrid and Barcelona the mayor was named by the king at his own will, and in certain of the more important cities by the king from among the elected members (*concejales*) of the municipal council. The executive officials did their work under the close supervision of the civil governor of the province, who represented the central authorities. The powers of this civil governor over municipal affairs were broadly analogous to those of the French prefect. The new Spanish constitution which was adopted following the revolution of 1931 assured the municipalities a large measure of home rule but did not greatly change the framework of municipal government. The old Spanish system has been generally copied by the various countries of Latin America, in all of which a rigid measure of supervision over the affairs of the cities is maintained by the central government through the intermediary of provincial governors or officials of somewhat like status.

The three most important cities of Latin America, being capitals of their respective countries, are governed under special dispensations. Mexico city is part of the federal district of about 575 square miles which, since 1928, has been administered directly by the federal government, the tangle of federal, district and municipal authorities having been replaced in that year by an executive department similar in general status to the other executive departments of the federal government. The chief of the department is appointed by the president of the republic. The seventeen municipalities, formerly independent, were converted into departmental divisions (*delegaciones*), with heads appointed by the chief of the department and approved by the president. The separate elective municipal councils were abolished and the fed-

eral Congress became the legislative body for the district; provision was made, however, for a purely advisory council consisting of representatives of the various organized interests in the district. Rio de Janeiro has a prefect, appointed by the president of Brazil. Immediately under him are seven directories or administrative boards, which have charge of the various municipal departments, such as public works, public health, finance and education. The police are under the immediate control of the president. There is a municipal council of 24 members elected by the voters of the city. Buenos Aires has as its chief executive an *intendente*, or mayor, appointed by the president of Argentina with the approval of the Senate. An elective city council of 30 members has considerable authority with respect to municipal finance, public health and public works, but the administration of police and fire protection is exempted from its jurisdiction.

In the Union of Soviet Socialist Republics each of the component states is assumed to be free to determine its own system of municipal government, but all have followed the same general lines. In the Russian Socialist Federative Soviet Republic the present system of city government rests on the municipal decree of 1925, which sets up as the chief organ of municipal government in each city, large or small, a city soviet, or council of delegates, elected annually on a vocational basis. Shops, factories, institutions and military organizations serve as units for election purposes; unorganized elements, such as housewives, vote on a territorial basis. A law of 1928 permits ward soviets in cities with over 100,000 inhabitants; smaller cities may also establish such soviets with the approval of the central authorities. The city council, the basis of representation in which varies with the size of the community and which in the larger communities is made up of several hundred members, exercises a variety of legislative and executive functions, elects a presidium of 12 members from its own membership and in addition maintains various permanent committees or commissions with administrative functions. It also chooses the municipality's representatives to the next higher soviet. Regular meetings are held once a month, and there are provisions for special meetings. The presidium serves as a collegial city executive; in addition each committee chooses a bureau of at least 3 members to direct the activity of the committee. To a very considerable extent administration is conducted by subsections of departments of the next higher soviet, but the director of the subsection is appointed by the city soviet subject to approval by the executive committee of the soviet immediately superior. The activities of the municipal authorities are rigidly supervised and are limited to those expressly permitted by the higher soviets. A further large measure of strict control is exercised through the machinery of the Communist party, which is the only legal party and which ties the various authorities together and insures hierarchical accountability.

In Japan under the Tokugawa regime considerable local self-government was accorded the free towns, which exercised these powers through elective assemblies. In the three largest cities, however, the central government retained almost complete power and there was practically no local self-government. After the restoration a system of municipal government with prefectural control modeled on the French scheme was established for all municipalities. Each municipality has an assembly of from 30 to 48 members elected for four years by all citizens over twenty-five years of age. In the cities there is also a municipal council composed of the mayor, the deputy mayor or mayors and from 10 to 15 members elected by and from the assembly. The mayor, who is both chief executive of the city and local administrator for the central government, is elected by the assembly. Other salaried city officials, including the deputy mayors, are elected by the municipal assembly on the recommendation of the mayor. The work of municipal administration is carried on by these officials and by the municipal council subject to the general instructions of the assembly and under the surveillance of the prefect and the home minister.

Municipal self-government in China is a recent revival of a very ancient practise. The first modern municipal code for all Chinese cities was promulgated in 1921. It provided a frame of city government similar to that existing in France, with an elective council, a mayor chosen by it from among its own members and a system of close supervision by the district or provincial authorities. Because of internal troubles this plan was not put into operation, and in 1928 the Nanking (Nationalist) government substituted a new code for application within the territories controlled by it. With various modifications made in 1930 this plan has been carried into effect on a limited scale. Each chartered city is entitled to have a mayor, an admin-

istrative board and an advisory council. The mayor is appointed by the higher authorities. The administrative board is made up of the mayor, his immediate assistants and the heads of city departments appointed by him. The advisory council is the only elective organ and it has no mandatory powers; but all important matters must be laid before it for discussion before final action is taken.

India has no uniform system of municipal government; each province, presidency and native state has its own plan of municipal organization. In general the English model has been followed, with a council which is largely elective and which chooses a mayor as its presiding officer. But in some of the larger cities (e.g. Bombay and Madras) the chief executive is appointed by the provincial authorities, and in Calcutta the chief administrative official is not the mayor but an official whose position is somewhat like that of a city manager, and who is chosen by the council subject to approval by the provincial government. Special representation in the council is sometimes given to business organizations, such as the Chamber of Commerce or the Mill Owners' Association. In the smaller cities a great deal of the administrative work is performed by council committees, but the larger municipalities depend more heavily upon their permanent officials. In general municipal government is largely administered by natives, with some Europeans in technical positions.

The history of municipal government in the United States is of shorter duration but of greater complexity than that of England. On the Atlantic seaboard in colonial times there were a number of chartered boroughs, each of which had received its status from the colonial governor as the representative of the crown. The government of these boroughs was in the hands of a council made up of a mayor, aldermen and councilors all sitting together. In most cases the councilors and as a rule the aldermen were chosen by the people, but the mayor was usually appointed by the governor of the colony.

After the revolution borough charters were granted by the state legislatures. The suffrage was gradually widened and the local officers were made more directly accountable to the whole body of citizens. Election of the mayor by popular vote supplanted the method of appointment by the governor. Administrative work was performed by committees of the council, but as new problems arose this system proved unsatisfactory in the larger communities. Accordingly the practise developed of giving the management of public works, water supply and similar departments to boards of officials especially chosen for the purpose and wholly independent of the council. Likewise the mayor soon obtained the power to veto the council's acts and in due course was also empowered by city charters to appoint the various administrative boards and officers. By these successive steps during the first half of the nineteenth century power over administrative affairs was being shifted from the council to the increasingly strong municipal executive. This redistribution of authority was hastened by the spread of the spoils system, which demoralized the city council and made it essential that patronage be taken out of its hands.

The typical city government in the United States during the middle decades of the nineteenth century was a reproduction in miniature of the federal system. Each city had a mayor elected by popular vote, usually for a term of one or two years. In addition each had a board of aldermen and a common council, which sat separately, each acting as a check upon the other. Municipal ordinances and appropriations required the consent of both chambers; the mayor could veto their actions, but his veto might be overridden by a two-thirds vote of both chambers. The mayor appointed most of the city's higher administrative officials, subject to confirmation by a majority of the aldermen. Various city departments were under the immediate supervision of boards, the members of which were either elected by popular vote or appointed by the mayor. Provision was frequently made that each board should be a bipartisan body, and as the members of these boards were usually unpaid, they endeavored to get as much patronage as possible into their own hands.

Under this complicated scheme of city government inefficiency and waste pervaded American municipal administration, especially in the larger municipalities. Municipal elections were everywhere conducted on a partisan basis; appointments and contracts were freely utilized to build up the party machine, and the spoils system operated without restraint. Positions of high responsibility were brazenly bestowed upon local politicians as a reward for partisan service.

This condition of affairs continued for several decades after the Civil War with disastrous results in most of the larger cities, where rings and bosses obtained control of the government. These were the days of the Tweed ring in New

York, the gas ring in Philadelphia and of less notorious groups in many other cities. Money was spent with a free hand, city debts were pushed far up into the millions and valuable franchises were given away to public utility companies without proper return. Large amounts of public funds were spent year after year without proper planning or adequate safeguards against corruption, so that considerable sums went into the pockets of officeholders, contractors, ward bosses and their friends (*see* MACHINE, POLITICAL; CORRUPTION, POLITICAL).

Attempts to check these abuses made relatively little progress for many years, mainly because the reform campaigns were undertaken with no more fundamental or ultimate aim than that of replacing corrupt officials by honest ones. Occasionally the reformers succeeded in making such changes; but the competent and honest officials found themselves unable to accomplish much during their brief interludes in power, since they were hampered by the complicated system of checks and balances which city charters had set up in an endeavor to prevent official crookedness.

Municipal reform therefore did not advance appreciably in the United States until the opening years of the twentieth century. At that time it entered a new era by directing its assaults not merely against corrupt officeholders but against those complications of city government which made good administration virtually impossible under any political regime. The new reform movement demanded home rule, simplification of city government, elimination of party designations from the ballot and the introduction of business methods into municipal administration.

In 1901 a new type of city government, known as the commission plan, made its appearance in Galveston, Texas. Its origin was due to the need for reconstructing the city after its partial destruction by a tidal wave. Under this plan all the functions of government, both legislative and administrative, were vested in a commission of 5 elected at large by popular vote. The commission was vested with authority to enact the municipal ordinances, vote the appropriations, fix the tax rate and make all appointments. Individually each commissioner took charge of a designated group of municipal functions, such as public works, finance or public safety. Although established to meet a temporary emergency, this plan of city government proved to have substantial merits for permanent use and it soon spread widely, gaining a foothold in several hundred American cities. In its actual workings, however, it soon disclosed serious defects. It provided a five-headed municipal executive, with the result that dissensions frequently arose within the commission and important business became unduly delayed.

A modification of the plan, known as the commission manager or council manager type of government, was initiated in Dayton, Ohio, in 1914 (*see* CITY MANAGER). Under the new arrangement all legislative and executive functions continued to be vested in a small body of commissioners or councilors elected at large, but the members of this body no longer assigned administrative duties to themselves. The commission or council was required to appoint a supervising administrative officer known as the city manager, upon whom devolved all functions of a purely administrative character. This plan also gained a wide vogue, particularly in smaller cities, but in some large municipalities as well; it has apparently diverted to itself the strength of the commission plan movement. The results of the city manager plan have been regarded as quite satisfactory on the whole, although much has depended upon the competence of the individual manager and upon the political traditions of the community. The National Municipal League officially advocated this plan in its Model Charter of 1916.

With the spread of the city manager plan, and largely attributable to the same recognized needs, has gone a movement to strengthen mayoral powers in those cities which have retained the older forms of government. Almost everywhere the tendency has been to concentrate a larger amount of independent executive authority in the mayor's office by giving him the sole right to appoint and remove the heads of municipal departments and by bestowing on him a larger degree of authority in connection with the framing of the municipal budget, the approval of contracts and the vetoing of acts of the city council.

Much confusion has resulted from the fact that city and county authorities often endeavor to function over the same area. A metropolitan city sometimes covers nearly the whole of a county, as do Boston, Chicago and Cleveland; New York spreads over five counties or boroughs. In such cases the county officers frequently exercise authority over various public institutions, such as prisons, poorhouses or hospitals, within the city limits. Overlapping juris-

dictions have resulted in considerable friction, needless expense and profitless duplication of effort. In some cases consolidation of the city and county governments has eliminated these difficulties (*see* COUNTY-CITY CONSOLIDATION).

The municipal organization of New York, which covers an area of 320 square miles, is based on the city charter of 1901, somewhat modified by the home rule charter law of 1928. The city's chief executive officer is a mayor, elected by popular vote for a four-year term and removable by the governor of the state on charges after a hearing. The mayor appoints all the higher administrative officials except the comptroller, who is elected by the people. No confirmation is required. He has the right to veto any ordinance or resolution of the Board of Aldermen, but, except in certain cases, this veto may be overridden by a two-thirds vote. If the vetoed order involves the expenditure or borrowing of money or the levying of an assessment, a three-fourths vote is required to override it; if the grant of a franchise is involved, the mayor's veto is final. The mayor is presiding officer of the Board of Estimate and Apportionment and has three votes in that body.

The Board of Estimate and Apportionment is made up of 8 members: the mayor, the comptroller, the president of the Board of Aldermen and the presidents of the five boroughs. The first three have three votes each, the presidents of the boroughs of Manhattan and Brooklyn have two votes each, while the presidents of the other three boroughs (Queens, Richmond and the Bronx) have one vote apiece. The Board of Estimate and Apportionment prepares the annual budget for submission to the Board of Aldermen, authorizes transfers from one appropriation to another, grants franchises, regulates the pay of city officials and employees, passes on all proposed public improvements and serves as the upper chamber of the municipal legislature.

The Board of Aldermen consists of a president, who is elected by the voters of the entire city, the 5 borough presidents and 65 aldermen elected from aldermanic districts every two years. This lower chamber of the municipal legislature makes, amends and repeals the ordinances; it has a general control over water rates, traffic and building regulations and markets. It may reduce or eliminate controllable items from the budget but may not insert or increase them, and its actions in any event are subject to veto by the mayor.

The borough presidents are elected for four-year terms by the voters of their respective boroughs. They have charge of local highway and sewer work, the care of certain public buildings and the enforcement of building regulations and appoint the officials in charge of these activities in their boroughs. Each borough is divided into districts with local improvement boards made up of the borough president and the aldermen from the district. The borough president also appoints the members of the local school boards within his borough, but the school system of the city as a whole is administered by a Board of Education, the members of which are appointed by the mayor.

Like other national capitals Washington—officially the District of Columbia—is under a special dispensation. Governed from 1801 to 1871 by a municipal government elected by popular vote and from 1871 to 1874 as an organized territory with its own legislative assembly, the capital is now administered directly by the federal government. Its administration is vested in a board of three district commissioners, two of which are appointed by the president with the consent of the Senate and must be residents of the district. The third is an officer detailed by the president from the engineer corps of the army. These commissioners make practically all appointments to the administrative staff; they supervise the local public services and have power to make ordinances. But the appropriations for carrying on the government of the district are made by Congress and a large part of the cost is paid from the national treasury. The balance is raised for the most part by local taxation. The city accounts are treated as accounts of a branch of the United States government. Congress legislates directly for the district and some of its municipal functions are performed directly by federal agencies. The government of Washington thus represents a much greater degree of centralized control than is to be found in any other of the world's leading capitals. It is the only capital of a democratic country in which the residents are completely disfranchised.

The administrative mechanism of cities everywhere consists of a series of functioning departments, e.g. police, fire protection, public works, finance, poor relief, public health and education. In cities of the United States each department is usually headed by a commissioner or superintendent, but in some cases by a board. Appointments to these positions are customarily made

by the chief municipal executive but are subject to confirmation by the city council in some cities. Council committees have general charge of municipal functions in English cities while adjoints, or deputy mayors, are entrusted with such control in France. Administrative departments are usually divided into bureaus, among which the various departmental functions are allocated. These bureaus in the larger cities are further subdivided into sections or offices. Municipal officers except the heads of departments are appointed in French, German and many American (but not in English) cities under civil service regulations with qualifications prescribed by law. In the United States a few cities have established personnel departments, which perform the function of preparing these eligible lists. The dismissal of any official or employee who has been appointed under civil service regulations must usually be preceded by the filing of charges and a formal hearing.

The rapid expansion of municipal functions and the increased complexity of municipal administration have made necessary the adoption of more businesslike methods by all municipal departments in all countries. Centralized purchasing, better accounting procedure and the scientific management of municipal properties have been generally adopted by the larger cities everywhere. Checks upon corruption and waste have likewise been made more effective. Since several departments may require the same general kind of service, for example, legal advice or engineering counsel, it has become the practise in larger cities to maintain central staff departments which render a certain service to all branches of city administration. It is the duty of the chief executive, whether city manager, mayor or burgomaster, to coordinate all branches of this mechanism; and in the performance of this duty his influence over municipal expenditures is of prime importance.

To insure the use of the most advantageous methods of administration some cities in the United States have established efficiency bureaus or bureaus of municipal research to scrutinize all branches of city business and to make suggestions for improvement. In other cities this work is done by privately supported research organizations, which are assumed to represent the taxpayers' interest. Strong pressure in the direction of improved business methods in city administration has been exerted all over the world by such organizations as chambers of commerce, boards of trade, ratepayers' associations, better government leagues and local reform groups.

There has been relatively little cooperative activity among cities in the United States. Local pride and intermunicipal rivalries have prevented development in this direction such as has taken place in European countries, particularly in France. American cities moreover do not generally keep their accounts, as European cities do, in such form that their respective operations are comparable, although uniform municipal accounting is now being required by law in a number of the states. The lack of a common denominator for determining relative efficiency has been one of the serious handicaps to municipal economy.

The discussion of common municipal problems, however, has been facilitated by leagues of municipalities and similar bodies in various countries. These organizations, in which the cities are represented by their higher officials, provide a forum for the interchange of ideas as well as an agency through which any common cause of the cities can be jointly furthered. Most particularly these organizations strive to represent the interests of the cities in matters of legislation before the national and state legislatures of their respective countries. Likewise there are leagues, organizations and associations which concentrate upon particular branches of city administration, such as public health, poor relief, sanitation, engineering and city planning. On a nation wide scale the National Municipal League and the American Municipal Association afford channels for the discussion and promotion of civic well being in the United States. Similarly the Deutscher Städtetag in Germany provides an unofficial parliament for the larger cities and enables them to present a united front in safeguarding their right of home rule. The Reichsstädtebund, or National League of Cities, performs a similar service for the smaller municipalities. Somewhat similar organizations exist in England and in France, while the Union Internationale des Villes et Pouvoirs Locaux seeks to further the same ends on an international scale. To the stimulation of interest in municipal affairs, alike among officials and laymen, these organizations have made important contributions.

WILLIAM B. MUNRO

See: CITY; MUNICIPAL CORPORATION; CITY-STATE; COMMUNE, MEDIAEVAL; CITY MANAGER; COMMISSION SYSTEM OF GOVERNMENT; METROPOLITAN AREAS; COUNTY-CITY CONSOLIDATION; COUNTY COUNCILS;

LOCAL GOVERNMENT; CENTRALIZATION; DECENTRALIZATION; HOME RULE; MUNICIPAL FINANCE; GRANTS-IN-AID; GOVERNMENT OWNERSHIP; CIVIL SERVICE; PUBLIC EMPLOYMENT; ADMINISTRATION, PUBLIC; BOARDS, ADMINISTRATIVE; PARTIES, POLITICAL; MACHINE, POLITICAL; CORRUPTION, POLITICAL.

Consult: FOR HISTORY: Fustel de Coulanges, N. D., *La cité antique* (28th ed. Paris 1924), tr. by W. Small (12th ed. Boston 1901); Fowler, W. Warde, *The City-State of the Greeks and Romans* (London 1895); Reid, J. S., *The Municipalities of the Roman Empire* (Cambridge, Eng. 1913); Giry, A., and Reville, A., "Émancipation des villes" in Lavisse, E., and Rambaud, A., *Histoire générale du IVe siècle à nos jours*, vol. ii (Paris 1893) ch. viii, tr. by F. G. Bates and P. E. Titsworth as *Emancipation of the Medieval Towns* (New York 1907); Pirenne, Henri, *Mediaeval Cities, Their Origins and the Revival of Trade* (Princeton 1925).

FOR GENERAL WORKS AND COMPILATIONS: Munro, William B., *The Government of European Cities* (rev. ed. New York 1927), with extensive bibliography; Posada, Adolfo, *El régimen municipal de la ciudad moderna* (Madrid 1916); Harris, G. M., *Local Government in Many Lands* (2nd ed. London 1933); Goodnow, F. J., and Bates, F. G., *Municipal Government* (2nd ed. New York 1925); Goetz, H , and others, *Die Verwaltungsorganisation der Weltstädte Paris, London, New York, Wien*, Berlin University, Kommunalwissenschaftliches Institut, Special series, vol. i (Berlin 1931).

FOR GREAT BRITAIN AND CANADA: Webb, Sidney and Beatrice, *English Local Government*, 9 vols. (London 1906–29); Clarke, John J., *The Local Government of the United Kingdom* (6th rev. ed. London 1931); Griffith, E. S., *The Modern Development of City Government in the United Kingdom and in the United States*, 2 vols. (London 1927), with extensive bibliography; Robson, W. A., *The Development of Local Government* (London 1931); Harris, P. A., *London and Its Government* (new ed. London 1931); Glasspool, A. J., *The Corporation of the City of London* (London 1924); Munro, W. B., *American Influences on Canadian Government* (Toronto 1929) ch. iii.

FOR UNITED STATES: Munro, William B., *The Government of American Cities* (4th ed. New York 1926); Reed, Thomas H., *Municipal Government in the United States* (New York 1926); Anderson, William, *American City Government* (New York 1925); National Municipal League, Committee on Metropolitan Government, *The Government of Metropolitan Areas in the United States*, prepared by P. Studenski (New York 1930); *Municipal Government and Administration in Iowa*, ed. by B. F. Shambaugh, Iowa Applied History, vols. v–vi, 2 vols. (Iowa City 1930); Schmeckebier, L. F., *The District of Columbia, Its Government and Administration*, Institute for Government Research, Studies in Administration, vol. xvii (Baltimore 1928); White, Leonard D., *Trends in Public Administration*, Recent Social Trends Monographs (New York 1933); Upson, L. D., *The Practice of Municipal Administration* (New York 1926); Ridley, Clarence E., *Measuring Municipal Government*, Municipal Administration Service, no. 4 (New York 1927).

FOR GERMANY: Preuss, Hugo, *Die Entwicklung des deutschen Städtewesens* (Leipsic 1906); *Die deutsche Stadt und ihre Verwaltung*, ed. by Otto Most, Sammlung Göschen, nos. 617, 662–63, 3 vols. (2nd ed. Berlin 1926); Wells, Roger H., *German Cities* (Princeton 1932); Boldt, W. and G., *Stadtverfassung und Stadtverwaltung in Preussen* (Berlin 1931); Stein, E. O., and Elsas, F., *Die deutschen Städte; ihre Arbeit von 1918 bis 1928* (Berlin 1928); *Die deutschen Mittel- und Kleinstädte*, ed. by G. Haekel and E. Stein (Berlin 1929); *Monographien deutscher Städte, Darstellung deutscher Städte und ihre Arbeit*, ed. by E. O. Stein, vols. i–xxxviii (Oldenburg and Berlin 1912–31).

FOR FRANCE: Morgand, Léon, *La loi municipale*, 2 vols. (10th ed. Paris 1923); Leroy, Maxim, *La ville française* (Paris 1927); Laurent, Raymond, *Paris: sa vie municipale* (Paris 1931); Raiga, Eugène, and Félix, Maurice, *Le régime administratif et financier du département de la Seine et de la ville de Paris* (Paris 1922).

FOR SPAIN AND LATIN AMERICA: Posada, Adolfo, *Evolución legislativa del régimen local en España, 1812–1909* (Madrid 1910); Ots Capdequi, José M., "Apuntes para la historia del municipio hispanoamericano del periodo colonial" in Spain, Junta para Ampliación de Estudios e Investigaciones Científicas, *Anuario de historia del derecho español*, vol. i (1924) 93–157; Tercero, José, "City Government in Spanish American Capitals" in Pan-American Union, *Bulletin*, vol. lxvii (1933) 172–80.

FOR OTHER EUROPEAN COUNTRIES: Maxwell, Bertram W., "Municipal Government in Soviet Russia" in *National Municipal Review*, vol. xix (1930) 29–36; "Sonderheft UdSSR (Russland)," and "Gemeindewirtschaft und Gemeindepolitik in Schweden" in *Zeitschrift für Kommunalwirtschaft*, vol. xxii (1932) 460–563, and vol. xix (1929) 291–370; Helmer, Oskar, *Die niederösterreichische Gemeinde: ihre Verfassung und Verwaltung* (Vienna 1924); *Die Städte Deutschösterreichs*, ed. by Erwin Stein, vol. i– (Berlin-Friedenau 1927–); Spencer, H. R., *Government and Politics of Italy* (New York 1932) ch. xix.

FOR ORIENTAL COUNTRIES: Quigley, H. S., *Japanese Government and Politics* (New York 1932) ch. xv; Kitazawa, Naokichi, *The Government of Japan* (Princeton 1929) ch. x; Beard, Charles A., *The Administration and Politics of Tokyo* (New York 1923); Chang, Ray, "Municipal Government in China," and Fairlie, J. A., "Municipal Affairs in India" in *National Municipal Review*, vol. xix (1930) 820–25, and vol. xx (1931) 650–55; Shah, K. T., and Bahadurji, G. L., *Constitution, Functions and Finance of Indian Municipalities* (Bombay 1925.)

See also bibliographies on closely related articles.

MUNICIPAL HOUSING. *See* HOUSING.

MUNICIPAL LAW. *See* MUNICIPAL CORPORATION.

MUNICIPAL MARKETS. *See* MARKETS, MUNICIPAL.

MUNICIPAL OWNERSHIP. *See* GOVERNMENT OWNERSHIP; SOCIALISM.

MUNICIPAL REFORM MOVEMENT. *See* MUNICIPAL GOVERNMENT.

MUNICIPAL RESEARCH, BUREAUS OF. *See* MUNICIPAL GOVERNMENT.

MUNICIPAL TRADING. *See* GOVERNMENT OWNERSHIP; SOCIALISM.

MUNICIPAL TRANSIT is a recent development in the world's history; before the nineteenth century the poor walked and the rich traveled in their privately owned, horse driven carriages. Because cities were small and men lived close to their work there was no need for the elaborate municipal transportation facilities of modern times. But with the coming of the factory system and the drawing of people from the countryside urban populations and the area of cities increased. Moreover the smoke, dirt and noises of the factories stimulated in men the desire to make their homes at some distance from their places of work; this in turn created a need for a regular mode of cheap mass transportation. The growth of trade and commerce likewise was a factor in hastening the development of municipal transit.

STREET RAILWAYS. The first American passenger street car, which was drawn by horses over strap rails laid on stone ties, dates from November 26, 1832. But actually very little progress in street railway service was made until the last thirty years of the nineteenth century. In the United States, for example, 117 roads were built between 1832 and 1870, while 652 roads were added from 1870 to 1890. The inadequacies of the horse car led to experimentation with improved forms of power driven vehicles. In 1873 the cable car was perfected, but before it could be introduced generally the electric railway had proved its superiority. In 1887 the first successful electric railway was placed in operation in Richmond, Virginia; this year marks the beginning of the phenomenal development of the municipal railway industry throughout the world. Table I shows the growth in the United States over the period 1890–1927, in terms of miles of single track.

From the very beginning municipal transit has been a recognized public utility subject to regulation by governmental agencies. The requirement by street cars of rights of way over public highways has justified public authorities in stipulating conditions as to quantity and quality of service and fares. Again, municipal transit is the type of economic enterprise which can best be provided by a monopoly. The universal practise therefore, wherever private companies furnish municipal transit service, has been for governmental agencies to grant monopoly privileges, usually by means of franchises, or charters. Probably some of the most shameful chapters in American annals are concerned with the bribing of legislators and city councils by business interests anxious to obtain trolley franchises. Thus one body of New York City's aldermen will always be known as the "Boodle Board of Aldermen" because of the huge bribes its members accepted for giving away the surface use of the city's streets without properly protecting the public's interests. This board in 1884 granted a perpetual franchise for the operation of a car line along Broadway, one of the most lucrative routes in the city, to a company controlled by one Jacob Sharp, who had been trying unsuccessfully to obtain the grant for more than thirty years. On the ground that the city could obtain at least $1,000,000 for the franchise from other and responsible groups the measure was vetoed by the mayor but was repassed over his veto. Public indignation was aroused and a resulting legislative investigation disclosed that all but two of the twenty-two aldermen had received $22,000 each for voting the franchise. The legislature annulled the grant, but the state Court of Appeals held that the franchise was a contract which could not be revoked by legislative act. Trolley cars are still operating on this line in accordance with the terms of the perpetual franchise.

In recent times the old practise of giving private corporations permanent rights to the streets has passed away, and it is now customary to grant short term franchises with a life usually of ten to twenty-five years. Frequently the

TABLE I

MILES OF SINGLE STREET RAILWAY TRACKAGE IN THE UNITED STATES, 1890–1927

FORM OF POWER	1890	1902	1907	1912	1917	1922	1927
Electricity	1,262	21,901	34,037	40,808	44,677	43,789	40,585
Cable	488	241	62	56	45	46	43
Animal traction	5,661	259	136	58	11	4	—
Steam	711	170	105	76	41	1	17

Source: United States, Bureau of the Census, Census of Electrical Industries, 1927, *Electric Railways and Affiliated Motor Bus Lines* (1931) p. 7; the figures for 1890 are taken from the previous census for 1922 (1925) p. 8.

modern franchise contract gives the city authorities the right of termination if the conditions of service are not lived up to. Both short term and terminable franchises serve notice upon the companies that unless they satisfy the public their activities will be cut short. As we shall see later, the transit problem would be much less difficult today if this policy had been pursued from the very beginning. For example, many cities could replace electric railways with modern buses, but perpetual or very long term franchises render this impossible without the consent of both the stockholders and bondholders of the railway companies. These, to protect their investment, refuse to yield except on the most onerous terms to the city. Few cities in the United States can truthfully say today that their citizens are provided with proper transportation facilities. The street railway industry since 1918 has been one of the sick industries of the nation. Because of meager earnings its credit position has been very weak and new capital has not been attracted. The results have been that antiquated and obsolete cars have not been scrapped and track extensions and rerouting of track locations to take care of population growth and shifts have not been made.

Before the World War a prevailing five-cent fare in most of the cities of the United States and Canada yielded enough revenue to make the electric railway business a profitable one. With the rise in operating expenses during the war period, however, and with the refusal of public officials to countenance an increase in fares fixed by contract, revenues fell off sharply. Beginning with 1920 fares were raised—the average fare in the United States in 1933 was $7\frac{7}{8}$ cents—but this did not materially improve the financial position of the railways. The higher fare merely caused a falling off of traffic; this in turn raised the unit cost of carrying each passenger. People chose to walk rather than pay the additional charge, this being particularly true in the case of the profitable short hauls.

Some cities, notably Cleveland, Cincinnati, Dallas, Rochester and Montreal, tried to meet the problem by the so-called service at cost franchise. Under this plan fares were adjusted to provide sufficient income to meet operating expenses plus a fair rate of return, generally 6 percent on an agreed valuation. A city official was assigned to supervise operations completely. But the new device has failed for the same reason that higher fares have not substantially bettered the financial condition of the street railway companies. The frequent controversies between the municipal authorities and the companies as to the adequacy of return and the legitimacy of certain operating expenses have been other factors in preventing cities like Chicago, Milwaukee, Denver, Minneapolis and Syracuse from adopting the plan.

Investors have recently shown little confidence in the ability of the street railway companies to meet fixed charges, with the result that throughout the post-war period electric railway bonds sold for $20 to $30 less than par value. The depression only made matters worse, so that in 1932 these bonds were selling at about 30 cents on the dollar. Restored confidence in electric railway securities is essential if municipal transit systems in the United States are to get the money to finance necessary capital improvements. One obvious method of realizing this objective has not been tried; that is to say, the deflation of existing capital structures. At first new investment might be frightened off, but gradually confidence would be restored as it became clear that the electric railway companies of the country had reduced the volume of interest charges necessary for old investments in order to make earnings available to pay interest on new investment. The federal census reports show that the funded debt of electric railways in the United States declined only 2.6 percent from 1922 to 1927. In the former year it was $2,134,331,939; in the latter it was $2,078,048,415. The interest on the funded debt increased from $98,572,192 in 1922 to $99,161,939 in 1927. This was the period when financial reorganization should have been carried on on a gigantic scale.

The private companies owe such reorganization to the public because of their unsound financial practises in the past. Many capital structures have been heavily watered since the early 1900's, when there was no effective governmental regulation of new security issues. In the pioneer days of transit it was the rule to award franchises to innumerable companies for short routes. With the coming of electrification huge new capital investment was required. But because the small companies did not have access to the long term capital markets, holding companies were created by financiers to buy them up. These holding companies sold their securities to the public and with the proceeds purchased the stocks and bonds of the operating companies. It is true that without this service the rapid development of municipal transit

would have been impossible; nevertheless, the use of this financial method resulted in great abuses. The organizers of the holding companies capitalized future earnings, which never were realized, by the issuance to themselves of stocks and bonds which represented no actual investment. One of the outstanding examples was that of the Metropolitan Traction Company, organized in 1886 by a number of Philadelphians, of whom P. A. B. Widener, Thomas Dolan and W. L. Elkins were the leading spirits. This group first gained control of the surface railways of Philadelphia and other cities and then, joined by William C. Whitney and Thomas F. Ryan, turned their attention to New York City. Here they quickly succeeded in consolidating all the surface lines in Manhattan and the Bronx, making huge fortunes for themselves in the process. For example, the holding company acquired control of a railway on Thirty-fourth Street worth $100,000 and issued $2,000,000 in stocks and bonds secured by this property. The Metropolitan Street Railway Company, likewise controlled by this group, was compelled to pay $2,000,000 in cash for these securities and in order to get the money had to sell its own stocks and bonds. In a similar case, that of the Twenty-eighth and Twenty-ninth Street lines, $3,000,000 of securities were issued for a property worth $250,000. In these operations the promoters got the cash while the public was forced to pay interest and dividends on millions of dollars of securities representing no physical investment.

The electric railway companies moreover, in accordance with the traditional practise of privately owned and operated utility corporations, failed in more prosperous days to retire a part of their funded debts from profits. This should have been a well established policy, especially in an industry witnessing such rapid technological changes. But it was not done, and the result is that today interest is being paid on bonds of which the proceeds were used to provide equipment long since scrapped and replaced through subsequent bond issues. Interest charges, in other words, were pyramided without substantially increasing revenues through the tapping of new areas and the provision of additional facilities.

A deflation of capital structures would of course require the consent of the bondholders, who have the rights of a first mortagee upon the properties. It is to be expected that this group will resist such a proceeding as long as fixed charges can be earned. These the companies have earned, but not much more. In 1927, for example, the ratio of earnings to fixed charges for all the electric railways of the United States was 1.36. Total dividends paid were $32,796,405 on capital stock, with a balance sheet valuation of $1,451,808,639, or about 2.25 percent. Obviously new money will not come into an industry which barely yields a return on existing bond investment and such a small return on the common stock. Here and there, where fixed charges have not been met, the companies have gone into receivership and financial structures have been reorganized. In 1919 the high point in bankruptcy was reached, for in that year forty-eight companies with a capitalization of $634,000,000 and a single track mileage of 3781 were in the hands of receivers. By 1929 these companies in receivership had dropped to five with a capitalization of $74,000,000 and 425 miles of track, only to mount once more by the end of 1931 to seventeen companies with a capitalization of $81,000,000 and a mileage of 1308.

Spokesmen for the private companies, opposed to deflation of capital structures, have advocated a reduction in operating expenses through wage cuts. To strengthen the point they call attention to the index of street railway wages, which in June, 1932, stood at 218 percent of the pre-war basis. But the argument is disingenuous in view of the fact that the index is based on the average hourly wage and therefore does not take into account the cuts made over the past three years in operating schedules and working time. The fact is that in 1927, according to the federal census, the average weekly wage received by conductors was but $33 and by motormen but $35; since then this average wage has dropped considerably.

Over wage cutting hangs the threat of complete disruption of service in view of the proved militancy of street railway labor. Some of the most bitter strikes in American labor history have been fought by these workers. After the war there broke out all over the United States a series of street railway strikes for the purpose of forcing wage increases; these strikes were accompanied by great physical violence and destruction of property. This is not difficult to understand in view of the facts that the electric street car readily lends itself to destructive tactics and the character of street railway work has been such that it attracts and breeds a sturdy and fearless type of employee. Even though the street railway workers have never been more

than 30 percent organized, the weapon of the strike enabled them to double their pre-war wages. In 1927 the industry employed 239,000 wageworkers; in 1931, 91,400 street railway workers were organized in the Amalgamated Association of Street and Electric Railway Employees of America.

From a number of points of view transit is a service logically to be undertaken by local governments. In the first place, transit is intimately bound up with the whole problem of city planning, for it has been demonstrated again and again that population inevitably follows transit facilities. For this reason if a municipality owned and operated all the transit lines and was seeking to redistribute its population in order to relieve congestion, it could build new routes into undeveloped areas, using the profits of the paying lines to carry the losses of the new ones. In the second place, the credit of the municipality could be utilized to provide new capital for necessary improvements without cost to the taxpayer. While the fare would be established at a point to yield enough revenue to meet operating expenses and fixed charges, a sizable saving could be effected through the city's ability to borrow money at a lower rate of interest than can private enterprise.

A number of cities in the United States and Canada, notably Detroit, Seattle and Toronto, have successfully solved their transit problem through municipal ownership. Detroit, for example, acquired all of the trolley lines in the city in 1922 at a cost of approximately $5,000,000; even before that date the municipality had embarked upon a program of new track construction because of the inability of the private companies to obtain financing. From 1920 to June 30, 1932, at least $35,000,000 was spent by the municipality in providing additional facilities and new cars. Besides, where the density of traffic was not heavy enough to warrant trolley operation, buses were put on the streets. The result has been that Detroit has one of the best equipped and most efficient transit systems of the country. Municipalization has been successful from other aspects as well: the average fare is only 6¼ cents as compared with an average fare of 7⅞ cents for the country; the fiscal year ending June 30, 1932, showed a surplus of $31,183; not only were there no deficits to be made up from the city funds but the municipal transit system paid $829,000 in taxes; and the wage rate paid was higher than that prevailing among private companies. Detroit's system is operated by the Department of Street Railways headed by two commissioners, who are appointees of the mayor.

Toronto's story is somewhat similar. In 1921 the city took over the private street railway system at a cost of approximately $12,000,000. In addition and with the aid of the public credit, the city has spent $35,000,000 in constructing many miles of extensions and replacing antiquated cars with the latest and most improved equipment. Although the average fare is but 6⅙ cents, operating revenues have been more than sufficient to meet all expenses, including fixed charges. In 1931 Toronto's municipal transit system closed its fiscal year with a surplus of $13,605. A commission of three, appointed by the city council and known as the Toronto Transportation Commission, is respons ble for operation.

In the light of this record it is interesting to note how few American cities have sought for the solution of their transit problems in municipal ownership and operation. The 1927 federal census reported but 20 municipal railways with a total track mileage of 933, as against 682 private companies operating 40,695 miles. There are several explanations for this state of affairs. In the first place, in the United States there is a general distrust of government in business because of the generally low standards of public administration. Of course, parenthetically, it might be pointed out that it would be difficult for the municipalities to do much worse than the private traction companies. In the second place, many states cannot give cities the power to own and operate their own transit facilities without amending state constitutions. That this is generally a lengthy and tedious process is proved by the case of Detroit, where it took thirty years to obtain the necessary legal power for municipal ownership. Again, the existence of long term or perpetual franchises is a difficulty. Companies are not likely to give up their franchises and properties except at exorbitant prices, a procedure bound to handicap future municipal operation by passing on an unbearable burden of interest charges. Seattle, Washington, for example, by paying $15,000,000 for properties worth only $8,000,000, was forced to increase fares to meet deficits.

In Europe, on the other hand, municipal ownership and operation are much more widely accepted. In the United Kingdom, Norway, Sweden, the Netherlands and Italy ownership and operation by local authorities predominate.

A compilation made by the Ministry of Transport for the United Kingdom in 1928 showed that of 221 tramway undertakings 73 percent were owned and operated by local governments. The capital expenditure of the municipal enterprises was £81,574,000 for 1812 route miles of system; of the private companies, £18,925,000 for 608 route miles. Also the gross receipts of the municipal undertakings for 1928–29 were £23,293,000 as compared with £3,775,000 for the private companies.

In Germany there has been a tendency toward private operation with public control through majority ownership of the stock. In 1925–26, the latest figures obtainable, there was in the Reich a total of 149 systems, of which 110 were under the auspices of the local governments, 35 were owned by private companies and 4 by municipalities and private companies jointly. Of the 110 in the first group but 60 were directly operated by the city governments; 26, although municipally owned, were managed by a private company specially incorporated for the purpose; and the remaining 24 were administered by mixed companies in which public and private funds were represented. In the last case the local authorities generally owned the majority of the stock, which entitled them to a majority of the directors and therefore power over policies. The city of Berlin furnishes an excellent illustration of this form of organization. It bought up the majority of the stock of the transit corporations operating within the city and today has complete control over all trolley, bus and rapid transit facilities. As a result a system of free transfers has been introduced under which a passenger can change from one type of conveyance to another and on payment of a single fare of 6 cents travel up to a maximum of 22 miles. The various transit systems are coordinated under a commission of sixteen, made up of eight members of the board of aldermen, four persons representing the city administration, two citizens acquainted with transit and two employees of the operating companies. The advocates of this type of management believe that it combines the best features of both public and private enterprise. In the first place, it enjoys the advantages of cheap and easy municipal credit; secondly, it has the flexibility and efficiency of private management; and, thirdly, it insures managerial policies responsive to public needs.

Many European cities make money from their tramways and these surpluses go toward the support of municipal social services, such as education, hospitals and the like. In 1926–27 a large number of German cities derived in all one seventh of their income from municipally owned and operated utilities. In recent years the British tramways, over and above the regular taxes of approximately £1,000,000 a year which they have been paying, have contributed more than £200,000 annually toward the support of local governments. In addition they have been spending about £1,600,000 annually for the paving of the roadways over which they run. The sound policy of retiring debt has also been followed. For example, the 161 municipal tramway systems of the United Kingdom had by 1929 redeemed or set aside for redemption £47,285,000 of a total paid in capital of £85,-284,000. The 60 private companies, on the other hand, had redeemed or set aside for redemption but £1,274,000 of a total paid in capital of £20,909,000. The municipal tramways, in short, have done eight times as well in retiring their debt as have the private lines. The result has been generally throughout Europe with the possible exception of France, where the government is frequently called upon to make up deficits, that municipal transit systems have not suffered from the severe reverses which have characterized the recent history of the American electric railway industry.

It is to be noted too that European fares are lower than those in the United States. This is to be accounted for by smaller wages, greater density of cities and shorter hauls. Some typical flat fares are as follows: Berlin, 6 cents; Amsterdam, 4 cents; Milan, 2½ cents; Rome, 2½ cents. In London, where the zone system is employed, 1 cent is paid for the first 1.2 miles, 4 cents for 2.4 miles, 6 cents for 3.6 miles and 8 cents for 4.8 miles. The zone fare, which is fairly typical of a great many English cities, furnishes an inducement for short haul riders who otherwise would walk. The British have also experimented with other types of fares, notably the cheap midday fare. To encourage more riding between the hours of 10 a.m. and 4 p.m., when traffic is naturally lighter, the London County Council has introduced a 2-cent fare for a 2-mile ride and a 4-cent fare for a ride from the suburbs to central London. In addition working men get reduced rates. This fare structure has worked out very well in recent years and the London County Council Tramways, for the fiscal year 1929–30, showed a surplus of almost $200,000. Lower rates for working men are also to be found in many continental cities.

MOTOR BUSES. In recent years it has increasingly been argued that the street electric railway is doomed, largely because it is so poorly adapted to the automobile age. Most cities of the United States as well as the larger municipalities of Europe have been wrestling with very serious problems of traffic congestion caused by the increased use of the automobile and the motor truck. There is no doubt that the trolley car impedes the free flow of traffic. For example, every time a trolley car stops to take on or unload passengers all motor vehicles directly behind it must stop. Moreover it is often dangerous for passengers to find themselves in the middle of the street for the purpose of getting on and off cars as motor vehicles stream by. The bus, because it is not fixed to a track, has the advantage of being able to pull up to the sidewalk, while other motor vehicles pass on the left. On the other hand, the defenders of the trolley car contend that the street railway is far superior to the bus in thickly settled areas because it is more economical and efficient for mass transportation. But they are willing to concede the usefulness of the bus in less densely populated areas, where the traffic does not warrant a heavy capital expenditure for tracks and conduits or overhead wires.

Efforts have been made to prove the superiority of the street railways. Thus in Liverpool a study indicated that if buses were substituted completely for tramways, 880 buses would be required to take the place of the 640 trams used in the rush hours—an increase of 37.5 percent in the number of vehicles. Also a survey made by the Canadian Electric Railway Association of the amount of road space per hour occupied by various types of vehicles during the rush hour in a typical Canadian city showed that 5.9 square feet were required for a trolley car passenger, while 18.7 square feet were required for each bus passenger. The advantage of the trolley car over the bus could be corrected only by the design of a motor bus capable of carrying a larger number of passengers.

These claims, however, are far from conclusive. A British royal commission, after an exhaustive survey of the transport problem, reported in 1931 that "tramways, if not an obsolete form of transport, are at all events in a state of obsolescence, and cause much unnecessary congestion and considerable unnecessary danger to the public. We recommend, therefore, (a) that no additional tramways should be constructed, and (b) that, although no definite time limit can be laid down, they should gradually disappear and give place to other forms of transport." The record shows that, regardless of theoretical arguments, the bus is displacing the electric railway. By 1931 eleven English cities had completely changed from electric to bus transportation, while in a great many other cities substitution was already in progress. In the United States the same process is taking place. Although the bus did not develop commercially in the United States until after 1920, by January 1, 1932, 259 cities in 40 states were served entirely by buses.

In addition the electric railway companies, with the exception of the municipal railways, have virtually ceased building lines into newly developed areas. Instead the companies have applied for bus franchises for these routes. This is reflected in the figures for miles of electric railway track and of bus route operated by trolley companies. In 1920 the electric railway companies of the United States operated no buses; ten years later they were operating 24,296 miles of route and 11,827 buses. In the same period the route mileage of street railways declined from 44,000 to 36,000. The same tendency is discernible in European cities. The daily number of bus passengers in the four German cities of Berlin, Stuttgart, Chemnitz and Königsberg increased from 5,351,000 in 1927 to 8,340,000 in 1930, or 56 percent.

Even in the large congested cities, where trolley operation should presumably be a superior form of transportation, the ascendancy of the bus is apparent. In London buses carried 49.1 percent of the total traffic in 1928 as compared with 27.1 percent by the tramways. Although the tramways are operated by the London County Council, the buses are privately owned and operated. This situation is illustrative of the lack of planning in the development of municipal transit facilities. In the early 1920's when the bus was still in an experimental stage, individuals could buy buses, obtain a certificate from the police certifying to the safety of the equipment and operate them wherever and whenever the owner saw fit. They would appear on the streets during the rush hours and take traffic away from the tramways, which, as a result, began to sustain severe financial losses because it was obligatory for them to furnish services when traffic was also light. This situation was corrected in 1924 when the Ministry of Transport was empowered to compel buses to maintain regular schedules and to order them

off routes adequately served by tramways. London's transit problem, however, has not been solved. Without common ownership it is impossible to obtain a perfectly coordinated and integrated transit system. London's difficulties are complicated still further by the fact that its underground system is likewise privately owned.

In New York City there has been under way for some years a movement to supplant the trolley with the bus. The New York Railways Corporation, which operates 32 route miles through some of the densest portions of Manhattan, has offered to surrender its permanent trolley franchises for a bus franchise—on very onerous terms, however. These have included: franchises for six short haul crosstown routes already being served by operators with temporary permits; payment of but 5 percent of gross revenues for these routes; payment of but 1 percent of gross revenues during the first ten years on all the routes where trolleys would be replaced by buses; the city to pay street repavement costs. No agreement has been reached on this basis.

RAPID TRANSIT. No discussion of municipal transit can be complete without an analysis of the rapid transit situation. The great metropolitan areas of the world cannot depend solely upon electric railways and buses. These in huge cities covering large areas are satisfactory for short hauls but much too slow for conveying passengers from homes in outlying districts to offices and factories in the heart of the city. The distances to be traversed are too great for ordinary transit facilities; hence the need for rapid transit.

Although New York City's first elevated line was opened in 1870 and the first subway in the United States was operated in Boston in 1897, progress in providing adequate rapid transit facilities has been painfully slow, both in the United States and Europe. The total mileage of elevated single track in the United States in 1927 was 634; of subway and tunnel, 342. New York City had approximately 60 percent of the elevated mileage and 82 percent of the subway mileage. Table II shows the mileage of subways and elevated lines in those American cities which can lay claim to possessing something of a rapid transit system.

Rapid transit lines are laid out to carry great numbers of people. In 1931 despite the smallness of rapid transit track mileage, as compared with trolleys and buses American cities of 50,000 population and over, 4,092,300,000 passengers out of a total traffic of 8,738,700,000 passengers were carried by rapid transit facilities. Detroit, St. Louis, Chicago, Los Angeles, Boston and Philadelphia have in recent years appointed commissions to work out plans for the construction of needed rapid transit lines, particularly subway routes; new elevated construction, while considerably cheaper, is now regarded as impracticable and undesirable. The reports of these commissions have been favorable, but little new building has taken place recently except in New York City and Philadelphia.

TABLE II

MILES OF SINGLE TRACK IN SUBWAY AND ELEVATED SYSTEMS, AMERICAN CITIES, 1927

CITIES	SUBWAY SYSTEMS	ELEVATED SYSTEMS
New York	281.72	373.00
Chicago	—	178.66
Philadelphia	9.20	32.19
Boston	29.38	25.63

Source: United States, Bureau of the Census, Census of Electrical Industries, 1927, *Electric Railways and Affiliated Motor Bus Lines* (1931) p. 23. The original table presents these figures by states; the cities cited are, however, the only ones having rapid transit facilities.

The difficulty is largely financial, for modern subway construction is very expensive. Thus it cost New York City $11,500,000 to build a mile of subway along Eighth Avenue. For this reason and because there is a long period of building during which no return is earned on the investment (it took eight years to complete the Eighth Avenue Subway, which New York City opened in 1932), private capital has never been able to finance subway construction on a large scale. There are two exceptions: the so-called "Hudson Tubes," which run from Thirty-third Street in Manhattan to Jersey City, New Jersey, and the London Underground Railway. Generally subways have been built by municipal governments; just as generally they have been turned over to private companies for equipment and operation. The chief reason for private operation has been the fact that subways as a rule have been built to connect with elevated lines also run by private operators. The New York, Boston, Philadelphia and Paris subways are excellent cases in point.

New York City, most of whose subways were built between 1900 and 1920, had an investment, as of June 30, 1930, of $386,000,000 in a dual subway system operated by two private companies, the Brooklyn Manhattan Transit Corporation and the Interborough Rapid Transit Company. The companies, exclusive of their elevated lines, invested $325,000,000, the bulk

of it being spent on equipment and the reconstruction of the elevated roads so that the trains could go directly from the subway to the elevated. The terms of operation and the relations between the city and the company have been defined in four contracts, each running for fifty years. From many points of view the contracts did not sufficiently protect the public's interest. Thus under these contracts the city can get next to no return on its money until the companies have collected annually a total of some $25,000,000, representing the prior lien of the elevated roads, and interest and amortization on the private subway investment. If in any year these company preferentials are not earned, they become cumulative and are deductible from revenues before the city can collect interest and amortization on its subway bonds. The result has been that the city has collected very little money on its subway investment because of these prior liens on earnings. In 1932 there was due to the city $228,000,000 under the contracts; and approximately $16,000,000 a year must come from taxes to pay the fixed charges on the old subway bonds.

The cry of the taxpayer for relief has intensified the drive for municipal ownership and operation of the subways. For more than a decade negotiations have been in progress looking toward purchase by the city of the private companies; a fair purchase price would be $350,000,000 in city bonds at 4 percent. It has been felt that a reduction in capital costs such as this together with the economies possible as a result of unified operation would enable the city to meet the bulk of the fixed charges on the subway bonds and at the same time preserve the 5-cent fare. But the companies' insistence on excessive prices for their properties has until now blocked all hopes for agreement. Aside from the question of meeting capital charges New York is interested in its rapid transit problem for another reason. It is in process of completing a new $700,000,000 subway system, part of which is already being operated by the municipality itself; and unification (with its conveniences of a single fare and through travel) is out of the question so long as three systems, one operated by the city and two by private companies, are maintained.

Boston's rapid transit system is a combination of public and private ownership and public operation. The subways, with the exception of the Cambridge Subway, were built by the city between 1897 and 1916 and then turned over to the Boston Elevated Railway Company for operation. In 1918 the private operator went into bankruptcy and there was set up in its place a committee of five trustees appointed by the governor of the state. The state law providing for public operation also guaranteed the holders of the common stock of the private company a 6-percent return and underwrote the city subway bonds. Within a year it was necessary, in order to keep the system self-sustaining, to raise the fare by gradual stages to 10 cents. In 1931 the guaranty was reduced to 5 percent.

The use of public funds for the construction of subways does not in itself solve the financial problem, for the cost of new building has become well nigh prohibitive, at any rate on the basis of a practicable fare. Construction costs since the pre-war period have doubled; the immense growth in underground conduits and pipes, required for telephone, gas, electricity, water and sometimes steam service, causes the additional expense of relocating these facilities without disrupting service; in the large cities traffic congestion is so bad that municipal au thorities cannot afford to close the streets during the long period of construction, and therefore large sums of money have to be spent in decking the street with heavy timber after excavation so that motor vehicles can continue to ride on it. Therefore, even if a city has no legal limitation upon its borrowing power and has ready access to the capital markets, the burden of fixed charges is very great. The result would be a very high fare, certainly at least 15 cents in cities the size of Boston, Philadelphia, Detroit and the like, if the new subway is to be self-sustaining. It must be apparent that with such a marked increase in fare traffic will fall off and unit costs will increase enormously. Indeed such was the experience of Boston when the subway fare was doubled.

It is necessary therefore to shift part of the cost of construction from the rider to some other group. The commissions that have studied the problem in various cities have generally recommended that one third of the cost be transferred to the general property taxpayer, another third to the property especially benefited through close proximity to the new subways and only one third to the rider. There is great merit to the proposal in normal times. Rapid transit inevitably raises land values and results in very large unearned increments to property owners. According to a study made in 1908 by the City Club the first New York City subway, which

cost $43,000,000, added $80,000,000 in value in seven years to one section of the Bronx and Manhattan. According to a study made by the City Affairs Committee the Eighth Avenue Subway, also in New York City, added $17,000,000 to the value of only some sixty blocks of property along the route. It is interesting to note that this rise in real estate took place during 1924–30, while construction was still going on; also that the unearned increment of the property in question was equal to fully 80 percent of the cost of construction of the particular strip of subway which had brought it about.

This proposal of placing part of the cost of subway construction upon real estate interests likely to benefit specially from the improvement has not yet, however, been transferred from the realm of debate; because of this and the lack of an equally reasonable method of financing, rapid transit construction in the great metropolitan centers of the world is proceeding at a snail's pace. Indeed New York's population is fortunate in that its rapid transit needs were provided for to the extent they were before the crisis in financing became apparent. In 1930 its subway and elevated lines carried two thirds of the total municipal transit traffic. But London and Berlin, both of which resemble New York in that they are spread over vast areas from which their populations are compelled to travel great distances to reach places of work, are not so happily situated. In 1928 London's rapid transit lines carried but 24 percent of the total traffic; in 1929 the proportion for Berlin was 18 percent. Since the depression construction in both these cities has been at a standstill; in London, as has been pointed out, the situation is further complicated by the facts that existing rapid transit facilities are privately owned and operated and that private capital is unable to finance the necessary extensions.

TAXICABS. In recent years the growth of the taxicab has created a new problem for municipal authorities. In 1930, 19,500 taxicabs in New York City carried 346,000,000 passengers, at a total charge of $144,000,000 including tips. This sum was almost equal to the $160,000,000 in fares collected by all forms of mass transportation in the city. But despite the magnitude of its operations the taxicab business has been made to submit to public regulation of only the loosest character. The customary supervision has consisted merely of examinations of the personal record of the individual applicant and of the physical fitness of his machine. Permits to operate have been forthcoming upon the satisfaction of these simple requirements.

Naturally this lack of adequate municipal supervision has resulted in grave abuses. For one thing, it has led to an oversupply of licensed taxicabs, with the result that almost every city has large numbers of empty cabs which cruise in search of passengers and therefore increase traffic congestion. Thus the Fifth Avenue Association of New York City reported that a count on March 27, 1930, revealed that 2095 empty cabs passed by one Fifth Avenue corner between 10 a.m. and 5 p.m. Again, wasteful competition and duplication of facilities are just as unsound practises in the taxicab business as in other forms of transit. Wages are depressed because the available revenues must be distributed among an unnecessarily large number of drivers; potential profits that might go to the city for the use of its streets, if taxicab operation were conducted on a franchise basis, never materialize because of excessive operating costs.

Public officials therefore are increasingly being persuaded that taxicabs should be regulated in the same manner as other forms of transportation. The usual programs advanced contain the following items: first, taxicabs should be limited, through the issuance of certificates of convenience and necessity, to the number necessary for adequate service; second, they should not be allowed to cruise at will but should be compelled to maintain hack stands located at strategic points in the hotel, theater and other districts where the demand for cabs is greatest, and these stands should be accessible by telephone; third, an expert governmental agency should be charged with the responsibility for supervision.

Already a trend in the direction of regulation has become evident. In Connecticut the Public Utilities Commission has the power to grant or deny to taxicab operators certificates of convenience and necessity, and it has used it. In Montana, Pennsylvania, Arkansas and Rhode Island similar steps have been taken. In Detroit the mayor has been given the power to determine the number of cabs, the fares to be charged and the like. Cities with similar regulations are Cincinnati, Los Angeles, Akron, Chicago, Grand Rapids, Jackson (Michigan), Milwaukee, Minneapolis, Norfolk, Racine, Roanoke, St. Paul, San Francisco, Tacoma, Toledo and Washington.

It is not unlikely that most cities will eventually adopt the comprehensive franchise principle

for taxicab operation, for it is much easier to control the rates, service and equipment of one operator than of many. Besides under a franchise the city can fix compensation for the use of its streets. In Grand Rapids the local transit company has a monopoly franchise which includes taxicab operation; in Philadelphia the same situation prevails. In support of this type of unified service it is argued that the profits of the taxicabs can be used in helping to carry the less profitable street railways.

PAUL BLANSHARD
HENRY J. ROSNER

See: CITY; METROPOLITAN AREAS; CITY AND TOWN PLANNING; MUNICIPAL GOVERNMENT; PUBLIC UTILITIES; GOVERNMENT REGULATION OF INDUSTRY; GOVERNMENT OWNERSHIP; GOVERNMENT OWNED CORPORATIONS; MUNICIPAL FINANCE; MOTOR VEHICLE TRANSPORTATION; TRAFFIC REGULATION; VALUATION; RATE REGULATION; FAIR RETURN; EMINENT DOMAIN; CORRUPTION, POLITICAL.

Consult: FOR GENERAL DISCUSSIONS: Daggett, Stuart, *Principles of Inland Transportation* (New York 1928) ch. v; American Transit Association, *The Urban Transportation Problem* (New York 1932); Great Britain, Royal Commission on Transport, *Minutes of Evidence*, 3 vols. (1929–30) vol. iii, p. 747–62; Lewis, H. M., *The Transit and Transportation Problem*, Regional Plan of New York and Its Environs, Engineering Series, Monograph no. 2 (New York 1926); Great Britain, Royal Commission on Transport, "The Co-ordination and Development of Transport" in its *Final Report*, Cmd. 3751 (1931).

FOR STREET RAILWAYS: Train, G. F., *Observations on Horse Railways* (London 1860); Sérafon, F., *Étude sur les chemins de fer, les tramways, et les moyens de transport en commun à Paris et à Londres* (Paris 1872); Emmons, C. D., "The Development of American Street Railways" in *Aera*, vol. xii (1923–24) 1148–66; Wilcox, D. F., *Municipal Franchises*, 2 vols. (New York 1910–11), and *Analysis of the Electric Railway Problem* (New York 1921); Blake, H. W., and Jackson, Walter, *Electric Railway Transportation* (2nd ed. New York 1924); United States, Federal Electric Railways Commission, *Proceedings . . . together with Final Report*, 3 vols. (1920); American Electric Railway Association, *Handbook of Modern Electric Railway Methods and Practices* (New York 1925); Mosher, W. E., "Street Railways in Foreign Cities" in *National Municipal Review*, vol. xx (1931) 210–20; Günther, Artur, *Die kommunalen Strassenbahnen Deutschlands* (Jena 1913); Passow, Richard, *Die gemischt-privaten und öffentlichen Unternehmungen auf dem Gebiete der Elektrizitäts- und Gasversorgung und des Strassenbahnwesens*, Beiträge zur Lehre von den Industriellen, Handels- und Verkehrsunternehmungen, vol. viii (2nd ed. Jena 1923); La Ruelle, Jean de, *Contrôle des chemins de fer et des tramways* (2nd ed. by M. Chatel, Paris 1929); Myers, Gustavus, "History of Public Franchises in New York City" in *Municipal Affairs*, vol. iv (1900) 72–206; Carman, H. J., *The Street Surface Railway Franchises of New York City*, Columbia University, Studies in History, Economics and Public Law, no. 200 (New York 1919); Mason, E. S., *The Street Railway in Massachusetts*, Harvard Economic Studies, vol. xxxvii (Cambridge, Mass. 1932); Wilcox, D. F., and others, *Municipal Railways in the United States and Canada*, Public Ownership League of America, Bulletin no. 18 (Chicago 1922); American Transit Association, *Public Ownership and Operation of Electric Railways*, Bulletin no. 56 (New York 1925); O'Geran, Graeme, *A History of the Detroit Street Railways* (Detroit 1931); Wilcox, D. F., *San Francisco's Street Railway Problem* (San Francisco 1927); Purdy, H. L., *The Cost of Municipal Operation of the Seattle Street Railway*, University of Washington, Publications in the Social Sciences, vol. viii, no. 1 (Seattle 1929); Maitland, G. H., "The Fate of the Five Cent Fare: Toronto under Municipal Ownership" in *National Municipal Review*, vol. xv (1926) 530–36; Symposium, "Service at Cost for Street Railways" in *National Municipal Review*, vol. x (1921) 109–39; Mahon, W. D., and Bland, L. D., "Street Railway Workers of Europe" in *American Federationist*, vol. xxi (1914) 1061–76.

FOR BUSES: White, Percival, *Motor Transportation of Merchandise and Passengers* (New York 1923); National Association of Motor Bus Operators, *Bus Facts for 1931 and 1932*, 2 vols. (Washington 1931–32); "Annual Review and Statistical Number" in *Bus Transportation*, vol. xii (1933) 77–116.

FOR RAPID TRANSIT: American Transit Association, Committee on Rapid Transit, *Economics of Rapid Transit* (New York 1928); Massachusetts, Joint Special Committee on Boston Elevated and Metropolitan Transportation District, *Report*, House Document, no. 501 (Boston 1926); Philadelphia, Transit Advisory Committee, *Report to General Conference on Transit Situation in Philadelphia* (Philadelphia 1930); New York State, Transit Commission, Bureau of Unification and Transit Readjustment, *Report on Valuations of the Properties as of June 30, 1930, of New York Rapid Transit Corporation, Williamsburgh Power Plant Corporation, Interborough Rapid Transit Company [and] Manhattan Railway Company* (2nd ed. New York 1932); St. Louis, Public Service Board, *Report on Rapid Transit for St. Louis* (St. Louis 1926); Detroit, Rapid Transit Commission, *Rapid Transit System for the City of Detroit* (Detroit 1926); Borchardt, Curt, *Die verkehrspolitische Bedeutung der Berliner Hoch- und Untergrundbahn* (Berlin 1917); Ponsonby, G. J., *London's Passenger Transport Problem* (London 1932); Gretsch, R., "Die Londoner Untergrundbahn-Gruppe" in *Archiv fur Eisenbahnwesen*, vol. lv (1932) 1113–48.

FOR TAXICABS: New York City, Mayor's Commission on Taxicabs, *Report . . . Sept. 23, 1930* (New York 1930).

See also: Union Internationale de Tramways de Chemins de Fer d'Intérêt Local et de Transports Publics Automobiles, *Proceedings*, published annually or biennially in various cities since 1886; American Transit Association (originally American Street Railway Association), *Proceedings*, published annually in Chicago and New York since 1883; *Electric Railway Journal*, published monthly in New York since 1884; *Aera*, published monthly in New York since 1912; Moody's Investors Service, "A Nation-wide Survey of Public Utility Progress" in *Moody's Manual of Investments* (New York 1932) p. xvii–lvii; United

States, Bureau of the Census, Census of Electrical Industries, *Electric Railways and Affiliated Motor Bus Lines*, a quinquennial census begun in 1902, vols. i–vii (1905–33); Great Britain, Ministry of Transport, Financial and Statistical Department, *Tramways and Light Railways (Street and Road) and Trackless Trolley Undertakings. Returns*, published annually since 1920; France, Direction Générale des Chemins de Fer, *Statistique des chemins de fer français: Voies ferrées d'intérêt local, Tramways urbains*, published annually in Paris since 1887.

MUNITIONS INDUSTRY. From the early economy of primitive tribes, among whom there was little differentiation between articles of daily use and implements of war, there developed handicraft manufacture of defensive and offensive weapons. The sword and armor industry of the Middle Ages did not progress beyond this stage, even when it produced for export. The making of powder and cannon also remained essentially handicraft arts, even when comparatively large quantities of gun barrels were cast or forged in a short time and the iron used for the guns was obtained from mines organized on a primitive capitalistic basis. As late as the age of absolutism the slight demand for munitions was filled in a far from uniform manner. A minor portion was supplied by state factories while the rest came from plants leased by the state to entrepreneurs who employed workers under a contracting-out system or was obtained by occasional large purchases abroad, depending on how the requirements could best be met at any given time. Amsterdam was noted as a source of muskets, while many cannon came from Stockholm. The French and Swedish ordnance works of the eighteenth century were largely in the hands of the higher nobility, who made large profits from them.

The establishment of armament manufacture as a special branch of fully developed capitalist production of considerable economic and political importance occurred largely during the second half of the nineteenth century. In this period the increasing technical precision required in the material supplied and the large accumulations of capital needed for mass production led to the elimination of most of the small plants and the concentration of production in the few plants in each country which were able to turn out high quality armaments under modern conditions. Constant technical advances in the industry and the rapidity with which types of arms change heightened the competition still more and increased the number of industrial casualties. Further development along this line led inevitably to a tendency toward monopoly within each important country.

Ordnance works have always played a leading role in the munitions industry, while small arms plants have risen to prominence only occasionally, although they sometimes grow into large concerns with considerable political influence and economic importance, as in the case of Mauser, Ludwig Loewe and the Berlin-Karlsruher-Industriewerke under the management of Paul von Gontard. Rifle factories have, however, found it increasingly difficult to obtain positions of importance without affiliation with ordnance works. The munitions industry as a whole, in spite of its political importance, constitutes so small a fraction of the total of big industries that as a national economic factor its significance is relatively small in time of peace.

The founders of the modern munitions industry did not start out with the intention of becoming armament industrialists. Some, as in the case of Ehrhardt, Alfred Nobel, Armstrong, Andrew Noble, Whitehead, Maxim and Zaharoff, entered it as the result of inventions which proved useful in warfare or simply in search of profits. Others, such as Krupp, Schneider, Vickers, Skoda, Whitworth, Carnegie, Schwab and Harvey, originally owned industrial plants manufacturing articles of peacetime use and turned later to munitions, for which their plants were peculiarly adapted.

The link between the development of war material and the manufacture of peacetime products often developed out of the parallel increase in standards of quality which marked the latter half of the nineteenth century. Those ordering both sorts of material repeatedly required that large orders be turned out extremely quickly and with the highest precision. The same material was used in the manufacture of big guns as was employed for many high quality peacetime products. The manufacture of propeller shafts, rails and car wheels was among the first big problems of the steel industry simultaneously with the manufacture of steel ingots for big guns and the forging of armor plate. A number of the older munitions works therefore made both high quality railroad material and war material.

War and peacetime production had other points of contact than quality standards. Important items of peacetime steel production automatically served war uses as well. The propeller shafts on fast steamships propelled armed auxiliary cruisers in time of war; and since rail-

roads have played a part in military operations since the German-Danish war of 1864 and the American Civil War, car wheels and rails are also indirectly war material. From the end of the nineteenth century onward wartime and peacetime production have drawn closer and closer together. All general staffs were deeply interested in the evolution of the early automobile into a usable motor truck. Radio telegraphy cannot be differentiated at all in practise into war and peace telegraphy. The chemical industry has been drawn into the manufacture of war material to such an extent that there is no longer any chemical industry that is not a munitions industry as well, while in the manufacture of airplanes and airplane motors the last difference between production for war and peacetime purposes has vanished. In plants of this sort peacetime production may outweigh production for war purposes or vice versa. It is a question not so much of the quantity of each kind of production as of their relative importance to the plant. Even though approximately 60 percent of Vickers' total production for 1913, for instance, was for peaceful purposes, the plant nevertheless bore the stamp of a specific munitions concern.

As the development of the munitions industry has thus gained impetus from peacetime industrial advances, so industry in general has been helped by lessons drawn from wartime experience in munitions work. Developments in the munitions industry during the World War, for instance, threw much light on labor problems, hours, wages, welfare and the hitherto largely unrecognized possibilities of woman's work in new fields. The nature of skilled, semiskilled and unskilled grades of work was brought out also. The possibilities of industrial progress through the encouragement of science, notably chemical science, were clearly revealed by the war, while engineering skill and knowledge received a great impetus.

From the beginning of the munitions industry in the modern sense to the 1890's was not a period of ordinary competition between firms turning out similar products, but was rather one of bitter struggle between two ordnance systems and a race between guns and armor plate. The two competing methods of ordnance manufacture up to the World War were the Armstrong wire wound process and the Krupp shrunk hoop process. Both of these processes emerged during the 1850's and were the starting points for the growth of the largest British and German munitions firms. In the most embittered competition each firm endeavored to secure orders for the artillery of its own country and to drive its competitor out of the latter's home market. Armstrong succeeded in obtaining the contracts for the British navy, but only for a short time, until technical changes made him wholly dependent on the foreign market. By the use of a very high grade, although extremely expensive crucible steel, Krupp secured the Prussian army contracts fairly easily and was able to retain this monopoly until the appearance of the Ehrhardt recoil barrel gun. Krupp's prolonged but finally unsuccessful opposition to the adoption of the recoil barrel cost that firm world leadership in field gun construction, although it did not affect its rank as a designer of heavy artillery and armor plate. In the design of field guns Schneider-Creusot took the lead.

The other great nineteenth century armaments contest was between guns and armor plate. In the naval armaments race of the 1860's France and England developed seaworthy and serviceable armored frigates, the *Gloire* in 1859 and the *Warrior* in 1861, followed by other ships with increasingly heavy armor and bigger guns. This race between guns and armor was based upon a purely mechanical increase in the thickness of iron armor and a similar rise in cannon caliber without any improvement in the quality of either, until the giant 45 cm. guns could no longer be serviced and the ships could not carry the masses of iron armor plate. The nature of the contest changed during the 1880's when the gun caliber was reduced in favor of improved quality, while a more complex method of manufacture—compound and all steel plates—took the place of simple iron armor. After a short interval, when the Harvey hardening process was employed, the race in its initial form was settled by Krupp's cemented armor plate in 1893. This finally came into such universal use that in the battle of Jutland both the British and German fleets were equipped with Krupp armor plate.

Toward the end of the nineteenth century with these conflicts settled, the movement toward concentration in the munitions industry which had begun in the 1850's took on added impetus. The invention of smokeless powder to take the place of black powder gave the explosives factories a new importance in armaments. In 1886 Alfred Nobel amalgamated his world wide dynamite and powder interests into the Nobel Dynamite Trust Company, Ltd., in

London, directly controlling the international explosives trades.

Shortly thereafter the move toward concentration began in the British munitions industry as the monopoly positions of the older firms were broken by newer competition. Because Armstrong had raised the prices of guns and Brown and Cammell that of armor plate, both lowering the quality of their products at the same time, the Admiralty aided the development of the Vickers firm, which had a talented ordnance designer in Lieutenant Dawson. It made an improved all steel armor plate instead of the compound armor plate, while it strengthened its financial position for big munitions orders by raising its capital from £150,000 to £750,000. A few years later in 1891, the Admiralty allowed a fifth firm, William Beardmore and Company, Ltd., to participate in the armor plate bidding. The battle between these firms ended with large scale mergers. In 1897 Armstrong absorbed the independent Whitworth armor plate plant, Vickers bought up the Maxim-Nordenfeldt works, and Brown the Clydebank shipyard. Immediately after Sir William Armstrong's death Zaharoff, the director of Vickers, put through the biggest merger ever made in the munitions industry, bringing together Vickers, Armstrong and Beardmore. Vickers abandoned gun manufacture, Armstrong gave up the production of armor plate and Beardmore was relegated to a subordinate position in the shipyards of the trust through the purchase by Vickers of a controlling interest in its capital stock. A competing concern of smaller size, the Coventry Ordnance Works, was formed to dispute the field with this giant merger, but the Zaharoff group was able entirely to exclude its new competitor from the building of big warships up to 1910. In the few remaining years before the outbreak of the World War the Coventry works did considerable business, particularly in the expansion of the Russian fleet, but it was unable seriously to threaten the supremacy of the Zaharoff group.

Compared with the tremendous concentration of the English munitions industry under Zaharoff's control the Krupp concern took second rank in size and capacity, although it too had abandoned the sole manufacture of ordnance in the 1890's and developed into a producer of all kinds of armament material. In 1893 it bought up the Gruson works in Magdeburg, which specialized in the manufacture of armored turrets for foreign countries, and began the manufacture of Krupp armor plate. In 1896 it absorbed the small Germania shipyard in Kiel and a machinery plant, expanding them into big establishments. Internationally, however, Krupp was far outdistanced by the Zaharoff group. Its comparative weakness was further increased by the leasing of its patents in 1902 to the financially insolvent Skoda works, which were turning out very poor cannon. Skoda gradually got control of the Austrian market, but it failed completely in its efforts to penetrate the Balkans. Krupp was forced further and further back in the construction of warships and the production of ordnance, while the German yards' share of warship orders for foreign countries diminished accordingly. Just before the outbreak of the World War Krupp lost another of its most important markets, Turkey, to the Zaharoff group.

In the United States in the meantime the munitions industry had been developing along somewhat different lines. Here it was most markedly an outgrowth of already existing industrial organizations so that the typical European "armament king" was altogether absent. The numerous little blast furnaces and iron smelters that cast cannon and cannon balls during the Revolutionary War and the small local powder manufactories of the same period did not attain economic or political importance. The Civil War gave rise for a time to large scale production of war material, but no permament munitions industry grew out of it, because the American army and navy ordered neither guns nor ships for half a generation after the war. Only when the United States began to build its modern fleet in 1886 were contracts given to big plants. Guns were ordered from the Midvale Steel Company—which later entered into bitter competition for armor plate orders as well—while guns and armor plate were ordered from the Bethlehem Iron Company (later the Bethlehem Steel Corporation). When Hayward Augustus Harvey, president of the Harvey Steel Company of Newark, New Jersey, invented the Harvey process for hardening armor plate in 1890, the Carnegie steel plant also began to manufacture armor plate. In the United States ordnance works have usually been merely departments of big steel plants. As the American interest in armament manufacture came later than it did in Europe, the process of concentration was delayed. It was not until 1913 that the Bethlehem Steel Corporation bought up a yard in which big battleships could be built even to the smallest detail.

The years immediately preceeding the World

War were a period of tremendous activity for the munitions industry, as both great European alliances were building up their military and naval establishments. The outbreak of the war caused no change in this situation at first, for all countries thought they could get along with the available material or with the productive capacity of the existing plants. Not until 1915 did it become fully apparent that the war would be a long drawn out struggle, enlisting all the resources of the continent, rather than a short, sharp campaign ending in sudden victory for one side or the other. Extensive expansion of war production then began, transforming all the industries of the belligerent countries into munitions industries. At the start the governments treated the munitions industry as a private party to a contract, as had been the case before the war, but it was soon found that this newly created giant machine required new forms of organization and management, representing a cross between governmental and private ownership in all countries, and giving the state an unprecedented degree of control over production, prices and labor policies.

The munitions establishments on both sides were utterly unprepared for the tremendous demand for guns and ammunition of all kinds and for the production of the new weapons developed during the war. In the beginning Germany suffered from this shortage less than did the Allies. The German general staff was less dogmatic than the French about the length of the war and consequently had larger reserves of material. Nevertheless, Germany too lacked sufficient munitions for some months after the battle of the Marne. The high development of its metallurgical industries, however, and the care taken at the time of mobilization to retain the necessary workmen in the war factories enabled that country to begin the production of munitions on a sufficient scale some time before the Allies were in a position to achieve the same result. It was only when the allied blockade began to shut off essential raw materials and German labor began to be restive that the German munitions enterprises lagged.

France was less well prepared. By the end of August, 1914, the supply of munitions began to run short. The effort to produce on a large scale was handicapped by the fact that the Germans had occupied that part of France which was richest in metallurgic industry and by a shortage of skilled labor due to the unscientific mobilization which had taken workmen for the army without regard to their importance to the war industries. The government immediately began to utilize governmental plants to the utmost and at the same time to set private plants to producing munitions. So well did this effort succeed that by March, 1916, France was producing ninety-eight times as many machine guns, two hundred thirty-seven times as many rifles, four and a half times as much powder and twenty-five times as much high explosive as at the beginning of the war.

England likewise entered the war with small reserves of munitions. By the terms of the French alliance its contribution was to be the British navy and a small expeditionary force. When England realized that instead of the latter it would be necessary to raise and equip an army of millions, the seriousness of the munitions problem became apparent. There were only three government factories producing munitions —Woolwich Arsenal, Enfield, for rifles, and Waltham Abbey, the royal gunpowder factory. There was also a group of private armament firms—Vickers, Armstrong, Whitworth, Birmingham Small Arms, Coventry Ordnance Works, Beardmore, Firths, Hadfields and Cammell Laird. These plants were expanded, new ones were built, and private plants which could be adapted to munitions were utilized until by the third quarter of 1918, according to the estimates of G. A. B. Dewar, there were 2,871,000 men and women directly employed in the munitions (metal and chemical) industries; including those indirectly employed Dewar puts the total at 3,400,000, and he calculates that at the period of greatest productivity there were between 8000 and 9000 firms engaged in the production of munitions.

The United States was less ready for the war than any other country involved. Before 1914 there were only six government arsenals and two large private ordnance works which were at all competent to manufacture heavy artillery. Allied orders led to some expansion along this line in the early years of the war, but even in 1917 there were only a score or so of firms turning out artillery ammunition, big guns, rifles, machine guns and other important ordnance supplies. When the Armistice was signed, however, there were nearly 8000 manufacturing plants in the United States working on ordnance contracts.

The end of the World War brought about a complete transformation in conditions within the munitions industry. The Russian industry was freed of western influence and rebuilt and ex-

panded by the Soviet government. Krupp dropped out of international competition but in 1920 it purchased the Bofors ordnance works in Sweden and since then has been supplying foreign countries with guns made in Sweden under its patents. The only plant left in Germany was the Ehrhardt works in Düsseldorf, which Krupp likewise owned for a time, but which was bought by the German government in 1929 after its expansion. The old Zaharoff group also disintegrated. The British munitions industry, which had grown powerful primarily through the mass production of battleships, suffered a serious blow in the Washington Naval Treaty of 1921–22. Vickers and Armstrong both had to be reorganized in 1925–26; in 1927 the munitions plants of both firms were merged into Vickers-Armstrongs, Ltd., with Vickers dominating the new concern. Ansaldo, which had come into prominence during the war, collapsed after hostilities ceased and was maintained only with the aid of state subsidies. Schneider-Creusot became the undisputed leader of the whole continental munitions industry. This munitions plant was expanded into the biggest industrial concern in France with large interests in production for peacetime use. The Skoda works, majority control of which was acquired by Schneider in 1919, was enlarged considerably both for munitions and for peacetime production and became a powerful subsidiary, filling chiefly the orders of the Little Entente. Energetic efforts by the Czechs to nationalize the plant failed in 1930. In the United States the Bethelehem Steel Corporation in 1923 took over its competitor, the Midvale Steel and Ordnance Company, thus obtaining a virtual munitions monopoly.

The political, economic and social problems which arise out of the munitions industry are many. Most obvious, perhaps, are its connections with national diplomacy. Support by the diplomats of its own country has always been extremely important to the industry, and it has obtained this aid regularly, although published diplomatic documents simply omit the material dealing with this subject. The monopolistic trend of the munitions plants has caused the diplomats always to aid the monopoly plant, leaving the outsider without any support. Military missions always see to it that armament material produced in their own country is purchased by the government to which they are accredited. The sovereigns have also carried on vigorous propaganda for their munitions plants. Wilhelm II took a lively interest in having Chinese warship orders filled in German yards and personally intervened with Czar Nicholas II for the award of Russian warship construction to Germany.

In spite of this close connection with national diplomacy, the munitions industry recognizes no national boundaries. It will sell to anyone who will buy, whether the purchaser be an ally of its home government or a potential enemy. Hans Wehberg declares that in 1915 the English troops in the Dardenelles were defeated by artillery which the Turks had bought from English armament firms. Lehmann-Russbüldt states that "the Krupp works, in the course of a century, exported one-half of its total output of cannon to fifty-two countries which later, during the World War, showered hand-grenades and death-dealing shells on the Germans and their Allies."

The diplomatic relations of the munitions industry are not, however, the only source of the social problems of the industry. Its influence in domestic politics is important also. While the use of lobbying and the exertion of economic and political pressure by munitions makers may not be much greater than similar activity on the part of other industries, the distinctive nature of the armament business makes it a more vital social problem. It does not remain within the purely business sphere, bringing economic distress to classes which are less able to influence the government; it makes its profits partly through speculating on mass slaughter and partly through the slaughter itself. The profits of the individual munitions plants are in startling contrast to the general destruction of values caused by the products which they manufacture.

Appropriations for armaments are often voted, not in the interests of the state as a whole but in the interests of one or more groups. The munitions industry obtains its orders therefore not as a result of the general governmental concern for a national foreign policy, but in consequence of a definite distribution of social and political power within the state. Thus the expansion of the German fleet around 1900 did not have any motivation in foreign policy but took place before any opponent for the fleet had been found. The navy laws of 1898 and 1900 were part of major political and economic conflicts between heavy industry and the big agrarians, who ultimately granted each other a fleet and protective tariffs, coming together for a joint suppression of the social democracy in-

stead of contesting with each other for governmental power.

Particularist interest in expansion of armaments may go as far as in Japan, where naval construction was pushed after 1910 by the business men and industrialists of Osaka and Kobe, by the Zaharoff group, which paid fantastically high bribes, and finally by high navy officers of the Satsuma clan—including Admiral Yamamoto, the prime minister—who were financially interested in the Mitsui works in Nagasaki.

Another problem arises from the fact that the munitions industry does not wait until the interests of the ruling classes provide it with orders; it endeavors to regulate the armaments of the great powers in accordance with its own economic ambitions. Statistics on the number of articles on naval matters appearing in American newspapers indicate a rapid rise during periods of falling iron and steel prices and low shipyard activity, while these articles grow fewer as prices rise and prosperity returns to the industry. When the crisis commenced in Germany after the second navy bill had been passed in 1900, the president of the German navy league, Prince Salm-Horstmar, appealed to Admiral von Tirpitz for a new navy law, because "orders for new warships and the ensuing stimulation of trade and industry would cause the corresponding stock quotations to rise, saving many securities and consolidating the market." In England, after the business crisis of 1907–08 when Germany speeded up naval construction by building four big ships annually instead of three, while British dropped from four in 1906 to three in 1907 and two in 1908, the Zaharoff group and the Coventry works initiated a large scale press campaign, attempting to prove by bold distortion of figures that Germany would soon have more dreadnoughts than Britain. As a result they actually succeeded in having eight dreadnoughts built in 1909. But since the Coventry works out of all this booty was awarded only the gun contracts for a single ship, it was forced in order to avert financial collapse to have its banks grant loans to Australia and New Zealand so that they might order two additional battle cruisers.

This problem arises not only in time of industrial depression but is necessarily bound up with the existence of a private munitions industry working on government orders. Its production depends on two contradictory factors: the industry's interest in accurate cost accounting of production and of capital charges, with uniform production to reduce costs; and the government's interest in the greatest speed in handling its orders, a number of which are usually awarded at one time. The state requires very short delivery dates in war, but even in peace time new inventions in armament technique result in mass orders for rapid delivery, while there follow long intervals when there are no orders. Thus the munitions plants are forced to expand greatly, while they also endeavor to keep the plants in operation at all times. This leads inevitably to the exertion of constant pressure upon governments to award new orders.

The physical location of munitions plants also has economic and political implications. If they grow out of plants producing material for peacetime uses and still manufacture such products as subsidiary or major output, they must have good industrial locations to enable them to compete successfully. But as munitions plants they cannot take this factor into account; they must be located well away from the frontiers so as not to fall into the enemy's hands in the event of invasion. In spite of their prominence, however, as objects of attack munition centers have never played more than a minor role in strategy. Moltke gave the subject some thought in 1870, but pre-war continental military thinking eliminated munitions centers as objects of attack by concentrating upon rapid and brief operations at the beginning of the war and quick military decisions on the field of battle.

The League of Nations has endeavored to reduce the influence of the munitions industry in politics, but with slight success. The Chinese arms embargo of 1919 was never effective; nor was the St. Germain Convention that no arms would be supplied to revolutionaries. On the contrary the revolutions and undeclared wars of the post-war period have led to a further strengthening of the munitions industry. The Arms Trade Convention of 1925 was signed but never ratified by the required number of countries; and no country is ready to injure its balance of trade by eliminating arms exports. Publication of arms import and export figures is of merely academic interest; the statistics list numerous exports that have never reached the country of destination as well as imports that were never exported from the alleged country of origin. The munitions industry itself is tenaciously fighting any limitation of armaments, especially naval armament, as was brought out in the Shearer case; it would not be much affected by numerical reduction of land forces,

as even small armies require large material reserves in order to expand to war strength.

ECKART KEHR

See: ARMAMENTS; ARMS AND MUNITIONS TRAFFIC; NATIONAL DEFENSE; MOBILIZATION AND DEMOBILIZATION; WAR ECONOMICS; MILITARISM; LIMITATION OF ARMAMENTS; NITRATES; CHEMICAL INDUSTRIES; IRON AND STEEL INDUSTRY.

Consult: Beck, Ludwig, *Die Geschichte des Eisens in technischer und kulturgeschichtlicher Beziehung*, 5 vols. (Brunswick 1891–1903); Newbold, J. T. W., *How Europe Armed for War* (London 1916); Berry, W. J., "Armour Plates," and McHardy, J. G. M., and Templer, G. G., "Ordnance" in *Encyclopaedia Britannica*, vol. ii (14th ed. London 1929) p. 388–92, and vol. xvi (14th ed. London 1929) p. 856–70; Lehmann-Russbüldt, Otto, *Die blutige Internationale der Rustungsindustrie* (4th ed. Berlin 1930), tr. by Pierre Loving as *War for Profits* (New York 1930); Rossman, Joseph, "War and Invention" in *American Journal of Sociology*, vol. xxxvi (1930–31) 625–33; O'Neil, Charles, "The Development of Modern Ordnance and Armor in the United States" in *Engineering News and American Railway Journal*, vol. xlviii (1902) 451–53, 485–88; Long, J. D., *The New American Navy*, 2 vols. (New York 1903); Croly, Herbert, *Marcus Alonzo Hanna: His Life and Work* (New York 1912); Van Gelder, A. P., and Schlatter, H., *History of the Explosives Industry in America* (New York 1927); Millis, Walter, *The Martial Spirit, a Study of Our War with Spain* (Boston 1931); Hendrick, B. J., *The Life of Andrew Carnegie*, 2 vols. (New York 1932); Garbett, H., *Naval Gunnery* (London 1897); Bessemer, Henry, *An Autobiography* (London 1905); Jane, F. T., *The British Battle-Fleet, Its Inception and Growth throughout the Centuries* (London 1912); Maxim, Hiram S., *My Life* (London 1915); Lewinsohn, Richard, *Der Mann im Dunkel, die Lebensgeschichte Sir Basil Zaharoffs* (Berlin 1929), tr. as *The Man behind the Scenes, the Career of Sir Basil Zaharoff* (London 1929); Uplegger, Fritz, *Die englische Flottenpolitik vor dem Weltkrieg, 1904–1909*, Beiträge zur Geschichte der nachbismarckischen Zeit und des Weltkriegs, vol. viii (Stuttgart 1930); Murray, H. R., *Krupp's and the International Armaments Ring* (London 1915); Tirpitz, Wolfgang von, *Wie hat sich der Staatsbetrieb beim Aufbau der Flotte bewährt?* (Leipsic 1923); Berdrow, Wilhelm, *Alfred Krupp*, 2 vols. (2nd ed. Berlin 1928); Kehr, Eckart, "Soziale und finanzielle Grundlagen der tirpitzschen Flottenpropaganda" in *Gesellschaft*, vol. v (1928) pt. ii, p. 211–27; *Alfred Krupps Briefe 1826–1887*, ed. by Wilhelm Berdrow (Berlin 1928), tr. by E. W. Dickes as *Krupp; a Great Business Man Seen through His Letters* (London 1930); Kehr, Eckart, *Schlachtflottenbau und Parteipolitik 1894–1901*, Historische Studien, no. 197 (Berlin 1930); Dumba, Constantin, *Dreibund- und Ententepolitik in der Alten und Neuen Welt* (Zurich 1931), tr. by Ian F. D. Morrow as *Memoirs of a Diplomat* (Boston 1932); Romocki, S. J. von, *Geschichte der Explosivstoffe*, 2 vols. (Berlin 1895–96); Hennig, Richard, *Alfred Nobel* (Stuttgart 1912); Stettbacher, Alfred, *Die Schiess- und Sprengstoffe* (Leipsic 1919); *History of the Ministry of Munitions*, 8 vols. (London 1918–22); Brown, Sevellon, *The Story of Ordnance in the World War* (Washington 1920); Crowell, Benedict, and Wilson, R. F., *The Armies of Industry*, 2 vols. (New Haven 1921); Dewar, G. A. B., *The Great Munition Feat 1914–1918* (London 1921); Cole, G. D. H., *Trade Unionism and Munitions*, Carnegie Endowment for International Peace, Economic and Social History of the World War, British series (Oxford 1923); Carnegie, David, *The History of Munitions Supply in Canada 1914–1918* (London 1925); Goebel, Otto, *Deutsche Rohstoffwirtschaft im Weltkrieg*, Carnegie Endowment for International Peace, Economic and Social History of the World War, German series (Stuttgart 1930); League of Nations, *Armaments Year Book*, published annually in Geneva since 1924; Wehberg, Hans, *Die internationale Beschränkung der Rüstungun* (Stuttgart 1919); Hanslian, R., *Der chemische Krieg* (2nd ed. Berlin 1927); United States, Congress, Senate, Committee on Naval Affairs, *Alleged Activities at the Geneva Conference, Hearings before a Sub-committee of the Committee on Naval Affairs*, 71st Cong., 1st sess. (1930); Perris, G. H., *The War Traders* (London 1914).

MUNRO, SIR THOMAS (1761–1827), British statesman. Munro attended Glasgow University and after a short apprenticeship to a merchant entered the East India Company's army at Madras in 1780; from 1792 he served in the civil administration. Before becoming governor of Madras in 1820 he inaugurated British government in several parts of the Madras presidency and in the Bombay district. Throughout his career he remained in close contact with the people of south India, speaking their languages with ease and familiarity. He opposed strongly the extension into Madras of the zamindari system prevailing in Bengal and advocated instead the ryotwari system, that is, the collection of the land revenue direct from the peasant proprietors; this method he believed to be indigenous and moreover one which would provide the collectors with an ever growing mass of information, economic and social, without which a foreign administration could not hope to succeed. Munro is still remembered for his systematization and extension of the ryotwari plan of revenue collection. He adhered to the traditional method of administration through executive officials in opposition to the system established in Bengal, which depended upon a law code ignored by an illiterate population and upon a series of law courts encumbered by an elaborate procedure. As president of the special commission to investigate and reform the judicial system of the presidencies of Bengal and Madras, Munro was instrumental in having the new regulations of 1816 adopted. Among the innovations were the permission to headmen of the villages to decide petty cases, the increase

of the power of native judges, the simplification of judicial procedure and the employment of hereditary village officials as police. Some of these regulations were retained for a long period.

While seeking to establish the company's rule in India upon a sound basis Munro did not, however, regard it as permanent. To him it appeared an episode made necessary by that demoralization of government and society which the breakdown of the Mogul Empire had produced. He looked forward to the time when it would be proper and necessary to hand the government back to Indians and accordingly urged the need of promoting native education and developing higher moral standards. These objects were to be effected by the reorganization of schools and by the employment of Indians in posts of ever rising responsibility in proportion as they proved that they had shaken off their corrupt habits and acquired a new sense of political duty. As governor of Madras, Munro established over three hundred schools and gave grants to existing ones.

H. H. DODWELL

Consult: Gleig, G. R., *The Life of Major-general Sir Thomas Munro*, 3 vols. (London 1830); Bradshaw, J., *Sir Thomas Munro and the British Settlement of the Madras Presidency*, Rulers of India, vol. xv (Oxford 1894); *Sir Thomas Munro with Selections from His Minutes and Other Official Writings*, ed. with introduction by A. J. Arbuthnot, 2 vols. (London 1881); *Cambridge History of the British Empire*, vol. iv (Cambridge, Eng. 1929) p. 470-72, 475 82.

MUNSEY, FRANK ANDREW (1854–1925), American business man and publisher. After a poverty stricken boyhood in Maine, Munsey came to New York in his twenties and began the publication of the *Golden Argosy*, a cheap popular monthly devoted chiefly to romantic fiction, much of which he wrote himself. He greatly augmented the fortune obtained from this venture by investment in grocery stores, real estate and banks and by stock speculation.

He later carried his strictly commercial practises over into daily journalism but with little success. He believed in consolidating newspapers to maintain revenue and decrease expenses and bought or established seventeen newspapers in six cities. Of these he suspended three, combined nine with one another and sold six. Munsey's papers were never popular; the circulation which he purchased at a cost of millions rapidly dwindled; he had to draw repeatedly on his large private fortune to continue operations. The chief tangible results of his policy were the dismissal of hundreds of journalists, often practically without notice, and the opening of the way for new, competing journals nearly always inferior to those which Munsey had killed. Indirectly he had much to do with the rise of the tabloid, and he helped accelerate the process which was transforming journalism from a profession into a business. At the time of his death he owned but two newspapers. It was an ironic conclusion to a futile career that although he had always been quite indifferent to aesthetic pursuits he could think of nothing to do with his fortune except to leave it to the Metropolitan Museum of Art in New York.

BRUCE BLIVEN

Consult: O'Brien, Frank M., *The Story of the Sun* (2nd ed. New York 1928); Duffus, R. L., in *American Mercury*, vol. ii (1924) 297–304; "The Millionaire Publisher Dies" in *New Republic*, vol. xlv (1926) 206–07; "Futility" in *Nation*, vol. cxxii (1926) 25.

MÜNSTERBERG, EMIL (1855–1911), German social worker. Early in his career Münsterberg, a jurist by training, acted first as assistant to the town council of Berlin, and then became interested in poor relief and the protection of youth. As mayor of the city of Iserlohn he gained direct insight into public administration. His efforts in behalf of poor relief acquired particular importance in 1892 after he was called to Hamburg, where he found the distress among the laboring classes greatly intensified by an epidemic of cholera. Here as in Berlin six years later Münsterberg rendered pioneer service in reorganizing the poor law administration. His method, based on the famous Elberfeld system, included a central bureau for information, research, registration and financial administration together with the decentralization of the actual giving of relief through the division of the city into small districts in order to make possible greater attention to individual cases. Wherever practicable public assistance was given in the home and the services of volunteers were utilized. Later Münsterberg introduced professional social workers, trained experts in public relief. Through his visits to the United States as well as through his numerous writings he became the chief interpreter of this system to American social workers.

In addition to his work as a practical administrator Münsterberg founded in 1900 and edited the first professional magazine in the field of German social work, the *Zeitschrift für das Armenwesen*; wrote the first systematic textbook on German charities, *Die Armenpflege* (Berlin

1897); and helped to establish in Berlin the first school of philanthropy. In his "Zur Frage der städtischen Selbstverwaltung, mit besonderer Beziehung auf die englische Lokalverwaltung und ihre neueste litterarische Behandlung" (in *Jahrbuch für Gesetzgebung, Verwaltung und Volkswirtschaft im Deutschen Reich*, vol. xxvi, 1902, p. 1639–89) he embodied his views on city home rule. He participated in the various international congresses for public charities and served as president of the Deutscher Verein für Armenpflege und Wohltätigkeit, later the Deutscher Verein für Offentliche und Private Fürsorge. From 1905 until his death he was director of the Department of Public Charities in Berlin. Münsterberg's ideas continued to bear fruit after his death and many of his views on the reconstruction of social legislation were realized in Germany after the World War.

ALICE SALOMON

Works: *Die deutsche Armengesetzgebung und das Material zu ihrer Reform*, Staats- und socialwissenschaftliche Forschungen, vol. vi, pt. 4 (Leipsic 1887); *Das ausländische Armenwesen*, Deutscher Verein für Armenpflege und Wohltätigkeit, Schriften, nos. 35 and 52, 2 vols. (Leipsic 1898–1901); *Bibliographie des Armenwesens* (Berlin 1900, with supplements 1902 and 1906); *Das Elberfelder System*, Deutscher Verein für Armenpflege und Wohltätigkeit, Schriften, no. 63 (Leipsic 1903).

Consult: *Survey*, vol. xxv (1910–11) 721–22; Friedmann, Anna, and others, in *Zeitschrift für das Armenwesen*, vol. xii (1911) 34–39.

MÜNSTERBERG, HUGO (1863–1916), German-American psychologist and philosopher. Münsterberg, son of a Jewish merchant, was born in Danzig and educated at Geneva and Leipsic, taking his doctorate in psychology with Wundt. Later he took a degree in medicine at Heidelberg. After teaching psychology (nominally as a branch of philosophy) at Freiburg i.Br. he was called to America in 1892 through the influence of William James, who secured his appointment as professor of psychology and director of the experimental laboratory at Harvard University. In 1897 after a two years' visit to Germany the appointment was made permanent. During 1910–11 Münsterberg served as Harvard exchange professor at the University of Berlin.

Münsterberg's first important work was a monograph entitled *Die Willenshandlung* (Freiburg i.Br. 1888), in which he criticized Wundt's innervation theory as implying a direct experience of the will. This criticism was subsequently attacked as a misunderstanding of Wundt's position. When he came to Harvard, Münsterberg's interests shifted from systematic experimental psychology to various new branches and applications of psychology. He was the first to give a course in applied psychology (at Berlin) which included practical demonstrations in hypnotism. He sought and found applications of psychology to medicine, law, industrial efficiency, advertising and various other departments of human endeavor. While much of what he wrote on these subjects was not strictly scientific, his work had the merit of enlisting the interest of practical men of affairs on behalf of psychology. His books moreover were full of fertile suggestions and intuitive flashes which opened up new pathways for laboratory research by more controlled methods.

Münsterberg's philosophy, contained in his *Eternal Values* (Boston 1909), an English version of the *Philosophie der Werte* (Leipsic 1908), *The Eternal Life* (Boston 1905), *Science and Idealism* (Boston 1906) and *Der Ursprung der Sittlichkeit* (Freiburg i.Br. 1889), is a species of voluntaristic idealism, with the chief stress on action. In this respect he harked back to Fichte; yet unlike the German idealists of the nineteenth century he set up a barrier between philosophy and science. In the real world there are purposes; in science, or the world of constructs, there are only causes. From this double system of bookkeeping he derived the conclusion that in actual life man is free but from a psychological viewpoint determined.

A. A. ROBACK

Other important works: *Beiträge zur experimentellen Psychologie* (Freiburg i. Br. 1889–92); *Psychology and Life* (Boston 1899); *Grundzüge der Psychologie* (Leipsic 1900, 2nd ed. 1918); *Grundzüge der Psychotechnik* (Leipsic 1914, 2nd ed. 1920); *Psychology and the Teacher* (New York 1909); *Psychology: General and Applied* (New York 1914); *Psychotherapy* (New York 1909); *Vocation and Learning* (St. Louis 1912).

Consult: Münsterberg, Margaret, *Hugo Münsterberg, His Life and Work* (New York 1922); Roback, A. A., "Hugo Münsterberg, Dramatic Figure in Psychology" in *B'nai B'rith Magazine*, vol. xli (1926) no. 3; Wunderlich, Frieda, *Hugo Münsterbergs Bedeutung für die Nationalökonomie* (Jena 1920).

MÜNZER, THOMAS (*c.* 1490–1525), German revolutionary and religious leader. Münzer, a priest, became an adherent of the Reformation and was influenced by Hussite and Taborite ideas while serving as a reformed preacher in Zwickau near the Bohemian frontier. With Nikolaus Storch he spread these doctrines among the Zwickau proletariat until he was expelled in 1521. After living for a short time in Prague,

where Hussite doctrines were still strong, he led a religio-social uprising in Allstedt in 1522. Later in Mühlhausen (Thuringia) together with Heinrich Pfeiffer he established a revolutionary regime closely resembling the Münster collective of the Anabaptists. After being banished from Mühlhausen he wandered throughout Germany, finally playing a leading role in the Peasants' War of 1524–25. Disapproving of the relations of Luther with the evangelical princes and landowners he called for a more basic attack on traditional Christianity as well as for a popular revolution against the feudal ruling class. He endeavored to link the uprising of the Thuringian peasants to social revolutionary movements of urban workers and miners. His program was violently denounced by Luther, and following the annihilation of his forces in the battle of Frankenhausen he was put to death.

Münzer was an outstanding figure in one of Germany's greatest social revolutions. His religious and social doctrines, largely influenced by Huss and Joachim of Flora, were based upon what was later called the theory of the inner light. God speaks through the heart rather than in the dead letters of the Bible. When hearts are full of "the spirit" and men are reborn in the true baptism of God's living word, external laws and compulsory social organization will be unnecessary. Power will be in the hands of the holy. The "godless," who "have no right to live," should be ruthlessly exterminated.

Münzer greatly influenced German political and social thought. Hans Denk, Sebastian Franck and Andreas Karlstadt owed much to him. Radical democratic and social movements of the nineteenth century acknowledged and honored him as their precursor. Ecstatic revolutionary and chiliastic communist groups in Germany after the revolution of 1918 claimed him as their prophet, holding that he anticipated revolutionary developments in Russia and was the peer and prototype of both Liebknecht and Lenin. Münzer's doctrines paved the way for the Quaker doctrine of inner light, for the English Quintomonarchist demand for a dictatorship of the holy and for the chiliastic and enthusiastic communism of Winstanley and Weitling. His Allstedt *Bund* was a forerunner of the English and American covenants.

MICHAEL FREUND

Important works: *Thomas Müntzers Briefwechsel*, ed. by Heinrich Böhmer and Paul Kirn, Sächsische Kommission für Geschichte, Schriften, vol. xxxiv (Leipsic 1931); "Hoch verursachte Schutzrede und Antwort, wider das gaistlosze sanfftlebende Fleysch zu Wittenberg" in *Aus dem Kampf der Schwärmer gegen Luther*, ed. by Ludwig Enders (Halle 1893) pt. i, p. 17–39; *Ausgetrückte Emplössung des falschen Glaubens der ungetrewen Welt* (written 1524; ed. by Reinhard Jordan, Mühlhausen 1901).

Consult: Beer, Max, *Allgemeine Geschichte des Sozialismus und der sozialen Kämpfe* (6th ed. Berlin 1929) p. 354–57; Engels, Friedrich, *Der deutsche Bauernkrieg*, Elementarbücher der Kommunismus, vol. viii (new ed. by Hermann Duncker, Berlin 1925); Zimmermann, Wilhelm, *Grosser deutscher Bauernkrieg*, ed. by Wilhelm Blos (3rd ed. Stuttgart 1891); Kautsky, Karl, "Der Kommunismus in der deutschen Reformation" in his *Vorläufer des neueren Sozialismus*, 2 vols. (5th ed. Stuttgart 1920) vol. ii, tr. by J. L. and E. G. Mulliken as *Communism in Central Europe in the Time of the Reformation* (London 1897) ch. iv; Lohmann, Annemarie, *Zur geistigen Entwicklung Thomas Müntzers*, Beiträge zur Kulturgeschichte des Mittelalters und der Renaissance, vol. xlvii (Leipsic 1931); Eildermann, Heinrich, "Thomas Munzer und seine Lehre" in *Arbeiter-Literatur* (Vienna 1929) no. 9; Boehmer, Heinrich, "Thomas Müntzer und das jüngste Deutschland" in his *Gesammelte Aufsätze* (Gotha 1927) p. 187–222, and *Studien zu Thomas Müntzer* (Leipsic 1922), with bibliography; Bloch, Ernst, *Thomas Münzer als Theologe der Revolution* (Munich 1921); Ball, H., *Zur Kritik der deutschen Intelligenz* (Berne 1919) ch. i; Schiff, O., "Thomas Münzer und die Bauernbewegung am Oberrhein" in *Historische Zeitschrift*, 3rd ser., vol. xiv (1912–13) 67–90.

MURATORI, LODOVICO ANTONIO (1672–1750), Italian historian. Muratori was born at Vignola near Modena and entered the priesthood in 1694. For a short time he was librarian of the newly founded Biblioteca Ambrosiana in Milan. In 1700 he returned to Modena, where for fifty years he was the duke's librarian and archivist. Muratori's life work consisted in the conscious application of the methods of Mabillon and the Benedictines of Saint-Maur, improved by his independence of judgment, to the sources of Italian mediaeval history. This field had been neglected by the scholarly humanistic tradition, which, honoring only the illustrious history of classical antiquity, had generally left the Dark Ages to their darkness. Through the sheer force of his humility, patience and unpretentious love for truth Muratori reversed the prejudice; he published and interpreted more than two thousand chronicles from the period from 500 to 1500. Thus he illuminated a comparatively recent but almost thoroughly hidden past and revealed, among other features of the Middle Ages, the importance of the struggle between the Italian free communes and the empire, in which the Swiss historian Sismondi later sought the pattern of modern liberties. Although in his adolescence he was a pupil of

the Jesuits and throughout his life a sincere Catholic, he evinced a firm impartiality whenever he touched upon matters of positive research. Prosecution was initiated against him by the church but was overcome through the interference of political authorities whose protection Muratori enjoyed.

Not rebellious in any sense, Muratori was liberal minded as far as this was permissible within the set up of the acknowledged powers. In his treatise *Della pubblica felicità* . . . (Lucca 1749) he conceived of the state as a paternalism ordered by reason and virtue, solicitous for the bodily welfare and the spiritual improvement of its subjects, lawful, beneficent, wisely tolerant of natural inclinations, neither ambitious, tyrannical nor cruel. Wars Muratori held to be the worst of evils if not necessary for self-defense but promoted by lust for glory and power.

G. ANT. BORGESE

Works: *Rerum italicarum scriptores*, 25 vols. (Milan 1723–51; new ed. by G. Carducci and V. Fiorini, vols. i–xxxiv, Città di Castello and Bologna 1900–30), with introduction by G. Carducci, vol. i, p. xvii–lxxi; *Dissertazioni sopra le antichità italiane*, 3 vols. (Milan 1751), and *Annali d'Italia*, 12 vols. (Venice 1744–49), both reprinted in Collezione Milanese dei Classici Italiani; *Raccolta delle opere minori*, ed. by G. Ponzelli, 22 vols. (Naples 1757–64); *Epistolario*, ed. by Matteo Càmpori, 14 vols. (Modena 1901–22); *Scritti inediti*, 2 vols. (2nd ed. by C. Ricci, Bologna 1880).

Consult: Fueter, Eduard, *Geschichte der neueren Historiographie*, Handbuch der mittelalterlichen und neueren Geschichte, vol. i (Munich 1911) p. 318–20; Bertoni, Giulio, *L. A. Muratori* (Rome 1926); Bezzi, G., *Il pensiero sociale di Lodovico Antonio Muratori* (Turin 1922); *Il settecento*, ed. by Giulio Natali, Storia letteraria d'Italia, 2 vols. (3rd ed. Milan 1929); Ferrini, Contardo, *Lodovico Antonio Muratori e la storia del diritto*, Moderna Università, Facoltà di Giurisprudenza, Pubblicazioni, no. 28 (new ed. Modena 1928).

MUSEUMS AND EXHIBITIONS. Although museums can trace a continuous history only as far back as the beginning of the fifteenth century, occasional collections of art works, religious objects and "curiosities" of various kinds existed at a much earlier period. Alexander the Great in the course of his marches and conquests amassed and sent to his former teacher, Aristotle, the materials of a notable collection; and, as is generally believed, Ptolemy Soter, under the inspiration of Alexander's world Hellenizing policy, founded the museum of Alexandria. But these were isolated instances. In the long period between the burning of the Alexandrian library and the beginnings of the Renaissance Roman trophies of conquest and mediaeval collections of ecclesiastical relics constituted the nearest approach to a museum.

The fifteenth century witnessed the discovery of two new worlds. One was the long obscured civilization of ancient Greece and Rome; the other was America. Aided by the growth of nationalism, these discoveries revived the long dormant intellectual curiosity of western Europe. Materials to satisfy this curiosity were sought with feverish intensity. Kings, princes and nobles sponsored excavations and collected libraries of the classics and objects of classical art in their palaces and castles; explorers and traders brought minerals, plants, animals and other trophies from the East and West Indies and the continent of America; scholars and men of wealth vied with one another in obtaining "rarities" and choice specimens of art or natural history. Thus there grew up throughout Europe art collections, coin and medal collections, natural history collections and collections in which art objects, natural history specimens and mere curiosities were intermingled. By the middle of the sixteenth century there were, according to Murray, nearly a thousand coin and medal collections scattered through Italy, France, Germany and the Netherlands. Notable early collections which formed the nucleus of museums now in existence are those of Cosimo de' Medici in the Uffizi Gallery at Florence; that of Ulisse Aldrovandi, which, joined with the collections of Cospi and Marsili in 1743, is now in the Museo Civico and the university library at Bologna; the Kunst und Naturalien Kammer of Augustus, elector of Saxony, from which developed the museums of Dresden; and the collections of Francis I and his successors in the Louvre.

With the decline of ecclesiastical authority and obscurantism in the period following the Reformation interest in the sciences spread widely. This was heralded early in the century by the founding at Rome of the Accademia dei Lincei, of which Galileo was a member. After the middle of the seventeenth century the movement gathered force, and a strong stimulus was given to the collection and classification of scientific material by the founding of such societies as the Academia Naturae Curiosorum at Schweinfurt in 1652, the Accademia del Cimento in Florence and the Academia Naturae Curiosorum in Madrid in 1657, the Royal Society in London in 1660 and the Académie des Sciences in Paris in 1666. During the second half of the century

the foundations were laid for a number of important science museums in Germany; Buffon assembled at the Jardin du Roi in Paris collections in every department of natural history; and the collections made in America and Algiers by the Tradescants, gardeners of King Charles I of England, passed through the hands of Elias Ashmole into the possession of Oxford University to become in 1683 the Ashmolean Museum.

In the eighteenth century museums began to be definitely recognized as of public significance as well as a means of gratification to the aristocracy of rank or scholarship. Between 1740 and 1750 the first Christian museum was established at the Vatican by Pope Benedict XIV. In 1753 the collections of Sir Hans Sloane were accepted by act of Parliament for the establishment of the British Museum. The first American museum was organized in 1773 at Charleston, South Carolina. At Madrid the Museo Nacional de Ciencias Naturales, established by royal decree in 1771, was opened to the public in 1776. In 1793 the Muséum de la République (now Musée Nationale du Louvre) was constituted at the Louvre and the next year the Jardin du Roi became the Muséum National d'Histoire Naturelle. The Conservatoire des Arts et Métiers, the oldest industrial museum, was opened at Paris in 1799. By the close of the century museums were firmly established as public institutions, although their potentialities for usefulness had only begun to be appreciated.

In the nineteenth century the museum emerged from its formative stages—the palace collection, the cabinet of the prince or scholar and the public depository of materials from palace or cabinet—into the modern museum, a laboratory of research and an educational center. The development of the museum as a laboratory was influenced by the spread of archaeological research and the publication of Darwin's *Origin of Species*. Biology turned from classification and recording to the investigation of relationships, and archaeology became a science rather than an outlet for curiosity. About 1870 educational exhibits, as distinguished from exhibits which were only collections, were first installed in museums. The earliest science museum group in the United States was shown in New York about 1869, this type of exhibit having had its origin in England a few years earlier. Mammal and bird groups were developed in American museums in the 1880's. At about the same time lectures and active educational use of exhibits began in science museums, the lead being taken by the museums at Buffalo, New York, and Davenport, Iowa. In the art museum field the Musée de Cluny was opened to the public in 1844, with its collections, including craft work of the Middle Ages, arranged by period, in contrast to the galleries of the palace museums filled exclusively with paintings or with sculpture. In 1851 the Great Exhibition at the Crystal Palace in London focused attention on the generally inartistic nature of articles for everyday use produced at that time by machine manufacture. This demonstration of the machine threat to the handicrafts, following upon the custom engendered by the romantic movement of assembling collections of old furniture, fabrics, utensils and other objects, led to the establishment of the craft museum with collections arranged by material in departments of woodwork, metal, textiles, pottery, glass and so forth, and to the introduction of industrial arts into museums already established. The first museum of industrial art was established at South Kensington the year after the Crystal Palace exhibition. Museums became a source of design ideas first for handicrafts and later for machine manufactured articles. A further step in the arrangement of collections was taken in 1888, in which year the Nuremberg museum installed six original period rooms of the fifteenth to the seventeenth century with appropriate furnishings. At about the same time the British Museum (Natural History) was engaged in arranging its "introductory series" in the central hall of the new building at South Kensington. The general scheme for arranging the collections in this building included three series: introductory series, exhibited systematic series and reserve, or study, collections, this constituting a formal adoption of the idea of Louis Agassiz and J. E. Gray that there should be a sharp separation of the exhibited material and the study material.

An important influence on the establishment of museums during the nineteenth century was exerted by the international expositions, beginning with the Crystal Palace exhibition in London in 1851. These expositions, by directing attention to scientific, artistic and industrial developments, by demonstrating the effectiveness of visual education and by assembling material, aided largely in the growth of the museum movement. In many cases the exposition was seized upon as an opportunity for the erection of permanent exhibition buildings to be used later as museums. Notable examples are the Trocadéro at Paris (Exposition Universelle of

1878); Memorial Hall at Philadelphia, now one of the buildings of the Pennsylvania Museum of Art and the oldest existing public art building in the United States (exposition of 1876); the first building of the Field Museum of Natural History (World's Columbian Exposition of 1893); the building of the Museum of Science and Industry at Chicago opened in May, 1933 (also an outgrowth of the exposition of 1893); the City Art Museum at St. Louis (Louisiana Purchase Exposition of 1904); the San Diego Museum (Panama-California Exposition of 1915); and the building which was until recently the home of the San Diego Natural History Museum (exposition of 1915). The Centennial Exhibition at Philadelphia in 1876 led also to the establishment of the department of industrial arts in the United States National Museum at Washington and to the erection of a building for the department. Other museums trace their origin to exhibits at great expositions which were later used as nuclei for the museum collections.

After the opening to the public of the museums in London, Madrid and Paris in the eighteenth century museums began increasingly to acquire a democratic character. Reluctant at first to admit the ordinary citizen—as indicated by the early rules of the British Museum restricting admissions to thirty people in any one day and requiring even these to obtain permits in advance—museums have steadily modified their practise, first so as to bring more people into the building and then to extend the museum's influence beyond its walls. Originally it was customary to arrange the whole collection in one series: every object was for exhibit as well as for study. Rows of animals, birds or skeletons; cases crowded with minerals, shells and other specimens; and solid galleries of sculpture or of paintings, were the rule. Later, in order to relieve the dulness of repetition and to attract popular attendance, a selection was made for exhibit, the rest of the collection being arranged in systematic order for the use of the research specialist and housed in a separate part of the building. Some zoological exhibits came to be arranged against natural backgrounds painted on canvas; improvements were made in the art of taxidermy so as to produce more lifelike effects; and finally there was evolved the habitat group, showing animals and birds mounted in natural attitudes with surroundings as in nature. Early in the twentieth century miniature groups began to appear in museum exhibition halls. In the last five years these groups have become popular and are in use not only for natural science but for anthropology, history and industry exhibits. In the art museum the more flexible methods of arrangement, the introduction of industrial and decorative arts, the installation of period rooms and the development of the temporary exhibition have all had the effect of drawing people into the museum. This democratizing of the museum itself has been accompanied by an increasing effort to extend the museum's influence outside its walls, first to the schools and then to the community as a whole in ways that will be indicated later.

Today there are more than 7000 museums in the world; Markham has estimated the number as 8000. Of these about 6500 are in continental Europe, the British Isles and the United States. Germany and the United States are far in the lead in numbers, with more than 1500 museums each. Next come France and Great Britain, with more than 1200 about equally divided between them. On the European continent museums vary somewhat according to racial or national differences. France has a large group of important national museums in and near the capital city of Paris and some 500 provincial museums which owe their existence for the most part to the revolution and which have derived their collections from property seized at that time and from material acquired by the nation through conquest, purchase and in other ways and distributed in accordance with government policy. Italy has more than 400 museums. In that country the outstanding characteristic of the older museums, which are in the majority, is that they reflect the ancient civilization existing in their separate regions and the taste and policy of princes, schools or prelates of the city-states. In France and Italy most of the museums deal with art and archaeology, notably the Louvre and Luxembourg in Paris and the national museums of Florence, Rome and Naples and the Vatican museums in Italy.

In Germany and the other Teutonic countries the people have developed a keener sense of the value of museums than is to be found elsewhere in Europe, and it has been estimated that in these countries there is a museum for every 40,000 inhabitants. Culture history museums are the most numerous, constituting nearly 50 percent of the total. Historical museums and natural history museums follow in order. Germany also has many fine museums of art and archaeology, in particular those at Berlin and Munich. The most famous of all industrial mu-

seums, the Deutsches Museum, is at Munich. In Germany the museums are for the most part provincial; but whereas in France such museums are bound closely to the national government, in Germany their relations are rather with the state governments within the Reich. They are more varied in subject matter, more a source of local pride, more generally used by the people.

Soviet Russia, which has about 200 museums, is using these as an effective tool of educational propaganda. In museums of science the emphasis is on evolution and on studies in applied science; in museums of art the emphasis is on the social significance of periods and kinds of art work. Special museums have been established to illustrate the revolution and the principles of communism. The management of all Soviet museums is directly in the hands of the central government.

In Great Britain museums have developed with less government supervision than on the continent. More of them are general museums; that is, museums which include art, science, history and industry. The British Museum, by its extraordinary size and scope and its long history, has to some degree overshadowed the others. In the Orient, Japan leads in museum development, with more than 160 institutions; China has about 100, and India 90. In Australia and New Zealand there are about 160 museums and in Africa 60. South America has 100 museums; 58 are national museums, of which 51 are located in the capital cities. Two thirds of the total are devoted to one subject; natural history leads, and history, art, anthropology and commerce or agriculture follow in order. There are 125 museums in Canada and about 75 in Mexico and the West Indies.

In the United States the educational activity of the museum has been given full scope. Children's museums and trailside museums were first established in America. Fully developed educational departments using school cooperation, guide service, publications, radio, loan exhibits, slides, films and all the other educational devices are to be found only in the United States. The typical plan of museum administration in the United States is that of control by independent boards of trustees, either self-perpetuating or elected by vote of members of the museum society. Of the 1500 museums nearly 800 are public; more than 400 of these are history museums, about 170 are art museums and 125 are science museums. There are 24 industrial museums and 50 general museums. About 600 museums in the United States are owned by universities, colleges and schools. The investment in public museum buildings is more than $100,000,000 and in college museum buildings $10,000,000. Revenues of museums in the United States exceed $16,000,000 yearly. Endowments, gifts and membership dues are the chief support of public museums; this is in marked contrast with museums abroad, which are supported and administered for the most part by government agencies. Some of the important public museums in the United States are the United States National Museum under the administration of the Smithsonian Institution at Washington, the Metropolitan Museum of Art and the American Museum of Natural History at New York, the Museum of Fine Arts at Boston, the Field Museum of Natural History at Chicago, the Art Institute of Chicago, the Pennsylvania Museum of Art at Philadelphia and the art museums at Detroit, Cleveland, Cincinnati, St. Louis, Toledo and Providence.

Museums comprise in their province almost every subject that is represented by objects. Most of them may be included, however, in five major divisions: art, science, history, industry and general. Science includes not only all museums dealing with geology, biology, palaeontology, ethnology, anthropology, medicine and so forth but also the planetariums, aquariums and botanical and zoological collections. Physical science has a place in most industrial museums. Many museums, for instance, agricultural museums, industrial arts museums, archaeological museums and folk museums, overlap at least two of these major divisions. Art museums often have sections for industrial art and archaeology, and they touch on the historical field with period room exhibits. Trailside museums are usually connected with natural history museums or with park educational development. Children's museums and school museums are invariably general museums. Scandinavian countries have led in the establishment of outdoor museums with houses assembled in one place. Similar museums are beginning to appear in the United States, where in addition a strong movement is under way for the preservation of historic houses and their interpretation to the automobile traveling public.

The chief function of modern museums is education, although the services of museums as laboratories of research and as guardians of the material evidences of the workings of nature in the past and of the accomplishments of civiliza-

tion and of the nation continue to be of great importance. Cooperation with the schools, which began in the United States in the 1880's, is now carried on by means of regular visits of school classes to the museum and by lectures and loans of objects, lantern slides, photographs and films. Museum visits and the use of museum material are regularly incorporated in the school program, and in many cities the board of education assigns special teachers to meet classes at the museum and to use museum material for instruction. In a few cities, notably St. Louis and Cleveland, museums have been established within the school systems for the sole purpose of providing material for the use of the schools. In others an endeavor is made to foster the establishment of museum branches in the schools themselves, the material in such museums being chosen for its suitability for classroom instruction. This is being done particularly in Pennsylvania through a cooperative plan of the Commercial Museum and the Museum of the University of Pennsylvania. In addition to work with the schools, museums provide for the instruction of children by means of story hours, museum games and other methods.

In the field of adult education the efforts of museums have developed steadily in magnitude and variety during the last twenty-five years. Lectures, conferences, study groups, clubs, courses of instruction and guide lecturing have emerged as the principal methods, supplemented by the lending of objects, photographs and paintings, slides, lanterns and motion picture films. Popular publications, newspaper publicity and radio broadcasts are used effectively to stimulate public interest. For the art museums the field of industrial art has offered an especially good opportunity for educational work because of the practical interest of designers, salespeople, buyers and others. Most art museums have amateur classes in drawing and other subjects as preparation for appreciation or knowledge of technique. The extramural work of science museums has recently taken a turn of special importance to adults. The purpose has been to find effective ways of using nature itself as museum material to be labeled and interpreted on the spot. This began with nature walks under museum guidance and since 1925 has brought forth park nature trails along which natural objects are tagged, and trailside museums devoted to study of the immediate locality.

Growth of educational museum work has attended a progressive consolidation of the museum field, especially during the present century. One manifestation of this trend, in part its cause and in part its effect, has been the rise of the museums associations. The first, the Museums Association (British), was established in 1889. The American Association of Museums followed in 1906. These and other associations in Germany, Scandinavia and elsewhere paved the way for the most recent development during the past decade. This has been the consolidation of museum interests on an international scale, reflected by the establishment, through the International Institute of Intellectual Cooperation of the League of Nations, of the International Museums Office at Paris.

L. C. EVERARD

See: EXPOSITIONS, INTERNATIONAL; PUBLIC LIBRARIES; INDUSTRIAL ARTS; EDUCATION; RESEARCH; ART; ART COLLECTING.

Consult: Smith, R. C., *A Bibliography of Museums and Museum Work* (Washington 1928); Murray, David, *Museums: Their History and Their Use*, 3 vols. (Glasgow 1904); Flower, William, *Essays on Museums* (London 1896); "A Memorial of George Brown Goode together with a Selection of His Papers on Museums" in Smithsonian Institution, *Annual Report of the Board of Regents 1896–97*, 2 vols. (Washington 1899–1901) vol. ii, p. 241–62; Coleman, L. V., "Recent Progress and Condition of Museums" in United States, Office of Education, *Biennial Survey of Education 1928–1930*, Bulletin, 1931, no. 20, 2 vols. (1932) vol. i, ch. xxii; Dana, J. C., *The New Museum* (Woodstock, Vt. 1917), *The Gloom of the Museum* (Woodstock, Vt. 1917), and *A Plan for a New Museum* (Woodstock, Vt. 1920); Gilman, B. I., *Museum Ideals* (2nd ed. Cambridge, Mass. 1923); Rea, P. M., *The Museum and the Community* (Lancaster, Pa. 1932); Richards, C. R., *The Industrial Museum* (New York 1925), and *Industrial Art and the Museum* (New York 1927); Verein deutscher Ingenieure, *Das deutsche Museum, Geschichte, Aufgaben, Ziele*, ed. by Conrad Matschoss (Berlin 1925); American Association of Museums, *Hand Book of American Museums* (Washington 1932); Miers, H. A., *A Report on the Public Museums of the British Isles (Other Than the National Museums) to the Carnegie United Kingdom Trustees* (Edinburgh 1928); Great Britain, Royal Commission on National Museums and Galleries, *Final Report*, Cmd. 3401 and 3463, 2 vols. (1929–30); *Musées*, compiled by Pierre Berthelot and others, Cahiers de la République des Lettres des Sciences et des Arts, no. 13 (Paris 1931); *Jahrbuch der deutschen Museen*, published in Wolfenbüttel since 1927; Office International des Musées, *Mouseion*, published tri-annually in Paris since 1927; *Maecenas*, ed. by Joachim Stern (2nd ed. Berlin 1930); Grinevich, K. E., "The First All-Russian Congress of Museum Workers" in *V. O. K. S.*, vol. ii (1931) no. 4, p. 81–85; Lucas, F. A., *The Story of Museum Groups*, American Museum of Natural History, Guide Leaflet series, no. 53 (New York 1921).

MUSIC

MUSIC AND MUSICOLOGY ..... CHARLES SEEGER
PRIMITIVE ..... HELEN H. ROBERTS
ORIENTAL ..... HENRY COWELL
OCCIDENTAL ..... CHARLES SEEGER

MUSIC AND MUSICOLOGY. *Music and Language.* To increase the understanding of the social function of music it is necessary first to examine the relation of music to language. Both music and language employ sound as their medium. Both communicate something from a sound maker to a sound hearer. This "something" is, in all the higher as well as in most so-called primitive cultures, an elaborately stylized selection of sound material which is assumed by both the makers and the hearers of the sound to have communicable content and social value. It is possible that there may be a field or content of music which may comprise something homologous to linguistic thought, logic or discourse. It is likely also that the musician communicates something homologous to an understanding of a social function through music. The essential problem is, however, how reliable language can be in presenting in words an understanding of the social function of music, when possibly every composer and performer of music is giving in his music something at least homologous to an account of his understanding of that function. Are the fields or contents of music and language identical or mutually exclusive? Or do they overlap—and to what extent?

It is difficult to say what is or might be the communicable field or content of music. Even the reports of the few men of recent times who have been blessed with unusual skill in both arts—such men as Wagner, Schumann and Berlioz—have not been of a positive sort. It is easier to say what music is not, than what it is. There are several opposing viewpoints upon the subject. The nature of the belief depends mostly upon the temperament. Believers in absolute music (music for its own sake) hold that music and language are incommensurable and had better be kept apart. Believers in the "marriage of the arts" hold that what can be communicated in language can be identical with what can be communicated in music and that opera is therefore an ideal and supreme social experience. Candid examination recommends a modification of both claims. Some persons may be able to effect a closer mystical rapprochement between music and language than others, but little can be said at present about the logical correlation of the two. The logical use of language presumes the possibility of exact reference by its words and sentences to something other than the actual sound forms employed. Music, on the other hand, need not refer to anything outside of its sound forms. By common consent various affects, describable in language, can be attributed to musical stimuli, but there is no reason for supposing that because these affects or stimuli can be presented in language about music therefore they are necessarily presented as musical elements in music. Specific musical materials and processes can of course be associated with definite words and with the objects to which words refer, but this is not at all the same as communication through the medium of words. Meaning, especially precise or comprehensive meaning, as understood in language seems to be unnecessary in music. Definite meaning can be and often is attributed temporarily to particular musical processes, but there seems to be more left to music after such meaning has been abstracted than there is to language after its meaning has been abstracted. The communicable content of music is predominantly the sound itself—the forms of the tonal and rhythmic manipulation. The vague and shifting associations and suggestions of language meaning that music may produce are not to be confused with the definite precision and comprehensiveness of language meaning itself. By translation the content of a body of sound material of one language can be communicated with very little loss, if any, by an utterly different body of sound material of another language. But translation from one music to another music is not practicable. Briefly, if the sound of language is changed the sense may be preserved, but if the sound of music is changed its sense is changed. There is no other reason for this than habit. A social order in which the functions now exercised by language could be performed by musical tones and rhythms is not inconceivable. Indeed it is possible that something remotely approaching this was done in ancient China when, it is reported, prime ministers were selected according to their skill in music and affairs of state were conducted in terms of the

functions of the twelve *lü*, or basic tones. The chief difficulty in correlating music and language and our linguistically conditioned social fabric seems to lie in the fact that in music there is no contradiction. Opposites do exist in music, but they are not contradictory as they may be in language.

Musicology. Musicology, or the methodical treatment of music by language, is an ancient study dating back to Pythagoras in Greece (sixth century B.C.), to mythical periods in China, Japan and India and to the eighth century A.D. in Arabia. In the nineteenth century in western Europe, at the time when most subjects of learning were undergoing a reconstitution, musicology too took on a new lease of life. The bio-bibliographical work of Forkel, Gerbert and others, shortly before and after 1800, laid the foundation for a study of the history of European music, which until that time had been woefully neglected. By 1850 modern scientific methods had completely revolutionized the subject. The publication of most of the important treatises on music remaining from Greek, Greco-Roman and mediaeval periods and the publication and deciphering of music—notational monuments—occupied the attention of many capable scholars. The complete works of the great European composers began to be collected in monumental editions financed by world wide subscription lists. The upshot was the fixing of the new found powers of musicology in a historical, backward looking attitude, unavoidable perhaps in view of the enormous tasks at hand, but regrettable because it produced a wide gap between musicology and music.

Into the study of historical musicology were drawn in turn the sciences of archaeology, palaeography and iconography. The subject matter became interesting in itself and the question of its use to music was temporarily shelved. The work of Helmholtz in acoustics fixed the study of physics in the position of a permanent adjunct of musicological studies. Psychology and physiology, obviously interrelated in the undertaking, were brought in; and it is not unfair to say that a very large part of the musicological work of the nineteenth century which is not biographical or textual has been done in the laboratories of these sciences. Philosophy, in more ancient days the mainstay of musicological systematization, has lagged; but its subsidiary interest, aesthetics, has produced a small host of treatises upon music, especially in Germany. Toward the end of the nineteenth century the various strands of these interests began to be drawn together by Hugo Riemann, Guido Adler and others, whose indefatigable labors have resulted in the creation in Germany of chairs of musicology in most of the important universities. The work of Ellis and Stumpf in the 1880's laid the basis for the later destruction of Europe's solipsistic concern with its own music alone. The extra-European musics, theretofore subject to a merely casual dilettantism, began to take the places in European musicological calculations that long before the languages of the world had taken in philology. Serious students no longer considered they had done their duty by oriental music with little more than a collection of curiosities and a couple of transcriptions for piano in four-part diatonic harmony, badly written "by ear." Phonographic recording was begun by Fewkes in America as early as 1890. Phonogrammic archives began to be established shortly afterward both in the United States and in Europe. Musicological work is now a recognized part of anthropological and ethnological undertakings. But buried, as most of these contributions are, in the journals of learned societies and in volumes which are for the most part incomprehensible to musicians, musicology has here a special task of sifting, correlating and interpreting.

The difference in viewpoint of the musician and the non-musical scientist appears often at first irreconcilable. What is essential truth for one may be irrelevant if not positively misleading to the other. A case in point is the 2500-year old dispute about tuning. Elementary physics has shown that there are certain types of pitch differences that can be described accurately by simple numbers. Thus in the occidental system of music the octave can be expressed as the ratio 1 : 2, the perfect fifth as 2 : 3, the perfect twelfth as 1 : 3 and so on. By comparing the intervals expressible by the simplest numerical ratios with the actual intervals used in occidental music, one cannot help being struck by what seems either an extraordinary coincidence or a revelation of the oneness of fundamental law in the universe. For these musical intervals have been chosen from the myriad possibilities of nature by the musical ear without knowledge of the physics of the situation. The disturbing element is the fact that if, for example, a physically "pure" tuning were given to all the notes in a sonata by Beethoven, from fifty to a hundred keys might be needed for each octave of the pianoforte. Since this is impracticable twelve

tones have been selected, spaced equally distant from each other and these twelve are accepted in place of the fifty or hundred. They are "out of tune," but the ear "corrects" this. What happens, however, when a violinist plays the sonata with the pianist? He can stop the strings with his finger at any of the fifty or one hundred intervals of the physically pure scale. But in many cases he does not; indeed, on the contrary, he often plays the intervals in a manner more out of tune with the pure tuning than the piano does. And this is approved as the best practise by the best musical judges. Dozens of other instances can be cited to show that the measurements of the non-musical scientist, indeed his very categories, are, although true for him, fallacious for the musician. Art appears to be concerned not so much with what is as with what seems. Standards of this "seeming" change, however, with amazing quickness; so that non-musical science, far from being rejected by the musician, should be continually referred to. But it cannot govern—it can only correspond. Music, for instance, cannot be conceded by any serious musician to be based upon physics or psychology or upon any linguistic technique. But since music exists for the present in a predominantly linguistic society, in which most people (even some musicians) are linguistically literate but musically illiterate, it will be necessary for a long time to come to bring in all the help science can give. But before this help can be utilized for the benefit of music, much of it will have to be translated from the non-musical to the musical point of view. It is still too early to attempt evaluation of the contributions from these sciences. Physics alone in its applied aspect has nearly revolutionized the profession of the musician. It began with the perfection of various instruments, especially the pianoforte and organ and the wood and brass wind instruments of the orchestra, then with the improvement of the acoustical properties of auditoriums and opera houses. The phonograph, the player piano roll, the recording piano and above all the radio loom upon the musical horizon as forces whose effect it is impossible to gauge. A veritable musical invasion of the rest of the world is being conducted from the factories, offices and broadcasting stations of Europe and the United States. The question is already being asked how many of the non-European musics can survive the onslaught even long enough for adequate recordings of their idioms to be made. Already French, German, English and American brass bands are standard in oriental armies and navies, and native music is being adapted to western instruments.

The present state of affairs exhibits highly organized scientific activity, linked with vague, mystical and chaotic critical determinations. Musicology has these two main branches, science and criticism—probably equally important from an academic viewpoint—of which the critical, or evaluating, attitude predominated in the earlier stages of its development in Europe. Music, morals, statecraft, philosophy and the actual living of life are closely integrated in much of the primitive life that can be observed at the present time, and some of the earliest existing books report that the same was true of ancient China, India and Greece. There, the integration was formal—that is, certain values were attached almost legally to certain technical processes, as, for instance, in Greece certain modes were proper, others improper for the education of young men; in India even today certain music is appropriate to certain times of day; in old Hawaii singing with some qualities of voice brought the death penalty. Undoubtedly the musical laws were often broken, often changed. But the fact remains that there was far reaching and thorough effort to bring about a correspondence between the best thought and the general practise.

Criticism and Music. The formal study of musical value has two aspects: the intrinsic value of music and the value of music to society. Very little has been written in modern times upon the former, and practically nothing upon the latter. Although scientific method has been polished with infinite care, the method of criticism is still riding in a chaise. The result is a tendency to absolutism in values on the part of individuals but disregard of values in collective undertakings—for a sane musicology, two equally undesirable extremes. Musical value does not depend upon any one set of criteria, but various criteria arise from several diverse and equally important sources: the almost instantaneous taste reaction of the individual; various musical group tastes, into one of which the individual taste reaction tends very soon to merge and to several of which he is likely to defer either consciously or unconsciously; the mandates of musical history, those determinations of value that are presented in the myriad ways a complex history can record them; the current musical idiom of any place or time, a body of theory and practise which not only represents achieved

values but which continually destroys old and creates new ones; the group tastes of musically untrained people, especially of those in control of powerful institutions, e.g. political, religious, economic; the determinations of value of an extramusical sort that come down in an almost chaotic confusion from ancient times; the contributions of contemporary non-musical sciences. In no one source are the criteria without serious conflict; from no two sources are the criteria extractable by the same methods or with equal ease, nor are they easy to make commensurable with one another. At present, with romantic individualism at the basis of European and American musical thought, two of these sources of criteria—the present musical idiom (musical science) on the one hand and the present non-musical sciences on the other—are irreconcilably opposed to each other. In a predominantly authoritarian state, such as existed in the past of some oriental cultures, there might be no conflict between the musical and non-musical sciences—they would be merged by decree, if necessary—but there would undoubtedly be a greater conflict within the individual between his personal predilections and his duty to the state. Any final judgment of musical value, then, must wait for a utopia wherein the extrinsic and intrinsic criteria are permanently adjusted.

All musicians exercise critical functions; they take hold of the inherited stream of musical development at the point where they reach it and express, by the kind of music they compose, perform and listen to, the value judgments they wish to or must proclaim. The distinguishing of the critical element in their work depends, however, in part upon their adjustment of it to their skill in technique. The great composers, for instance, are not necessarily the great critics. Sometimes their greatness depends more upon their skill, sometimes more upon their taste. Thus in European music one of the men whose critical accomplishments are most notable, Monteverdi, is not regarded—and rightly—as one of the greatest composers on account of a frailty in technique due to the fact, perhaps, that his critical acumen led him to see so far ahead that he experimented with processes that were not perfected until centuries after his death. On the other hand, Saint-Saëns had a brilliant technique but showed no particular critical taste. The greatest composers, however, show an approximate balance between the two capacities. This necessary union of technical and critical ability is one of the things that make the literary criticism of music so difficult. The musician presents the facts and the values of his music inextricably interwoven. The literary critic has to deal separately with facts and values. This has led to the cultivation of two distinct types of literary criticism of music: the impressionistic and the scientific. When the extrinsic judgment of music is expressed in the impressionist vein the musician must sit and listen or reply in the same terms—non-musical terms. But when the literary critic of music attempts scientific criticism he is invading the musician's stronghold, and if he is to maintain himself there he must be thoroughly acquainted with the technique of music. As long as his judgments are in agreement with everyone he has no trouble, but as soon as he disagrees with the musician he is asking his readers too much, unless he can (or persuades them that he can) write the music better himself.

Musical Science. The technique of music has been regarded as something of an esoteric secret by the professional musician, especially in the higher cultures of Europe and America. The setting apart of any group of people as music makers is a comparatively late social development and, from a musical viewpoint, not an entirely fortunate one. Musicians have never been particularly satisfied with the linguistic formulations of their skill as "technique." Most of these have been made for such special cases that their general use is precluded. The first requirement of a formulation of musical technique is a basic plan that can fit the music of any time and place; the second, a standard of measurement that will not only be musically intelligible but will be uniform for the whole field now known and likely for some time to become known. The most serious lack in most of the older musical theory was that it regarded musical processes as fixed standards rather than as the continually changing things they are. Even in ancient China and Japan, where tradition in music was regulated by royal or religious law, music changed its aspect continually. Indeed sometimes change was legislated into it, as, for instance, in China during the period when each incoming dynasty or emperor commanded the basic normal pitch of the musical art to be changed. A third requirement of any modern formulation of musical technique must be a clear differentiation of the domains of musical and non-musical considerations.

The definition of the technique of music

which would probably meet with least opposition is that of "the forming of music out of tone and rhythm." Tone and rhythm are data of the science of physics and can be combined in other ways than the musical way. Not all the tonal and rhythmic data of physics are available for musical form. Those which are may be called the physical, or raw, materials of music. These materials have each three characteristics whose variability is of importance in music. Tone has pitch, intensity and timbre (or quality); rhythm has speed, accent and proportion (or relative length of beat). As a matter of physical fact these two raw materials of music are two only to the musical ear. Together they can be represented upon one scale as simple frequency or mere occurrence in time-space, with rhythm occupying one part and tone an adjacent part, separated by only a small interval. The slowest perceptible rhythmic occurrence, or pulsation, has not yet been defined. It may span an interval of many minutes. The slowest simple (undivided) beat seems to occidental ears to be a speed of about 30 occurrences per minute: the fastest simple beat may be about 300 per minute, while the fastest rhythmic pulsation may be fixed at about 16 per second, when the separate sounding of the beats ceases, at least for the occidental tempo sense. This may be put down tentatively as the tempo or speed gamut. Increasing the speed of similar simple occurrences, the beats become a kind of flicker, or rapid tattoo, until by the time they reach the speed of about 32 per second they are heard as a low tone. The cycles, or rate of vibration, of the accepted as musical tone extend from approximately this point to a little over 4000 per second. This is the pitch gamut. Fine musical ears can distinguish separate pitches up to 30,000 per second or more. It is also possible to hear tones lower than 32 cycles under certain circumstances. Thus the single variable of physical frequency becomes for music two variables: speed of rhythm and pitch of tone, each of which has its low, medium and high and whose serial sequence may be observed as increase, constancy and decrease in frequency.

It is possible both in pitch and in tempo to slide or to jump from one frequency to another. The former produces an unarticulated, the latter an articulated variation. The occidental art uses both of these, but the articulated is the basis upon which such sliding as is done is thought out, written and performed, and it may thus be spoken of as an articulated music, as far as pitch is concerned. Some musics slide in such manners as to make it extremely improbable that fixed pitch psychology can be assigned to them. On the whole it appears that the pitch variable is generally more elaborately articulated than the tempo variable, some instruments, such as the pianoforte, organ, harp, xylophone and metallophone, being unable to slide. How much more sliding there is in occidental music and how much more important it is in music generally is only now being recognized. It is this point that invalidates the claim to scientific accuracy in the transcription to European notation of non-European musics, a procedure still too much relied upon by comparative musicology.

While occidental music treats the frequency variables as the most important or fundamental ones, it is not proper to grant them this priority in any broad study of music. For they never occur in music except in conjunction with the other four characteristics, i.e. pitch never occurs without loudness and timbre, and tempo never without accent and proportion. Nor do these two sets ever appear in music apart from each other. There is no doubt that tempo and pitch are the easiest to talk about and to measure. It may be for this reason, and not because they are more important musically, that the theory of music has spent so much time in organizing them, while those that are hard to talk about have come to be regarded as secondary. The variation in amplitude of vibration which causes the sensation of loudness and softness in sound varies between a soft tone on a violin and the fortissimo of the concert orchestra approximately as 1 to 20,000,000. The timbre, or quality, of a tone, which is the result of the interplay of frequency and intensity of a predominant tone and its concomitant accompanying tones, is so complex that no one scale has ever been devised upon which its variation can be plotted. The same sort of thing can be said of the other variables of rhythm—accent and proportion. All six of these fundamental aspects of the raw materials of music must be regarded, at least in theory, as being equally important, although the various musics of the world never make use of them all in the same way.

The raw materials of music through their six variables have certain inherent forms in which they combine among themselves, entirely apart from any connection with music. These may be called the physical forms of the materials. The wind blows in the trees, the horse's hoofs sound on the ground and the subway train makes its

run with squeaks and rumbles, now soft now loud, in varying tempos and accents according to the construction of rails, wheels, trucks, couplers, the demands of crowds and traffic regulations. These may be accepted as compositions in terrestrial mechanics, natural history or engineering but not in music.

Music is a phenomenon of prolonged social growth—a culture. It is not only a product of a culture but one of the means by which the culture has come to be what it is and continues. For a longer period than there is any record of, men have manipulated the raw materials of music in a manner deemed by them (or taken for granted) to be socially useful and valuable, but with a result entirely different from the sound-rhythm sequences mentioned above. Each great culture has become habituated to a particular kind of manipulation of the material, so that their musics are quite as distinctive as their languages. This results in a profound modification of the attitude toward the raw materials and of the forms inherent in them and imposes upon them a new class of forms, which may be called the forms of the manipulated materials, or the musical forms. These resemble the physical forms about as much as the forms of baskets and vases resemble the forms of willow trees and clay in pits.

The simplest musical form is the single, unaccompanied melody or melodic line. It consists in the simultaneous continuity of all six variables mentioned above. This definition must be understood to signify explicitly that a melody is not merely a sequence of pitches. It is equally a tonal and a rhythmic form and can no more exist without the one (and all its three variables) than it can without the other (and all of its three). Musically, then, these variables are known only in conjunction. Abstracted from a musical context they are no longer of use to the musician, although they may be to the physicist or psychologist. The manipulated form gives them characteristics that the physicist cannot grasp with his tools and concepts. Their musical character bears a relation to their physical character similar to the relation borne by the musical form (melody) to the physical forms. The musical character of these variables may be called function or resource, according to whether we are speaking scientifically of an objective process or speaking critically of the composer's subjective act of willing to do such and such. The musical variation of the functions may be called inflection. Thus when the pitch frequencies of a melody increase, the pitch function exhibits tension; when they remain constant, poise; when they decrease, relaxation. Similarly with the other five: tension results from louder sound, stronger partial tones, faster beat, stronger accent and divided beat; relaxation results from softer sound, weaker partial tones, slower beat, weaker accent and prolonged beats. A certain definite effect of a peculiarly musical sort is gained when tension, relaxation and poise occur simultaneously in all functions of a melody. There is a "together-soundingness" that has an important significance in the higher elaboration of musical technique. When tension occurs in some and relaxation in others an "apart-soundingness" can be noticed, which is of equal importance.

Continued habitual manipulation of the musical materials in melody has led to the conception of higher forms, or branches of technique, through the combination of melodies: (1) simultaneously two or more single melodies sounded at once according to more or less accepted conventions of harmony and counterpoint; (2) sequentially, two or more single melodies sounded one after the other according to more or less accepted conventions of musical structure; and (3) melodies sounded both simultaneously and sequentially. To this last and most complex type belong most of the works that have made the European art of music for the last thousand years. As a result of generation after generation of practise in these higher forms, the inflection of the original six functions of the single melody have received in turn more complex character. The three higher branches of technique may be referred to as the chordal, gross-formal and architectonic functions. For instance, the pitch function in melody results in what is known as mode. In the higher chordal form it develops what is known as key. In the gross-formal it builds in addition tonality in the broader sense, where extensive changing of key and mode occur. In the architectonic, where large blocks of modes, keys and tonalities are massed, as in the symphonies of Beethoven and Brahms or the music dramas of Wagner, the processes are recognized but are not named. The remaining functions receive similar although less consciously organized elaboration, until the complexity of the analysis is beyond practical handling. Even in two-part counterpoint, such as results from two solo voices singing a duet unaccompanied, each melody besides showing a different inflection of the six melodic functions,

twelve in all, shows relations, varying in importance, between each of the twelve with the remaining eleven. No one likes to think of counting them. The true musician, however, keeps his eye and ear upon them all and calculates nicely the effect of all the important ones. In respect to the equal development of all the basic functions none of the great musics of the world presents a balanced art. This may or may not be the characteristic of the international art of music that appears to be now in the process of forming.

Occidental music is to be distinguished for the simultaneous sounding of diverse material; the development from this practise of a so-called system of harmony, that is to say the viewing of the simultaneous combinations of tones as units or chords, among which elaborate functions have been cultivated; the development of a system of notation for music; the principle of consonance and dissonance; the mechanization of performance, by which large aggregations of performers follow very minute written directions with great precision; and technological development of instruments, their mass production and economic exploitation through engineering based upon the results of physical research.

The simultaneous sounding of diverse melodies, or polyphony, is to be distinguished from the simultaneous multiple sounding (with only approximate likeness) of one and the same melody, which is a favorite device of many oriental musics. Polyphony is not rare in other musics; indeed it is highly cultivated in east India, Indo-China and Indonesia. Outstanding in European polyphony is the practise of canon, i.e. the singing or playing of one and the same melody by two or more performers, beginning at slightly different but carefully calculated moments. The effect is of one voice chasing the other. As an art form in the fugue this represents one of the most complex and curious of musical practises. There are many places where the exact opposite is cultivated, as, for instance, in the art music of the Javanese *gamelan*, in which it is considered poor skill to play what the other musician is playing.

The harmonic or chord system of occidental music is a spectacular development which is not known to have prevailed elsewhere. It has called forth more fanciful artifice in the way of linguistic theory than all the other phases of musical technique put together. Theorists have never agreed about many essential and fundamental points; but the composers, especially from 1700 to 1900, have displayed the most remarkable agreement in the actual use and development of the system. The basic type of the chord was the triad and was composed of three tones, of which there were two main varieties: a major, conforming to the tones of the first six partials of a harmonic series in superior resonance (the tones obtained by the division of a sounding string into aliquot parts in the order 1, $\frac{1}{2}$, $\frac{1}{3}$, $\frac{1}{4}$, $\frac{1}{5}$, $\frac{1}{6}$); and a minor, conforming to the tones of the first six partials of a harmonic series in inferior resonance (the tones obtained by the multiplication of a sounding string by 1, 2, 3, 4, 5, 6, in turn). The attention given to this device by composers has resulted in the increase of the number of chords to such an extent that composition by chordal construction shows signs of a decline. Originally three of these triads, at a relationship of 2 : 3 to each other, defined a key. By a process of key changing, incorrectly termed modulation, successive groupings of these trinities of triads defined tonality, a conception real enough in music but very elusive of definition.

Occidental notation, although a most useful tool, is still inadequate for the notation of other than occidental music and not any too good for that. Present day researches are evolving it into a graph notation which can record or prescribe, to any desired degree of accuracy, any conceivable music using clearly defined pitches and any kind of rhythm. When this graph notation is released for practical musical work, the study of comparative musicology will be put securely upon its feet. This does not mean that the letter, symbol and stenographic notations of the Orient are to be discarded. On the contrary, a graph notation would help in understanding them and in preserving that understanding.

The principle of consonance and dissonance appears at present to be a unique achievement of occidental music. At least the non-western parallels of it have not been distinguished. The concept seems to be an extension to a higher form of the basic "together and apart-soundingness" referred to above in connection with the basic technical functions. When the principle of inflection was extended to the chordal branch of composition, poise and relaxation, as the result of a custom whose origin is unknown, were associated with the consonant intervals, and tension with the dissonant. These concepts were gathered together in a device known as (consonant) preparation and (consonant) resolution of dissonance, which imparted to the fabric of

composition a poignant and pulsing character that became so much prized that composers' interest became centered in dissonance. The continual search for more tension (and hence more dissonance) resulted soon after 1900 in the making of dissonance and tension the rule rather than the exception. Some modern theorists claim that the distinction between consonance and dissonance no longer holds. It is an intricate historical problem and will be dealt with more at length below, along with the two remaining distinctions of occidental music.

There are two respects at least in which occidental music is behind some of the other musics of the world in technical development. In the first place, the tendency to mass production and mechanization has done away with many of the more subtle possibilities that still survive in the more intimate arts of the Orient. The tendency to pursue tension as over against poise and relaxation, predilection for the showy and the theatrical, the acrobatics of too highly trained specialists, all lead in the same direction. In the second place, the development of rhythm is in occidental music in many respects far behind the development in some other musics, notably that of India. The African signal drumming too is utterly beyond western capacity, a surprising situation in view of the polish given to the pitch function. Why western music has not explored the rhythmic intervals and chords when it has before it all the time the pattern of the tonal parallels is hard to explain.

Those who have their eye toward the advancing study of comparative musicology are already speculating upon what the Orient and the Occident are going to learn from one another. That the musical rapprochement may be more rapid than that of any other art might be expected, since western music is already, without any knowledge of such a course, advancing toward experiment in possibilities of music that have long been staple practises in other musics. Not the least interesting to the West are the primitive musics, most of them highly complex and making use of vocal and instrumental capacities both new and fascinating.

CHARLES SEEGER

PRIMITIVE. The term primitive is used to describe those musics which have no formally or deliberately established scales, norms or theory, and whose instruments are comparatively crude. Many peoples practice such music, which is still little known. The music of the peoples of certain parts of Asia, Africa, the South Seas, most of the uncivilized regions of Australia and South America, some parts of Canada, and of the Indians in the United States and Mexico is as yet unsurveyed in this respect. Investigators have paid more attention to primitive vocal music than to primitive instrumental music, particularly since the latter is infrequently cultivated apart from its service as an accompaniment to song and dance. In all primitive society vocal music is prominent in ceremonial procedure. Ritual songs are frequently overemphasized at the expense of secular music by students and collectors interested in the ceremonies for other than musical reasons, although both usually occur in varying proportions and categories. Much ceremonial music reveals a pattern tendency, songs for a given ceremony often being structurally similar and limited in concept by adherence to a formalized style. Secular music is likely to be more varied and colorful. Hence collections based only on ceremonial music are not satisfactory representations of the musical achievements of a people.

The concept of the musician, as a socially distinct individual, hardly exists in most primitive societies, for music making and song composing are indulged in by any who have the desire and ability. Some, however, are recognized as more able than others and are accepted as leaders. In many social groups songs are regarded as magically endowed, valuable for propitiating deities, curing the sick and vanquishing enemies, and may be personally owned. They may not be used by others than the owner unless he sells them for a good price, gives them away or bequeaths them at death.

Vocal music tends toward greater metric regularity if associated with some form of bodily movement and lapses into irregularity without it, when merely accompanying language. With its irregular flows of meter and rhythm language tends to shape the more or less spontaneous melodic intonations not only in movement but in rise and fall of tone. Little research has been done in this field. Evidently melody for its own sake is a comparatively late phenomenon, often associated with a high development of tonally rich musical instruments. It has not yet been reached by certain peoples, whose music now and then affords interesting examples of the struggle for supremacy between music and language.

North and South American native vocal

music is monophonic or at best polyphonic only in the difference in range of men's and women's voices and in inadvertent sporadic harmonies. Much American Indian singing seems unique in its peculiar voice production—a pulsating tone. Navaho differs from most of the rest in its extravagant employment of very high tones and falsetto. The women of many Indian tribes use a squeezed, high tone, not unlike that cultivated by the Japanese. Hawaiians consciously develop tremendous lung capacity so as to be able to produce light, floating tones for a long time without breathing and delight in a rather pronounced vibrato, while an odd break occurs in the shifting of registers, which amounts to a style. Some tonal and considerable rhythmic harmony is found in the South Seas and in Africa. These harmonies are produced by combinations of instruments as well as in vocal music. Part singing was reported by early explorers to the South Seas; and particularly in Tahiti great choral ensembles appear to have been inspired by native suggestion without influence from the European world. In Africa antiphonal singing is a very old practise and many Africans seem to take naturally to tonal and rhythmic harmonies.

Few really primitive instruments except musical bows, flutes and the African marimba and mbila offer much tonal variety, while the rhythmic possibilities of many of the others are great. Where instruments are largely of the rhythm making sort, extraordinary rhythmic developments may occur, as in Africa. On the other hand, the old native Hawaiian music was not only tonally very limited, but rhythmically simple. The multitude of stringed instruments with great tonal possibilities in southeast Asia seems to contribute conspicuously to the unusually elaborate development of melody among some of its peoples. Most primitive music lies between these extremes, and generally neither melody nor rhythm appears to be experimented with independently to any great extent and solely for its own appeal. Instrumental music in many lands has been used for communication. In the South Seas, parts of western North America and in certain regions of Africa flutes and musical bows are used to convey messages between lovers. In Melanesia, Africa, the West Indies and Aztec Mexico drums have been particularly useful in tribal communication over long distances and in war.

The sudden contact of Europeans with the "savages" of America after trade relations were established led to the first serious investigations of a linguistic and ethnological character all over the world. The songs of Indians were early matters of comment. But the science of comparative musicology has had a tardy commencement. In the last fifty years several students have devoted considerable time to the study of primitive music and each has stressed a more or less different aspect of the problem. Earlier scholars naturally were engrossed in the ethnological setting of the songs, but also attempted to find in them evidence for a submerged harmonic system similar to that developed in Europe since 1700. Scales next became the principal interest and great importance was attached to the tonal content of songs and to minute tone differences. At a somewhat later date rhythms were the main theme, together with types of intervals sung. All these phases still receive considerable attention, but certain contemporary investigators feel that form and design in composition, varieties of melodic curves, styles of singing and voice production, are yielding data more significant for the study of primitive music than specific scales and intervals.

Even music generally considered primitive is complex, with almost unlimited possibilities in the stylistic combinations of its various constituent elements. Hence it offers exceptionally good material for comparative studies which aim to discover what traits may be common to various musics, what is the nature of the differentiating characters and which ones reveal a possible common heritage of style. The last affords interesting and valuable evidence in the problems relating to movements and relationships of peoples having no written or reliable history, since there are almost no chances of accidental similarity in such complex art. In this connection musical instruments also have their role. Considerable attention has been paid to them as such and fine collections exist in most ethnographical museums and have been listed in voluminous works. Formerly they were interesting merely as curiosities but more recently they have had their share in furnishing evidence of cultural diffusion through studies of their geographical distribution.

Even rather simple instruments may contain enough complexities to make it appear unlikely that they have arisen independently in various cultures as original inventions. Thus E. M. von Hornbostel in a study of pan pipes and their distribution has concluded that the re-

markable similarity between Javanese and certain Pacific Ocean pan pipes and South American forms is hardly the result of mere accident. H. H. Roberts has suggested that the distribution of two types of conch shell trumpet (lateral and apical), considered together with the life zone of the shells suitable for such trumpets, indicates wide dispersion by human agency from Asia across the Pacific to the Americas in pre-Columbian times and from India west through southern Europe to the British Isles and the coasts of the North Sea; while the fact that Africa in general, including Egypt, lacks them indicates that the dispersal was not due to peoples inhabiting that continent. Exercising due caution and pursuing correct methods of analysis, students may expect from comparative studies of this sort valuable aid in solving these problems.

In primitive music are found, now here, now there, the rudiments of most of the stylistic and elaborative devices employed in modern European highly developed music, and some that it has as yet almost ignored as possibilities. There are traces of such features as distinguish developed music of other regions, like that of India, which has used certain devices almost to the exclusion of others. The actual presence or absence of traits like modulation and ways of achieving it, linked melodic assonance, various types of melodic rhyming, paired reverse melodic curves, types of design building by means of initial, internal or terminal incrementation or telescoping, is not so important in determining or characterizing styles or recognizing relationships or utter incompatibility, as combinations or relative prominence of such traits. Primitive music is thus not only a fascinating study in itself but offers suggestive material for new lines of development of musical art and affords valuable data in the field of ethnology.

HELEN H. ROBERTS

ORIENTAL. Music to oriental peoples is a definite expression of philosophic and religious ideas and principles and its function is to induce an emotional understanding of these principles. Thus certain definite musical materials are associated with particular religious and moral practises. The musical means for the realization of this function vary in the different parts of the Orient but the general purpose is everywhere the same. The oldest cultivated music systems are those of India and China. Indian music spread through Persia and Arabia and also influenced the music of Java. Chinese musical theory and practise are at the basis of Japanese music and have also influenced the music of Siam and of the Malay Peninsula.

Indian music is assumed by legend to have been originated by the gods. The gods gave forth the seven principal *ragas* together with the seven different philosophical categories which they represent. All Indian art music since has been created through an elaboration of each of these *ragas* into families of related *ragas* and *raginis*. A *raga* is, like a scale, a pathway through pitch. Unlike a scale, however, a *raga* is also a mood and the name of the *raga* covers the philosophical mood as well as the physical pitch. Furthermore the basic unit of a *raga* is not always a single continued pitch, as with a scale, but is often a sound containing a conventionalized curve; and the types of curve used as units vary with different *ragas*. Although authorities vary greatly as to exact numbers, it can be said that there are at least 49 different *ragas* in constant use in Indian music, at least 500 other *ragas* which are occasionally employed, and at least 31,000 others which exist theoretically, but of which some only are sporadically used by Indian musicians. The study of rhythm has also been greatly elaborated in Indian music and includes both a development of irregular meters such as five, seven, nine and eleven (in which two or more accented beats often follow in succession) and a studied concept of the rhythm of a whole composition. Certain rhythmic forms of composition have a certain specified number of beats and metrical units, and the performer must always be aware of which beat he is playing in reference to the work as a whole as well as to each particular measure. Definitely unmetrical forms also exist, often in introduction to metrical forms, in which the players improvise in accordance with certain established laws.

Many of the *ragas* have a specific meaning and use. There are special *ragas* for the morning, afternoon and evening which must be played at exactly the right time. There are *ragas* appropriate for certain seasons, and *ragas* for only a certain day of the year. There are also certain *ragas* for each major emotion such as love, hate and religious ecstasy, for inducing rain, for casting a spell and for every shade of philosophical meaning. The emphasis on *raga* differentiation has resulted in Indian music being probably the most varied melodically of any known music. The rhythm is also very subtly varied in drum

playing. Classical knowledge lies in the hands of master musicians only and a prospective pupil must be very talented and very serious before he is accepted by the master. If accepted, he must study in constant association with the master for many years before he is considered an independent musician. And no music of a high nature may be played for an outsider. One must prove one's earnestness before being permitted to hear a note of it, much less to learn it. There are ancient Sanskrit methods of writing music, but it is assumed that one knows the *ragas* before reading. The notation, therefore, is of value only to the musician who has already studied the *ragas*.

Chinese music, like Indian, is of great antiquity. It is known to have flourished as a highly cultivated art during the whole of the Chou dynasty (1122-255 B.C.). According to the tradition of that time, Huang Ti, who lived about 2600 B.C., invented the most ancient cultivated scale, which was played on the *sêh*, a zitherlike instrument originally with 50 or 52 strings but later reduced to 25. While the exact tuning of this scale cannot be ascertained, it is so notated that it is certain that there were no less than 24 different tones in it, and it is more probable that all 52 tones were different. In the Chou dynasty the *yü* was also a favorite instrument. It was the oldest form of the more modern *shêng* and consisted of a fixed air chamber into which 47 smallish pipes were set. Two sets of the pipes were alike, with one over. This gave a scale of 24 different tones, or "quarter tones." Since it was technically impossible for the *yü* or the *shêng* to be played without leaving at least two different sorts of pipes open, it must be assumed that harmonic intervals, probably fourths and fifths, were in use in ancient times. If this is so, then it is the earliest known use of harmony in music. Exact tuning was developed through measuring by pipes of certain lengths and thicknesses and also by filling the pipes with a certain grain which is extremely even in form. The grains were laid lengthways, sideways and corner to corner, three different measurements which had to check, before a pipe was considered tuned. Music was classified according to instruments and instruments according to the materials used in their building. The classic materials were silk, bamboo, gourd, metal, stone, skin, earth and wood. This division still plays a most important part in Chinese musical theory. Many different scales were invented in the course of time, some with equal, some with unequal intervals and with varying numbers of tones—12, 18, 60, 360 and so on. It is not known whether all these scales were actually used or remained only theoretical. In any case musical cultivation reached its height in the Tang dynasty, when the emperor's orchestra was reported to have contained over 600 musicians. After this time (about 700 A.D.) music became in less repute as a cultivated art and also became subjected to many outside influences from Manchuria, India and Turkestan. New and simpler scales such as the five-tone and seven-tone scales came into use. The classical standards were somewhat preserved in the temples but the folk music was quite different. The opera drama, which is the most familiar form of Chinese music to the westerner today, is of comparatively recent origin, partly Chinese and partly Manchurian. It makes use of a scale of 5 fixed tones and of conventionalized curves (glissandi) of sound, which are used to slide into or away from the fixed tones. In the older form of such dramas more curves were used. Only men were permitted on the stage, taking female as well as male parts. In the modern form women are permitted to take parts, and the music is simplified into fewer curves of sound. The rhythm of modern Chinese music is almost exclusively in duple meter, with use of even divisions only. Little or nothing is known concerning the rhythm of the classical music. According to E. M. von Hornbostel, Chinese classical music is not to be found anywhere in China today; except in the temples, which have preserved a little of it in an impure form. This ancient music, however, may still be found in certain places in Korea, where it has been better preserved.

Arabic music is based upon tonal and rhythmic systems similar to those of India, varying somewhat in actual content and greatly in philosophical connotation. Nevertheless, they employ far fewer scales or modes and have fewer different rhythms. The music current in Persia, Turkey, Egypt, in fact practically the whole Near East, is of Arabic derivation. The problem of the eastward extent of the Arabian influence is still in the controversial stage but some writers find Arabian-Islamic influences as far as Java.

Japanese musical theory comes from that of China, although its application is to scales which probably existed previously in Japan. There are about seven different scales in use, none of which is like any Chinese scale; but the method of tuning is taken from ancient Chinese theory.

The types of instruments used are Chinese in origin, but have been much altered. The Japanese have greatly simplified all musical materials. Their aesthetic feeling is to suggest as much as possible with the least possible means. To accomplish this they have abandoned all but one musical instrument of each type; they eschew mathematical theory in favor of expression, employ but few different scales and rhythms and favor an attenuated tone quality. The singing voice in Japanese music must be very restrained and in the throat to be considered expressive. In singing, flute playing and on the *koto* (a zitherlike instrument) very delicate, slow curves of sound are employed as a fine art. Another fine art in Japan is the singing together with an instrument, both performers taking the same melody but with slight deliberate tonal and rhythmic differences between the voice and the instrument.

The music of Java has been influenced by Indian theory, which has been applied to indigenous Malayan types of melodic percussion instruments. A large number of these are used together forming a *gamelan*, or percussion orchestra. There are only two different scales in general use: *slendro*, with 5 equal steps to the octave; and *pelog*, with 5 unequal steps to the octave. The exact tuning of the *gamelan*, however, differs slightly with each one which has been constructed. The meter is mostly duple or quadruple, low instruments playing long notes, medium pitched instruments playing notes twice as fast and high instruments playing four times as fast. Certain conventionalized variations are added, however, in a partially improvised manner by the players. The classical music is formal, of the court and sacred. It is a specific language; each tone as played on a certain instrument has a certain meaning dependent upon the rhythm, and there are certain unplayed sacred tones in both the scales. Many of the percussion instruments are constructed so as to sustain the tone a long time. The drums which are used with the *gamelan* are played in a highly syncopated manner against the rhythm of the other instruments and sometimes play a slow three against the quadruple rhythm of the rest. The Sundanese music of western Java is quite different and uses a scale like the Japanese *kumoi* scale.

Balinese music is very akin to Javanese, from which it doubtless sprang; but it has retained more ancient instruments and practises than has Java, where there have been centuries of Moslem and later of Dutch influence. There is, however, less formality in Balinese music. It is a continuation of the classic traditions, but is used as folk music as well as ceremonial music and has attained a great spontaneity of rhythm and dynamics. The use of pianissimo, fortissimo, crescendo and diminuendo is equaled only in western European music. While different names are applied by the Balinese, the scales and most of the instruments are the same as in Java.

Siamese music, a highly cultivated art, has been influenced by Javanese, which was introduced into the Siamese court at an early date, and also somewhat by Indian and Chinese. It has adopted a scale of 7 equal tones to the octave, which means that each interval is about three quarters of a European whole step in length. It is sung mostly unaccompanied in conventionalized curves of pitch, with interludes by a small orchestra of flutes and percussion instruments. A scale with approximately the same intervals is to be found in music from Africa, the South Sea Islands and Brazil, wherever pipes are played. Von Hornbostel has advanced the theory that when the pipes are played, the energy necessary to produce the fifth above by overblowing sends the fifth a bit too low in pitch making 678 cents instead of 700. Theoretical projection of a series of these fifths produces, after 23 progressions, a tone which, when octave reduplication is not considered, differs only by 6 cents (approximately 1/34th of a tone) from the octave of the fundamental of the series. He has built a scale from such fifths and finds that its even, odd or mixed degrees closely approximate the actual scales of the Siamese, Javanese and other peoples.

Of great importance to oriental music as well as to the music of Africa and the South Seas has been the existence since ancient times of a "sacred tone" in Tibet. This tone, a specific pitch (approximately 366 vibrations per second, nearly middle F), was known only to the priesthood, who spread it over Asia, Africa and many South Sea Islands. There it still exists as the foundation of all scales and is taught by one initiate to another as a sacred secret. The pitch is usually preserved by means of a pipe or bell which is in the possession of the high priest and is brought out only upon special occasions.

These theories of oriental music are not always found perfectly exemplified in actual performances. In the classical arts of music attempt was made to carry out the theories but with varying success. The folk music is not based on the theories of the classical music. It is freer

and varies greatly in different localities even of the same country. In recent years occidental music has had a wide influence on all oriental musics, with a resulting destruction of the purity of many oriental arts in different ways and to varying degrees. The older oriental modes have been carefully preserved by the finest oriental musicians and by scholars; but less cultivated performers have often degenerated into transposing their music to fit occidental instruments and notation in such a manner that the original and indigenous concepts are lost.

HENRY COWELL

OCCIDENTAL. The history of occidental music is drawn from four sources: instrumental remains, which date as far back as the bone flute of the Magdalenian epoch in France and Switzerland; sculptural and pictorial remains, which show in the harps and lyres of the ancient Sumerians, approximately 3500 B.C., a highly developed art of music; monuments of language art—poetical allusions as early as Homer and Hesiod, documentary, philosophical and scientific records from the great days of Greece; specifically musicological works, of which the fragments of Aristoxenos are the earliest, about 300 B.C.; and music notational remains—the oldest, a Delphic hymn to Apollo of the second century B.C., although a fragment in a later, Augustan hand, points to a textual origin of about 400 B.C. In regard to the first two sources the data are so recent and are accumulating so rapidly that no comprehensive review of them can be made at the present time. In regard to the third it is of the highest importance to understand the nature of two conflicts inherent in the source itself: one, between the historiographical and systematizing orientations; the other, between both of these and the art of music. As to the fourth, although the monuments of language art had themselves received frequent publication and continuity of study from the earliest times, it was not until about 1800 that the monuments of music notation received either publication or study, except in an extremely limited way. Up to that time, for over 2000 years, musicology had, it is true, looked back to "olden days" in which the music had been of another sort; but the whole interest was systematic—an attempt to deal with a contemporary art. It is no wonder that when the historical viewpoint finally came into its own it was occupied with the wealth of accumulated data—the events—to the exclusion of the processes that underlay them, of its own role in the situation and, often as not, of the contemporary art of music. Toward 1900 Riemann and Adler attempted comprehensive systematizations but failed to reach the music of a generation later than that of their fathers. For while the belief in the doctrine of progress was general in regard to music during the nineteenth century, it tended in musicology as in some other fields to be interpreted only as progress up to but not out of the century. Thus, in this as in the preceding period, change in musical technique or style was for the most part combated by the musicology of the day. Soon after 1900, however, the bulk of publication was completed and since that time more and more attention has been given to reconciling the two opposed viewpoints—the study of the past in the light of the present and that of the present in the light of the past. Musicology, for the first time on a large scale, is coming to be not only a conservative factor in music but also, through recognition of musical change as a normal process, a directive force in experimental composition.

Music-notational remains up to and including part of the Renaissance are mostly of cultivated or "art" music. For this reason there is a tendency to overemphasize its importance and to mistake its history for the history of all music. The primitive music of Europe is utterly lost; notational remains of its folk and popular music begin only with the Renaissance and are not abundant until recent times. Art music is the product of a continuity of learned and refined discipline and is pursued as a profession. Where art music has developed, the primitive music has always, so far as is known, continued for a while; but as soon as the differences appear evident interaction of the diverse trends sets in. Either the primitive is modified or new, hybrid types, the product of both, appear between them. These are ordinarily called folk music—one of the most abused categories in musicology.

The inherent fallacy is that folk music is the basis of art music. Often its influence is strong; but it has always been, to extents which can never be calculated, itself a product of art music, and art music usually influences it. Folk music appears to have two distinct trends, one back to the primitive and the country, the other toward art music and the large city. When a professional or semiprofessional class produces deliberate composition in either of these types

of idiom, it is called popular music. Such, for example, is jazz.

Greece. Music, together with singing and dancing, was given a place at the Olympic games as early as the eighth century B.C. Terpander, who won a musical contest in Sparta about 675 B.C., was the first of whom there is historical mention. Timotheus was exiled for modern tendencies in the fourth century B.C. By music the Greeks understood an art of melody closely integrated with language—as, on the one hand, in the drama with poetical declamation, gesture and movement, and, on the other, in science and philosophy, hence with the affairs they governed, of the state and of social life. The art was roundly developed. Upon equal terms a tonal and a rhythmic system, the former regarded as female, the latter as male, were utilized in song frequently accompanied by the harplike cithara, lyre or aulos (a small pipe). Unison and octave singing was the rule and while the accompaniment was allowed to depart at times from the melodic line, it is now generally conceded that an independent accompanying part was not recognized, at least formally. A letter notation was used for pitch—one series for the voice and another for instruments—and there were rhythmic signs for proportion (relative duration of tone), stress and rests. In the linguistic systematization of this musical system a consistent development covering a period of approximately a thousand years can be traced from the sixth century B.C. to the fourth A.D. How accurately it describes the music of the period is not so clear. If the discrepancies between modern theory and practise are considered the reports of the Greek theorists cannot be entirely relied upon. The distinct cleavage between the tradition of Pythagoras and that of Aristoxenos is paralleled by the modern controversy between the non-musical and musical points of view. But underlying both is the thoroughly Greek belief that between the order of observable nature and the psychology of man that makes and reacts to music there must be a direct correspondence. The term ethos of music covered not only a general theory of the social function of the art as a whole but also the social valuation of specific technical devices within the art itself. Thus definite characters were attributed to the various modes. For example, music in the Dorian expressed, and therefore stimulated, the poise in a man that renders him superior to the blows of fate; the Phrygian was an incitement to wild passion and ecstasy; the Lydian was tender and intimate.

Rome. The Greek tradition, especially in its musicological aspect, flourished in Alexandria as late as the fourth century A.D. But by 500, Boethius, perhaps the most important Latin writer on music, had already lost an understanding of the notation and misnamed the modes. Pagan Rome imported Greek music and theory along with the rest of the Grecian culture. Its genius, however, was to invent a music of its own rather than to continue in the Greek tradition. Instruments were strengthened and massed in large groups. Military trumpets and the hydraulic organ made music in the circus. At banquets, orgiastic improvisations resulted in mixtures of styles that shocked the serious minded. Comedy and tragedy degenerated into *mimus* and *pantomimus*—musical farce and pantomime ballet. Music, instead of being viewed as a social discipline, served simply as entertainment and pleasure. Meanwhile the inheritors of the philosophy of the Greeks became more and more interested in the religious view of life. Plotinus and the neo-Platonists saw in music an aid to the achievement of the ecstasy of contemplation. Eventually this fell in with the ideals of the Christian fathers and so the new art was born—the plainsong.

Like more recent puritanical movements, early Christianity banned music from its ritual on account of its association with the worldly life of the times. Still the power of music was held to be the greatest among the arts and it was only a question of time before the sacred texts were intoned. A musical revolution set in as an accompaniment or expression of the religious and social overturn. It was rigorously controlled by non-musical factors, for music had to serve to arouse the penitential attitude.

The musical influences in the early church must have been as various as the origins of its members. Greek professional musicians probably contributed to the new style and Orphic sects probably brought in more of the Greek art. But mixed with this can be detected the temple and synagogue music of the Jews, while the influence of primitive musics from Asia, Africa and northern Europe must have been considerable. Four types of chanting developed but the main body of material is Gregorian. Its composition and compilation was complete by the end of the seventh century, although additions were made at later times. Originally there were four classes of singers: the people, the choir, the

chanters and the soloists. There were two distinct types of song: responsorial, developed from the recitation alternated with brief answer; the antiphonal, or melodic alternation between two choirs. The essential element of the style is an austere and dignified intoning of the texts upon more or less fixed pitch centers, varied with departures, usually very legato (sliding), at the ends of phrases and sentences. As the skill of the singers increased, virtuosity appeared. Unusually long breaths, high and low tones, trembling, shouting, gasping and choking were employed for dramatic effect. The higher authorities stepped in now and then to put a stop to excesses.

Unlike the Greek music, plainsong did not represent a well rounded growth. It was too highly specialized. It was to too large an extent a negation of secular music—a determined exclusion of the recurrent rhythm of the dance or, possibly, of the balanced phrases of popular song. It was primarily a prose, the tones following the inflection of speech and the rhythm being likewise a speech rhythm. Metrical hymns gained admission in later days but could not alter permanently the basic character. It was above all, however, an art music and did not present a system of music or yield gracefully to systematization.

The notation of the plainsong was based upon a principle entirely new to the Greek practise. It was diagrammatic rather than symbolic, standing for the melodic unit as a whole rather than giving two separate representations, one for the tonal and the other for the rhythmic material, as did the Greek notation. It developed from a practise, which originated early in the history of the church, of interpolating certain written aids for the reading of the sacred texts, which were in Greek—marks indicating, in the unbroken stream of letters, the pauses and the raising and lowering of the voice. From them developed the Greek accents, marks of punctuation and the plainsong's neume notation which developed later into the notehead and stem. Unfortunately the history of western European music is practically barren of records of any kind from the sixth to the ninth century and that of the Byzantine church equally so from the fourth to the thirteenth; and it was just at this time that the final touches were put upon the neume notation. Such historical records as are found after this hiatus indicate several new and fundamental changes. First, the concept of high and low in pitch is graphically represented by up and down upon the written page. Second, the music for which the notation was devised is already profoundly disturbed by the singing of it not only in unison and octaves but in fourths and fifths. It is not known whether this practise was an intrinsic development of European musical technique or whether it was in whole or in part borrowed from Moors or eastern invaders. It, however, virtually sealed the doom of the old style and ushered in a new one, based, it is true, upon plainsong melodies but altering them in the process of adding to them and finally making the additions the end and dispensing with the plainsong entirely.

Middle Ages and Renaissance. The new style—polyphonic, contrapuntal, choral—fell into its stride with the invention, attributed to Guido d'Arezzo, early in the eleventh century, of the staff line, scratched or drawn across the parchment and representing throughout its length one definite pitch, the letter for which was given as a key or clef at the left. The neumes, which up to that time had been vague as to pitch interval, became quite accurate in this respect, especially after more lines were added, often in color. It remained for the neume to acquire more accurate rhythmic measure, for it was a unit diagram indicating both tonal and rhythmic functions. Thus was lost the basic gain in the change from the Greek to the plainsong notation. The curves were severed into discrete or articulated units of pitch, to each of which time duration units could be assigned. If instead there had been invented staff lines for rhythm running up and down the page at right angles to the staff for pitch, the neumes could have been continued and Europe would have had in the tenth century all the essentials of the twentieth century graph notation, the first scientifically accurate means of recording music. But scholasticism stuck doggedly to the task of making the music, which was more a sliding, unarticulated than a gap skipping, articulated tonal and rhythmic process, appear at least on paper to fit the almost unintelligible theory of the lost Greek art.

The higher ecclesiastical authorities usually opposed innovations put forward by the musicians, but when resistance seemed to be no longer practical, they gracefully adopted the new devices as part of the august tradition of the ritual. Absolute control by the church was gradually relinquished during the five hundred years after 1000 A.D. Church composers wrote secular music. They also introduced secular

tunes into the church music. Even more, in the thirteenth century in the form known as motet two secular tunes, street songs or love songs could be blended, with their original words, simultaneously with a free treatment of a traditional chant in Latin. The preliminary measuring of rhythm was effected only in the course of several centuries. Five or six rhythmic modes were established to accompany the eight (theoretically, fourteen) tonal modes. From the twelfth century on, the exploration of the technical resources of choral polyphony was practically unhampered by any non-musical considerations. It was then that musicians established the notion which has endured to the present day: that technique in music evolves according to its own laws and that musical value consists solely in technical excellence.

Of the many accomplishments of the period from 1000 to 1600 two stand out above the others, the establishment of the *trias perfecta*, or consonant triad, and the concept of organic musical form. By the sixteenth century the musician was in full command of all apparent controls of his art. The ecclesiastical authorities no longer interfered. They simply accepted what the musician gave them in the way of music and from then on, throughout western Europe, secular requirements occupied the attention of the most talented musicians.

In the secular antecedents of the feudal system music had occupied an especially high place. It was one of the duties of the churchmen to demote it, if not to abolish it entirely, and to supplant it with their own music. The old heroes of Teutonic mythology were reputed able to fight all day and then gather around the banquet table and sing of their deeds far into the night. In later days a special class of bards came into being which sang of warriors and princes. Descended on the one hand from the bards and on the other from the Roman comedians were the mediaeval minstrels. Besides their function, as singers of the ancient days, they were often general entertainers, acrobats, jugglers, quacks and rogues. Under the ban of the church, they were nevertheless the news conveyers of the day and flourished down to the fourteenth century. Another group, educated somewhat in the church learning and technically clerics, were the Goliards, or *clerici vagantes*, some of whose songs are preserved in neumatic handwriting from as early as the ninth century. Besides history, their subjects ran from praise of wine and women to abuse of the churchmen. In the twelfth and thirteenth centuries a type of secular song, connected with the institution known as the court of love, was composed by the knights and princelings of Provence. They called themselves troubadours and their verse shows indubitable Moorish influence. The songs were accompanied upon the lute, which was derived from the Arabian *al 'Ud* and remained popular well into the seventeenth century, but the attempts to prove Moorish influence in the music have not been well received. The notation, of which there are many survivals, shows a basis of plainsong. Shortly afterward in northern France there sprang up a similar movement but more allied with church learning and the well to do bourgeoisie; its participants were known as trouvères. Both troubadours and trouvères had their music performed by a class of professional musicians which eventually replaced the minstrel class. In Germany at a somewhat later date the parallel groups are referred to as Minnesinger (nobles) and Meistersinger (burghers). It is difficult to say to what extent the crusades influenced western European music. The high development in secular music throughout the world of Islam must have impressed the musically inclined of the soldiers and knights. Pictures of European festivities at which the musicians are clearly Moorish are not rare. European musicians studied at Moorish universities and besides the lute there were in Arabian musical instruments of the period plenty of prototypes of the ancestors of the violin family. Furthermore, the knowledge of Greek and hence of the Greek musical theory was kept alive before the Renaissance in Ireland, Constantinople and Arabia.

An outstanding factor in the music of the Renaissance was the growing popularity of instrumental music and the improvement of musical instruments. The pipe organ, which in the eleventh century often had keys three feet long and employed a drop of one foot (replacing the older device of slides) became by 1600 an instrument with pedals and keys approximately as they are today, with three manuals, dozens of stops, and pipes up to thirty-two feet in length. The viols, ancestors of the violin family, were capable of rendering fine concert music and there were whole "families" of large, medium and small wind instruments combined sometimes into sizable orchestras. The predecessors of the piano, keyboard instruments with strings, the harpsichord and clavichord, were

perfected to a degree rendering them capable of performing music of the utmost delicacy, judging by our modern standards. The technological advancement must have been very rapid. In keeping with the taste of the period in other respects, the instruments were made in the most fanciful designs and often decorated by fine painters, using plenty of bright colors and gold. Wood predominated as a material of construction in all except organ pipes and the trumpet and horn family.

Modern Period, 1600–1900. The stylistic changes that took place around 1600 are comparable in magnitude only to those of the tenth century and possibly of the twentieth. Unstable elements of the choral style—the concepts of the chord and of organic, independent musical form– were the materials of an experimental trend in northern Italy. It was made possible by noble patronage and freedom from ecclesiastical control, and the improvement of instruments, especially of the keyboard and the violin families, made it practicable. A serious attempt was made in 1594 to reconstitute the Attic drama, but within a few decades it was transmuted into what became known as opera—a concert in costume with gesture and some action limited by rigid and formal rules of procedure. As if to offset this tendency to grandiose display, which sometimes imperiled the solvency of royal courts, there developed during the seventeenth century a type of music on a smaller and more intimate scale—chamber music. A number of the older instruments, the spinet, clavichord, lute, viols, continued in use into the eighteenth century. But the change in the character of the audience from a small company of nobility in a small room to a large number of burghers in a large hall inevitably led to a gradual displacement of these delicate instruments and to the transformation of European music from a domestic to a platform art. Church music and oratorio (opera with sacred text but without costume or action) took on a similar character. The *Zopf*, or rococo, period, which with its frivolity of detail tended to weaken architecture, painting, poetry and some of the crafts, resulted, on the other hand, in a more powerful music. In spite of the profusion of filigree, Bach, Handel and their French contemporaries are today as highly regarded as any composers in history. The chordal system, built up throughout the seventeenth century, formed a firm structural basis for what might have been a fatal blemish. Composers of otherwise diverse origins, environments and tendencies showed uniform and consistent understanding of its use, although theorists have never succeeded in giving a concise or comprehensive account of it. Counterpoint became dependent upon the chordal harmonic system, and form was envisaged more and more in its terms, resulting in a rhythmic weakness that now is being perceived for the first time.

The outstanding factor of the period was the industrial revolution. Events in phases of human life which might be considered as totally removed from the universe of music fell in with tendencies manifest in the art many centuries earlier. As a result of the technological development of iron and coal the wooden frame and thin brass strings of the harpsichord yielded to the steel frame and high tension of the modern pianoforte. Similarly, the wood and brass wind instruments underwent the complete transformation around 1800 which made possible the large symphony orchestra. The enormous increase in the numbers and resources of the bourgeoisie gave the musician an entirely new type of audience. Music printing, which had been invented before 1500, remained slow and expensive almost until 1800, when copies of the most admired music began to come within the reach of even small purses.

The revolt against the rococo was effected suddenly and completely. Within a few decades after 1750 the "old music" was displaced and there appeared a new style, the romantic, paralleling strictly the literary movement in Germany and England. A good deal of the ornamentation of the old style remained, but mixed or alternating with it were bits of genuine folk music or inventions in that idiom showing a thorough consistency with the new social doctrines. After 1800 composers still deferred to the taste of patrons but they wrote for the public, whose growth fostered larger ensembles and longer compositions. The necessity of almost mechanical timing in execution involved preparation, discipline and management new to the profession but in keeping with the times. Types of social organization and work, discovered in industry and merchandising, were applied to the teaching, making and distribution of music, vastly enlarging its field but exacting a return in the matter of control at least as great as had been exercised by the church or by noble patronage. Each standard instrument acquired a solo literature. What the instrument could be made to do became often more important than

what it might be musical to do with it. A vast amount of "study material" came into existence, ostensibly to give opportunity for practise in concentrated form of the difficulties to be met in good music. Years of application to the former only too often killed the taste for the latter. With public recognition and pecuniary reward for playing fast and loud increasing by leaps and bounds, the bulk of performers developed a predilection for the old as against the new. Strangely enough, in the course of the nineteenth century the musician for the first time could know that there was *ars nova* around 1300, *nuove musiche* in 1600 and *neue Musik* after 1750. The age old conviction among composers that the new was more valuable than the old was seen to have historical grounds. But not everyone recognized this fact and thus there arose a conflict between composers and performers and, since the public followed the latter more easily, between composers (those who were not imitators) and the public. From about 1830 practically every composer who has later been accepted as worth while has had to face abuse and discouragement, not only from ignorant dilettanti but also from the music reporters on prominent newspapers. The customary defense of the composer rested upon the claim that the unusual and gifted man must at first necessarily be misunderstood by the vulgar, whose opposition was supposed to steel him for higher endeavor. There can be no doubt that while there may be some truth in this theory it has in practise caused the loss of many forward steps and the payment of too high a price for what has been accomplished. The belief is consequently widespread that it is easy to achieve something new in music and that the composers who try to do so are therefore insincere and worthless. The cure for this ill is the removal of the point at issue from the field of individuality and its discussion in terms of the wider world of art change.

At any given time there are diverse trends in the art, varying in momentum and direction. If one man does not carry them on others may. If none do stagnation may ensue for a while. Of course it is not desirable for the composer to run too far ahead of his audience. Audiences should, however, not run too far behind their composers. The composers in all bourgeois societies are the leaders and it is incumbent upon audiences to accept them as such.

During the nineteenth century nationalism came to be accepted as a quality to be deliberately cultivated in music, and it was encouraged in each European state by government grants and by the exclusion of foreign art. On the whole, the use of the term nationalism in connection with music is too facile: in regard to art music, differences too small to be worthy of attention often become unprofitably magnified; and in regard to folk music, widely dissimilar practises become too vaguely lumped together. The plainsong was an Italian music thrust upon all of western Europe by Rome. The art of choral polyphony that grew out of it, however, was truly international in western Europe. The opening of the seventeenth century saw the rise of several distinctly national styles —among them the English madrigal and the Italian opera. The former went down before the Commonwealth; and later the whole great art of music in England died with the advent of the house of Hanover. Italian opera bid fair to rival the spread of its predecessor, the plainsong, but German instrumental and concerted music, growing sturdily from the fifteenth century, finally gained the upper hand with Beethoven (who adapted much of the Italian technique to his needs) and dominated the occidental field throughout the nineteenth century, by the end of which Italian opera was practically Teutonized. It was Wagner who, around 1850, made German music conscious of its nationality. Besides being one of the most successful innovators in the history of musical technique, his views on the "marriage of the arts" and his correlations of music with philosophy, history, literature, religion and the destiny of the German race were widely publicized. Moussorgsky, although in a different way, defined a Russian nationalism in music, but it was not until after 1900 that strong French and Russian schools became a serious challenge to the German art, which had almost come to be regarded as a universal one. American music is scarcely to be defined at the present time. Survivals of the folk and popular music of many European lands are still to be found in out of the way places and some distinctive developments in those types have appeared as indigenous growths. The Negro work songs and spirituals, the cowboy songs, the fiddle, banjo and mouth organ music of the Atlantic states, all contain germs which may grow into art forms but have not yet done so. Only jazz, a hybrid of various local strains and European art music, has spread beyond the borders or claimed more than local and temporary attention. But occidental cultivated music shows

and always has shown that it is one art, although it has many "dialects" which are termed national arts. The folk music of the various nations vary far more widely. Within the boundaries of one nation can be found folk musics which differ more from each other than any two national cultivated arts. Indeed some European folk musics are as different from the contemporary occidental cultivated art as are Chinese or Japanese art musics. As examples may be cited the Serbian singing with *gusla*, the Pyrenean bagpipes or Irish keening.

The Twentieth Century. One of the most outstanding characteristics of the early twentieth century is the fact that for the first time music has become a mass commodity. The music business, its ramifications in the theater, the cinema, the publication field, instrument making, advertising (especially in broadcasting) and, last but not least, in education, is becoming organized upon a large scale. Business, as at present understood, aims at profit for services rendered. In such a field as music, business will try to give the kind of service that brings the greatest profit. It is dealing no longer with the small circle of educated amateurs. It is selling virtually to the whole population. Business will say that the taste of the population will govern the service rendered, but will it not read that taste as being of the kind that keeps business going? In other words, will not the technique of this particular kind of production and distribution tend to continue the type of music which brought it into being? This type is constituted chiefly by that part of the bourgeois music which entertains and gives pleasure. If the taste of the population were sufficiently educated no fault could be found in the situation, except that progress, if there be such a thing, or mere change, which certainly has been the rule in occidental music for the last thousand years, might slow down or cease altogether. Not all musics change as rapidly as has the European. Most of the Asiatic arts seem to be highly conservative in essence. The control of music, then, by large amalgamations of educational, manufacturing and distributing institutions, is a reality which must be faced. Greece may have had its sociopolitical control of music, Rome its socioreligious, the musician of the Renaissance, rococo and romantic periods his heyday of technical autonomy, narrowed though it was by an unavoidable deference to elegance of taste of noble and wealthy patron-amateurs; but it has remained for the twentieth century to propose and commence direct economic control. This phase is especially interesting in view of the efforts brought to bear by Soviet Russia and Nazi Germany toward the building up of proletarian and "totalitarian" musics. Conservative and even liberal musical thought in Europe and America have been very prompt in condemnation of this development. Historically there is no reason why it should not be attempted and nothing to prove it cannot be done successfully. There are said to be only two kinds of music—good and bad. Despite the fact that much music lies in between and that much is very difficult if not impossible for contemporaries to classify, the two old questions still obtrude—good and bad as what? Good and bad for what? Much good music was probably discarded in the past because it was held not good for Greek soldiers, Christian penitence, bourgeois comfort or the box office. But, on the other hand, much good music was written and retained with those requirements very much in mind. No one can successfully maintain that better results came from adherence to purely intrinsic musical standards than from control by any or all the chief extrinsic ones. There is no record of the absolute control by any set of criteria. But there are plenty of examples of the temporary predominance of one or of a set of them.

Besides the conservatism of economic control, conservative and even reactionary individual psychological set ups may be expected during the next century to apply an unusually strong brake to musical innovations. But against these forces that bind men to their past—to its weaknesses as well as its strengths—there are several very powerful agencies of change, and indeed of very rapid change. First, there is the experimental mood in musicology and composition: the musicologist sees in occidental music a very unbalanced technical and critical situation—some functions and resources are badly overdeveloped at the expense of others that are underdeveloped, as, for instance, chordal practise on the one hand and rhythmic form on the other; while the composer, stimulated by the history of the successes of former experimenters and by the refreshing beauties of exotic musics, with which the Occident is becoming for the first time acquainted, still shows strong revolutionary spirit. Second, the very means which make possible the large scale commercialization of music—the mechanization of performance—contain within themselves po-

tentialities for musical change which are almost completely ignored at the present time. Every important step in the history of music has been accompanied by change in the instrumental means of performance. The constant factor has been the solo human voice, although even this has changed gradually in regard to the manner of its use. One of the most powerful factors in this history has been the capacity of the instruments. At first the violin, the organ, the wind instruments, the harp, lute and dulcimer groups, seem to have been restricted to the emulation or imitation of something the human being could do, or could suggest doing, himself. The electrical instrument seems to be in this stage now—it is used simply to reproduce, convey or imitate music made by hand or throat. It is already possible for the machine to make music with nothing in the way of human interference, once the initial controls have been set. Such music could be absolutely unperformable by human beings. Indeed its first embodiment in sound need not occur until it is picked up by a broadcast receiving set. Whether this possibility will be exploited cannot now be determined; but history provides one clue, whose implications, if they continue in the future to operate as they have in the past, may serve as a guide. As has already been pointed out, in the early Christian times instruments were tabu on account of their abuse or their association with social usage that was tabu. By 1000 they were reintroduced as an aid to the very ritual that had excluded and tried to abolish them. Soon after 1600 instrumental music was at least as much prized as vocal and the technique of music as a whole from then to 1750 was a mixture of the two, with the former as the dominant and the latter as the recessive characteristic. After 1750 instrumental music was in the position of superiority that vocal music occupied after 1000: it was supplemented by the voice, but even the voice was instrumentalized. Instrumental music still had a human performer who touched the instrument with his hands or lips. Soon after 1900, however, there began to appear instruments which copied or recorded music made by human beings and then performed it automatically. The last step in the cycle still awaits completion or rejection—the machine which coordinates its own music, once the controls are set to a pattern and the switch turned or arranged to turn. The question may then be asked whether in such a musical regime there would be a renewed interest in the single, unaccompanied human voice, singing for one or two or at most a small group of listeners without any thought of public criteria, and whether there is any likelihood that it will eventually displace the interest in mechanization. The matter is purely speculative from this point on. But it must be remembered that in all art, as indeed in science as well, speculative considerations are of vital importance and tend to be ignored by the overemphasis upon facts in contemporary culture. It is quite conceivable that some day speculative musicology may again be valued even more than historical. The musicology scale has customarily tipped far to one side and then far to the other, appearing to regain balance only to lose it once more. One of the first concerns of a coordinated body of musical learning should be the invention of a stabilizer.

Social Status of Musicians. Very close to the question of the social versus the technical control of music is the question of the place of the musician in society—the place he is conceded, the place he desires to win. In the more complex cultures it is on the whole not a high one. Among musicians the man with exceptional talent is of course very highly respected. The general estimation in which the musician is held seems to depend in part upon the degree of musical cultivation of the judge. In those primitive societies in which the social functions are not much differentiated or are very unequally distributed among the members, and in which everybody sings and plays, those who cannot make music are in the minority rather than in the majority, as in the civilized world. Appreciation of exceptional talent is by connoisseurs rather than by amateurs. For in primitive cultures music accompanies most of the normal activities of the individual and of the group, whereas with us music making for anything but entertainment is increasingly differentiated. In certain comparatively early stages of culture, music may be preempted by a powerful class, but the maintenance of class superiority upon a musical basis is not often found. The power of the medicine man seems not to be elaborated in more complex stages. Sooner or later the musician becomes an honored associate, a retainer, a servant. Whether musicians are judged to be better or worse off for this classification depends upon the standard. Examples of their great good fortune at the hands of music loving tyrants, high priests and ruling classes are not

unknown. But the attitude fostered by the absolute monarchies from the Renaissance to 1800 and continued by the liberal democracies of the nineteenth century makes it quite clear that the enjoyment of music of the best sort was proper to the noble and wealthy while its composition and performance were expected of a lower class. Until about the close of the sixteenth century the youthful musician was apprenticed to a professional. If he were an orphan he perhaps received his education in the conservatory as late as the seventeenth century. But in either case he was later dependent upon a patron, a noble or wealthy amateur who respected him as a musician but regarded him as a social inferior. The romantic movement took in hand the resolution of this paradox. Beethoven was one of the first and most powerful rebels against the patronage system. While he relied upon the help of patrons he was explicit in his opinion that there were many princes but only one Beethoven. The final triumph of his viewpoint has occurred only recently: the children of the wealthy and socially privileged may now do their best in music with comparatively little hindrance. But it is still difficult for that best to rank very high. Artists of such origin find in the other arts easier paths, although in none of them does it seem that independent income or unusual social prestige is other than a drag. The evidence seems to point conclusively to a connection between music making and the feeling of its social function that can be impressed upon the musician only by the necessity of his earning or receiving his living thereby. The situation is complicated at present by the fact that many members of the more submerged classes definitely look upon music, and upon the other arts, as a means of social advancement. The mere size of the pecuniary emolument of some of the outstanding performers of the present day is another confusing element. The possible rewards of successful composition and successful performance are entirely out of proportion. Judged in the light of history, performance is the lower category, but it is universally the fact that very few of the best composers can at present make a decent living from their composition alone, whereas even the rank and file of performers could, until the invasion of their field by the mechanical instrument, gain wages far above the minimum living, and the most successful ones very respectable incomes, comparable to those of men moderately successful in industry, banking and commerce. This has been especially true in the United States, where the position of music has been since colonial days a peculiar one. The extension of the copyright laws to include rights of performance may, however, radically alter the economic status of the composer.

Music in the United States. The early American colonists did not cultivate music to the same degree as their contemporaries in Europe. Some of the groups, such as the Puritans, were hostile to all forms of music except the hymn. No professional musician class existed for the first two hundred and fifty years of North America or for the first three hundred and fifty in Central and South America. Popular music throve. During the second half of the nineteenth century energetic efforts to make good the deficiency were initiated in all departments of musical activity. Concert and operatic tours, music education in the public schools, professional music schools, music stores and publishing houses sprang up almost overnight. A chaotic, undisciplined musical life came into being which began to strive toward European standards of excellence only by the twentieth century. Performers were brought over in such numbers that the labor problem became acute. Organization into unions affiliated with the American Federation of Labor finally bettered the economic situation but produced some historical novelties whose effect cannot yet be appraised. The problem of wages was settled upon a time basis: for a performance and a certain minimum of rehearsal a certain wage was paid. This worked out satisfactorily for the employer of players in restaurant and theater bands; he obtained rather perfunctory performance at a price he could afford and the musicians were protected against long hours. It did not, however, prove satisfactory in more artistic fields. For more serious concerts it was in many cases impossible to pay for extra rehearsal time, so that performers rendered, and audiences became accustomed to accept, slipshod work. Moreover both performers and listeners tacitly gave consent, on the one hand, to the cluttering up of programs with music of a type easy to rehearse and, on the other, to the avoidance of more highly elaborated music. Wealthy patrons of opera, symphony and chamber music offset, although only in the larger centers, this unmusical state of affairs. It is difficult to offer another alternative for the unionized musicians. Perhaps a more flexible wage scale and a more

critical scrutiny of musical values might have saved them. But working conditions were undeniably bad, and, with the mixture and conflict of musical traditions among the imported musicians, a garbled and vulgar degeneration of taste had set in. The brief improvement of the lot of the rank and file musicians was, however, ended by the mechanical instrument. So poor was the music of the average restaurant and theater orchestra that the phonograph record, "talkie" or radio performance of a single well rehearsed and competent band was hailed as a blessing by employers and public alike. The invasion of the music field by labor saving devices and quantity production has resulted in the advancement in economic and social status of the best, the more conservative or the cleverest musicians, and has thrown out of work or into other employment tens of thousands of others. Meanwhile outside of the large cities the great musical culture of Europe is being spread for the first time. So momentous a process cannot be gauged at so close a distance as the present. That music loses certain qualities in the phonograph record, the sound film and the radio broadcast is undeniable. So too it experienced a loss soon after 1600, when the dead materials of the music instrument supplanted the living vocal chords of human singers. But later generations found that the music of Bach, Beethoven and Wagner was good, in spite of the predominance of instruments; this was largely because after the initial period they did not expect the instruments to play vocal music. It is probable that there will be an initial period when the new contemporary instruments will play "hand made" music. They may be expected, however, to have their own music soon.

The strongest hold of the individual musician upon music is in improvisation, for there he acts as both composer and performer in the creation of music that is unique and of the moment, unless, by modern devices, it is recorded. Skill in improvisation was part of the activity of the well equipped musician at many times past, but it died out during the nineteenth century in Europe. Elaborate ensemble music cannot be totally improvised by one man. But he can direct it, as does the drum player in Javanese *gamelan* playing. The electrical instruments offer a vast new field to musicians and an audience for a single performance which might conceivably comprise the inhabitants of the globe.

The education of the amateur becomes then one of the focal points in the new musical situation. A moderate degree of musical literacy could be expected of all high school graduates in the United States. This does not imply that all people should appreciate all styles of composition. Some music may be heard and even performed by all; but there is no reason why some music may not exist merely for a small group. One of the chief tasks of musicology is the clarification of these distinctions and the guidance of educational policies so that they may be brought into harmony. Closely allied with the public school music movement, which is now progressing upon an ever larger and larger program, is the education of the public through the newspapers in the columns of so-called musical criticism. Most of this is at present composed of news items and rather undisciplined personal opinion. Very little of it can pretend to be called criticism, nor will it achieve such status until academic rules permit of a more serious and extensive study of musical value theory than they do at present. The worst faults in this field also underlie the efforts in musical education, as they do indeed the whole music commodity manufacturing and distributing mechanism which is so rapidly being built up. They consist, first, in an inability to cope with the analysis of technique, and this at a time when, outside of technical excellence, the only standard is the extent to which music pleases; and, second, of an aesthetics which identifies the pleasing and the pretty with the socially useful, the good, the beautiful and even the sublime.

CHARLES SEEGER

See: LANGUAGE; ART; COMMUNICATION; SYMBOLISM; CEREMONY; RITUAL; DANCE; AMATEUR; AMUSEMENTS, PUBLIC; NATIONALISM.

Consult: FOR GENERAL WORKS AND WORKS ON OCCIDENTAL MUSIC: Grove, George, *Dictionary of Music and Musicians*, 5 vols. (3rd ed. by H. C. Colles, London 1927–28); *Encyclopédie de la musique et dictionnaire du conservatoire*, ed. by Albert Lavignac, 11 vols. (Paris 1913–30); Riemann, Hugo, *Musiklexikon* (11th ed. by Alfred Einstein, Berlin 1929), *Grundriss der Musikwissenschaft* (4th ed. by Johannes Wolf, Leipsic 1928), and *Geschichte der Musiktheorie im IX–XIX Jahrhundert* (2nd ed. Berlin 1921); Adler, Guido, *Handbuch der Musikgeschichte*, 2 vols. (2nd ed. Berlin 1930), *Methode der Musikgeschichte* (Leipsic 1919), and "Umfang, Methode und Ziel der Musikwissenschaft" in *Vierteljahrschrift für Musikwissenschaft*, vol. i (1885) 5–20; *Oxford History of Music*, ed. by W. H. Hadow, 6 vols. (vols. i–ii, 2nd ed. Oxford 1929–32, vols. iii–vi, 1st ed. 1902–07); Combarieu, Jules, *Histoire de la musique*, 2 vols. (Paris 1913);

Weber, Max, *Die rationalen und soziologischen Grundlagen der Musik* (Munich 1921); Woods, E. R., *Music and Meaning* (Cambridge, Mass. 1932); Calvocoressi, M. D., *The Principles and Methods of Musical Criticism* (London 1923); Reinach, Theodore, *La musique grècque* (Paris 1926); Wagner, Peter, *Einführung in die gregorianischen Melodien*, 3 vols. (2nd–3rd ed. Leipsic 1911–21), vol. i tr. by Agnes Orme and E. G. P. Wyatt (London 1901); Wellesz, Egon, *Byzantinische Musik* (Breslau 1927); Dickinson, Edward, *Music in the History of the Western Church* (New York 1902); Aubry, Pierre, *Trouvères et troubadours* (Paris 1909), tr. by Claude Aveling (New York 1914); Idelsohn, A. Z., *Jewish Music in Its Historical Development* (New York 1929); Dyson, George, *The Progress of Music* (London 1932), and *The New Music* (2nd ed. London 1926); Newman, Ernest, *Musical Studies* (London 1905); Hadow, W. H., *Collected Essays* (London 1928); Forsyth, Cecil, *Music and Nationalism: a Study of English Opera* (London 1911); Moos, P., *Die Philosophie der Musik von Kant bis Eduard von Hartmann* (2nd ed. Berlin 1922); Gatz, F. M., *Musik-Ästhetik in ihren Hauptrichtungen* (Stuttgart 1929); Wiesengrund-Adomo, Theodor, "Zur gesellschaftlichen Lage der Musik" in *Zeitschrift fur Sozialforschung*, vol. i (1932) 103–24, 356–78.

For Primitive and Comparative Music: Stumpf, Carl, *Die Anfänge der Musik* (Leipsic 1911); Sachs, Curt, *Vergleichende Musikwissenschaft* (Leipsic 1930), and *Geist und Werden der Musikinstrumente* (Berlin 1929); Hornbostel, E. M. von, "Musikalische Tonsystem" in *Akustik*, ed. by F. Trendelenburg, Handbuch der Physik, vol. viii (Berlin 1927) ch. ix, and "Die Probleme der vergleichenden Musikwissenschaft" in *Zeitschrift der internationalen Musik-Gesellschaft*, vol. vii (1905) 85–97; Bingham, W. V., "Five Years of Progress in Comparative Musical Science" in *Psychological Bulletin*, vol. xi (1914) 421–33; Roberts, Helen H., "New Phases in the Study of Primitive Music," and "Melodic Composition and Scale Foundations in Primitive Music" in *American Anthropologist*, vol. xxiv (1922) 144–60, and vol. xxxiv (1932) 79–107.

For Oriental Music: Lachmann, Robert, *Musik des Orients* (Breslau 1929); Fox-Strangways, A. H., *The Music of Hindostan* (Oxford 1914); Moule, A. C., "A List of the Musical and Other Sound-Producing Instruments of the Chinese" in Royal Asiatic Society, North China Branch, *Journal*, vol. xxxix (1908) 1–160; Piggot, F. T., *The Music and Musical Instruments of Japan* (2nd ed. Yokohama 1909); Stumpf, Carl, "Tonsystem und Musik der Siamesen" in *Abhandlungen zur vergleichenden Musikwissenschaft*, ed. by Carl Stumpf and E. M. von Hornbostel, Sammelbände für vergleichende Musikwissenschaft, vol. i (Munich 1922) p. 127–77; Farmer, H. G., *A History of Arabian Music to the XIIIth Century* (London 1929).

MUṢṬAFA KĀMIL (1874–1908), Egyptian nationalist. Muṣṭafa Kāmil studied law in France, where he became imbued with progressive nationalist and democratic ideas. He was the first among the rising generation of young Egyptian intelligentsia to dedicate himself to the restoration of Egypt to the Egyptians. He aroused his countrymen's patriotism through the spoken word, the schools, the newspapers and books. In *Le péril anglais* (Toulouse 1895, 2nd ed. Paris 1899), written while he was still a student, he tried to show the French that the English occupation of Egypt threatened world peace since it must lead to the seizure of Jerusalem and to the domination of Asia and Africa. Upon his return to Egypt he won the support of the students and by indefatigable efforts he established a nationalist movement. He stressed the need for popular education along patriotic lines as the most essential part of the national program and commenced his public activities in 1898 by founding in Cairo the first national school. Toward the end of his life he constantly extended his educational work; he was instrumental in the establishment of people's high schools and evening courses and in the promotion of a scheme for a national university. He took special interest in the education of girls, hitherto entirely neglected.

In 1900 Muṣṭafa Kāmil founded his own newspaper, the *Lewa* (Standard), which with its subsequently established French and English editions became the most influential in the country. In the same year he formed the *Ḥizb al-waṭan* (National party), thus uniting the progressive elements of Egypt's developing middle class, which was being influenced by European thought. Until 1904, when the entente between Great Britain and France gave the former a free hand in Egypt, Muṣṭafa Kāmil had hoped for French help in ousting the British. Later he was prepared to use pan-Islamism to further his nationalist aims. He opposed in his fiery way the gradual winning of national freedom through English concessions and taught the Egyptians to seek self-emancipation. His movement emphasized particularly the indissoluble tie uniting Egypt and the Sudan. After his premature death his work was continued by the National party under the leadership of Mohammed Farīd Bey, but it lost much of its impetus and ceased to play any role under the changed conditions following the World War, when, on a much broader basis, Sa'd Zaghlūl took Muṣṭafa Kāmil's place as national leader and educator.

HANS KOHN

Important works: *Égyptiens et Anglais* (Paris 1906), with introduction by Juliette Adam.

Consult: Kohn, Hans, *Geschichte der nationalen Bewegung im Orient* (Berlin 1928), tr. by M. M. Green (London 1929) p. 187–94; Alexander, John, *The Truth about Egypt* (London 1911) p. 28–41, 134–40.

MUTINY. The term mutiny is used both in popular parlance and in penal legislation to refer to collective disobedience to orders of officers on the part of soldiers and sailors. In old French *mutin* meant any kind of sedition or conspirative uprising of a revolutionary nature. American federal statutes use mutiny and sedition synonymously. In order to distinguish mutiny from industrial sabotage, from general disregard of orders by public officials or private employees and from other types of revolutionary behavior it seems desirable to limit the application of the term to mass insubordination of members of ships' crews and of military, naval and air forces.

Mutiny is a form of protest behavior on the part of subordinates whose normal deferential attitude toward commanders has broken down. It may consist of mass disobedience, collective passive resistance or physical assault. The preliminary breakdown of the established patterns of deference and obedience may result from specific grievances in the local situation, such as poor food, bad housing and obnoxious working conditions; it may arise because of a general lowering of morale following a long war or defeat or heavy losses; it may be a consequence of revolutionary propaganda from external sources or in itself be a manifestation of a revolutionary movement; more rarely it may be caused by private predatory purposes which can be realized only by the overthrow of the legally constituted military or naval authorities. Because of the ease of repression and the severity of punishment in highly disciplined services individual disobedience or desertion is less effective and more dangerous for disaffected soldiers and sailors than for other wage earners. Group action is therefore imperative. When personal grievances and individual inclinations to indulge in protest behavior become symbolized in terms of group interests, collective action follows either through spontaneous insubordination or through organization about new leaders who command the respect formerly accorded the officers. Because of the nature of the services in question no right to "strike" is recognized by those in authority. The severity of prospective punishment leads to fear and desperation, inspiring extreme measures, and insubordination at once assumes a revolutionary significance and almost inevitably results in violence on both sides.

The subsequent behavior of mutineers in a particular situation will depend upon the new group symbols which have become current and upon the purposes which have been formulated. If the object is merely better food or more favorable working conditions, the mutineers may indulge only in a brief gesture of disobedience, followed either by repression or by a redress of grievances. If a mutinous crew desires to assume control of a vessel either for public or for private purposes, for example, revolution or piracy, the old officers must be subjected to expulsion, arrest or execution and completely replaced. Mutinous soldiers often kill their commanders and desert en masse to the enemy. A mutiny which is a phase of a general revolutionary situation will normally have for its objective the complete overthrow of the existing command and the placing at the disposal of the revolutionary cause of the ships or guns seized by the mutineers. Since mutiny is always a means designed to serve ulterior purposes, the forms which it assumes are necessarily almost as numerous as the purposes which may be served by collective insubordination.

Such purposes are public or political when the mutineers desire to destroy the fighting forces of which they are members or to collaborate with other revolutionaries in bringing about an illegal modification of the existing distribution of power within the state. They are private when the mutineers seek only a redress of local and immediate grievances. This is usually the situation in mutinies on private vessels. Such outbreaks were frequent when the impressment of seamen was a current practise and when conditions on shipboard were conducive to chronic disaffection. Successful mutineers often engaged in piracy or betook themselves to remote ports and disbanded. Since the suppression of piracy and the general improvement in seamen's working conditions in the nineteenth century mutinies on private ships have become rare.

On the other hand, the adoption of conscription has made the war services more susceptible to mutiny than was formerly the case. The highly disciplined professional soldiers of the eighteenth century were usually loyal supporters of the established regimes of aristocratic absolutism. When the popular conscript of the twentieth century is pitted against a foreign foe, his morale may be kept up to the level of his predecessors by the adroit use of modern propaganda technique, but he tends to be less reliable in the face of heavy losses and defeat. When he is called upon to fire at revolutionary mobs, his loyalty is much less certain than that of the

professional mercenary, for he is recruited from the populace and is easily affected by its political discontent. He has often not developed the esprit de corps and the unquestioning habit of obedience which offer assurance against mutiny in political or social crises.

Under modern conditions mutinies to serve private purposes are almost invariably doomed to failure when they lack the support of politically significant sections of the civilian population. The mutiny in the British navy in 1931 in protest against wage cuts is scarcely an exception, since its success was due less to the activities of the sailors than to the reluctance of the government to take vigorous repressive measures in view of the prevalent sentiment in labor circles. The serious mutinies in the British navy at the end of the eighteenth century were suppressed with the hanging of the leaders. Mutinies of war weary soldiers or sailors are unsuccessful in most instances, except where the mutineers go over in a body to the enemy or where crushing defeat disorganizes the high command and the government and leads to political disturbances. During the World War the Czech battalions in the Austro-Hungarian armies were highly successful in deserting wholesale to the Allies as a means of furthering their aspirations toward national independence. In the allied armies the various mutinies resulting from severe losses and exhaustion were not followed by large scale desertions and were readily liquidated through courts martial and executions. The mutinies in the Russian armies in 1917, in the Austrian armies in 1918 and in the German navy in 1918 were more successful because of the simultaneous collapse of governmental authority throughout the states involved. Political mutinies are likely to be successful only when they are timed to coincide with the accession to power in the state of sympathetic revolutionary forces. Instances of failure resulting from the absence of this coincidence are numerous: they include the mutiny on the Russian cruiser *Potemkin* in 1905, in the Brazilian navy in 1893 and in 1910, in the Spanish air forces in 1931 and in the Chilean navy in 1932. Conversely, mutinies coinciding with the maximum effort of a general revolutionary movement have sometimes been successful and decisive; as, for example, those of the Kronstadt sailors and the Petrograd garrison in 1917, the Kiel sailors in 1918 and various Latin American armies and navies in the revolutions of 1931–32.

The fact that rigid discipline and unquestioning obedience are the *sine qua non* of all fighting services has led to the general adoption of the severest penalties for mutiny. In public military and naval forces the offense is dealt with by courts martial and is punishable by death. Mutineers on private vessels were also formerly executed but are now usually dealt with more leniently. By an act of 1790 mutinous seamen on private American ships were held to be guilty of revolt, felony and piracy and were punished by death. But by an act of 1835 there was substituted a maximum fine of $2000 or ten years' imprisonment at hard labor or both. The federal Criminal Code of 1909 (Revised Statutes 5360, sect. 293) contains an almost identical provision and Revised Statutes 5359, section 292, provides for a maximum fine of $1000 and five years' imprisonment or both for endeavoring to incite mutiny. The death penalty, however, remains the normal penalty for mutinous soldiers and for sailors on public vessels, although it is no longer mandatory in American and British courts martial (see Articles of War of United States, Act of June 4, 1920, art. 66, and Articles for the Government of the Navy, Revised Statutes 1624, art. 4).

It may be noted finally that modern economic conditions make rigid discipline and implicit obedience in various fields of activity other than shipping and soldiering increasingly important for the community welfare and for the preservation of the existing distribution of wealth and power. There is a perceptible tendency to regard strikes and other forms of insubordination among policemen, firemen, railroad men and public utility workers as analogous to mutiny. The labor legislation of Fascist Italy makes all strikes unlawful, whether in public or private employment. The necessity in industrialized economies for an uninterrupted functioning of essential services is likely to lead in an increasing degree to disciplinary standards comparable to those which have traditionally prevailed in the fighting forces.

FREDERICK L. SCHUMAN

See: MORALE; MILITARY DESERTION; ARMED FORCES, CONTROL OF; ARMY; NAVY; MERCENARY TROOPS; CONSCRIPTION; IMPRESSMENT; REVOLUTION AND COUNTER-REVOLUTION; CIVIL WAR; INSURRECTION; RIOT; MILITARY LAW; COURT MARTIAL; TREASON; SEAMEN.

Consult: For studies of particular mutinies: Messer, W. S., "Mutiny in the Roman Army. The Republic" in *Classical Philology*, vol. xv (1920) 158–75; Hannay, David, *A Short History of the Royal Navy*, 2 vols. (London 1898–1909) vol. ii, ch. xii; Gill, Conrad, *The Naval Mutinies of 1797*, Manchester University.

Publications, Historical series, no. xix (Manchester 1913); Forrest, G. W., *A History of the Indian Mutiny*, 3 vols. (London 1904–12); Thompson, E. J., *The Other Side of the Medal* (London 1925); Slang, F., *El acorazado "Potemkin"* (Madrid 1930); Charles-Henry, and Méans, F. de, *L'armée tchécoslovaque* (Paris 1928) p. 42–44; Glaise-Horstenau, Edmund von, *Die Katastrophe* (Zurich 1929), tr. by Ian F. D. Morrow as *The Collapse of the Austro-Hungarian Empire* (London 1930) 160–62; Palat, B. E. (Pierre Lehautcourt), *La grande guerre sur le front occidental*, 13 vols. (Paris 1917–29) vol. xii, p. 424–40; Pédoya, J. M. G., *La commission de l'armée pendant la grande guerre, documents inédits et secrets* (Paris 1921) p. 392–94; Denikine, A. I., *La décomposition de l'armée et du pouvoir février-septembre 1917* (Paris 1921), especially ch. iv; Golovine, N. N., *The Russian Army in the World War*, Carnegie Endowment for International Peace, Economic and Social History of the World War, Russian series (New Haven 1931) ch. xi; Vidil, Charles, *Les mutineries de la marine allemande, 1917–1918, avec une étude historique et psychologique sur les mutineries maritimes* (Paris 1931); Dittmann, Wilhelm, *Die Marine-Justizmörde von 1917 und die Admirals-Rebellion von 1918* (Berlin 1926); Bruninghaus, W., *Die politische Zersetzung und die Tragödie der deutschen Flotte* (Berlin 1926); Marty, A., *La révolte de la Mer noire*, 2 vols. (Paris 1929).

MUTUAL AID SOCIETIES are associations formed for the purpose of affording their members material assistance in case of need. They are common throughout the European continent, having existed in the more advanced countries for several centuries. In Germany, Norway, Sweden, Denmark, Holland, France and Switzerland they may be traced back to the mediaeval craft guilds, which besides regulating the conditions of membership and promoting trade interests usually assured their members legal protection, assistance in case of illness and compensation for loss by fire or flood. To supplement the more comprehensive craft guilds journeymen often formed societies of their own for mutual aid in sickness.

In Germany guilds were formed for either single or mixed trades and were known as closed or open according to whether the number of members was fixed or indefinite. Where they succeeded in dominating the town government and even in exercising important powers of independent jurisdiction within the trades concerned they were sometimes able to introduce compulsory membership. The guilds, however, showed signs of decline early in the eighteenth century, by which time the rulers and governments had become increasingly impatient of their pretensions. But there was no such abrupt break up of the guild system in Germany as occurred in some other countries. So far retarded was the industrial revolution there that the Prussian law of 1845 encouraged the guilds to extend the formation of sick clubs, and only in 1854 was provision made for mutual insurance of factory workers. Following in the wake of other western countries one German state after another accepted the principle of free choice of trades, until it was legalized for the entire territory of the North German Confederation in 1869. Later in the century laws were passed for the purpose of reviving the guilds on a wider basis but without great success. In the meantime the depressed condition of the working classes, their consciousness of political impotence and their growing recognition of solidarity and unity of interest had led to the creation of a large system of voluntary mutual aid funds (*Hilfskassen*) after the model of the English friendly society. In 1848 such a society with 10,000 members was suppressed on political grounds. Lassalle incorporated the principle of mutual insurance in his Allgemeiner Deutscher Arbeiterverein. In southern Germany and in a few other states a compulsory system of parochial sickness insurance existed from the middle of the century for dependent workers and domestic servants. Brunswick, Saxony and Hanover had required all working men to insure through mutual associations before the passage of the national sickness insurance act in 1883.

In the Latin countries popular provision against sickness followed narrower lines until comparatively recent times. In France the guilds were peremptorily abolished in 1791, and the fact that there was no serious attempt to revive them suggests that they had already outlived their usefulness. In the long period of reaction which followed trade associations were either prohibited or severely restricted. Until 1848 mutual benefit societies or funds (*caisses de secours mutuels*) could be formed only with government assent. One result of the revolution of that year was the enactment of laws guaranteeing complete liberty of combination and assembly. Under the Second Empire restrictions were again introduced, but approved societies were subsidized. Only in 1898 did these organizations acquire their present status and rights. In most European countries the great majority of existing mutual aid societies and funds date only from the middle of the last century. The sequence of development has been: the free action of voluntary societies legally formed but not under official control; optional legal recognition, registration or approval, a status involving some degree

of supervision while conveying certain statutory privileges; state assistance in consideration of a wider measure of regulation; and, finally, in some cases compulsory insurance usually implemented by agencies established or directed by government or delegated authorities.

The voluntary principle still holds the field in Belgium, Sweden, Holland, Denmark, Finland, Italy and Spain, although it is usually reenforced by state encouragement in the form of subsidies and other minor privileges. A fundamental distinction is made between those societies which have received a definite legal status and are variously described as recognized, approved, sanctioned, accredited or registered and those which have not been so acknowledged and in consequence are usually known as free. Almost invariably application for legal recognition is optional. Recognized societies formed in accordance with prescribed conditions designed to insure stability and to protect the interests of members enjoy special privileges, such as legal personality, exemption from certain taxes and duties and the right to hold real estate. In Belgium, Denmark, Sweden and Switzerland they are also entitled to subsidies from public funds and in Italy and Spain to ad hoc assistance. While legislation usually leaves a society free to decide upon its composition, in France, Denmark, Finland and Belgium the recognized societies are definitely restricted to persons in a dependent position or with modest resources. In Spain mutual aid funds for sickness and life insurance are compulsory in elementary schools.

Without altogether superseding voluntary enterprise compulsory sickness insurance was introduced in Germany in 1883, Austria in 1888, Hungary in 1891, Luxemburg in 1901, Norway in 1909, Serbia in 1910, Great Britain in 1911, Russia and Rumania in 1912, Bulgaria in 1918, Czechoslovakia and Portugal in 1919, Poland in 1920, Japan and Greece in 1922, Chile in 1924, Lithuania in 1925 and France in 1930. Soviet Russia in 1923 reenacted a compulsory insurance law all inclusive in scope. It would be a mistake, however, to conclude that the obligatory principle has been applied to the same extent in all the countries named or that the laws passed have been enforced with equal consistency. Of some the best that can be said is that they are on the statute books. Where compulsory sickness insurance has been introduced the existing voluntary agencies have been used as far as possible in the administration of benefits, thus preserving established traditions and insuring the advantage of valuable directive experience. The German law of 1883 created only one entirely new type of benefit fund, that for engineering works; a large proportion of the *Hilfskassen* were absorbed in the national system and renamed; and the old compulsory miners' societies, known as *Knappschaftskassen* in Germany and as *Brüderladen* in Austria, were left practically as before. The *Hilfskassen* continued to exist until 1911, when legally they became mutual insurance associations subject to the private insurance code. There were in 1925 over a million persons subscribing to substitute funds (*Ersatzkassen*) for compulsory insurance.

The experience of Switzerland, the most democratic of European states, is of exceptional interest. Following the initiative of several of the cantons the federal legislature in 1899 enacted a compulsory sickness insurance law, which was, however, rejected on submission to referendum. After acute controversy the Sickness and Accident Insurance Act of 1911 was passed and after confirmation by referendum it came into force in 1912. It provided for compulsory accident insurance and while encouraging voluntary insurance against sickness by the promise of subsidies empowered the cantons to make such insurance obligatory, either generally or for certain classes of the population, and to establish public funds or to delegate these powers to the communes, employers to be exempted from contributions. Both methods have been employed, with the result that compulsory and voluntary systems exist side by side; in addition obligatory sickness insurance for school children has been introduced in five cantons. One of the anomalies of the situation is that the public funds and open private funds, which in 1925 covered almost three fourths of the insured population, paid average benefits of twenty-two and twenty-eight francs respectively, while the cost of benefits in the works funds insuring one eighth of the total averaged fifty-eight francs. In Holland a compulsory sickness insurance measure enacted in 1913 was soon discarded as unworkable, and the government fell back upon the voluntary system; but since 1909 employers have been legally bound to pay wages during short illnesses, and since the World War the trade unions have been able to enforce this provision through collective agreements.

The most common types of mutual aid societies today are open funds, either publicly or privately administered by general societies, organized on a geographic basis, whose member-

ship may be independent of occupation or economic status or by societies composed mainly of wage earners, small independent handicraftsmen, shopkeepers and the like; and closed funds: trade union funds, guild funds or funds formed for separate trades and crafts, separate industry funds—railways, mines, merchant marine—establishment or works funds, societies with political interests and confessional or "nationality" societies. In general wage earners form a large majority of the members: in Denmark over 80 percent, in Sweden 65 percent and in Switzerland 60 percent. Inevitably both the trade unions and the employers hoping to capitalize the good will generated by such funds have sponsored schemes of their own, as have political and sectarian groups. In Belgium following a period of competition between trade unions and mutual aid societies the two groups joined forces to form the Union Nationale des Mutualités Socialistes, which is now an integral part of the *Parti ouvrier belge*, although under the law the political and social funds must be kept separate. In 1926 the federation had a membership of 437,400, the Christian unions 279,000 and nonparty groups 130,000. It is the united opposition of these organized groups moreover which has prevented the adoption of national sickness insurance, despite the fact that in Germany and England compulsory insurance strengthened rather than weakened existing institutions. In general mutual aid and trade union activities are today independent. When the right to combine for economic ends was jealously restricted and organizations formed for those ends were subject to close and suspicious supervision, the mutual aid societies were compelled in their own interest to avoid any appearance of invading the special province of the labor unions, although infractions of this rule were common. This attitude of detachment continued to be necessary after the introduction of statutory registration and approval, particularly when official recognition carried with it a claim to assistance from public funds. Only in a few countries are many societies formed on sectarian lines, usually by Roman Catholics or Jews. This segregation is found particularly in Germany and Belgium, where the ecclesiastical cleavage in the population is very marked and politically significant; but confessional societies also exist in Spain and in Switzerland. There is a tendency toward organization by nationality among the Spanish, Italian, German and French population of South America. The survey made for the International Labor Office in 1927 concluded that open unions organized on a territorial basis showed the greatest vitality.

Even in countries having mutual insurance legislation the societies draw up their own rules, which usually impose conditions as to risks on the basis of sex, age and state of health at the time of application for membership. Inasmuch as conditions of health involving the greatest risk are those for which help is most urgent, the law makes admission as easy as possible in Belgium, Switzerland and Sweden, while in Denmark persons suffering from incurable disease are admitted into special state assisted funds. In Spain a moral or conduct test for membership is imposed. The lower age limits of admission usually range from sixteen to eighteen, the upper from forty to forty-five. As a general rule far more men than women are insured; in Sweden twice as many; in Denmark, however, the number of women members is higher than that of men.

Recognized societies may offer a wide choice of benefits: assistance to members and their families in the event of sickness or prolonged infirmity; old age pensions; individual or collective life, death and accident insurances; assistance to the relatives of deceased members. The "free" societies engage as a rule only in sickness and old age insurance. In France and Denmark special emphasis is laid on family benefits. Sickness benefit may be given in cash or in kind and the latter may include medical attendance, medicine, nursing, hospital treatment, surgical appliances, dental treatment and convalescent care. Judging by expenditure, benefits in cash appear to predominate in Sweden and benefits in kind in Denmark, but in most countries the expenditure is about equally divided. In Holland the efficiently organized medical benefit societies predominate. The duration of sickness benefit varies greatly; in three countries it is prescribed by law—in Sweden 90 days in a year, in Switzerland 180 days and in Denmark 60 weeks in three consecutive years. The right of free choice of doctor is common but not universal. In some countries the heavier and less calculable risks of insurance against invalidity and tuberculosis are not undertaken directly by individual societies but are passed on to federations or special bodies; these may also continue sickness benefit to members whose claims upon their societies have been exhausted. This is the case particularly in Belgium and Sweden. Invalidity benefit is often linked up

with old age pensions and retiring annuity schemes. In a few countries such voluntary schemes existed for miners, numbers of factory workers, government employees and others long before the introduction of compulsory insurance.

Although the principal source of revenue consists of the contributions of the active members, particularly in Belgium, Switzerland and Sweden, many employers and disinterested persons assist as honorary members. Public subsidies are also given in Belgium, Denmark, Sweden and Switzerland. State assistance usually takes the form of a capitation grant or a proportion of the expenditure on benefits; occasionally the two methods are combined. Many local authorities likewise assist by grants of money, by providing meeting rooms or in other ways. In Belgium state aid is also given to the federations and special funds which provide invalidity or sickness benefit to members of mutual societies whose claims have run out. But it is a weakness of the voluntary societies, due in part to the lack of adequate state regulation, that hitherto their tables of contributions and benefits have at times been fixed without regard to true actuarial principles. Increasing attention is being paid to this matter, however, and the tendency is to require proof of financial soundness as a condition of approval or registration. It is probable that the federation movement, which is making steady progress among the mutual aid societies of Denmark, Belgium, Switzerland and Sweden, will help to strengthen the smaller and financially weaker societies.

The activities of voluntary sickness insurance societies in the British Empire and in the United States are dealt with in separate articles (*see* FRIENDLY SOCIETIES; FRATERNAL ORDERS). In South America the voluntary system, dating from the middle of the nineteenth century, is in operation in Argentina and Uruguay and compulsory insurance has been introduced in Chile. In the first two of these countries, where there is a large immigrant population, both native and alien workers usually organize in separate societies, consisting in Argentina mostly of Spaniards, Italians and French and in Uruguay of Spaniards, Italians and Germans. In Uruguay state recognition is voluntary and confers legal personality. Sickness benefit usually consists of cash payments in Argentina, but in Uruguay benefit in kind represents 90 percent of all expenditure. State subsidies are not granted in either country.

Available evidence indicates that while the voluntary mutual aid societies are in general holding their own in most European countries they are not keeping pace with the growth of population and the rapid industrialization of communities hitherto mainly agricultural. According to recent estimates the proportion of the population insured against sickness in countries dependent on voluntary funds varies from 57 percent in Denmark (where in the towns 90 percent of the workers are said to be so insured) to 14 percent in Belgium, 12 percent in Sweden and only 2 percent in Italy and Spain. Even in France, which before 1930 had a highly developed voluntary system enjoying much public and private assistance in various forms, it was estimated that 7 percent of the total population, or not more than 15 percent of the actual wage earners, were insured against sickness. It is a common complaint in most countries that there are too many small and often inefficient societies in the towns and too few societies in the rural districts. Moreover the bulk of the uninsured consists of workers who because of the low wage level most need provision of this kind.

Despite all deficiencies, however, the voluntary system of sickness insurance is of great value. It provides for large sections of the working class an escape from privation, suffering and the humiliation of dependence upon poor relief in times of stress; and, particularly in Switzerland, it is claimed to have had a distinctly favorable influence on the health of the insured classes. Nevertheless, it is increasingly expected that in many countries the voluntary principle will not long withstand the desire for a system of popular insurance which will meet satisfactorily the conditions and needs of modern industrial life. Hitherto where state action has been discouraged it has been largely because of a dislike of irksome bureaucratic regimentation and the belief that although efficient state action would prove costly. In general, however, when the old idea of the police state gives place to that of the social state there is a tendency among the wage earning classes to look with growing confidence to governmental action for the amelioration of economic conditions, and there are many signs that the antigovernmental attitude is changing. It is significant that the International Conference of Unions of Mutual Benefit Societies and Sickness Insurance Funds held at Brussels in 1927 formally approved the principle of legal compulsion with the proviso that the management "should be entrusted, under

the supervision of the public authorities, to self-governing institutions administered in the exclusive interest of insured persons and the nation at large." The principle has since been seriously advocated in Belgium, Italy and Sweden. If compulsion should ensue, however, it does not follow that voluntarism would disappear; probably, as in Great Britain and Switzerland, the two systems would continue to exist, with compulsion supplementing rather than replacing voluntary self-help.

W. H. DAWSON

See: INSURANCE; GUILDS; JOURNEYMEN'S SOCIETIES; FRIENDLY SOCIETIES; FRATERNAL ORDERS; BENEFITS, TRADE UNION; SOCIAL INSURANCE; WELFARE WORK, INDUSTRIAL.

Consult: International Labour Office, "Voluntary Sickness Insurance," *Studies and Reports*, Ser. M, no. 7 (Geneva 1927); United States, Bureau of Labor, *Workmen's Insurance and Compensation Systems in Europe*, Annual Report of the Commissioner of Labor, 24th, 1909, 2 vols. (1911); Frankel, L. K., and Dawson, M. M., *Workingmen's Insurance in Europe*, Russell Sage Foundation, Publications (New York 1910); Jauniaux, A., *L'évolution et les conquêtes de la mutualité sociale* (Brussels 1923); Vandervelde, Émile, *Le Parti ouvrier belge, 1885–1925* (Brussels 1925); Gourdin, André, *Les sociétés de secours mutuels* (Paris 1920); Weber, A., *À travers la mutualité* (Paris 1908); Mabilleau, Léopold, *La mutualité française* (Bordeaux 1905); Louis, Paul, *Histoire du mouvement syndical en France, 1789–1910* (3rd ed. Paris 1920); Dawson, W. H., *Social Insurance in Germany 1883–1911* (London 1912) ch. i; Leyers, Franz, *Die Hilfskassen in Gegenwart und Zukunft*, Abhandlungen aus dem Staats-, Verwaltungs- und Völkerrecht, vol. iv, pt. i (Tübingen 1908); Günther, Adolf, "Werkpensionskassen, Knappschaftskassen und ähnliche Einrichtungen in ihrer Bedeutung für Geld- und Kreditwesen" in Verein für Sozialpolitik, *Schriften*, vol. cxxxvii, pt. ii (Munich 1913) p. 151–309; Greco, Eugenio, *Le società di mutuo soccorso* (new ed. Turin 1922); Niederer, Eduard, *Das Krankenkassenwesen der Schweiz und das Bundesgesetz vom 13. Juni 1911*, Zürcher volkswirtschaftliche Studien, vol. ix (Zurich 1914); Rougier, J. C. P., *Les associations ouvrières*, Bibliothèque des sociétés de secours mutuels (Paris 1864).

MUTUAL INSURANCE. *See* INSURANCE.

MUTUALISM. *See* LABOR EXCHANGE BANKS.

MYSTERIES are ceremonies open normally only to members of a particular social unit or to approved persons within or outside of the social unit; such ceremonies involve secrets which those present are bound not to divulge and which are conceived to be intimately related to the preservation of life and of the means of living. Sometimes they confer upon the recipients an indelible character and a peculiar status. There are two main types of mysteries: initiatory ceremonies which admit an individual to adult life in the social unit or confer membership in an age group or in a secret society and which are often thought to involve a mystic rebirth; and dramatic reenactments of myths at stated seasons, sacred performances held to be of the same reality and quality in each performance as in the supposed archetype. Both classes of mysteries commonly involve seclusion and a heightened seriousness; together they form the background of the concept of sacrament.

Communal initiatory ceremonies at puberty, although very widespread, are absent from the cultures of Greece, Italy, Egypt, Mesopotamia and of Aryan India; the ceremonies which mark puberty in these areas can be explained in their cultural context without the assumption that they are survivals (*see* INITIATION). On the other hand, dramatic rites are as common in these as in other cultures; their character depends upon the means used to sustain life and upon the prevalent views of gods and of natural processes. In early Mesopotamia the disappearance of vegetation in the heat of summer was expressed in the myth and cult drama of the death and reanimation of Tammuz, and the defeat of the sun by winter and its return were probably symbolized by the new year ceremony of the imprisoning of Marduk in the underworld and his liberation, celebrated in early spring. The death and life of vegetation in Syria were represented by the commemoration of the death and rising of Adonis in the summer and by the annual awaking of Melgart at Tyre in February, as also in Phrygia by the dramatic rites of Attis. In Egypt the death, dismemberment and reanimation of Osiris were celebrated not merely in an annual drama but also in other festivals: a text is extant of a ceremony probably performed daily in which each hour had its role. The ceremony was not the raising of Osiris to renewed earthly life, although his dead body was thought to have been enabled to beget Horus; it was a funerary ritual which secured his installation as king of the dead, capable of enjoying a full existence in the other world but replaced on earth by his son. He is the typical dead king and, with the democratization of belief, the typical dead man. The nature of the dramatic ritual is illustrated in a document of not later than the fifth dynasty in which the story, including the dialogue, is combined with stage directions and with notes on offerings; dramatic

action appears to have been interspersed with recitative as in a mediaeval mystery play. The idea of the new life of barley rising from the earth was early associated with Osiris and the dates of his festivals point to a connection with the fruits of the earth. The security of the dead, however, is the original and remains the central concept, as was appropriate in Egypt where men lived in mud houses but built eternal habitations for their remains. New life comes to the dead and from the idealized dead: the grain of corn rises from Osiris; it is not Osiris who rises like the grain of corn. All could attend the public performance of the drama, but participation in it was reserved for priests and dignitaries. It was not thought that those who attended were guaranteed immortal happiness; instead they were obliged to depend on the performance of the proper funerary rites after death, as Osiris did.

No such dramas are to be found in ancient Persia, where natural processes were normal incidents in a history believed to have a divine beginning and a divine end; it remains questionable how much of Mithraism existed here, in its place of origin. Among the Greeks natural processes were for the most part regarded as controlled by divinities rather than as the expression of divinities; yet Greece had numerous secret ceremonies, such as the Thesmophoria at Athens, which was restricted to women and was intended to promote the earth's fertility. The most famous mysteries of Greece were celebrated at Eleusis. They consisted largely of the performance of a drama portraying the carrying off of Kore (or Persephone) and her restoration to her mother and of a showing of secret objects; attendance at these performances after due purification constituted initiation and conferred the privilege of admittance to the higher grade of vision (*epopteia*). The participants looked forward to a bright future in the after life; they were probably thought to have become children of Demeter. These mysteries, originally local, came to be open to all Athenians who wished to use them and later to foreigners. Aristotle probably referred to them when he said that those being initiated did not have to learn anything, but to go through an experience and to be in a state of mind. All that is known of the rites of Samothrace is that those who had received them were thought to have become holy and to enjoy protection from perils at sea.

The cult of Dionysus, which spread rapidly from Thrace through Greece, generated not only public dramatic ceremonies but also initiations administered by private societies and the ecstatic rending and eating of animals, which were sometimes thought to be incarnations of the god. Similar rites not confined to local shrines were associated with the cult of another Thracian god, Sabazius, and with Orphism, a personal religion with a dogma and a sacred literature. Here the word initiation, however, was often used to denote a rite of purification capable of being received repeatedly or, when on behalf of the dead, vicariously. In these circles worship became detached from any civic or local basis and became an affair of the individual, who used it according to his own interests and wants and often joined in groups with others of like mind. Such groups gained in importance as a result of the conquests of Alexander, which removed many from their old homes and pieties and left them in need of new affiliations and of gods who were not tied to local shrines but were able to protect them in the larger world. Certain deities, such as the Greco-Egyptian Serapis, the Egyptian Isis and Osiris, Adonis, Attis and later Mithras, were detached from their local settings and were made the central figures of cults which took shape in the now mixed populations of the Hellenized East and were carried westward by commercial settlers, by slaves, by returning merchants and by soldiers. These worships retained the original public dramatic commemorations; often they became civic cults, and frequently there were acquired initiatory ceremonies for those whose devotion, curiosity and wealth were adequate. The new rites were thought to guarantee a happy hereafter by a ritual simulation of a rebirth or reconstitution of the self or by an anticipation of the soul's journey after death; they were not, however, held to be an indispensable condition for bliss and were used only by a fraction of those who frequented the temples. Mithraism formed an exception in that it never became a civic cult, had no cult drama and no public ceremonies, was with one dubious exception confined to men, had a cosmological interest, had no circle of devotees larger than the circle of its initiates and provided in its communion rite a focus of continued religious life. But Mithraism is no exception to the rule that these worships did not demand of their votaries any renunciation of earlier religious loyalties and were practised in addition to civic worships of the old type; they were susceptible of theologies based on Greek philosophical thought but had no fixed dogma; and they did not develop oecumenical hierarchic organization. It is therefore

erroneous to speak of Mithraism as a system and as a church which might have triumphed as a rival of Christianity.

When the Christian movement passed from being a sect within Judaism, it too became one of the claimants for this individual religious interest and could be described by Lucian as a new *telete*, or rite, introduced by the Palestinian who was crucified. It ranked as godless because of its refusal to participate in the ordinary observances, and yet to Celsus it appeared to fall into a class with the worship of Mithras and Sabazius; he regarded it in fact as inferior to them because of its incivism and of its appeal to sinners rather than to the pure. Christians, likewise impressed by the sacramental similarities, by the baptisms and communions in other cults, explained them as diabolical anticipations.

Authorities have differed as to whether these similarities were fortuitous, whether Christian sacramentalism with its objective view of baptism and the Eucharist was conscious borrowing or whether it was to be regarded as a result of the incoming of converts who brought their old ways of thought with them. In spite of superficial Hellenism the background of St. Paul is predominantly Jewish and he shows little understanding of paganism except as viewed by Jewish apologetics. There are moreover fundamental differences in pagan and Christian sacraments. Pagan sacraments turn on the liberating or creating of an immortal element in the individual with a view to the hereafter but with no effective change of the moral self for the purposes of living. Christian sacraments, in their earliest phase, turned entirely on corporate participation in the new order, for which all were alike unfitted by nature. To become fit men needed baptism, regarded at first perhaps as a purification but soon and possibly from the start as something more—a symbol of dying like Jesus as a preliminary to sharing His glory. The baptized then joined in a communal life having as its center the sacred meal, in which Jewish table prayers were combined with the solemn record of the symbolic act of Jesus at the Last Supper and with the solemn anticipation of the expected second coming and the messianic banquet then to be enjoyed. These sacraments referred to the past and to the future; their Hellenistic rivals were set in a static world order which looked to no goal and offered a reward which should accrue to individuals usually in the after life.

In the next phase of Christian development this antithesis grew weaker. The hopes of an immediate second coming waned and the church became in fact if not in theory an organization intended to enable individuals to enjoy a moral life now and a happy hereafter rather than a prefiguring of the kingdom of God. Baptism was no longer regarded as a "new creation," the substitution of a new man for the old, but as a rebirth. The Eucharist became the central cult act of this corporate institution for individual betterment and the way in which each member could obtain a foretaste of immortal life; it came also to be regarded as the actualization of the redeeming death of Christ.

It is not clear that there was deliberate borrowing. The strata from which converts still came did not contain many who could have afforded initiations, although it would include many who would know that there were such practises and who had perhaps desired them at a price within their reach. Mystery sacramentalism moreover, apart from the Orphic and Eleusinian rites, was never presented as indispensable. Terminology borrowed from the mysteries was increasingly applied to the Christian sacraments, but much of it was already commonplace in a metaphorical sense. In the fourth century, when Christianity became official, ceremonial secrecy about the creed and the Eucharist toward those who had not yet been admitted to the sacraments was introduced; this was a pagan custom, now necessary in order to preserve a suitable atmosphere not required when adhesion to the church demanded serious purpose and courage. It is difficult, however, to see any indebtedness to pagan sources in the elaboration of eucharistic ceremonies which took place at this time.

Dramatic presentation of sacred story survived in the mystery plays of the Middle Ages and is seen in the elaboration of the rites of Holy Week.

ARTHUR DARBY NOCK

See: CULTS; RELIGION; RELIGIOUS INSTITUTIONS; CHRISTIANITY; SECRET SOCIETIES; CEREMONY; RITUAL; INITIATION; FERTILITY RITES; MYTH; MAGIC.

Consult: Pettazzoni, Raffaele, *I misteri*, Storia delle religioni, vol. vii (Bologna 1924); Frazer, J. G., *Adonis, Attis, Osiris*, The Golden Bough, vols. v–vi, 2 vols. (3rd ed. London 1914); Ebeling, Erich, *Tod und Leben nach den Vorstellungen der Babylonier*, vol. i– (Berlin 1931–); Baudissin, W. W., *Adonis und Esmun* (Leipsic 1911); Gardiner, A. H., in *Journal of Egyptian Archaeology*, vol. ii (1915) 121–26; Sethe, K. H., *Dramatische Texte zu altaegyptischen Mysterienspielen*, Untersuchungen zur Geschichte und Altertumskunde Aegyptens, no. 10, 2 vols. (Leipsic 1928); Briem, Efraim, *Zur Frage nach dem Ursprung der*

hellenistischen Mysterien, Lunds Universitets Årsskrift, n.s., pt. i, vol. xxiv, no. 5 (Lund 1928); *Textes et monuments figurés relatifs aux mystères de Mithra*, ed. by Franz Cumont, 2 vols. (Brussels 1896–99); Cumont, Franz, *Les mystères de Mithra* (3rd ed. Brussels 1913), tr. by T. J. McCormack (Chicago 1903), and *Les religions orientales dans le paganisme romain* (4th ed. Paris 1929), tr. by G. Showerman (Chicago 1911); Graillot, Henri, *Le culte de Cybèle* (Paris 1912); Reitzenstein, Richard, *Die hellenistischen Mysterienreligionen* (3rd ed. Leipsic 1927); Pfister, Friedrich, *Die Religion der Griechen und Römer*, Jahresbericht über die Fortschritte der klassischen Altertumswissenschaft, supplementary vol. ccxxix (Leipsic 1930) p. 270–87; Schweitzer, Albert, *Die Mystik des Apostels Paulus* (Tübingen 1930), tr. by William Montgomery (London 1931), especially ch. ii; Nock, A. D., "Early Gentile Christianity and Its Hellenistic Background" in *Essays on the Trinity and the Incarnation*, ed. by A. E. J. Rawlinson (London 1928), and "Cremation and Burial in the Roman Empire" in *Harvard Theological Review*, vol. xxv (1932) 321–59.

MYSTICISM is the religious and metaphysical experience of endowing with immediate presence and intimate reality the realm of the invisible and inconceivable. The religious mind believes in objects which must remain for him invisible while here on earth; in mystical experience he seeks to bridge the gap which separates him from them. Belief thus becomes intuition, otherworldly existence becomes earthly presence. In philosophic mysticism there is a similar tendency. Just as the religious mystic strives to abolish the distance which separates him from the objects of his belief, so the philosophic mystic attempts to make real through immediate intuition what is given to him only in thought. The philosopher does not actually live in the world which he tries intellectually to conceive; although he may conclude that the sense world does not exist, actually he affirms its reality through his acts and deeds. It is thus possible for him not to intuit the realm of his thought, presented to him as it is only in words and in successive conceptual forms. He sets out then to perceive intuitively what he at first grasps only discursively and abstractly, with the aim ultimately of eliminating the distinction between himself and the object of his intuition.

Mysticism in the proper sense of the term is the combination of the religio-mystical and the philosophico-mystical types of experience. In the development of mystical experience in its purest form philosophic thought plays an important role by showing the mystic the way to the elimination of everything that is received through the senses—the pluralism of the traditional belief objects which confront the intuition of the mystic becomes in this way more and more restricted until finally, when all sense phenomena are removed, God alone remains as the object of quest. Only seldom, it is true, are the sensual elements fully eliminated (as was more or less the case with Meister Eckhart and St. John of the Cross); generally there remains, at least in the background, a mass of visions and hallucinations (as in the case of St. Theresa).

If philosophic thought tends to bring about the spiritualization of mystical experience, religious motives also are decisive in the building up of that experience. The absolute, as conceived by philosophers, is for the religious individual an object of love as well. The road to the Godhead which the philosopher maps out is for the believer an ascent to the God of his love. Indeed love and knowledge are so closely connected that sometimes the latter, as in the case of Meister Eckhart, sometimes the former, as in that of Tauler, Suso and Ruysbroek, signifies the highest and ultimate state.

Another factor which is important in mystical experience is the quest for salvation. The road which leads to the perception of the absolute and identification with the One marks also for the mystic the liberation from all the needs of existence. The ascent of knowledge is at the same time a process of soul healing. Mysticism becomes psychotherapy. This connection between psychotherapy and the striving for knowledge is basic to Hindu-Buddhist mysticism. Since salvation through philosophic knowledge is the fundamental motive, Indian philosophic thought is thoroughly imbued with a tendency toward the immediate realization of mental data and the conversion of the results of thought into corresponding spiritual states, which serve as the stages of a progressive salvation. Mysticism is thus the logical outcome of all Indian thought and feeling.

Quite different is the position of mysticism in Jewish, Christian and Moslem cultures, for here mystical tendencies conflict with other spiritual orientations. Scientifically grounded philosophy and the religion of faith oppose, each in its own way, their respective authorities to the force of mystical tendencies. In Greek philosophy the intrinsic value of objective thought had been definitely established. Although a yearning for the sight of the ideas was a dominant motive behind Plato's philosophy, dialectical thought still remained for man the necessary and unalterable starting point. In the objectification of this thought moreover lay the

value of philosophy and not, as with the Hindus, in a subjective realization of the products of thought or in the construction of a spiritual state corresponding to the thought. It is this concern for objectivity which constitutes the scientific spirit of the West. Only with the break up of ancient civilization was this spirit transformed into the attainment, through knowledge and subjective spiritualization, of a state of rapport with the One and the Ultimate. With Philo of Alexandria and Plotinus the personal need of salvation became the dominating preoccupation—philosophy was synonymous with mysticism. Thus there was constituted through the intermediary of Dionysius the Areopagite a current which determined the development of mysticism in the Jewish-Christian-Moslem culture.

Mysticism nevertheless was here always in conflict with the philosophico-scientific spirit and its striving for objectivity as well as with religion. The faith religion of the West was a strong bulwark against the penetration of any tendencies to pure mysticism. It is the lot of man here on earth, this religion taught, to believe in God without being able yet to perceive Him. Faith religion effected a sharp separation between this world and the next and in contrast to mysticism emphasized precisely the distance which separates the earthly and sinful man from God; it rejected any anticipation of the hoped for otherworldly state, such as the mystic claimed.

This clash between mysticism and faith religion is most clearly brought out in the contrast between an impersonally constituted Godhead and a personal God. Basically there is here involved one of the contradictions immanent in the mystical experience itself and arising from its attempt to combine philosophy and religion. The Jewish, Christian and Moslem religions agree in conceiving of God as a personal and active being. If then through the influence of philosophic thought the concept of God is turned into that of substance and, even further, into that of a formless One, the God of religion becomes depersonalized. At the same time even man himself is turned in mystical experience into something impersonal, so that the personal relationship between man and God, particularly as expressed in the experience of prayer, is entirely removed and the unity of a personality-less man and the Godhead takes its place. This depersonalization, so consonant with the Hindu-Buddhist spiritual temper, meets with continuous resistance on the part of the Jewish, Christian and Moslem revealed religions, which are based on tradition and which oppose to the conception of mystical unity the living relationship between God and man.

These conflicts became specifically defined in the development of western mysticism. The representatives of the faith religions accused the mystics of presuming to have attained on earth a perfection granted only to the elect in the other world and further of being completely lacking in the sense of guilt and sin which makes corporeal man radically unworthy to see God. Above all, however, the representatives of faith religion clashed with the mystics on the ground that their God, instead of being an active personal agent who intervenes in history and in individual life, was a colorless entity completely outside of history. Since the mystic rejects in all individuals everything temporal and concrete, he ends up by rejecting all that the religious traditions narrate about God and His relations to man. Thus there remains only an unchangeable, timeless Godhead. The Christian faith religion could not agree with such a conception of God, as it was specially concerned with emphasizing the religious value of the appearance of Christ, the man who became God, as against a superman Godhead. These Christocentric tendencies penetrated even into Christian mysticism, particularly in the doctrine of Bernard de Clairvaux. Side by side with speculative mysticism there thus developed a specifically religious mysticism centered in Christ, which in many ways modified the philosophic moment in mystical experience without altogether overcoming the gulf between the neo-Platonic motif of contemplative infinity and the Biblical motif of a living and visible Messiah.

In the vision of Christ, however, faith religion, particularly as conceived by Luther, found a counterbalance against mysticism in general. Mystic divinity became in Luther's teaching the doctrine of a God concealed from man and unapproachable. Man should cling to the God revealed for the human species in Christ and should keep from attempting to overcome the divinely ordained earthly limitations and from seeking his salvation not in repentance but in mystical exercises. Nevertheless, Luther could not prevent the late mediaeval mysticism from developing under Protestantism and even from thriving under the very influence of Protestant religious individualism.

The opposition between mysticism and faith religion marks an important stage in western

Christian development. It is to be noted, however, that two motives are involved, both playing an essential role in this development and representing two sides of the same process. The believing Christian always yearns for the sight of what in the next world is to be crystallized for him into a living present, and out of this yearning there arises in his soul, as an anticipation of the hoped for state, the experience of mysticism. At the same time he is made conscious of the fact that so long as he remains on earth he cannot attain the vision of his yearning; thus the distance between God and man is reestablished, and the believer perceives the insufficiency of all earthly existence. Without the mystical tendency, which leads man out of himself, faith would lose its force; on the other hand, if the mystical tendencies were allowed complete sway, faith might be reduced to an intuition bare of all concrete content.

This struggle between mysticism and faith religion plays an important part in the history of western mankind. There are epochs which may be designated as the mystical epochs of mankind; such are the close of antiquity and the close of the Middle Ages. Characteristic of these periods is the striving for depersonalization, for which mysticism offers the final expression. This striving marks the break up of a historically developed personality; it signalizes the disappearance of the ancient and mediaeval types of manhood. There follow ages of reconstruction, in which a new personality is built up, and the human type of a new age appears. Creative religious geniuses, like Augustine and Luther, who in their own lifetime overcame the tendency to mystic impersonalism, play then a decisive role.

The mystical epochs witness the disintegration of the existing social order. Apocalyptic and prophetic tendencies frequently are mingled with mystical yearning. The layman who has attained to mystical intuition feels himself superior to the priest who remains in the traditional forms of faith. Women, especially nuns, assume an important role. The distinction between educated and uneducated breaks down, for it is precisely the "simple" folk who most often attain an immediate vision of God, while the learned theologians remain imprisoned in the traditional forms of thought and in the scholastic conceptual constructions. This explains also the influence which mysticism has exercised in the lower strata of society, especially at the end of the Middle Ages and during the period of the Reformation.

Mysticism therefore inevitably clashes with the fundamental dogmas of the church hierarchy, and as a result of this conflict new religious communities spring up. The "Friends of God," on the basis of their immediate relationship to God, organize a "community of the holy," over whom "the pope has no power" (Tauler). Of such communities the most extreme were the "Brethren of the Free Spirit," who taught that anyone who attains perfection by divine inspiration lives free of all human and ecclesiastical dogmas.

Mystics tend to deduce from their immediate relationship to God rights which the church cannot accede to them. The piety of the believer who stays within the ordinary religious concepts seems to them a lower state of religious experience. Thus mysticism aims at a sort of super-Christianity, while the clerical authorities keep guard against the development of any such esoteric religion as might destroy the unity of experience on the part of the religious community. Bossuet rejects the *voies extraordinaires* of a Madame Guyon and a Fénelon, opposing to them the *voie commune*, a piety accessible to all Christians and befitting the human state.

The mystic may thus be feared by religious organizations for his habit of keeping aloof and following his own way. He experiences God in his own personality and relies on his individual experience without caring for tradition and social sanctions. As a monk he may separate himself from the other members of the cloister community and lead a solitary life; or groups of mystics may wander over the land as mendicant monks. Finally, they may choose the way of hermits who seek solitude or, remaining within their surroundings, lead the lives of misunderstood eccentrics. In its various forms mystical individualism played an important role in the development of the bourgeoisie at the close of the Middle Ages and contributed greatly to man's emancipation from traditions and ecclesiastical ties.

Mysticism has also a positive sociological significance. Although it does not lead to the development of strong organization, it is none the less favorable to the development of free groups. Between such groups, particularly between men and women mystics, relations of friendship are formed. There is established correspondence, exchange of experiences. Meeting places are arranged which are open to all those who seek communion with God. Thus there develop alongside the strong ecclesiastical organizations

looser communities which depend only on spiritual sympathy. These more fluid communal forms not only exercised an influence over the Protestant sects in the period following the end of the Middle Ages but foreshadowed the possibility of a society without ecclesiastical and political bonds.

All these tendencies are expressed in the concept of an invisible church embracing all who subscribe to the same mystical ideal; such persons would form a spiritual brotherhood. Nor would differences of class, of national allegiance and even of religion constitute barriers, for the traditional untrammeled, immediate relationship to God would be the unifying bond. Mysticism thus becomes a sort of superreligion, in which the mystics may well tolerate all other religions as mere preliminary stages; this was the case among the Sufist mystics in Persia and in the West among the heretical mystics, the Brethren of the Free Spirit. These mystical strivings for toleration attained great importance during the religious struggles of the sixteenth century, when the "spiritual libertines" made no distinction between Catholic and Protestant church services, and reached still fuller development when the Protestant church broke up into numerous sects. The mystical attitude of being above churches and above parties, of being at the same time individual and universal for mankind, becomes increasingly characteristic of Protestant mystics.

Mysticism brings together various tendencies which may reappear independently on the stage of history and which may each exert a separate influence. Thus the mystic strives toward a definite spiritual state and for its attainment utilizes various psychotechnical methods; these methods may, however, as with the yogis and the later Buddhists, acquire a special importance and as pure psychotherapy may play a significant role in individual and social life. On the other hand, mysticism leads to an emphasis upon and a methodical observation of internal psychological states. St. Theresa is the typical representative of this psycho-autobiographical tendency, which may sometimes overshadow the other phases of the mystical experience and may even lead the student of mysticism to neglect the historical and social features. To be sure, for the mystic himself the psycho-autobiographical methods often break down when it is a question of describing that state of mystical blessedness which cannot be expressed in words. Here recourse may be had to the poet, who alone can express what surpasses all thought. Mysticism now turns into lyricism; as representative of this tendency mention may be made of St. John of the Cross, who illustrates the effect of mystical influences upon the development of lyrical poetry.

Finally, mystical experience may lead to a state of general religiosity dependent on the emotions and unlimited by dogma. Such aftereffects of mysticism are characteristic of Rousseau and the romantics. It is the possibility of a religiosity determined by a pure state of feeling without any strong dogmatic structure that attracts the modern person to mysticism, which offers him the opportunity for religious experiences that he cannot find in the traditional religions. Moreover in times of great crisis there is frequently a break up of personality as a result of revolutionary changes in social life and the spread of skepticism of rational arrangements. Both of these factors may lead man to resort to the unconscious and the irrational.

B. GROETHUYSEN

See: RELIGION; COMPARATIVE RELIGION; RELIGIOUS INSTITUTIONS; SECTS; MYSTERIES; RATIONALISM; PHILOSOPHY.

Consult: Preger, Wilhelm, *Geschichte der deutschen Mystik im Mittelalter*, 3 vols. (Leipsic 1874–93); Jundt, August, *Les amis de Dieu au quatorzième siècle* (Paris 1879); James, William, *The Varieties of Religious Experience* (New York 1902); Delacroix, Henri, *Études d'histoire et de psychologie du mysticisme* (Paris 1908); Inge, W. R., *Personal Idealism and Mysticism* (2nd ed. London 1913); Haydon, A. E., "The Significance of the Mystic's Experience" in *Journal of Religion*, vol. ii (1922) 179–89; Jones, Rufus M., *Spiritual Reformers in the 16th and 17th Centuries* (New York 1914); Nicholson, R. A., *Studies in Islamic Mysticism* (Cambridge, Eng. 1921); Hügel, Friedrich von, *The Mystical Element of Religion as Studied in Saint Catherine of Genoa and Her Friends*, 2 vols. (2nd ed. London 1923); Heiler, Friedrich, *Das Gebet* (5th ed. Munich 1923), tr. by S. McComb and J. E. Park (New York 1932); Bennett, C. A. A., *A Philosophical Study of Mysticism* (New Haven 1923); Leuba, J. H., *Psychology of Religious Mysticism* (London 1925); Buonaiuti, Ernesto, *Il misticismo medioevale* (Pinerolo 1928); Otto, Rudolf, *West-östliche Mystik* (2nd ed. Gotha 1929), tr. by B. L. Bracey and R. C. Payne as *Mysticism East and West* (New York 1932); Starbuck, Edwin D., and others, "The Philosophy of Religion with Special Reference to Mysticism in East and West" in International Congress of Philosophy, 1926, *Proceedings* (New York 1927) p. 87–120; Underhill, Evelyn, *Mysticism* (rev. ed. London 1930); Bergson, Henri, *Les deux sources de la morale et de la religion* (Paris 1932).

MYTH. Myths like folk tales are primarily novelistic tales; the two are to be distinguished only by the fact that myths are tales of the super-

natural world and share also therefore the characteristics of the religious complex. For the purposes of study mythology can never be divorced from folklore. Its stories of the supernatural, its types of plot and even its specific incidents are those of current folk tales. In regions where Odyssey forms are favored the secular heroes and the gods alike wander in search of adventure. In countries where comic and picaresque characters hold an important place in folklore such characters easily become supernatural tricksters through whose agency the world attained its present form. A story passes in and out of the religious complex with ease, and plots which are told as secular tales over two continents become locally the myths which explain the creation of the people and the origin of customs and may be dramatized in religious ritual. Most myths have these secular analogues in the same tribe or in other tribes. For example, the story of the monster who swallows the hero and from whose belly he escapes unharmed has a world distribution; among the Hebrews it became the story of the prophet Jonah escaping from the command of Jehovah, and later among some Christian groups belief in it became a touchstone of religious faith in spite of the fact that the story is historically unintelligible without its extrareligious variants.

Curiously in western civilization religion has come to be defined in terms of these myths. The Christian cosmology has been selected as the substance of religion, so that a person who has found religion is understood to have embraced a certain mythology and one who has lost religion to have ceased to believe in it. This identification of religion with its myths contrasts strongly with the usual behavioristic category of other peoples, according to which a person is religious in so far as he acquires power by religious techniques. The question of belief and disbelief is not properly a religious one; all traditional elements of culture are with equal propriety the objects of skepticism. Examples of such skepticism are found in certain cases even among primitive peoples, where they are directed toward the authority of the old men in secular affairs or the rulings of exogamy quite as often as toward the supernatural. It is the characteristic of the present century to have made skepticism a special religious category and to have defined religion by means of it. This has elevated myth in the Christian tradition to a place probably unequaled in any other religion and has led students of comparative religion to discuss religious history as if it were a history of certain dogmas prominent in the Christian cosmology. This is a crucial distortion. Dogmas are myth; in religions they are accessories after the fact and should be studied along with other rationalizations and superstructures whose function it is to bolster and make more impressive the original trait. Folklore performs this function not only for religion but for a variety of cultural traits. The kingship is in many islands of Polynesia a secular institution over against the religious priesthood, but it is elaborated with traditional genealogies and tales of folklore quite after the fashion of religious cosmology. The potlatching system of the northwest coast of America is similarly buttressed by traditional history and songs. In each case as in religious myth origins are carried back to the beginning of the world and the trait is made fundamental for the continuance of the tribal life.

No other realm of human culture, however, gives to the human imagination the extent of freedom provided by the religious idea that the external world is animate and that man can entreat it and make it propitious. In the field of the supernatural man has access to an "other" world which gives free rein to his mythmaking. Cosmology and supernatural lore have therefore developed richly upon religious soil. Their place in the different cultures of the world is very unequal but they are probably never wholly absent. Africa is peculiarly poor in cosmology; the Negro peoples have the myth of the origin of death and often bare statements of the origin of man, but the elaborate cosmological cycles of Polynesia or North America are not present. Cosmological themes differ fundamentally on different continents. Thus a myth of creation does not exist in North America outside of very limited areas, principally small regions of California. Most Indian mythologies substitute the concept of a mythological age when the animals lived a human life. The origin of the beings of this mythical age is unaccounted for and the event which corresponds to creation in other areas is in these mythologies the transformation of these animals into the ancestors of the tribes. In Polynesia, on the other hand, the philosophical conception of the creation from nothingness is fundamental in cosmology and is abstractly elaborated.

Mythological descriptions of supernatural beings are also exceedingly diverse. Discussion of religion cannot be restricted to mythologies that are characterized by a supreme god, for this

is a folkloristic detail that has occurred among the simplest peoples and at all levels of cultural complexity and it has usually little bearing upon the religion as a whole. Other mythological concepts as to the nature of the gods have much greater significance, as, for instance, whether the supernaturals are conceived as the dead, as local spirits or as individualized members of a supernatural pantheon. The religious mythology of the Indians of North America, in which the supernaturals are not the dead, is thus quite different in character from that of most of Africa or of much of Melanesia; the various forms of ancestor worship are therefore not possible and both religion and social organization take on a different aspect. The supernaturals, on the other hand, are sometimes nature gods; in areas where this is true the mythology develops themes suggested by such identification. No body of myths has become a consistent nature allegory, and many primitive cosmologies use the names of sun and moon without giving to them roles which are in character. Greek mythology is the most nearly consistent nature mythology but even in this instance the nature theme is only partially carried out. The Greeks had gods, like Ares, Hermes and Athena, who were not symbols of natural forces, and although Apollo was identified with the sun he was also the healer and the lover; although Artemis was the moon she was also the protector of wild animals and the virginal warrior. Nevertheless, the strong tendency of the Greeks to stress the character of their pantheon as nature gods and to make use of allegories of the weather and the seasons and of day and night gives distinctive character to Greek mythology. Religions have been denied the name because their mythologies did not include the concept of the after life; yet the theme of after life is sometimes absent from mythologies even in highly developed religions. In primitive mythologies and religions the after life has in some regions fantastic elaborations; in others it receives mention entirely without religious implications, and in still others it is left out of account in favor of a previous life which governs and holds the clue to every happening in this present incarnation. It is important in the religious complex only in so far as different attitudes toward other worlds condition religious practises.

No generalization is possible as to the degree to which myth is dynamic in religion. Conditions which inhibit the growth of mythologies of necessity tend to limit their consequences in the religious realm. In east Africa, where the recently dead are the supernaturals who are entreated, there is less stimulus to mythmaking and hence less conditioning of the religious complex by mythology than in those regions where the supernaturals are freely imagined personages of a pantheon. The small role of myth in Africa and its much greater importance in religion in parts of North America may be due to this contrast. Myth is among some peoples the keystone of the religious complex, and religious practises are unintelligible except by way of their mythology. Among the Eskimo the Sedna myth determines the form of their chief religious observances and the functions of shamanism, and by its incidents they motivate their confessionals and their hunting tabus. On the other hand, the exacting dairy ritual of the Todas seems unsupported in mythology, and the gods mentioned in the prayers are on the level of mere abracadabra.

The subject of the degree to which myth conditions religion is merely one aspect of the problem of the interrelation of cultural traits. In every field it has been amply shown that the relation of distinct traits is not genetic; that is, the origin of religion is not to be sought in mythological concepts nor the origin of myth in religion, but the two have constantly cross fertilized each other and the resulting complex is a product of both primary traits. Where folklore therefore has developed richly in the religious field it is no isolated fact to be studied only as folklore but a phenomenon full of implications for the local development of religion. Thus the fundamental opposition of good and evil is a trait of occidental folklore that is expressed equally in Grimm's fairy tales and in the *Arabian Nights*. Taken up into the cosmologies of the Hebrews, the Mohammedans and the Christians it determines some of the most deeply seated world views of western religions and western civilizations. The opposition of God and the devil, of Christ and Antichrist, of heaven and hell, is part of the fundamental intellectual equipment of those who participate in these civilizations. On the other hand, in regions where the animal trickster is the important character of secular folklore and is taken over as the leading character of mythology the course of religious thought is necessarily different. The trickster is regarded as having brought the world to its present shape and as having instituted the customs and blessed the people of his tribe. He is nevertheless a figure without honor and without dignity even from the point of view of the

ethical standards of the tribe in question, for he is pictured as lascivious or as a gormandizer or a boaster who made this world what it is in the course of pursuing his own pleasures. In areas that possess such mythologies the chief problem of religion is no longer that of reconciling the existing world with the omnipotence of a good god, and injustices that are crucial in the so-called ethical religions do not become a matter of religious speculation at all. What is true of religious thought in such cases is equally true of religious practise, and no complete understanding of either is possible without an understanding of the relevant mythology.

Myth like secular folklore is an articulate vehicle of a people's wishful thinking. Secular heroes portray the ideal man of the culture, and myth remodels the universe to its dominant desire. Mythology has notoriously represented its makers as chosen people or as the first and uniquely created human beings. Hebrew history was recast as Yahweh's dealings with his people and the future was imagined as the triumph attained through his aid. Early Christian myth centered upon the return of Christ and the inauguration of the kingdom of the saints. Sorel discussed such myth thinking in connection with the concept of the general strike and its place in socialist philosophy. In such a myth, he maintains, a group dramatizes all its strongest inclinations, and its dreams acquire reality and its acts sanctions. Sorel used myth in this sense without reference to mythologies as bodies of folklore, but these dominant desires are nowhere more freely expressed than in traditional mythologies. The striking contrasts in different collections of myth are in a large measure due to the difference in the types of wish fulfilment that are characteristic of the different cultures. Even in the most general sense and ignoring local contrasts myth is universally the wishful projection of a universe of will and intention. Man in all his mythologies has expressed his discomfort at a mechanistic universe and his pleasure in substituting a world that is humanly motivated and directed. He has imagined both the topography of his country and the ethical standards of his people as the outcome of human acts of the culture hero. He has recast the universe into human terms.

RUTH BENEDICT

See: FOLKLORE; RELIGION; MAGIC; CULTURE; SYMBOLISM; DOGMA; FICTIONS; HERO WORSHIP; DEIFICATION; DIVINATION; SACRED BOOKS; ANTHROPOLOGY.

Consult: Boas, Franz, "Tsimshian Mythology" in United States, Bureau of American Ethnology, *Annual Report, 1909–1910*, vol. xxxi (1916) 872–81, and his introduction in Teit, J. A., *Traditions of the Thompson River Indians of British Columbia*, Memoirs of the American Folk-lore Society, vol. vi (Boston 1898) p. 4–16; Malinowski, Bronislaw, *Myth in Primitive Psychology* (New York 1926); Frazer, J. G., *Folk-lore in the Old Testament*, 3 vols. (London 1918); Krappe, A. H., *The Science of Folk-lore* (New York 1930) ch. xviii; Sorel, Georges, *Réflexions sur la violence* (5th ed. Paris 1921), tr. by T. E. Hulme (New York 1914) p. 22–36, 131–37. For the bibliography on theories of the interpretation of myths see bibliography of FOLKLORE.

NANSEN, FRIDTJOF (1861–1930), Norwegian explorer, diplomat and internationalist. Nansen acquired a world wide reputation as the most daring and successful of modern explorers. He was an able diplomat and played an important role in the negotiations leading to the separation of Norway from Sweden, as Norwegian minister at London from 1906 to 1908 and as minister plenipotentiary on special mission to the United States during the World War. In 1920 Nansen became high commissioner of the League of Nations to secure the repatriation of prisoners of war held in Russia and central Europe. With the help of various governments and the International Red Cross Committee of Geneva he secured money, free transportation, food, old army clothing and stores and organized a service of ships, railway transport, camps and hospitals. Within a year almost half a million prisoners of twenty-three nationalities were repatriated. In 1921 Nansen became European high commissioner for private organizations to relieve famine in Russia; the administrative apparatus which he set up expended millions of pounds for relief. His unsuccessful proposal of a League of Nations loan on behalf of Russia became the forerunner of subsequent League reconstruction and refugee loans. In 1922 Nansen established a League of Nations service for the protection of war refugees, which is still operating, investigated the Greek refugee problem and proposed the successful League refugee settlement loan.

The first leader of the small states in the League Assembly in 1920, Nansen helped Lord Cecil secure the admission of Albania against the united opposition of the great powers. His work in the Assembly in defense of the mandates system, often in opposition to the great powers, did much to build up a sense of collective responsibility for the institution of mandates and he took a prominent part in Assembly debates on minority rights questions. In 1923 he led the

small powers in opposing Italian aggression at Corfu. He helped Lord Cecil secure the establishment of the Temporary Committee on Slavery, which led to the drafting of the Slavery and Forced Labor conventions. In 1926 he played a prominent part in reconstituting the League Council after the admission of Germany. His proposal led to the drafting of the General Act for the Pacific Settlement of International Disputes. Nansen's efforts to make of the League Assembly a world parliament rank him with Cecil, Wilson and Briand as a pioneer in establishing a permanent functioning international political organization of sovereign states.

PHILIP NOEL BAKER

Consult: Sörensen, Jon, *Fridtjof Nansens saga* (Oslo 1931), tr. by J. B. C. Watkins as *The Saga of Fridtjof Nansen* (New York 1932), with bibliography; Jensen, Jens M., *I Folkeforbundets tjeneste* (Copenhagen 1931); Wetterfors, Paul, *Fridtjof Nansen* (Uppsala 1931); Wartenweiler, Fritz, *Fridtjof Nansen* (Erlenbach-Zurich 1930).

NAOROJI, DADABHAI (1825–1917), Indian nationalist. Naoroji was educated at Elphinstone College, where he became a professor of mathematics. He was active also as a journalist and was one of the founders in 1851 of the newspaper *Rast goftar* (Truth teller). From 1874 to 1876 he held office as prime minister of Baroda.

Naoroji was one of the founders of the Indian National Congress and an outstanding representative of Indian liberalism, which advocated educational and other social reforms and fostered moderate constitutional opposition to British autocratic administration. He enjoyed a wide personal influence; a Parsi himself, he was largely responsible for drawing his community into the nationalist movement. Like the educated Indians of his generation he was an ardent admirer of English civilization and in many ways a true Victorian; at the same time English radical philosophy had taught him to respect freedom, and again and again he had to criticize many aspects of British rule in India. As president of the second National Congress at Calcutta in 1886 he stressed his country's loyalty to Great Britain and expressed grateful appreciation for the enlightenment which its rule had brought. Soon, however, he began to proclaim that the English administration was a drain upon India's economic resources and to accuse the former of repeated violation of its pledges of constitutional freedom. Naoroji made frequent visits to England, sometimes remaining for long periods. He represented Central Finsbury in the House of Commons from 1892 to 1895. His position enabled him to draw attention to various aspects of the Indian problem and he was instrumental in the appointment in 1895 of the famous Welby Commission which undertook an investigation of Indian finances.

He was called from London by the moderates to preside at the historic meeting of the Congress in 1906 and in that capacity to try to stem the rising tide of the younger, more radical generation of Indian nationalists. At this meeting complete dominion self-government was proclaimed for the first time, in Naoroji's presidential speech, as the official aim of the Congress. Naoroji spent the last ten years of his life in retirement. His *Speeches and Writings* were published at Madras in 1909.

HANS KOHN

Consult: Bannejea, D. N., *India's Nation Builders* (London 1919) p. 115–27; Lovett, H. V., *A History of the Indian Nationalist Movement* (London 1920) p. 275–76.

NAPOLEON I (1769–1821), emperor of the French. Napoleon Bonaparte was born of Italian parents in Corsica and was educated in military schools at Brienne and Paris. He supported the revolution, assisted in the capture of Toulon from the English (1793) and in the defense of the Convention against insurrectionists on 13 Vendémiaire (1795). Appointed to command the army in Italy, he made his reputation by defeating the Austrians, organizing northern Italy under French protection and negotiating the treaty of Campo Formio (1797), which gave to France Belgium and the left bank of the Rhine. Returning from the ill fated but spectacular Egyptian expedition, he joined Sieyès and others in effecting the coup d'état of 18 Brumaire (1799), the result of which was to confer upon him power (nominally resting on popular consent and actually approved by plebiscite) scarcely less absolute than that exercised by the Bourbons before 1789. He used his position to "consolidate the French Revolution" in France and to extend the power and institutions of France in Europe.

Napoleon's ascendancy in France was favored by the collapse of revolutionary idealism and the weakness of the Directory, which he supplanted. Peasants wishing to retain their lands free of feudal obligation; army officers whose careers and the new rich whose possessions depended upon maintaining the revolutionary settlement;

politicians, the "regicides" especially, who regarded every question "through the scaffold" on which Louis XVI was executed—all these, having profited or been compromised by the revolution, supported Napoleon as a guaranty against the return of the Bourbons. Ridiculing the "romance of the revolution" (the dream of an ideal republic), Napoleon maintained the essential economic and social changes effected by it. He refused to restore the feudal system of land tenure, the guilds, the *parlements*, the privileges of the nobility and the corporate status of the church. The Concordat of 1801 was a political measure that won from the pope an implicit recognition of the new regime and an explicit renunciation of the ecclesiastical property, much of which had been sold to peasants and middle class people. The *Code civile* (1804) was, with slight exceptions, a systematization of changes effected by the revolution in personal status and property rights—"a summary and a correction of the French Revolution." On the revolutionary settlement as a foundation Napoleon organized, for the canalization of his autocratic power, a centralized administrative system, of which the chief divisions were foreign affairs, interior (through the prefects), finance, justice, religion, education (Imperial University, 1808), army and navy. As Seignobos says, France has remained essentially what Napoleon left it, a democratic society governed by a centralized administration: the revolution created the former, Napoleon the latter.

Napoleon was not content to govern France only. Urged on by daemonic energy, ambition, perhaps the vision of a warless and more efficiently governed Europe, he endeavored to create a "Grand Empire." Vaguely conceived at first, his object became more definite as the crucial military victories (Austerlitz, 1805; Jena and Auerstädt, 1806; Wagram, 1809), by abolishing the old empire and reducing Austria and Prussia to secondary powers, gave him a free hand in Italy and Germany. France was gradually enlarged by annexations of the Kingdom of Sardinia, Tuscany, the Papal States, Holland and north Germany; and new kingdoms, Italy, Naples, Holland (until 1810) and Westphalia, were created and turned over to be governed, under imperial supervision, by Napoleon's stepson Eugène and his brothers Joseph, Louis and Jérôme. Of the Swiss Confederation Napoleon became "mediator"; of the Rhine Confederation (constructed out of the south German states enlarged by the "secularization" of hundreds of minor imperial principalities) he became "protector." The Polish territories of Prussia and Austria were comprised in the Duchy of Warsaw, governed nominally by the king of Saxony as duke, in fact by the French ambassador at Warsaw and the French commander of the Polish army. Prussia, conquered and partitioned, was occupied by French troops, while Austria, humiliated by many defeats, became a semi-dependent ally of France. Meantime French institutions followed the tricolor. In Italy, the Rhine country, Belgium and Westphalia the French administrative system and the *Code civile* replaced the institutions of the old regime. By 1810 Napoleon's secret was half revealed, the design of his grand empire could be seen emerging from the reconstructed map of Europe. At St. Helena he said his purpose was to establish a United States of Europe; in 1811 he said: "The same law must run throughout Europe. I shall fuse all the nations into one." Upon the reconstructed Europe, whatever form it might take, the empire would confer the benefits of peace, free intercourse, equitable taxes, efficient administration, the *Code civile*, and offer to all men "careers open to talents." The grand empire was never completed. Until 1807 one feels that Napoleon had control of the situation, after 1808 that the situation had control of him. The Spanish conquest was a blunder, the Russian campaign a disaster. Within eighteen months the stupendous structure collapsed and its great architect was exiled, first to Elba and then to St. Helena.

The genius of Napoleon, in its kind, was perhaps never equaled. For fifteen years he bestrode the narrow world like a colossus by virtue of being pure will and intelligence. His special qualities were ceaseless energy; an unfailing memory; precise, always available knowledge of details, united with lucid understanding of general situations; and an egotism never inhibited by doubts as to the value of his objectives or the validity of the means employed to attain them. Outside the realm of the concrete and the practical his mind was naïve, quite incapable of justly appreciating such impalpable forces as love of country or unselfish devotion to any ideal cause. But as an effective and expeditious manipulator of things and of men regarded as things ("Men are like figures, which only acquire value in virtue of their position") he was never surpassed. Inspired gambler that he was, he played to win or lose all, and lost. Perhaps his failure was due to a cardinal defect—the

mistake of supposing that men "only acquire value in virtue of their position."

CARL BECKER

Consult: Fisher, H. A. L., *Napoleon* (London 1913); Fournier, August, *Napoleon I.*, 3 vols. (4th ed. Vienna 1922), tr. by A. E. Adams, 2 vols. (New York 1912); Rose, J. H., *The Life of Napoleon I*, 2 vols. (8th ed. London 1922); Kircheisen, F. M., *Napoleon I., sein Leben und seine Zeit*, vols. i–viii (Munich 1911–32); Masson, Frédéric, *Napoléon et sa famille*, 13 vols. (Paris 1897–1919); Sorel, Albert, *L'Europe et la Révolution française*, 8 vols. and Index (2nd–9th eds. Paris 1897–1911) vols. vi–viii; Fisher, H. A. L., *Studies in Napoleonic Statesmanship: Germany* (Oxford 1903); Driault, Édouard, *Napoléon et l'Europe*, 5 vols. (Paris 1910–27); Kircheisen, F. M., *Bibliographie des napoleonischen Zeitalters*, 2 vols. (Berlin 1908–12).

NAPOLEON III (1808–73), emperor of the French. Napoleon believed that he was one of those "men of destiny" entrusted by Providence to lead the world. He made two fruitless attempts at a Bonapartist uprising in Strasbourg in 1836 and in Boulogne in 1840. After six years' imprisonment in Ham he escaped in 1846 to London, where he remained until after the Revolution of 1848.

During these early years of struggle and revolutionary activity Napoleon indulged in considerable reflection concerning social and economic questions and problems of foreign policy and published numerous pamphlets and tracts on these subjects. He favored a democratic regime based on the plebiscite; the widest powers, however, were to remain in the hands of the emperor and to be used to increase the well being of the masses. His views on foreign policy were based on the principle of nationality. Disunited nations like Italy and Germany possessed the right to self-development and liberation from Austrian hegemony and it was the duty of France to support them in their struggle.

The Revolution of 1848 resulted in the election of Napoleon to the presidency of the new republic and the coup d'état of December 2, 1851, made it possible for him to restore the empire in 1852. The desire to apply his social and political ideas led him into numerous contradictions. In domestic affairs he pursued a policy of economic reform and enterprise which aimed to spread prosperity in order to make the masses oblivious of their loss of political liberties. He launched a great program of public works, established land banks, constructed railroads throughout the country and, under the direction of the prefect Haussmann, effected the complete transformation of the city of Paris. Workers were accorded the right of association and permission to form syndicates, but the rigorous surveillance of the police turned them against the empire.

Napoleon's foreign policy was dominated by the Italian question. He aided Cavour in bringing on the war of 1859; he permitted Piedmont to annex central Italy and Garibaldi the south; but he shifted his position on the Roman question since it threatened to embroil him in quarrels with the French Catholics. He came to a rapprochement with Russia after its defeat in the Crimean War, but he strained relations in attempting to intervene on behalf of the Poles. He sought an entente with England and adopted a free trade policy despite the French industrialists, but this plan likewise came to naught because of his adventurous projects. He wished to profit by the American Civil War to create a Latin empire in Mexico, but he was forced by the United States to renounce the plan. He allowed Prussia, which was sympathetic to him, to seize Schleswig-Holstein from Denmark and to form an alliance with Italy against Austria. But Sadowa resulted in the emergence of a strong militarized Prussia, and Napoleon succeeded neither in coming to terms with Bismarck nor in forming a coalition against him, an error which culminated in the debacle of 1870.

GEORGES WEILL

Works: *Oeuvres*, 5 vols. (Paris 1854–69).

Consult: Simpson, F. A., *The Rise of Louis Napoleon, 1808–1848* (new ed. London 1925), and *Louis Napoleon and the Recovery of France, 1848–1856* (London 1923); La Gorce, Pierre de, *Histoire de la seconde république française*, 2 vols. (2nd ed. Paris 1898), and *Histoire du second empire*, 7 vols. (Paris 1894–1905); Arnaud, René, *La deuxième république et le second empire* (Paris 1929), tr. by E. F. Buckley (London 1930); Guedalla, P., *The Second Empire* (London 1922); Seignobos, Charles, *La révolution de 1848, le second empire*, and *Le déclin de l'empire et l'établissement de la 3e république*, Histoire de France contemporaine, ed. by Ernest Lavisse, vols. vi–vii (Paris 1921).

NĀRADA (*c.* 450–550), Hindu jurist under the Gupta empire. Nārada's exposition of private law commanded authority as well as a considerable degree of popularity in mediaeval India. A large part of his doctrines was incorporated, sometimes without acknowledgment, in the works of subsequent writers on both civil and criminal law, while commentators ascribed to him all sorts of important texts bearing on legal institutions. Definitely secular and legalistic in his approach, Nārada emphasized the rule of

reason as a source of law and maintained that where the sacred precept was at variance with custom, the latter should prevail.

Nārada's code of law deals in the introductory chapter with legal procedure, complaints and courts of justice. Then the law is classified under eighteen titles similar to those of Manu, except for minor differences and the fact that Nārada eschews entirely the social and religious items contained in the former's encyclopaedic treatise. Nārada's classification includes debt, deposits, partnership, breach of labor contracts, boundary disputes, marital relations, inheritance and heinous offenses. Like Manu and Yājñavalkya he is liberal and sympathetic in his treatment of the rights of illegitimates, permitting an illegitimate son to inherit his maternal grandfather's property (xiii: 18). But he differs substantially from these authorities in that he holds that even the youngest son, "if able," may govern the family and manage its property (xiii: 5) and allows a father to distribute the property among his sons in whatever proportion he desires (xiii: 4, 15). In his system the widow may inherit part of her husband's property, while unmarried daughters may share in their father's estate (xiii: 3, 12, 13). The right to divorce and remarriage is allowed to women on many grounds (xii: 96–101). Books xii and xiii of the *Nāradasmṛti* are the embodiments of modernism in ancient Hindu conceptions of property and marriage. As the exponent of a secular and realistic view of the law Nārada appears to be as prominent a figure in comparative jurisprudence as is Sukra in comparative politics.

BENOY KUMAR SARKAR

Consult: Sanskrit text of *Narada-Smṛti*, ed. by J. Jolly, Bibliotheca Indica, N.S., vol. cii (Calcutta 1885), tr. by J. Jolly, Sacred Books of the East series, vol. xxxiii (Oxford 1889); Jolly, J., *Recht und Sitte* (Strasbourg 1896), tr. by B. Ghosh, Greater India Society, Publication, no. 2 (Calcutta 1928) p. 44–49; Kane, P. V., *History of Dharmaśāstra*, Bhandarkar Oriental Research Institute, Government Oriental series, Class B, no. 6, vol. i– (Poona 1930–) p. 196–204; Sen, Ajit Kumar, *Studies in Hindu Political Thought* (Calcutta 1926) p. 9–11; Meyer, J. J., *Über das Wesen der altindischen Rechtsschriften und ihr Verhältnis zu einander und zu Kautilya* (Leipsic 1927).

NARCOTICS. *See* DRUG ADDICTION; OPIUM PROBLEM.

NASSE, ERWIN (1829–90), German economist. Nasse's first achievement was a doctoral dissertation in the field of Roman economic history, *Meletemata de publica cura annonae apud Romanos* (Bonn 1851). Essays on money and banking, distinguished by an early insight into the function of central state banks, procured him in quick succession in 1856 professorships at Basel and Rostock, whence he was called in 1860 to Bonn, the final place of his activities. There he acted as the classical representative of the Protestant and liberal conservatism of pre-Bismarckian Prussia, in perfect harmony with his liberal Catholic colleague Adolf Held. His *Bemerkungen über das preussische Steuersystem* (Bonn 1861) belongs to the great school of German public finance that culminated in the reforms of the later nineteenth century. But characteristically his love of the Prussian state was coupled with the knowledge of and predilection for England that never left Prussian statesmen from Stein to Gneist. And from a most intimate knowledge of the sources of English economic history sprang the classical work *Über die mittelalterliche Feldgemeinschaft und die Einhegungen des sechszehnten Jahrhunderts in England* (Bonn 1869; tr. by H. A. Ouvry, 2nd ed. London 1872), which revealed to Frederic Seebohm and others the broad bases of the open field system in English and continental agriculture. He thus did for English agrarian history what Held did for the history of the English working classes.

Nasse was the cofounder and for many years the president of the Verein für Sozialpolitik. His interest in social reform, like that of Adolf Wagner, sprang from a deeply religious mind that made him also one of the chief promoters of the Innere Mission of the German Protestant churches and a member of the Free Conservative party of the Prussian Diet from 1869 to 1871. He declined reelection in 1879 only because his economic liberalism brought him into disagreement with Bismarck's protective tariff of that year and he did not want to oppose it politically. To the Verein für Sozialpolitik he contributed besides many a brilliant presidential address the fine paper "Agrarische und landwirthschaftliche Zustände in England" (in Reitzenstein, F., and Nasse, E., *Agrarische Zustände in Frankreich und England*, Verein für Sozialpolitik, Schriften, vol. xxvii, Leipsic 1884, p. 127–222).

CARL BRINKMANN

Consult: Below, G. von, in *Allgemeine deutsche Biographie*, vol. lv (Leipsic 1910) p. 844–48; Knapp, G. F., "Erwin Nasse" in his *Einführung in einige Hauptgebiete der Nationalökonomie*, Ausgewählte Werke, vol. i (Munich 1925) p. 305–11; Lamprecht,

K., "Die Schriften Erwin Nasses" in *Jahrbücher für Nationalökonomie und Statistik*, n.s., vol. xx (1890) 201–04, for bibliography of Nasse's writing.

NATIONAL BANKS, UNITED STATES. The national banks, that is, banks operating under a federal charter, represented at the close of the third quarter of 1932 about one third of the total number of banks in the country and possessed approximately three eighths of the loans and investments of all banks. They comprised almost nine tenths of the number and held five eighths of the loans and investments of the members of the Federal Reserve system. Statistics of this type, however, do not alone give an accurate indication of the importance of the national system. In many states laws regulating the organization and operation of state institutions have followed closely the national pattern; and, since they supply the sole compulsory membership of the Federal Reserve system, the national banks may be considered perhaps as the system's strongest bulwark.

As contrasted with developments in other countries the most distinctive feature of the national banking system is its decentralized ownership and control. Provided they comply with certain formalities of a routine character and meet the capital requirements specified in the law, any five or more natural persons may make and file an organization certificate, become a body corporate and with the authorization of the comptroller of the currency begin the business of banking. The amount of capital that must be subscribed varies with the population of the place wherein the bank is to engage in business and may be as low as $25,000. The Glass-Steagall Act of 1933 raised the amount to $50,000. It has been supposed that the comptroller has wide discretionary powers in granting authorizations and is permitted to deny applications if in his opinion the community is already sufficiently serviced by existing banking institutions. While the comptroller's attitude may practically be determining in this matter, it is doubtful, however, if he would be within his strict legal power in denying an authorization as long as the requirements of law have been scrupulously observed. By statute and precedent the national banks constitute a free banking system.

If the law had not been hostile to the establishment and acquirement of branches, some such concentration in the ownership and management of banks as in Great Britain, for instance, led to the domination of the Big Five might have developed in the United States. But until 1927 the statutes were interpreted as antagonistic to the creation of new branches of national banks. This hostility to branch development was modified to a limited extent by the McFadden-Pepper Act of 1927, which permits new branches to be established within the limits of the city, town or village in which the parent national banking association is situated, provided that the operation of such branches is permitted state banks under the terms of state law. The act of 1927 was intended to enable national banks to meet on more equal terms the competition of those state institutions which possess liberal branch powers. Prior, however, to the enactment of the McFadden-Pepper Act some national banks had acquired both intracity and extracity branches by the process of converting a state bank with branches into a national bank and then effecting a merger with the parent national bank. So-called additional offices moreover had been established by some national banks under favorable rulings by the comptroller of the currency.

The theory of decentralization and of local control has also been generally maintained in the regulation of note issues and in the maintenance of reserves. Any national bank can obtain notes from the Department of the Treasury for issue purposes by depositing as security stipulated classes of United States government bonds of equal value (at par or market, whichever is the lower). The government is responsible for the ultimate payment of such notes emitted by the bank. To protect it in this responsibility the government has the security of the bank's bond deposit, the assets of a 5-percent redemption fund maintained in Washington, a first lien upon the bank's assets and the personal liability of the bank's stockholders. Under these provisions national banks had outstanding at the middle of 1932 notes in the volume of $701,000,000, an amount about equal to one eighth of the total monetary circulation of the country. At the time of the passage of the Federal Reserve Act in 1913 there were more or less general anticipations that in the course of time the national banknotes would be superseded by the new Federal Reserve issues. To permit such substitution certain provisions were written in the Federal Reserve Act. After the reserve banks began to operate, however, there was no considerable reduction in the national currency; and in July, 1932, Congress reaffirmed faith in decentralized note issues by attaching a rider to the Home-Loan Bank Bill increasing

the number of government bond issues which may be employed as security for national bank-notes. Nevertheless, the total issues of any bank continue to be restricted to an amount equal to its capital; and furthermore the provisions of the new statute are operative for a period of three years only.

The principal restriction upon the power of national banks to acquire deposit obligations consists in reserve requirements defined by statute. Until the passage of the Federal Reserve Act there was no legislative attempt to establish special depositories to hold these reserves; here again the theory of decentralization prevailed. It is true that even before 1913 a certain degree of concentration in the holding of bank reserves was accomplished by allowing the national banks in country places to carry part of their required reserves on deposit with national banks in reserve and central reserve cities, and by allowing national banks in reserve cities to redeposit one half of their reserves in banks of central reserve cities (then New York, Chicago and St Louis). Nevertheless, these redeposit provisions represented largely a concession to practises existing at the time of the original statutes, and there was a limit to the extent to which reserves could be maintained outside of the bank's own vault. At present, however, as members of the Federal Reserve system national banks keep in their own vaults only such sums as are required for counter money purposes, and such vault or counter money does not count as a part of the bank's legal reserves. The legal reserves of a national (or state member) bank now consist exclusively of credits on the books of a reserve bank. In this respect the early theory of decentralization has been modified by the development of the Federal Reserve system. A novel feature in the regulation of deposits is presented in the provision for deposit insurance contained in the Glass-Steagall Act of 1933. The act provides for the organization of a Federal Deposit Insurance Corporation with capital subscribed by the Treasury, by Federal Reserve Banks, by the member banks and, with certain qualifications, by non-member banks, which shall guarantee deposits with certain limitations beginning July 1, 1934, or at an earlier date if so ordered by a presidential proclamation.

As compared with the state banking systems national banking legislation has been more restrictive with respect to permissible elements in loan and investment portfolios; national banks have been subjected to rigid limitations in the making of loans secured by real estate. Such limitations, however, have been considerably relaxed in the Federal Reserve Act of 1913 and again in the McFadden-Pepper Act of 1927.

The origin of the national banking system dates back to the passage of the Sherman Act of February 25, 1863. The main purposes of this statute are suggested by its title: "An Act to provide a National Currency, secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof." There has been much controversy as to whether the lawmakers were principally motivated by the endeavor to improve the market for United States government issues—by requiring that they be the collateral of the notes of the new national associations—or were governed by zeal to provide a better currency than previously had been represented by the issues of many state banks. There is direct evidence, however, that Secretary of the Treasury Chase, who sponsored the measure, had no high anticipations regarding the amount of support to the government's borrowing operations which this act would supply; and therefore the improvement of the country's currency must have been the fundamental motive in his mind. But it is also to be admitted that without the argument of national fiscal emergency it would have been difficult to have gained sufficient support for the measure in Congress. Although the new banking system was in structure essentially different from that of the Second United States Bank, many members of Congress regarded it as too great an interference with the prerogatives of states to be justified on any other ground than extreme fiscal emergency.

Few banks were organized under the terms of the original act and it shortly became apparent that a new measure was necessary. On June 3, 1864, this new measure was forthcoming. But progress in forming national associations continued slow, and it was believed desirable to prohibit the issuance of notes by state institutions. It was accordingly provided in the revenue measure of March 3, 1865, that state bank issues must bear a tax of 10 percent per annum after July 1, 1866. Through the operation of this statute state chartered banks have ceased to issue notes.

There has been much controversy regarding the value to the national banks of the note issue privilege. The smaller national banks in particular have been jealous of this prerogative; but the growth of the check system has lessened the

importance of the issue function, so that the principal advantage of a national charter is perhaps the prestige of membership in the national system. The prestige argument has also lost weight, however, because of the fact that a state bank may apply for membership in the Federal Reserve system and, if admitted, is subject to examination by Federal Reserve authorities. In states wherein the banking law is liberal it has become progressively more difficult to retain membership in the national system.

Much controversy has also been occasioned regarding the desirability of maintaining the national banknote as a prominent element in the country's monetary system. Attacks on this currency usually argue its inelasticity. It is held that an elastic currency cannot be based on government bonds, particularly because an upward movement in the government bond market lessens the profits on note issuance. It is to be understood, however, that it is not essential that every element in a currency system be highly elastic; and that, if Federal Reserve notes or perhaps only Federal Reserve deposits function as they should, any inelasticity of the national currency is not a matter of decisive importance.

Of greater importance is the problem whether the dual system of state and national banks should be maintained. Those who argue for the abolition of the dual system believe that any bank that creates deposit credits subject to check is really providing the public with currency and that therefore it is a mistake to regard the chartering of banks as a local prerogative. They also maintain that the Federal Reserve system cannot flourish as long as the sole compulsory membership consists of banks which may be subjected to competition from state institutions operating perhaps under more liberal charters. On the other hand, those opposed to the abolition of the dual system insist that such a move would constitute an unfortunate step in the direction of increased federal bureaucracy. Some opponents of complete nationalization hold that all banks should be chartered under state authority, with the requirement that every banking institution must belong to the Federal Reserve system.

Another problem is presented by the conflict in regulation and supervision between the comptroller's office and the state banking departments. In many states banking departments have not been able to insist on the observance of certain regulations in conflict with federal law because of the possibility that national banks might be permitted by the comptroller's office to engage in the practises it is desired to prohibit. It is argued accordingly that it should be made possible for the comptroller's regulations to take greater account of state situations, even though such action might involve some diversity in the operating methods of national banks serving different localities.

Partly for the purpose of enabling banking facilities to be restored to communities wherein extensive closures have occurred, proponents of more liberal branch powers for national banks have increased their demands that branches be permitted over wider areas, regardless of state prohibitions. It is argued that many localities cannot sustain the expense of supporting independent banks and that some form of group or chain banking is inevitable. It is desirable, so it is insisted, for this development to take place under a regulated system of branch banking instead of in some more objectionable manner. Opponents of this proposal sometimes hold that such a measure might induce state legislatures to modify antibranch laws and thus lead to a race between state and national institutions to secure branches. In this way the former tendency to provide the country with an excessive number of banking establishments might be repeated. The movement for more liberal branch banking legislation found recognition in the Glass-Steagall Act, which authorizes national banks to operate branches within the limits of the state in which state branch banking is permitted.

The superior solvency record of the national banks in recent years has often been supported by figures which show that after 1921 the number of national bank suspensions was only about one fifth as great as the number of state bank suspensions. Allowance must be made, however, for the fact that there have been more state banks than national banks, and that state banks may possibly have served in more of the difficult situations. There has been moreover a great variation in the solvency record of state banks among the various jurisdictions.

Most banking authorities are agreed that steps should be undertaken to provide the country with a more uniform banking system. These authorities have not reached agreement, however, on the question whether this uniformity should be attempted by enlarging the scope of the national or the Federal Reserve banking system.

HAROLD L. REED

See: BANKING, COMMERCIAL; BANK RESERVES; BANK-

NOTES; CURRENCY; FEDERAL RESERVE SYSTEM; BRANCH BANKING; STATE BANKS, UNITED STATES; FINANCIAL ORGANIZATION.

Consult: Davis, A. M., *The Origin of the National Banking System*, National Monetary Commission, Publications, vol. v, no. 1, 2 pts. (Washington 1910–11); Helderman, Leonard C., *National and State Banks*, Hart, Schaffner and Marx Prize Essays, vol. xlix (Boston 1931); Dunbar, C. F., and Willis, H. P., *The Theory and History of Banking*, ed. by O. M. W. Sprague (5th ed. New York 1929); Noyes, A. D., *History of the National-Bank Currency*, National Monetary Commission, Publications, vol. v, no. 2 (Washington 1910); Sprague, O. M. W., *History of Crises under the National Banking System*, National Monetary Commission, Publications, vol. v, no. 3 (Washington 1910).

NATIONAL DEBT. *See* PUBLIC DEBT.

NATIONAL DEFENSE. There are few ideas so powerful in human affairs as those connected with the phrase national defense. These ideas dominate the foreign relations of almost every nation; they determine in great measure the present nature of the international society of states; they even dictate in matters of vital national importance the policy which governments pursue in home affairs. They are almost the only ideas which can suddenly arouse a great wave of national feeling, which can unite a whole people in common endeavor and common sacrifice of the most unlimited kind. They are the ideas to which men most readily subordinate not only their national interests and their natural feelings and affections, but for which they most willingly give up their lives. They are the only ideas which have yet led whole nations to impose upon every male citizen prolonged compulsory periods of personal training and personal service for the state. They cause nations to bear a burden of taxation which, for the vast majority of their citizens, involves a real diminution of their standard of living, reducing their consumption even of what is barely necessary for health and strength. If the social energy which they engender could be harnessed to the constructive betterment of human conditions, there would be scarcely any limit to the material and spiritual progress which mankind could make within the lifetime perhaps of a single generation.

Yet, despite its importance, there are few expressions in general use about which there has been and still is such muddled thinking. A clearer understanding of the purposes and policies connected with the phrase national defense may perhaps be derived by a consideration of what answers the average man would give to the questions: Defense of what? Defense against what? Defense by what means? Broadly speaking the average man would reply to the first question by saying that it is the territory of his national state that he wants to be defended. Some people would add that they want to be able to insure to their citizens abroad the treatment which civilized men are entitled to expect in countries other than their own. Some would add that they want to protect the vital interests of their nation in any portion of the world where they may be menaced. Twenty years ago they would have added national honor to vital interests. Some of them would interpret vital interests to mean a virtual claim that their nationals should receive privileged treatment in other countries, almost irrespective of what they might do. But roughly it is accurate to say that most people think the object of national defense to be the territory of their national state. Secondly, most people would say that the territory of their national state must be defended against invasion by foreign powers and, thirdly, that this defense must be effected and is capable of being effected only by the national armed forces which their own government maintains.

More theoretical considerations of the principles underlying the concept of national defense have usually followed two lines. The first theory starts from the assumption that the vital interests of different nations are by their essential nature in conflict. It follows that war is an inevitable fact of human life, and indeed the most important fact so far as international relations are concerned. Since for every nation war sooner or later is bound to come, and since war may involve even the very existence of the nation, it is the duty of each nation to make every effort to insure that it shall not be defeated in the wars in which it is bound to be engaged. Its purpose therefore in its policy of national defense is not to avoid all war but to secure victory in wars which cannot be avoided. Since its vital interests are by their very nature in conflict with those of other nations, it must clearly rely upon itself alone. In other words, it must in time of peace make such preparations for war that it will be strong enough to resist the challenge of any other nation which may attack it.

To this end each nation must be prepared, both in peace and in war, for any sacrifice that is likely to increase its military efficiency.

It must, for example, sacrifice economic well being and deny its citizens the advantages of the division of labor on the international plane in order to render itself independent of foreign supplies of commodities and goods which are vital to its existence. With this in view it must develop industries which are not economically self-supporting; it must raise the cost of food to its citizens by prohibitive protection. It must expand its territory, by colonial and other conquest, to widen its sources of raw material. To increase the scale of its industrial output it must apply the principle of "mercantilist" exploitation to all the territories under its control. To develop its man power and increase the number of its divisions available in time of war it must not only adopt the system of universal conscription for its own citizens, but it must assimilate the population of all conquered territories and impose the same conscription upon them. It must seek by all the means in its power to raise the birth rate of its own citizens and must do so without regard to the economic results. Having maximized the number of soldiers which it can call to arms, it must equip them with the most powerful armament that science and industry can provide. It must seek by every means to increase the quantity of its weapons and to improve their quality. In order to improve their quality it must organize and equip a system of scientific research and must endow it with the resources necessary to enable it constantly to study every new armament development throughout the world and the means by which its own weapons can be made increasingly destructive. In order to increase their quantity it must prepare in peace time the mobilization of its entire industrial resources and must subsidize private enterprises to maintain machinery and workers capable at a moment's notice of starting armament production on the largest scale.

The classical statement of this theory of national defense is that made by Winston Churchill when he was first lord of the Admiralty in 1913. "There is only one way," he said, "to ensure peace, and that is to be so much stronger than your enemy that he will never dare to attack you." The theory is sufficiently tested by considering what will happen when two neighboring states both endeavor "to ensure peace." The theory in fact defies arithmetic, for it enjoins on every nation an endeavor to be stronger than the rest.

A development of this first theory of national defense is furnished by treaties of military alliance. Since it frequently became evident to governments and peoples that they could not hope by their own efforts alone to be stronger than any other nation which might possibly attack them, they sought to secure the desired superiority by military alliances with other states which had "the same interests." This phrase, "the same interests," usually meant that the various allied states were all preparing for war with the same potential enemy; it would be difficult to find in the history of military alliances any other intelligible meaning. The alliances made were, by the nature of the case, both defensive and offensive, since the fundamental fact upon which they were based was that none of the allied states could afford to allow one of their number to be defeated alone, for that would only insure its own defeat in the succeeding conflict. This in turn meant that the allied states were in a considerable measure obliged to give diplomatic support to each other, whatever policy they might respectively pursue. There are many examples—one is that of Great Britain and Russia before 1914—of liberal powers being obliged by the entanglements of alliances to condone illiberal policies of which their peoples strongly disapproved.

This first theory of national defense is a theory appropriate only to a condition of world anarchy, in which there is no organized international society, in which nations live in a state of nature. As soon as a condition of greatly multiplied and intensified relationships springs up as between nations therefore, it must be expected that this theory will cause the nations the same difficulties and inconveniences that individuals experience when they live in a state of nature. In practise it can never really insure national safety except for the most powerful states and then only, as history has shown, of the most precarious kind.

The second theory of national defense now current is the exact opposite of the first in almost every particular. It was perhaps best stated in a resolution adopted by the Assembly of the League of Nations in 1927 in which the Assembly declared that states could disarm only in proportion as they need not rely upon their own respective national armaments alone. This was an authoritative and most important interpretation of the Covenant of the League, which enjoins disarmament but which also creates a

system of mutual assistance—including military assistance—for any member of the League which is attacked in violation of the Covenant.

Numerous attempts have been made since the establishment of the League of Nations to create an effective system that shall insure national defense by collective international effort and to substitute this system for the old anarchic system described above. The attempts have all aimed of course not at victory in war, but at the prevention of all war. They have therefore been based first upon the partial and later upon the total abolition of the legal right to go to war. They have involved the creation of a new and complex law and machinery for the peaceful settlement of international disputes—a law and machinery which include the Council of the League, the Permanent Court of International Justice, the Optional Clause and the General Act. They have involved efforts to render the system of the Covenant more efficacious, by specific obligations for preventing the outbreak of war, such as the treaty to improve the means of preventing war, and by specific obligations to give military and other assistance, such as the Locarno pacts and the treaty of financial assistance. They have, in article 20 of the Covenant, categorically forbidden offensive alliances. They have produced successive efforts to make the operation of the Covenant more certain in time of crisis, by providing a definition of aggression which shall lay down in specific legal rules what are the definite acts that the new law against war has forbidden.

In all these respects the attempts to insure national defense by a collective international system have followed closely the precedents set by all civilized national societies in their efforts to suppress violence and disorder and to establish the majesty of the law within their respective frontiers. In other words, the second theory of national defense is the theory of an organized international society, with laws and institutions similar in main principle at least to the laws and institutions of civilized national states.

Both of these theories have been and still are held simultaneously by the same persons. Undoubtedly before 1914 the nations of the world lived in a "state of nature"; the predominant theory was that of anarchy; and it is hardly too much to say that there was a constant anticipation of the outbreak of war. Yet there were two mitigating factors. First, the nations in certain regions—in particular Scandinavia and North America—had eliminated war and substituted arbitration in their mutual relations. This was most probably due to their geographical isolation, racial affinity and higher level of civilization. The second mitigating factor was the dominance in the international policies of the nineteenth century of the ideas of balance of power and of the European Concert. While anarchy predominated in theory before 1914, and reigned supreme in practise, the contrary ideas were already acquiring significance. They had produced the arbitration movement, the Hague conferences and other beginnings of international organization, which are not without real historical importance.

If anarchy was the prevailing theory before 1914, organization is the prevailing theory today. By the Pact of Paris, by the Covenant of the League and by a host of other documents the governments have pledged themselves to the second theory of national defense. Their choice has been made officially, publicly and in great part without legal possibility of revocation. They are pledged to the new collective system by law, honor and sacred obligations to their respective peoples. Faced by the results of the old system, they have chosen to create the new.

Yet in practise the policies of governments are founded far more on the old theory than on the new. Armament competition, in spite of the Disarmament Conference, has hardly ever been keener than it is today. Vaster sums than ever before are now expended on qualitative improvement by scientific research. The governments have allowed the new system of mutual assistance to collapse in the Manchurian dispute. The policy of economic self-sufficiency for military ends has never been so actively pursued, as, for example, in Hitlerite Germany. The organization of industry for war production has never before been so perfect. The alliances of post-war Europe, although ostensibly founded on the Covenant, are difficult to distinguish in their practical effects from those of the past. It was this complete confusion of ideas which led to the prolonged disappointment of the Disarmament Conference, which permitted the outbreak of war in the Far East and which greatly accentuated, if it did not cause, the world economic crisis.

The experience of the second theory of self-defense and of the new collective system built upon it has proved that this system is practical

politics. It has to its credit important results in insuring national safety by preventing war. It is plain indeed that this new system could easily be made to work and to end war in the lifetime of the present generation, if the great nations of the world would decide to uphold their pledges to the new system. Indeed the cooperation of any three of them without the smaller nations would probably suffice. But if the great nations will not make this decision, if they will not choose the new collective system, it is probable in the extreme that the old theory of anarchy will once more rapidly prevail. If armament competition and the policy of economic self-sufficiency are allowed to develop much further, they will eventually ruin all attempts at an organized international society.

The choice of the governments in favor of the new collective system will probably be made when they abolish the so-called "aggressive weapons." The deliberations of the Disarmament Conference have proved that the modern instruments of national defense have given an overwhelming superiority to the forces of attack. No expert has ever been able to show how civilian populations can be protected against poison gas. No expert has been able to show how air attacks can be repelled successfully. No expert has made even a presentable case for thinking that tanks or heavy artillery or capital ships are weapons of defense. Whether by reference to the fixed standard of the existing armaments of certain disarmed states or by reference to the actual defenses which states are able to bring into being, it has been shown that these weapons are primarily of value for attack and that their disappearance would greatly strengthen the true national defense of every country. The gradual abolition of these weapons will achieve "qualitative disarmament" and also effect an immense quantitative reduction of the armaments which now exist. But it will also give the most important of all possible demonstrations to the world that nations do not intend to attack their neighbors. Thus it will give form and power to the choice of the governments in favor of the second, new theory of national defense by collective action.

PHILIP NOEL BAKER

See: NATIONALISM; MILITARISM; WAR; WARFARE; ARMY; NAVY; CONSCRIPTION; MILITARY TRAINING; MILITIA; MOBILIZATION AND DEMOBILIZATION; ARMAMENTS; LIMITATION OF ARMAMENTS; DISARMAMENT; MUNITIONS INDUSTRY; MERCHANT MARINE; PROTECTION; MERCANTILISM; INTERNATIONAL RELATIONS; INTERNATIONALISM; LEAGUE OF NATIONS; CONCERT OF POWERS; BALANCE OF POWER; GREAT POWERS; ALLIANCE; TREATIES; CASUS BELLI; OUTLAWRY OF WAR; PACIFISM; PEACE MOVEMENTS.

Consult: MacDonald, J. Ramsay, *National Defence* (London 1917); Page, Kirby, *National Defense* (New York 1931); Baker, P. J. Noel, *Disarmament* (London 1926); Madariaga, Salvador de, *Disarmament* (New York 1929); Lyon, Jacques, *Les problèmes du désarmement* (Paris 1931); Seeckt, Hans von, *Landesverteidigung* (Berlin 1930).

NATIONAL ECONOMIC COUNCILS. Since the World War the creation of national economic councils, with advisory or even legislative functions, to supplement the activities of politically representative bodies has been agitated in most and effected in a number of the occidental countries. The function and powers of such councils vary from the complete control of economic planning, as by the National Council of Supreme Economy in the Union of Soviet Socialist Republics, to the mere supplying of technical information or advice to a parliamentary minister or cabinet.

In spite of such wide differences in their effective powers, however, such councils all represent a reaction to certain conditions and theories which are becoming increasingly important in the modern world. The idea of a closer coordination of economic interests and political government has been advanced, on the one hand, by those who wish to stem the rising power of large industrial combinations, on the other, by those who desire a greater influence for business interests based perhaps on a modern form of guild organization; and from a different point of view by theorists who have become convinced of the inadequacies of territorial representation and look to some form of pluralistic organization which would make democracy workable.

The representation of occupational groups and interests is indeed not new either in theory or in practise. The mediaeval class constitution of society involved the making of the various classes in their regulated groupings into organs of the state. Concrete interests were thus given general political functions. In such a system, however, new forces and tendencies came to power with difficulty, until with the rise of the bourgeois groups the system was destroyed and for the representative of concrete interests was substituted the general mandate, the political representative and the political parliament. This parliament presupposed, in theory, the abstract

citizen moved by universal principles, liberal or conservative.

But every government must retain the confidence of the various extraparliamentary forces and understand not only the popular mood of the moment, as mirrored in election results, but also the deeper and more constant interests of the great economic groups. Such groups never ceased to exist even when in theory free competition was the dominant principle of organization. The guilds did not entirely disappear until about 1848; and it was not much later that there arose all over Europe associations of industrialists, organizations of merchants, and labor unions, representing groupings of identical interests with power that could be brought to bear upon the government, and in varying degrees in different countries participating in the shaping of legislation and of economic policy. Whether directly consulted or not, the organizations of interests have always had a certain weight in parliamentary democracies as well as under modern dictatorships. Whatever the form of government, the significance of industrial organizations necessarily increased as the belief in the utility of laissez faire vanished. The more complicated the organization of industry became, the more necessary was industrial legislation; and this in turn made imperative some form of representation of industrial interests in the government. This first came about through the rivalry which developed in most countries between the different political parties for the support of the various voluntary associations and economic organizations. A more or less definite representation of economic groups in parliament thus resulted from the coordination of political parties with particular interests. In most countries the conservative parties tended to be agricultural, while the progressives were associated with industry and trade; the socialist parties were of course connected with the trade unions; and none could have secured so permanent a footing among the electorate without the support of the respective organizations.

This development was early reflected in political theory. The doctrines of Saint-Simon and of Proudhon gave widespread currency to the idea of an economic as contrasted with a political organization of society. Toward the end of the nineteenth century, and with increasing force up to 1914, the notion of economic, or occupational, representation was agitated among political scientists, particularly in France and in Germany. Karl Planck and Schäffle, Charles Benoist and Léon Duguit were among its outstanding exponents. The rise of syndicalism in France and Italy and of guild socialism in England gave a new emphasis to the discussion. These different groups envisaged many different methods of securing the representation of economic interests, from the supplanting of parliaments and universal suffrage by national associations of occupations to the creation of a second chamber representative of economic groups and functioning as one organ of parliamentary government.

Recent interest in the problem has brought to light the fact that there were several practical attempts at the formation of economic councils in the nineteenth century. In 1848 a short lived economic council was set up by Louis Blanc and the Commission of Luxembourg. A more important experiment was that of Bismarck. With the adoption of a protective tariff system in 1879, with the multiplication of problems demanding social legislation and with the increasing need for reform of the imperial finances Bismarck conceived the idea of setting up an economic council both as a new source of information and as a political safeguard for himself. A Prussian Economic Council (Volkswirtschaftsrat) was created by a royal decree of November 17, 1880, and opened in January, 1881. It consisted of 75 members, some appointed directly by the king, some proposed for appointment by boards of trade, agricultural societies and labor organizations. The Prussian council was intended by Bismarck merely as the forerunner of an economic council for the empire, but proposals for such a body encountered violent opposition in the Reichstag, which suspected an attempt to limit its powers. What the government actually desired was not a representative body with legislative power but simply an organ for the clarification of opinion and the provision of expert support for its practical decisions. Although the idea of an advisory national economic council was frequently discussed after 1880, particularly in connection with electoral reform, it was not put into effect until after the World War; opposition in the Reichstag was too great and the economic groups themselves preferred to work through that body. The Prussian Economic Council met only three times.

The closer national coordination of economic activities in all the belligerent countries during the World War gave new impetus to the demand for economic representation. But the dominant influence in the immediate post-war years was

the example of the Russian system of workers' and peasants' councils. An experiment with this form of direct representation had been made in Russia during the 1905 revolution. In 1917 the workers' and soldiers' councils were first the essential organs of revolutionary activity and later the basis of the Soviet system, with the result that throughout central Europe the idea of economic councils received a new direction and force. In Germany workers' and soldiers' councils were organized after the Armistice, and with the subsequent collapse and dissolution of the imperial and provincial parliaments power passed first to these councils. Actually their power was never more than nominal—such large unwieldy bodies could exercise control only through deputies—but, more important, most of the public officials gave recognition to "the existing state of facts" and were therefore almost without exception left in undisputed possession of their functions. One group among the working class saw in these councils the basis for an entirely new governmental system modeled on that of Russia; but in the country as a whole, in labor groups and in the army, the conservative forces were in the ascendant. The first wish of the majority, even of socialists, was to rebuild the economy shattered by the war.

Although the majority socialist leaders gave no encouragement to the council idea, strong popular support developed for a proposal put forward by Max Cohen and Julius Kaliski for the setting up of a national chamber of labor (*Kammer der Arbeit*), based on a system of advisory labor councils but including also representatives of civil servants and the liberal professions and having equal powers with the Reichstag. All these discussions could not but have an influence on the national assembly which framed the Weimar constitution. The compromise finally arrived at was embodied in the well known article 165. This article declares first that industrial and clerical workers are to cooperate with the employers not only in the regulation of wages and working conditions but also "in the entire economic development of the forces of production." This cooperation was to be achieved through the creation of local works councils, regional labor councils and finally a national labor council. Of all these institutions only the local works councils were actually formed (*see* INDUSTRIAL RELATIONS COUNCILS).

It was also intended originally that the regional and national labor councils were to work with representatives of the employers and other groups as regional and national economic councils. Such regional economic councils also were never convoked. Thus the national economic council as finally constituted was an independent organ rather than the most important of a series of representative bodies. In order to take care of all the groups clamoring for representation the size of the body was increased from the 100 members originally proposed by the government to 326. It included representatives of several principal groups: agriculture and forestry, 68 seats; horticulture and fisheries, 6 seats; industry, 68 seats; commerce, banking and insurance, 44 seats; transportation and public undertakings, 34 seats; artisans, 36 seats; consumers, 30 seats; officials and academic professions, 16 seats; in addition there were 24 experts to be appointed by the government. Detailed provision was made for the distribution of seats as between employers and labor in the occupational groups.

Although the national economic council was an advisory body, its powers, as envisaged in article 165, were not negligible. The administration was to submit to it all bills relating to fundamental social or economic policies before submitting them to the Reichstag and to transmit the opinions of the council to that body. Moreover the council was to have the right of initiating such legislation and having it defended before the Reichstag by one of its members. This last power, however, was not conferred on the provisional council as it was finally set up; it could submit to the Reichstag only such proposals as were accepted by the government.

With the organization of the council a number of changes of procedure developed. In the first place it soon became evident that the division on the basis of occupational groupings was far less significant than that between social classes. A new alignment of three groups, employers, workers and the public, soon became dominant and was recognized in the constitution of the committees which soon came to transact most of the work of the council. After 1923 the council never met in plenary session; and while the number of members was not reduced, the actual work was carried on by 110 active members.

As a result of this somewhat motley constitution the national economic council was little adapted either to harmonizing the interests of the various groups or to weighting them according to their relative importance. Its resolutions therefore came to have the force not of decisions but rather of opinions and contrary opinions. It represents a form intermediate between a

weighted representation of all economic interests and a representation of the whole people apart from their group interests. Its members were not bound by instructions and were supposed to have the common welfare in view; nevertheless, its resolutions were almost inevitably based upon interest groupings. The economic council set up in 1920 carried in its complete title the word provisional, and it was the intention of the government to experiment with the institution before making it permanent. In 1926 and again in 1930 bills were submitted to the Reichstag, carrying the recommendations of the council, for giving a permanent constitution to the body. These bills provided for a reduction of the total membership and other detailed changes, but in general the nature and function of the council remained as before. The bill failed of passage because of conflict as to the distribution of seats and was then lost sight of in the parliamentary difficulties of 1931 to 1933. With the ascension of the Hitlerite government to power the future of the council becomes impossible to predict.

Although the idea of economic representation had been frequently discussed in France before the World War, and although the principle of consultative committees of interested groups had been made use of by a number of separate ministries and in connection with specific industries, it was not until 1925 that a national economic council came into existence. In 1919 the Confédération Générale du Travail had developed a project for an advisory labor council, and its minimum program for 1924 included a demand for such a body. In 1923 pressure developed for a different type of economic council when a group, drawn largely from the Action Française and monarchist circles, called an "assembly of notables" to discuss the idea of a mandatory organization of industry into guilds, on the basis of which a system of regional and national *états-généraux* was to be built. But it was the proposal of the labor group that inspired the appointment of a commission to study the subject and was largely reflected in the plan as drafted. The national economic council (Conseil National Économique) was created by executive decree of the Herriot government on January 16, 1925. The council has 47 members plus 2 alternates for each member, chosen to represent three groups—population and consumption, capital and labor. Although nominally the labor group has the largest number of seats, so many technical and management groups are included in the category that actually the representatives of the wageworkers are in the minority and consumers and intellectual workers ordinarily have the deciding votes. The function of the council is purely advisory; it is attached to the Council of Ministers and unlike the German council does not have even nominal power to initiate legislation. The chief usefulness of the council has proved to lie in the assembling of technical information and the gradual reconciliation of conflicting points of view. In 1927 a bill was introduced in the Chamber of Deputies designed to give the council a permanent legal status, but up to 1933 had not been acted upon.

In Great Britain socialist and guild socialist advocacy of industrial representation has as yet had no practical effect. In 1919 the Lloyd George Industrial Conference proposed to set up a national industrial council composed of representatives of employers and labor to settle disputed problems of labor relations. This idea, like that advanced by the Mond-Turner conference in 1924, is really quite different from that of a national economic council representative of all the varying economic interests of a country. Equally remote from the complete council device was the Economic Advisory Council set up by Ramsay MacDonald under the Labour government, consisting of outstanding trade unionists, employers and professors chosen by him to give him advice. The proposal has been advanced to substitute for the House of Lords a House of Industry, an economic council with real powers of control and planning; but thus far the powerful position of Parliament and the dominance of ideals of political democracy have precluded the formation of any such body.

Tentative experiments with advisory councils have been made in a number of the European countries since the World War. In Belgium and in Greece discussion of the council idea was linked up with proposals for far reaching second chamber reforms, although in both cases the councils finally set up—in 1930—had little more than advisory and research functions. In a number of countries bodies with the title of economic council are merely technical adjuncts of ministries or departments of government. The Italian Consiglio Nazionale delle Corporazioni, like the Soviet supreme council, is really in a class by itself because of its relation to the entire structure of Fascist government. It is designed as the central body of the corporations into which all employers' and employees' federations

are organized, although its influence has not as yet been very extensive.

In the United States proposals for the establishment of a national economic council have been closely linked up with the more or less vague schemes of economic planning which sprang up as a result of the depression following 1929. The conceptions of various groups, ranging from that of a body with complete control of the economic life of the country to a mere advisory body to the president, were brought out in the hearings on the La Follette bill to establish a national economic council held before the Senate Committee on Manufacturers in the fall of 1931. The idea attained a certain popularity but has not resulted in any action.

The great hopes aroused by the setting up of economic councils have not been fulfilled. The councils as constituted could not take over tasks of industrial administration because they had no executive powers, nor were they able to further the socialization of industry. Although most important economic and political problems have been discussed, it cannot be said that any idea of outstanding importance or any particularly happy realistic solution has resulted. In Germany, although the national economic council has the right to make investigations, a large semi-official committee of inquiry was formed quite independently of it and has prepared a series of studies of German economy which runs to many volumes (*Ausschuss zur Untersuchung der Erzeugungs- und Absatzbedingungen der deutschen Wirtschaft*). The German national economic council became indeed an advisory board whose significance was small in comparison with that of the great organizations of interests on the one hand and parliament on the other.

The cause of this difficulty is to be found in the very structure of the modern state. Modern industrial states are dependent upon a final harmonization and rationalization of public opinion in a parliament functioning by majority vote. In the years 1918–19, under the influence of the war organization and of the Russian Revolution, many people envisaged a direct integration of industry itself into a harmonious whole. They looked therefore to representative bodies of industry for the realistic solution of the new and difficult problems of reconstruction. But it soon became evident that economic interests could not be solved in purely quantitative terms; that there was no way by which such an economic council could arrive at conclusions that would be universally accepted. It became clear that all economic organization is at the same time political will formation, and that the political will can only achieve legislative formulation through the partial exclusion of economic interests and the dominance of more general social aims. Increasingly therefore the German national economic council as well as all those created with less ambitious programs has had to assume the role of a purely advisory body.

Even the corporate state erected in Italy does not in fact create any new industrial form; the capitalistic economy remains, and the power of the corporations is probably not so great as that of the industrial associations in Germany. It is even said by some that the German system of wage agreements fixed largely by arbitrators constitutes a cessation of self-government in industry. While that is an exaggeration, this machinery undoubtedly represents stronger and more realistic formative forces than do the economic councils, which are in the main but a meeting place for representatives of various interests, who have the utmost difficulty in striking out for themselves any unifying line of action.

It is too early to judge whether in Fascism the economic interests will reach some final and satisfactory adjustment. For the present it must be admitted that neither in economic councils nor in dictatorship has a substitute been found for the forces of conciliation in parliamentary government which have in the past led to solutions that were often compromises and certainly not satisfactory but were at any rate realistic.

EMIL LEDERER

See: NATIONAL ECONOMIC PLANNING; STABILIZATION, ECONOMIC; GOSPLAN; FASCISM; SYNDICALISM; GUILD SOCIALISM; REPRESENTATION; FUNCTIONAL REPRESENTATION; PLURALISM; SOVIET; INDUSTRIAL RELATIONS COUNCILS; SOCIALIZATION; GOVERNMENT REGULATION OF INDUSTRY; ORGANIZATION, ECONOMIC.

Consult: Lindner, E., *Die Wirtschaftsräte in Europa* (Berlin 1931); Lautaud, C., and Poudenx, A., *La représentation professionnelle* (Paris 1927); Moyitch, Sava, *Le parlement économique* (Paris 1927); Tatarin-Tarnheyden, Edgar, *Die Berufsstände* (Berlin 1922), and *Berufsverbände und Wirtschaftsdemokratie* (Berlin 1930); Bernhard, Georg, *Wirtschaftsparlamente von den Revolutionsräten zum Reichswirtschaftsrat* (Munich 1923); Herrfahrdt, Heinrich, *Das Problem der berufsständischen Vertretung von der französischen Revolution bis zur Gegenwart* (Stuttgart 1921); Lambert, Pierre Georges, *La représentation politique des intérêts professionnels* (Paris 1929); Lederer, Emil, "Das ökonomische Element und die politische Idee im modernen Parteiwesen" in *Zeitschrift für Politik*, vol. v (1911–12) 535–57; Rathenau, F., *Parlament und Räte* (Berlin 1919); Rathenau, W., *Der neue Staat*

(16th ed. Berlin 1922); Oppeln-Bronikowski, F. von, *Reichswirtschaftsrat und berufsständischer Gedanke* (Berlin 1920); Curtius, J., *Bismarcks Plan eines deutschen Volkswirtschaftsrats* (Heidelberg 1919); Hauschild, C. D. H., *Der vorläufige Reichswirtschaftsrat 1920–1926* (2nd ed. Berlin 1926); Prélot, Marcel, *La représentation professionnelle dans l'Allemagne contemporaine* (Paris 1924); Finer, Herman, *Representative Government and a Parliament of Industry, or a Study of the German Federal Economic Council* (London 1923); Mitwally, A. H., *La démocratie et la représentation des intérêts en France* (Paris 1931); Cazalis, Émile, *Syndicalisme ouvrier et évolution sociale* (Paris 1925); Lorwin, Lewis L., *Advisory Economic Councils* (Washington 1931); Glum, Friedrich, "Der deutsche und der französische Reichswirtschaftsrat" in Institut für ausländisches öffentliches Recht und Völkerrecht, *Beiträge*, vol. xii (Berlin 1929); Picard, Roger, "The German and French National Economic Councils" in *International Labour Review*, vol. xi (1925) 803–29; Dendias, Michael, *Le problème de la chambre haute et la représentation des intérêts à propos de l'organisation du sénat grec* (Paris 1929); Ambrosini, Gaspare, *Il Consiglio Nazionale delle Corporazioni*, Istituto Nazionale Fascista di Cultura, Quaderni, 2nd ser., no. ix (Rome 1930); Herring, E. Pendleton, "The Czechoslovak Advisory Board for Economic Questions" in *American Political Science Review*, vol. xxiv (1930) 439–50; Hobson, S. G., *The House of Industry* (London 1931); Webb, Sidney and Beatrice, *A Constitution for the Socialist Commonwealth of Great Britain* (London 1920); United States, Congress, Senate, Committee on Manufactures, *Hearings: a Bill to Establish a National Economic Council*, 72nd Cong., 1st sess., 2 pts. (1931); *America Faces the Future*, ed. by Charles A. Beard (Boston 1932).

NATIONAL ECONOMIC PLANNING is a somewhat more vague concept than the corresponding German *Planwirtschaft* (planned economy). Although both imply the incorporation of planning institutions into the economic system, the former does not involve any definite assumptions as to how far the state itself is to become the organ of administration—whether it should set up agencies for the direction of the economic system or merely introduce more or less far reaching measures for the planned organization of economic life upon a national basis. National economic planning, as used by different writers, may mean anything from the introduction of partial planning measures to the complete transformation of the entire economic system upon a socialistic basis. *Planwirtschaft*, on the other hand, involves the idea of control of the economic system in its entirety, and controversy hinges only upon how this assumption of control by the state can best be realized. Such difference of agreement as to method accounts, however, for the variation in schemes for economic planning even among socialist theorists.

All ideas of planned economy have one fundamental assumption in common—that under a capitalist system periods of prosperity are inevitably followed by serious crises, which tend to become increasingly severe. In succeeding crises the self-generating recuperative powers of capitalism are more completely paralyzed by the very acuteness of the crisis and by the growing inflexibility of prices. The idle worker is left face to face with idle machines and production is suspended, while the profit motive ceases to operate. In a planned economic system, however, production would be carried on to meet the needs of the inhabitants without any regard for profit. Thus, basic to all ideas of planned economy is the notion of a better system under which crises may quickly be overcome or prevented altogether.

Critics of the capitalist system seldom go so far as to deny that if the laws of the price process were given free rein capitalism too would reveal the workings of an unconscious plan. They point, however, to the fact that under capitalism the very development of the forces of production, which is its historic mission, leads to ever greater concentration of production and to monopoly. Every monopoly seeks increased profits through control of the market; this is possible only at the expense of the profits of those industries which still operate on a competitive basis. Monopoly profits, being utilized for the further expansion of production, bring about the disproportionalities which are among the most important causes of business crises. Monopolistic enterprise further seeks to keep up prices during a period of depression and consequently tends to aggravate it. Thus monopolies with their partial planning and organization prevent the realization of that unconscious balance which is theoretically possible under a system of free competition. There is moreover a wide difference of opinion as to whether a free competitive system, even if it could be maintained, would guarantee the maximum or the best possible production.

Economic difficulties since the end of the World War and the persistent spread of unemployment since 1929 as well as the intensification of the crisis by the interplay of political conflicts have so strengthened criticism and confirmed doubts as to the adequacy of the capitalist system that the idea of a planned economy has appeared among many different groups in almost every country. Much of this speculation has come from circles which did not entertain

any notions of opposition to the capitalist system until the hopelessness of general economic conditions revealed hitherto unperceived characteristics of capitalist economy. There is, however, nothing novel in the idea of a planned economy except the term itself and the concrete projects for its realization. Every socialistic system worthy of the name embraces such a notion. Every variety of socialism desires to eliminate economic exploitation of one individual by another, to make society master of the economic process and to provide for an equitable distribution of the most abundant production possible. This goal, however, implies the regulation of the flow of goods in accord with the needs of the masses, the imposition of control over the anarchy and inequity of capitalist production.

The proposed schemes for economic planning manifest the greatest variety. Any strict interpretation of the concept requires the exclusion of all measures and projects which seek to regulate only one part of the economic system. Such partial schemes of organization aim most often at the stabilization of the competitive, market system (*see* STABILIZATION, ECONOMIC) but fail to achieve this object simply because they have no total plan in view. On the other hand, attempts at the stabilization of production, and particularly of profits, in one industry alone serve to sharpen the conflicts and crises of the competitive system. A complete scheme of organization can never be achieved through the piecemeal regulation of individual parts of the economic structure. Only in one of two ways can such change be brought about: first, by the assumption of the control and the regulation of the basic industries which by their size and state of development are most essential to the economic system, in accordance with a general plan of production; or, second, by the control of the money and credit system, the institutions which regulate the distribution and the pressure of economic forces. In a highly developed capitalist system, however, reliance solely on this latter method would be incompatible with the desire to encompass and link up all phases of economic life. Probably the most fundamental distinction to be made in any attempted classification of proposed schemes for planning is that between capitalistic and socialistic plans—control within the bounds of the capitalist system as opposed to the substitution of a new form of economy. Some plans which may be classed as of the capitalistic type are based on a desire for increased business control, others on attempts at the multiplication of progressive social agencies. Socialistic plans differ most sharply as to the desirability of continuation of the market price system within the scheme of planning (*Marktsozialismus*) as opposed to a complete administrative control of all economic processes (*Verwaltungssozialismus*). There are many planning schemes which defy any definite classification, and there are furthermore disagreements as to the best method of achieving particular systems of planning.

Some contemporary criticism of capitalism goes so far as to call for the abolition of all its characteristic institutions, including money. The demand for a moneyless economy is based on the belief that the money system is responsible for the exploitation of the needy and on certain confused ideas as to the existence of a money monopoly. Such critics contrast with this situation the methods and aims of technicians and organizers, who see in the economic system only a series of concrete fields of production, and then strive to construct a modern industrial order along purely technical lines. Unfortunately this view fails to take into account the social structure embedded in every economic system. A society thus ordered along purely technical lines would involve a form of complete administrative control, such that production as well as distribution *in natura* would be determined in advance—a kind of welfare economy (*Fürsorgewirtschaft*), which, since it would take all freedom from the consumer, could hardly be introduced either in western Europe or in America. Moreover such a scheme for a purely natural economy rests on the false assumption that money or some equivalent standard of value can be dispensed with. Its advocates fail to see that no economic order is possible without the homogeneous reduction of all the elements of production to one common denominator. So long as it is impossible physically to add cows and spindles, a purely technical construction of the economic system is out of the question. Such technical elaborations of the possibilities of production are nevertheless not without value, for they reveal what astonishing results can be expected, under favorable conditions, from a proper direction of the forces of production.

A number of contemporary economists have questioned the possibility of a socialistic economic system operating with money as the standard of measurement. The most frequent argument, first propounded by Max Weber and further elaborated by Mises, is that within a

socialist economy there is no provision for market control of the process of price formation and therefore no possibility of accurate evaluation of the forces of production. Particularly is it impossible to determine accurately the price of the means of production, since this can be worked out only in the market, whereas under a planned economy with no private ownership of capital there is no real market for the means of production. It is further argued that without price and profit as regulators of production the economic system would soon lose its direction, although it might continue to function for a time on the basis of previous production records. But disorder, disproportion of all sorts and finally the breakdown of all production would inevitably result. It is even contended that in such an economic system it would be impossible to achieve a sufficient correspondence between costs and returns from production, since the value of the means of production could not be established, and therefore consumption would have to be regulated dictatorially. Moreover, it is argued that within such a system the dynamic forces for the extension of production would soon be exhausted and the maintenance or increase of capital would become impossible.

This argument clearly envisages as the only form of planned economy a system under complete administrative control. But even such an economy would naturally have to apply internally the same criteria of measurement as those used by industry under the capitalist system, and standards which proved false would have to be corrected in the same way under a planned economy as under a capitalist economy. Finally, it is unreasonable to assume that in a socially planned economic system the important processes of capital depreciation and accumulation would remain hidden. For a socially directed economic system would have at its disposal almost complete statistical information concerning the forces of production and their capacity and would be able to gauge any retardation of productive capacity. Indeed it may be noted that even in the realm of theory it was the direction of attention to the economic system and the economic process as a whole—first stressed by Marx—which revealed the intimate relationship between the accumulation of capital and the development of productive forces.

The argument, advanced chiefly by Mises, that under a system of planned economy it would be impossible to determine the value of the means of production proceeds on the assumption that concentrated planned production in a given industry can determine its costs and demand the corresponding price in the market, that each branch of production can do likewise, but that there is no possible way of measuring how rationally and usefully this capital and labor have been applied or whether a different distribution of capital and labor would not have been more advantageous. According to this view bad management could not be recognized. In opposition it may be pointed out that in no industry need production be so centralized as to preclude comparisons with regard to productive efficiency within the industry itself. Moreover, as has been noted by Marschak, Mises' argument is more applicable to monopoly than to planned economy; for in fact capitalistic production proceeds without much hindrance even when capital and labor are misused, since control of the market makes possible the raising of prices to cover costs and the exclusion of more efficient producers.

The evolution of the Soviet Five-Year Plan has demonstrated that it is possible to carry through the calculation of production without excluding the operation of the consumer's free choice. The supply of means of production also is regulated by present and expected consumption needs. In practise the chief problem involved in a system of economic planning is not that of calculation of demand but rather that of labor discipline and the relative evaluation of different kinds of labor. In this connection social concepts and their transformation under the stress of changing conditions play an important role. In the Soviet system, however, as in any economy, it is the distribution of income which determines the direction of production. Accumulation is specifically provided for either through additional increments in the prices of goods, through enforced savings or through taxation and presents no difficulty where energetic political means are resorted to for the compulsory creation of capital.

Special attention has been devoted by a number of economists to the possibility of a planned economy within a capitalist system. If the term planned economy is used strictly as referring to the centralized direction and administration of the entire economic system, it is in direct opposition to a system of production based on private enterprise. Completely free enterprise, however, has never existed. Every national economic policy affects in some way the entire economic system, whether it be the mid-

dle class policy of retarding the dynamics of the capitalist system, the social policy of limiting the free operation of economic forces wherever they lead to the misery of the working classes or the positive industrial policy of furthering the acceleration of industrial development through technical education or the imposition of tariffs. Nevertheless, previous economic policy within the capitalist system has never set itself the task of fashioning or directing the entire system.

The World War made necessary the most thoroughgoing centralized direction of economic organization which has ever prevailed under the capitalist system. In every belligerent country some scheme of central control was instituted, and it is doubtful whether the economic system in any of these nations could otherwise have supplied the necessary war output. The war controls were, however, designed rather for the protection of the capitalist system than as a step toward socialism. Indeed without some system of rationing the poorer classes in many countries might have been subjected to such widespread deprivation that revolution would have resulted. The problem of wartime organization was relatively simple; with few exceptions the aim was endorsed by the entire population. The dictatorial powers of the leaders, even over economic activities, were never questioned in most of the allied countries, and even in Germany they aroused no opposition among the masses until the last phase of the war. Such economic control was intended moreover only as a temporary device, although in Germany many of the measures were retained long after the conclusion of the war. It is true that in many of the belligerent countries the war organization closely approximated a planned economy. In Germany, for instance, the Reichs-Kohlenkommissar, by virtue of his control over the amount of coal to be supplied to each industry, to agriculture and to private households, was able to determine the extent of activity of each branch of production. Nevertheless, this did not involve a genuine system of economic planning but rather the application of a technical plan, and the difficulties brought about by rationing were overcome not by adjustment to market conditions but by the issuance of paper money.

The idea of a controlled economy prevailed in Germany for some time after the war. During a period when serious want contrasted sharply with great luxury it seemed the natural function of the state to provide at least the elementary needs of the masses. In 1918 a definite proposal for a planned economy, based on the ideas of Walther Rathenau, was put forward by von Moellendorff and Wissell of the national Ministry of Economics. It provided for the creation of a commission composed of representatives of capital, labor, the consumers and the public which was to determine the general lines of production but not to intervene further in the productive process itself. It is quite evident that such a system could never have functioned. The capitalist, if allowed to retain his capital, cannot be told what or what not to produce. The direction of production in any economic system except one under strict administrative control cannot be accomplished directly but only indirectly by the regulation of income distribution. With the end of inflation this program lost its force, for then it was not goods that were lacking but money, and a change in the direction of production would not necessarily divert the flow of money into the proper channels. During this same period a plan for the socialization of the basic industries and especially of the coal mines was advanced by the first Socialization Commission. The report of the more radical majority of this commission was based on the same fundamental ideas as that of the Sankey Commission in England, although the two were developed quite independently. According to this scheme the mines were to be expropriated, but instead of being worked directly by the state they were to be under an independent management receiving its general directions from an official adviser, working with representatives of managers, workers and consumers. The aim was to leave the management free play but to incorporate it as an organ of society. Whatever the final merits of the plan, it did cast aside the idea of war socialism and endeavor to bring a socialized industry into a system of market economy.

An echo of the ideas of a war economy is to be found also in English guild socialism, particularly in its insistence that production should be determined not by the profit motive but by the needs of the population. Simultaneously there were also developed in England schemes for the nationalization of mines, railroads and the Bank of England; but details as to the method of creating a completely planned economic system out of the socialization of these key industries were never worked out. Such ideas of socialization were temporarily pushed into the background both in England and on the continent after 1927 as a result of increasing production. Particularly in the United States,

with its belief in eternal prosperity, reformism gained the upper hand both in social and in economic policy. The notion spread that steadily increasing production and more equitable distribution would result in a harmony of economic interests, thus reviving in another form the ideas of harmony in classical economic doctrine. Technical progress of all kinds, particularly rationalization, seemed to make possible a rapidly and constantly increasing production; and the effect of technological advance in throwing men out of work and in decreasing the possibilities for profitable investment was overlooked. The doctrine of high wages became popular, and in most countries it seemed that unemployment insurance would at least insure the working classes a minimum subsistence during the period of unemployment. Plans were advanced for the proper allocation of public works to lessen the dangers of crises, and the idea of credit control to regulate the course of business through banking policy gained many adherents. At the same time the idea of industrial democracy, demanding greater participation of the workers in the management of industry as well as representation for the consumers, found many supporters. In these latter plans there was a certain similarity to the schemes for national economic councils (*q.v.*) envisaged as the basis of a planned economy by one group of its advocates. Ideas of a planned economic system as well as schemes of socialization were thus in abeyance during the years 1927 and 1928; it was not until after the inauguration of the Five-Year Plan in Soviet Russia that the idea of a planned economy again came to the fore. But it was the crisis of 1929 and the succeeding depression which caused a revival and intensification of criticism of the capitalist system and which led to further elaboration of notions of economic planning.

For a number of reasons the idea of a planned economy became particularly popular in the United States. The boldness of the conception of organizing the entire economic system according to one plan enhanced its attractiveness. In no other country was the scourge of overproduction so strongly felt, particularly in contrast to the previous belief in ever increasing prosperity. Since the crisis in the United States could scarcely be ascribed to the interference of the labor unions, it was all the more evident that something must be wrong with the organization of the market and of production if increased efficiency resulted in poverty, and it was thought that only a system of planned economy could resolve this paradox.

Theories of economic planning, as they have been developed in the United States, fall generally into two groups. The first consists of those advanced by supporters of capitalism who nevertheless do not believe that the automatic and spontaneous course of economic life guarantees permanent utilization of the productive forces or an increasing social product. Many individuals who formerly believed that under capitalism wages as well as tenure of employment would be permanently improved, and that the concentration of production and the organization of huge cartels would lead to the abatement, if not the total elimination, of economic crises have now become convinced of the fatal weakness of the present system and of the slowness of its recuperative processes and look for a way out in some form of capitalistic planned economy. Under such a system, as envisaged by some capitalists, they would be entrusted with the important decisions, while the authority of the great business concerns would be increased and the control of the entire economic system centralized. Such conceptions have given force to the drive for repeal of the antitrust laws and have led to ideas of the transformation of American capitalism into a system of gigantic and coordinated trusts under the direction of a central national council of the leading financiers and industrialists. It is hardly necessary to point out that such a system would be anything but socialistic in nature. The question of state control in any such scheme of planning also remains unsettled. It is at any rate inconceivable that if the direction of the economic system were to be placed in the hands of the industrialists, the administration of the state could remain independent of them.

The conception of a capitalistic planned economy raises an interesting problem. With full utilization of technical knowledge and with proper allocation of new capital the output of finished products, if not retarded by any further crises, must expand tremendously. A rapid increase of the income of workers and officials and a further reduction of hours of labor would result. It might be expected that there would follow a strengthening of the tendencies toward the socialization of industry, particularly as workers and officials gained increased insight into the problems of industrial management. The unorganized and therefore less easily understood capitalist system seems to the working

classes less susceptible of transformation into a socialistic system than would a completely organized capitalist system. It is not to be assumed, however, that many financial leaders are aware of this possible consequence of an efficiently organized capitalist planned economy. On the other hand, it must not be overlooked that an oligarchically organized capitalism always bears within itself the possibility of an openly Fascist development. For when the control of the means of production is concentrated and the economic system ceases to rest upon a wide middle class of independent industrial and business entrepreneurs, those in power must rely on ever larger armed forces to prevent the outbreak of social revolution. The only alternative would seem to be for the business leaders to mollify the great mass of people by a high standard of living, turning them into a self-satisfied middle class who would never become conscious of the possibility of social change. But at least the social history of Europe does not indicate any likelihood of such permanent leveling of classes.

The second group of advocates of a planned economy in the United States includes chiefly progressive intellectuals who formerly advocated economic reforms and radical social policies, such as the systematic development of public works to mitigate the effects of industrial fluctuations, unemployment insurance, more vigorous control of monopolies and to some extent credit control, although the far reaching influence of this latter device has not been so clearly recognized by these thinkers as by European theorists of planned economy. Such reforms involved merely the incorporation of socializing elements into the free economic system. With the crisis of 1929 these reformist tendencies became oriented about the belief that production should be directed not toward the making of profit but toward consumption needs. In aims and specific programs this second group therefore differs quite markedly from the first, since its adherents reject the idea of transforming the present economic system into an organized oligarchic business dictatorship and advocate a system in which the masses also would have some control of the direction of economic life.

If the concept of economic planning is viewed apart from its peculiar national variations, it is seen to present not only an economic but a social problem of the first magnitude. For the characteristic stamp of every economic order is derived from the distribution of political power and from the social framework in which it operates. It is this fact which lends such significance to the controversy as to the possibility of a planned economy within a capitalist society. Every planned economic system must be based on a recognition of the unitary character of society. But such a viewpoint might often make necessary the renunciation by an entire industry of all possibilities of profit in the face of more important interests. How can such a result be achieved in a capitalist system? The more complex the organization of the basic productive industries, the more acute do such problems become.

If the question of the social distribution of power is set aside and only the problem of economic relationships and devices is considered, it is possible to envisage the setting up of a system of planned economy even within the capitalist order. A first prerequisite would be some arrangement making possible indirect control of the development of various branches of the economic system in proper proportion to one another, and of total production in proportion to market expansion. This could be accomplished only through some kind of central bureau for the distribution and direction of credit. Such a bureau would supervise the relative growth of individual industries and also the financing of new industries, in so far as these were made necessary by the technological displacement of labor. One of the most difficult problems with which it would have to cope would be that of self-financing. In a capitalist system this could not be controlled directly, since producers could not be forced to deposit their profits with a central banking system. A credit control bureau might, however, temporarily forbid new investments in industries which had expanded too rapidly. This is a device which has already been applied in a few specific instances, such as the prohibition of hotel building in Switzerland or of the sinking of potash shafts in Germany. The method is cumbersome, but it would prevent the most dangerous manifestations of industrial vanity or competitive struggle.

The planned distribution of credit would lead to a more balanced development of production. It is obvious, however, that under a capitalist system the aim of credit control would not always include the satisfaction of important social needs. Under such a system it would be impossible moreover to set in motion production to care for unemployed workers except through

public works schemes, and these could not be inaugurated on any wider scale than is at present possible. This type of planned economy would take its point of departure from the existing distribution of income and market demand. Its task would consist only in correcting the disproportionate development of production, viewed from the standpoint of market conditions; such changes in the distribution of income as were found to be essential to the better distribution of purchasing power could be brought about simply through taxation.

The free application of credit control and of more equitable income distribution would exert a real influence upon the development of the entire economic system, tend to prevent the most dangerous features of crises and facilitate the building up of the intermediate industries, which are so essential to the labor market. The fear, frequently voiced, that such a planned economy could not secure the necessary rate of capital accumulation is unfounded, since it could avoid the loss sustained by existing capitalist society which is due to the fact that a great part of the capital invested results in a simultaneous loss of capital at some other point in the economic system, and since it could rely upon the saving of capital made possible by the latest technical advances.

More serious difficulties arise at other points; for instance, in connection with foreign trade. Every system of planned economy must attempt to settle the question as to how far it should coordinate its foreign trade and convert it into a monopoly. In a country with a relatively large and varied foreign trade even the creation of a complete monopoly would not necessarily lead to economic planning. For so long as private production continued, such a foreign trade monopoly could only accept the orders of these producers; it would have no interest in decreasing exports and no power to increase them. It would be even more difficult to influence the direction of production through control of imports. Such influence is far more easily effected through control of the distribution of credit. Indeed the idea of a monopoly of foreign trade as it has been applied in most of the European countries in recent years is an outgrowth of the abnormal conditions during the World War and the succeeding periods of inflation. In so far as industry is socialized, it is natural for the related export and import trade to be under the control of the same agency; so long, however, as industry and agriculture remain under private control, foreign trade cannot be monopolized separately. Apparent exceptions in the case of single products, especially raw materials, represent no tendency toward economic planning.

Under a plan which does not attempt a central administrative control of the entire economic system the great mass of processing and consumption goods industries can be controlled only indirectly. While the danger of overinvestment is not as great here as in the basic industries, their rate of increase must be watched; and in such industries too the question of socialization will arise wherever mass production develops. No one, however, would consider it possible to bring all such industries under one common economic organization at one stroke. And for the thousands of intermediate and lesser industries, particularly small scale agriculture, the magnitude and character of production need never be exactly prescribed in the total plan. For freedom in consumption also implies some flexibility in production; and a planned economy does not necessarily involve the abandonment of the advantages of free mobility of private industry to the extent that it remains free and private, as is no longer the case under capitalism in the giant industries. The line of demarcation between those processes of production to be directly managed and those to be only indirectly influenced would not be easy to fix and would no doubt be altered from time to time. Nevertheless, with the basic industries and the credit system under the firm control of a socialist planned economy, the smaller manufacturing industries could not become independent centers of power and might even be brought into some form of cooperative organization and thus be directly absorbed into the planned system.

One of the major problems of the capitalist system in its later phases has been the development of new industries to provide new opportunities for labor. Before the World War the opening up of precapitalist areas provided a wide field for capital investments. Since the war this process has stopped not only because of political insecurity but also as a result of the extension of technical progress to the production of the means of production. Under a planned system a reduction of hours of labor could offset the effects of technological advance. It would then be possible also to maintain in operation industries which yielded returns sufficient merely to pay for the costs of production, and hence production could be expanded even though

technical changes had removed the possibility of profits. The continuation or expansion of industry would be temporarily possible even at a loss, since it could be made up either through taxation or through a limited change in the value of money.

If under a planned economy the productive forces should not be fully utilized, it would be essential to expand those industries which produce consumers' goods. With a corresponding distribution of income this would be possible so long as the mass needs of the population were not completely satisfied. At this stage further technological advance would be taken care of by the shortening of the average hours of labor. If the need for work as a natural outlet of vital energy found insufficient satisfaction within the economic system, there would be other outlets in public and artistic activities. Even the mention of such a possibility appears completely utopian, and it is of course true that no planned economy could hope to develop its productive forces sufficiently to make such a condition possible within the immediate future. The length of time which would elapse before such a situation were reached would depend also on the degree of balance in the distribution of income achieved by the plan.

From an examination merely of the economic questions involved in the creation of a planned economy it is clear that the erection of such a system is not a purely technical and not even a purely economic problem. It cannot be achieved through reasoning alone, for no plan however perfect will be realized merely by virtue of its perfection. The construction of a new economic system depends more upon the distribution of power than upon the elaboration of concepts, and common sense fails to reveal the path on which all social forces will unite. The real social problem involved is that of the nature of the social framework within which the economic system should be constructed.

A survey of present day capitalist society indicates some of the probable lines of future development. The system of free competition has in fact already been narrowly restricted, although intellectually it still holds sway. In Germany in particular there has been considerable intrusion of the will of the state into the direction of the economic system. Nowhere in Europe is the power of the working classes great enough to exert any decisive influence upon the course of economic policy, although it is sufficient to offer prolonged resistance to a lowering of their standard of living. The direction of the entire economic system is in the hands of the capitalists and bankers. Viewed from the aspect of the social distribution of power, the economic order is today in a transitory state in which elements of free competition are mingled with elements of partial organization. Such an "order" contains within itself the greatest contradictions. The energy of the entrepreneur has no sufficient outlet, while the regulating forces are too weak to bring about a better organization of the entire system. Nevertheless, despite its obvious failings such a condition may well endure for a long time. Those in possession of the economic control will certainly struggle to retain their power as long as possible, utilizing their political strength to gain popular support and where possible the acquiescence of the workers. A return to competitive capitalism is not to be envisaged, since technological development alone has made inevitable the transition to giant industry and even to monopoly. Nor is it possible to undo the concentration of the banking system, since in many countries the state has become in practise the guarantor of the total deposits of the great banks. While central control of the disposition of society's capital may result, real planning is still far distant. Even in central Europe it is not likely to be brought about by any sudden political upheaval. The middle classes can too easily be mobilized against any attempt at a real planned economy; for although in times of crisis they are always disposed to indulge in anticapitalist phraseology, they are instinctively strongly bound to the capitalist system.

There would thus seem to be two possibilities of future development. The first is that, faced with increasing difficulties and the aggravation of the industrial crisis, capitalism itself will be forced into radical socialization of the basic industries and establishment of control over investments and credit. Such a step would result in a real postponement of social reconstruction. On the other hand, it is not at all impossible that an expansion of world production may follow the present depression, particularly with a clarification of the relations with and in the Far East and with the participation of capitalist countries in the development of these areas. In such an event, while it is not probable that all the unemployed would be reabsorbed, stability would increase and capitalist economy remain in a transition stage in which elements of free enterprise would be mingled with regulating forces.

It is idle speculation to inquire what the final stage of such development would be or through what steps it would pass. An attempt to foresee the course of economic development may be likened to wandering in a fog: one can recognize only the immediate step ahead. It is the sense of direction which offers the sole security, and the direction of modern society would seem to be toward a planned economy.

EMIL LEDERER

See: NATIONAL ECONOMIC COUNCILS; STABILIZATION, ECONOMIC; PRICE STABILIZATION; CREDIT CONTROL; SOCIALIZATION; GUILD SOCIALISM; SOCIALISM; GOSPLAN; ECONOMIC POLICY; GOVERNMENT REGULATION OF INDUSTRY; GOVERNMENT OWNERSHIP; MONOPOLY; LARGE SCALE PRODUCTION; RATIONALIZATION; WAR ECONOMICS.

Consult: International Industrial Relations Institute, *World Social Economic Planning*, 2 vols. (The Hague 1932); Rathenau, Walther, *Die neue Wirtschaft* (Berlin 1918); Ungern-Sternberg, Roderich von, *Die Planung als Ordnungsprinzip der deutschen Industriewirtschaft* (Stuttgart 1932); Schröder, Paul, *Die Überwindung der Wirtschaftskrise durch den Plankapitalismus* (Jena 1932); Frieder, Otto, *Der Weg zur sozialistischen Planwirtschaft* (Berlin 1932); Lederer, Emil, *Planwirtschaft* (Tübingen 1932); Landauer, Carl, *Planwirtschaft und Verkehrswirtschaft* (Munich 1931); Schiff, Walter, *Die Planwirtschaft und ihre ökonomischen Hauptprobleme* (Berlin 1932); Heimann, Eduard, *Sozialistische Wirtschafts- und Arbeitsordnung* (Potsdam 1932); Klein, Georg, *System eines idealistischen Sozialismus* (Vienna 1931); Hermberg, Paul, "Planwirtschaft" in *Arbeit*, vol. ix (1932) 201–11, 345–54, 476–86, 603–12; Mises, Ludwig von, *Die Gemeinwirtschaft* (2nd ed. Jena 1932); Gottl-Ottlilienfeld, Friedrich von, *Der Mythus der Planwirtschaft* (Jena 1932); Dobretsberger, Josef, *Freie oder gebundene Wirtschaft?* (Munich 1932); Jouvenel, Bertrand de, *L'économie dirigée* (Paris 1928); "Résultats et possibilités de l'économie dirigée" in *Journal du commerce* (Paris, June 9, 1932); "Économie dirigée" in *Notre temps*, 6 année, 3rd ser., 7214 (1932) no. 154–55; Hobson, J. A., *From Capitalism to Socialism*, Day-to-day Pamphlets, no. 8 (London 1932); Clark, Colin, "Economic Planning in the Modern State" in *Political Quarterly*, vol. ii (1931) 531–47; Soule, George, *A Planned Society* (New York 1932); *America Faces the Future*, ed. by Charles A. Beard (Boston 1932); "National and World Planning," ed. by E. M. Patterson in American Academy of Political and Social Science, *Annals*, vol. clxii (1932) 1–180; *Socialist Planning and a Socialist Program*, ed. by Harry W. Laidler (New York 1932); National Progressive Conference, "Long-range Planning for the Regularization of Industry" in *New Republic*, vol. lxix (1931–32) no. 893, pt. ii; Frederick, J. George, *Readings in Economic Planning* (New York 1932); *American Planning in the Words of Its Promoters*, compiled by Hugo von Haan (Philadelphia 1932); Chase, Stuart, "Harnessing the Wild Horses of Industry" in *Atlantic Monthly*, vol. cxlvii (1931) 776–87; Tugwell, R. G., "The Principle of Planning and the Institution of Laissez Faire" in *American Economic Review*, vol. xxii, supplement (1932) 75–104; Corey, Lewis, "National Economic Planning and the Liberals" in *Modern Quarterly*, vol. vi (1931–32) no. i, p. 28–41; Meyer, Gerhard, "Neuere Literatur uber Planwirtschaft" in *Zeitschrift fur Sozialforschung*, vol. i (1932) 379–400.

NATIONAL INCOME may be defined provisionally as the net total of commodities and services (economic goods) produced by the people comprising a nation; as the total of such goods received by the nation's individual members in return for their assistance in producing commodities and services; as the total of goods consumed by these individuals out of the receipts thus earned; or, finally, as the net total of desirable events enjoyed by the same individuals in their double capacity as producers and consumers. Defined in any one of these fashions national income is the end product of a country's economic activity, reflecting the combined play of economic forces and serving to appraise the prevailing economic organization in terms of its returns.

Being thus a summary and appraisal notion rather than an analytical entity, national income demands statistical measurement. It has been estimated in money terms over a number of years for the principal countries of the world. A selected group of such estimates is given in Table 1. Specific measures of this type seem at first glance to convey information of crucial importance. Since the end product of each country's economic system is an index of its producing power, income estimates furnish a comparison of the productivity of nations. Per capita income figures, especially when adjusted for differences in purchasing power of money, appear to measure the nation's economic welfare. A continuous series of annual estimates of total or per capita income would reflect also the constancy of the income flow, another important criterion of economic welfare, and, if the series were long enough, would suggest whether the nation tended in the course of time to grow richer or poorer and how rapidly the change was taking place. Estimates of total income are also employed in ascertaining the proportions in which it is or may be divided among social classes, between the community and the individual, between consumption and capital accumulation, and the like. However used, figures like those given in Table 1 appear to be quite serviceable; they seem to measure in comparable units something quite definite and significant.

Further investigation reveals, however, that the clear and unequivocal character of such

TABLE I

TOTAL AND PER CAPITA INCOME ESTIMATES FOR VARIOUS COUNTRIES*

COUNTRY	PRE-WAR				POST-WAR			
	YEAR	TOTAL INCOME (in $1,000,000)	PER CAPITA INCOME (in current dollars)	PER CAPITA INCOME (in 1913 dollars)	YEAR	TOTAL INCOME (in $1,000,000)	PER CAPITA INCOME (in current dollars)	PER CAPITA INCOME (in 1913 dollars)
United States	1913	35,723	368	368	1928	89,419	749	541
Canada	1911	2,000	278	296	1928	5,938	604	401
United Kingdom	1911	9,840	234	250	1928	18,730	411	293
Germany	1913	11,934	178	178	1928	17,990	279	199
France	1913	6,387	161	161	1928	7,856	192	188
Belgium	1913	1,251	164	164	1924	1,438	187	135
Italy	1914	3,659	102	108	1928	4,944	121	96
Switzerland	1913	660	171	171	1924	1,131	289	178
Austria	1913	891	132	132	1927	940	141	152
Hungary	1913	1,366	64	64	1929	764	87	85
Spain	1914	2,149	105	94	1923	3,497	162	117
Russia	1913	7,216	52	52	1929	16,434	107	62
Japan	1913	1,156	22	22	1925	5,492	89	53
India†	1900–14	3,597	12	14	1921–22	6,496	20	13
Australia	1913–14	1,473	300	292	1927–28	3,165	504	304

* The total income of each country was converted into American dollars on the basis of the average rate of exchange of the corresponding year and divided by the population figure to give the per capita income in current dollars. The total income of each country, expressed in its own currency, was deflated by the wholesale price index for that country with 1913 as the base year, converted into American dollars on the basis of the rate of exchange in 1913 and divided by the population figure to give the per capita income in 1913 dollars. The quotations of exchange rates used are taken from J. R. Mood, "Handbook of Foreign Currency and Exchange," United States, Bureau of Foreign and Domestic Commerce, *Trade Promotion Series*, no. 102 (1930). Wholesale price indices are taken from W. C. Mitchell, "Index Numbers of Wholesale Prices," United States, Bureau of Labor Statistics, *Bulletin*, no. 284 (1921) and from Canada, Dominion Bureau of Statistics, *Prices and Price Indexes, 1913–1931* (Ottawa 1932).
† Excludes income from personal services.

Source: For the United States: King, W. I., *The National Income and Its Purchasing Power*, National Bureau of Economic Research, Publication no. 15 (New York 1930). For Canada: Coats, R. H., "National Wealth and Income of Canada" in *Monetary Times* for January 3, 1919, p. 19–21; Canada, Dominion Bureau of Statistics, *Canada Year Book* (Ottawa 1931). For the United Kingdom: Bowley, A. L., and Stamp, J. C., *The National Income, 1924* (Oxford 1927); Clark, Colin G., *The National Income, 1924–1931* (London 1932). For Germany: Germany, Statistisches Reichsamt, *Statistisches Jahrbuch fur das Deutsche Reich* (Berlin 1931). For France: Gide, Charles, and Oualid, W., *Le bilan de la guerre pour la France*, Carnegie Endowment for International Peace, Economic and Social History of the World War, French series (Paris 1931). For Belgium: Baudhuin, F., *Le capital de la Belgique* (Louvain 1924), and *Finances belges: la stabilisation et ses conséquences* (2nd ed. Brussels 1928). For Italy: Gini, Corrado, *A Comparison of the Wealth and National Income of Several Important Nations before and after the War* (Rome 1925); Meliadò, L., "Il reddito privato degli Italiani nel 1928" in *Metron*, vol. ix, no. 3–4 (1932) 251–321. For Switzerland: Mori, P., "Das schweizerische Volkseinkommen" in *Zeitschrift fur schweizerische Statistik*, vol. lxii (1926) 512–42. For Austria: Hertz, F. O., "Zahlungsbilanz und Lebensfähigkeit Österreichs," Verein für Sozialpolitik, *Schriften*, vol. clxvii (Munich 1925), and *Kapitalbedarf, Kapitalbildung, und Volkseinkommen in Österreich* (Vienna 1928). For Hungary: Fellner, F. von, "Das Volkseinkommen Österreichs und Ungarns" in *Statistische Monatschrift*, n.s., vol. xxi (1916) 485–625, and "Le revenu national de la Hongrie actuelle" in Institut International de Statistique, *Bulletin*, vol. xxv, no. 3 (1931) 367–455. For Spain: Vandellós, J. A., "La richesse et le revenu de la péninsule ibérique" in *Metron*, vol. v, no. 4 (1925) 151–86. For Russia: Kats, Vladimir, *Narodny dokhod SSSR i ego raspredelenie* (National income of the U.S.S.R. and its distribution) (Moscow 1932). For Japan: Mori, K., "The Estimate of the National Wealth and Income of Japan Proper" in Institut International de Statistique, *Bulletin*, vol. xxv, pt. ii (Tokyo 1931) p.179–204. For India: Shah, K. T., and Khambata, K. J., *Wealth and Taxable Capacity of India* (Bombay 1924). For Australia: Sutcliffe, J. T., *The National Dividend* (Melbourne 1926); Wood, G. L., "Survey of Production and the National Income" in American Academy of Political and Social Science, *Annals*, vol. clviii (1931) 26–30.

estimates is deceptive. Theoretical problems arise in defining the area of "nation;" in the choice of stage in the circulation of commodities and services at which income is to be segregated and measured; in the inclusion, exclusion and basis of evaluation of various commodities and services that are to be added into a national total. Finally, variations among estimates may arise from differences in the types of statistical data used and methods employed.

Problems in regard to the area covered by national income estimates are due to differences in the location of productive agencies and in the political allegiance and place of residence of their owners. We may thus distinguish productive agencies located within the boundaries of the given state (A) from those located outside (B); and among them, those owned by subjects of the state residing within its boundaries (aA and aB) or outside (bA and bB) from those owned by aliens residing within the given state (cA and cB) or residing outside (dA and dB). The strictly political definition of the area of national income would then include aA, aB, bA and bB, and the purely territorial definition would include aA, bA, cA and dA. The definition used prevalently in national income estimates does not follow either the strict political

or the territorial principle but that of residence of the owner of productive agencies, thus including *aA*, *aB*, *cA* and *cB*.

This definition conceives a nation as basically a group of residents within state boundaries and thus anchors national income to the material base of the economic system whose product is being measured. It is preferable, from the point of view of economic analysis, to the purely political definition of the area. But it departs from the territorial principle by including in national income receipts from capital invested abroad, by excluding payments on foreign capital functioning in the country and by counting into national income the earnings of shipping and other internationally operating agencies owned by the country's residents. The property principle is thus allowed to cut across the territorial base, implying the existence of normal conditions in the sphere of international trade and capital movements.

There remains a question as to the serviceability in economic analysis of area units, defined by state boundaries and supplemented by areas of net foreign investment and activity. In a political entity that happens to be a comparatively independent economic system, such as France, national income does measure the combined effect of related and integrated economic forces; but for economically dependent political entities, for instance, post-war Austria, national income ought to be studied in conjunction with the incomes of countries closely related; and a similar procedure appears advisable for a country with politically independent hinterlands. For many purposes the political unit approach, so prevalent in current statistical procedure, ought to be supplemented by a breakdown of national totals for some countries and a combination of national totals for other countries.

The preliminary definitions of national income given above distinguish income produced, received, consumed and enjoyed. The first three run in terms of commodities and services which are separable from the individual agents and capable of measurement in common units because of the leveling process of market valuation. The last runs in terms of subjective feelings, whose commensurability for various individuals is to be doubted and whose relation to the objectively perceptible economic goods is not, in the present state of knowledge, determined with sufficient precision to permit even purely qualitative economic analysis. Consequently the concept of income enjoyed has to be abandoned in favor of such cruder approximations as income received or consumed. The consideration of the level of subjective feelings is not, however, completely omitted; it is retained as a background of the analysis of national income at the measurable stages of circulation of goods and services and dictates some of the methods of detailed analysis.

As between income produced, received or consumed, the choice on theoretical grounds depends upon the function which the income concept is expected to perform, either as a summary or as an appraisal notion. If the national income concept is a summary of the play of economic forces, the choice depends upon an analysis of these forces indicating whether production, distribution or consumption is the stage at which the combined effects of the factors analyzed appear most clearly. And if income is an appraisal concept, the choice depends upon the basis of the appraisal: economic power as reflected in total productivity (income produced), individuals' potential welfare as expressed in the purchasing power of the incomes received or individuals' direct welfare as reflected in incomes consumed. In addition there is another, subordinate basis of choice: the quantitative definiteness of the national income total as revealed by statistical practise. In such practise the attempt is to provide a measure that could satisfy more than one purpose; and income produced, as the concept of the widest reference, seems at first most suitable. From this one can, by segregating savings of business units, measure income received by individuals and, by further subtraction of individual savings, obtain income consumed. But the shift from income produced to income received involves an estimate of savings of business units, which is clearly affected by the accounting procedure, may yield widely varying results in different times or different countries and is not likely at any given time or in any given country to reflect faithfully the value of commodities and services produced but not made available to individuals. Similarly, the further shift from income received to that consumed meets an obstacle in durable goods, for which the estimate of consumption for any given year can be made only on the basis of forecasting the future from the past life history of such commodities. These difficulties are more than statistical: they indicate that in current reality the most clear cut, general concept of national income is income received by individuals; and that the uninterrupted flow

of commodities and services through the economic system is best arrested for the purpose of analysis and measurement at the point when the stream reaches the living individuals, after it leaves the productive units proper and before it has been diverted into the various channels of consumption. The discussion below of the contents of national income is carried on primarily in reference to income as received by individuals.

The inclusion, exclusion and evaluation of commodities and services that are to be added into a national total offer the widest range of theoretical problems. The modern economic system consists of individual units whose basic purpose is making a living; of purely business units whose main aim is the making of profits; and of social organizations whose primary purpose is to render service to society as a whole. Each of these groups contributes differently to the sum total of commodities and services produced and distributed, is motivated by forces of quite different nature and involves a different approach to income as an appraisal concept. In face of such diversity national income must be a single entity, reflecting the contributions of these various types of units and reducing them to a common unit of measurement. Since in the modern economic system it is the market, through its exchange of goods for money, that provides such a unifying mechanism, it is natural at first to identify national income with the sum total of money payments flowing to the individuals from the market. But such a simple definition immediately suggests a number of questions, arising from a conception of economic goods as having an existence and value independent of the changing market. These questions fall into three broad divisions: first, those relating to commodities and services to which there is no corresponding flow of money payments from the market to the individual; secondly, those relating to the exclusion of money payments to which no commodity or service corresponds, or to the adjustment of the money flow to reflect more properly the volume of economic goods involved; and, finally, those relating to the distinction between gross and net income.

Commodities and services to which no flow of money payments corresponds may be divided into three groups. The first consists of goods and services received in barter (as over against money exchange), such as farm rents paid in kind, food and board of farm workers, food, board and clothing of soldiers, sailors and all employees whose subsistence in whole or in part is supplied by the employer. From the point of view of the nation's productivity or welfare the omission of such bartered goods would obviously understate the total performance of the economic system. The second group consists of goods and services received gratis. The difficulty here is not the lack of monetary form but the absence of any specific productive service rendered by the recipient. In such cases, since no production of new economic goods takes place, it appears advisable to exclude the goods from the national income total. If an individual receives charity or a gift this is but a loss on the part of the donor (whose income has been recorded fully elsewhere); and to count the incomes of both donor and recipient involves either double counting or the consideration of the charity or gift recipient as a producer of service to the donor, an obviously far fetched conception. The problem becomes more complicated when such free flow of goods (or money) is directed not from individuals but from the business system, either directly or through such social agencies as the government or charitable foundations. Such free goods, whether in form of money or of commodities and services, must obviously be counted in somewhere in the national total. While their statistical estimate is difficult, their analytical and quantitative importance is appreciable and likely to grow in the future. The third type of commodities and services for which there is no corresponding money payment comprises those produced and consumed within the individual economic unit. Here the main problem lies in the segregation of economic from non-economic activity, since only a rigid line between the two will enable one to include in or exclude from national income such items as commodities produced as a hobby, services of durable goods used in the household or personal services of housewives and other members of the family. But there is no hard and fast rule by which economic activity can be distinguished from social and individual life in general. The importance of economic motives, the regularity of the activity, the relative proportion in which the resulting commodities and services usually appear on the market—all have to be considered. For the modern western economic system no doubt appears as to the propriety of including in national income commodities regularly produced and consumed within the household when they form a part of a larger total destined for the market, most con-

spicuously, for instance, the share of the farmers' produce retained for their own consumption. Similarly, the estimate of national income should include net services from houses owned and inhabited; but there is considerable doubt as to the propriety of including net services of other durable goods, such as automobiles, furniture or clothing; and more doubtful still is the inclusion of hobby products, for which moreover no statistical estimate of value can be made. Finally, there is general agreement among students of the problem as to the exclusion of housewives' services and services of other members of the family, in spite of the very large size of the items involved. It is recognized that these activities are motivated very largely by non-economic considerations and form much more a part of life in general than of professional economic activity proper.

Being conditioned by the institutional set up of the family and of economic society, the line between economic and non-economic activity shifts from country to country and from time to time. The statistical investigator can lend formal precision to his definition and measurement by extending the area of economic activity all the way through the individual household and thus abolishing non-economic areas. He will then estimate the values of all personal services rendered within the household and avoid the paradox, mentioned by Pigou, of a decline in national income resulting from a man marrying his housekeeper or that of the increase of national income because of the shift of women into industry during the World War. Such income concepts, however, achieve consistency at the expense of reality, for they disguise the basic, if shifting, line of difference between economic and non-economic areas existing in real life. The alternative is to adopt a narrower definition of economic activity and allow it to shift, the resulting income measurement reflecting changes in time or differences in space in the performance of an economic system with a slowly or rapidly shifting area. The exigencies of statistical work render the acceptance of the narrower definition of national income almost inevitable, but without a recognition of the limitations involved in its use any comparisons of national income across wide time intervals or between countries marked by essential differences in the relative scope of the economic system are highly misleading.

If not all commodities and services produced (or made available to individuals) are reflected in money flow from the market to individuals, neither are all money payments to individuals a *bona fide* reflection of economic goods produced or distributed. Such identity is lacking first in the case of gratuitous money payments, i.e. gifts, charity and relief. Like the similar flow of commodities and services, these should be excluded from national income totals except in so far as they constitute indirect flow from the business system to the individuals and have therefore not been recorded elsewhere. Quite analogous is the second group of cases, those in which money payments come before or after the service is rendered; the essential element in both groups is the fact of a money flow to individuals without a corresponding return within a given period of time. Hence pensions, disbursements by business enterprises out of surplus or capital, withdrawals of accumulated interest on savings by individuals, all may be treated in the same way as charity or relief. In so far as these payments flow directly or indirectly from the business system and have been deducted as expenses in arriving at net income, they should as a part of the national income produced be included at the point of receipt. In so far as they are paid by the individuals themselves out of their past or present shares, from which no deduction has been or is made, the counting in of such payments constitutes duplication. If for a given year the accumulated but not withdrawn interest on savings is counted into individual income, it cannot be counted again when such accumulated interest is withdrawn. The principle has a similar application in cases of such savings schemes as insurance or building and loan funds.

A much wider range of questions arises with a departure from the market valuation scheme as such, of which the first step is an attempt to adjust for changes in the monetary unit itself (statistical deflation). Of the numerous and intricate problems raised by this procedure only one need be mentioned here: the impossibility of getting price quotations for qualitatively uniform commodities over a range of time or from country to country. Deflations, while necessary, are consequently at best crude approximations; they are the less reliable the longer the span of time they cover or the larger the differences in the countries compared.

Two further groups of amendments to the market scheme are suggested by economic theory: one based on distinguishing economic activities by the material nature of the results,

the other distinguishing them by their organizational character. The first relates activity to wealth. Since wealth was originally conceived in material terms, only that labor was considered "productive" which resulted in material goods. This definition excluded from productive activity all services and considered incomes from services not as primary but as derived shares. While this point of view has proved inadequate, the distinction persists as a background to much current thought and retains its significance as a contrast which would be valid were our economic system to become again an economy of want rather than one of surplus. In such eventuality commodities as a whole, in so far as they form directly the support of life, would be more important than most services.

The principle of material productivity survives also in the still current distinction between productive and unproductive loans of capital. Capital invested in manufacturing, mining, trade and similar occupations is supposed to be productive because it facilitates the adoption of more efficient methods of production and thus results in a greater excess of product over outlay. Hence interest payments on such capital investment represent *bona fide* incomes and are to be included in national income. But loans to consuming bodies, whether individuals or public, are unproductive since they are used for direct consumption, a utilization which by its very nature appears incapable of yielding an economically measurable surplus. Hence interest payments on such uses of capital are only a draft upon *bona fide* incomes. This distinction, however, seems to arise from a failure to carry through logically the whole treatment of interest on capital and is, in the case of individual consumers, contingent upon the acceptance of some form of the iron law of wages. Consumers are generally also producers, and loans to them may serve to raise or preserve earning capacity. Additional objections are made by many students to the inclusion in national income of interest payments on loans to a public body, like the government, because of the further doubt as to the productive character of governmental activity in general. But so far as governmental activity preserves and raises the productive character of the economic system, interest payments on government loans are of the same economic nature as interest payments on privately invested capital. The current paradox that an increase in government loans would, if payments on such loans are included in national income, serve to raise national income presents no puzzling aspects if it is realized that a rise in indebtedness of private industry would similarly raise the volume of national income.

At present a distinction more significant than that based on material productivity is the one between activities whose income yielding power is conditioned by the present organization of the economic system and those whose income yielding power would be retained or even augmented under a different social organization. The problem of services appears again here. The valuation of personal services sold on the free market is dependent upon the existing personal distribution of income—as manifested in the contrast between the emoluments of those who cater to the richer classes and the low rates at which a number of services are rendered to small income recipients. Should services be included at the high (or the low) prices which they fetch because of existing income distribution and thus be allowed to distort national income totals? The same question applies to commodities in which quality distinctions permit different pricing for various groups of income recipients. The problem may be generalized by recognizing that the extremely high or low valuation of some commodities and services is but a partial case of monopoly incomes, whether on the demand or on the supply side. Each investigator's economic philosophy will influence him either to acquiesce tacitly in the valuation within the current economic organization or to attempt some correction for its distorting influence. One might correct for the differences in valuation of the same commodities and services among the various income groups, just as one corrects for changes over time in the prices of identical commodities and services. One income group could then be adopted as a basic one (just as in the other comparisons some one year is taken as a base), and all commodities and services produced could be revalued at prices charged to this basic income group. The practical statistical difficulties of any such correction, however, are enormous, and it is rarely undertaken. Consequently a comparison of the absolute volume of national income among countries which differ greatly in the personal distribution of income and in the presence of monopolies, of so-called friction incomes, such as advertising, is likely to be misleading. Even for any one country comparisons of deflated income totals over a period of time are usually dangerous, in so far as the available price data reflect less adequately

than do the income totals the change in the monopolistic areas of national economy.

The monopolistic aspect of some income categories assumes a particularly interesting form in the case of government, where the problem arises as to the valuation to be applied to services thus taken out of the area of free play of economic forces. The question whether government services are paid at prices warranted by the free play of forces in a competitive market is at bottom unanswerable, for the simple reason that if such play of free forces yielded an effective measure of those services the latter would probably have been left to private initiative. Consequently market valuation of government services as a whole cannot be made, not even for separate groups of services, except for some highly specific units. It can be established whether the compensation of a government stenographer or postal employee is higher or lower than that of a similarly trained and employed person in private service, but for larger groups of government services it is not the free market but the court of enlightened public opinion that can pass judgment as to the presence or absence of excessive compensation. In statistical practise in the United States and most other countries incomes paid to government employees are included in national income, with the recognition that their monetary value is the only available, while admittedly rough, approximation to the value of services these employees render; similarly, pensions for past services and interest payments on loans are included as the equivalent of past and present economic goods produced. Taxes paid by business units are deducted in arriving at the net income of these units, just as are all other business expenses. But taxes paid by individuals are not subtracted from individual incomes, on the assumption that the value of government services to individuals is equivalent to the amount of taxes which they pay and should thus be treated in the same fashion as the individuals' expenses on food, clothing and shelter. This assumption, as indicated above, may not be strictly true; and the resulting free incomes or losses to individuals (flowing from the business system via the government) should be included in national income.

There is, finally, the possibility of a complete abandonment of economic bases of valuation and the substitution of norms derived from other sciences. National income and individual incomes might be expressed in energy units, labor hour units or other standards. Theoretically feasible as such shifts may be, they are as yet not sufficiently developed to merit extended consideration. One distinction, however, is of some importance—that between wantability and usefulness. For it raises the question as to the inclusion in national income of the harmful commodities, like opium, and of other commodities or services that appear completely useless from the point of view of a physically and psychologically normal individual. Some practical aspects of this question are predetermined by the fact that with legal prohibition of certain commodities and services an adequate quantitative determination of their volume becomes almost impossible. On the other hand, data of income tax statistics often include receipts from illegal activities. Theoretically an attempt to make national income a gauge of scientifically determined, real welfare of the population involves an unwarranted optimism as to the validity of sciences concerning human nature. From another point of view, that of the nation's productivity, it should be recognized that the diversion of a certain part of the nation's resources to the production of what appear to be useless commodities is not irrevocable; the capacity of a nation to restrict its production of non-necessaries and increase the volume of necessaries depends largely upon the proportion of resources devoted to the former. It would be a highly misleading picture of comparative productivity of the two economic systems to compare only the output of necessary commodities and services in such countries as the United States and Soviet Russia.

The third group of problems in the determination of the specific contents of national income arises from the fact that during normal times, when a consideration of the future is of importance, the performance of the economic system is gauged not by the gross but by the net product, i.e. by the volumes of commodities and services remaining after the replacement of capital outlays; or, in terms of individual and corporate receipts, by the sum of incomes received after subtraction of expenses incurred.

The most important point in the distinction between gross and net is the contrast in procedure between property and labor incomes. In property incomes the net part is obtained after all capital outlays have been replaced and is thus a pure surplus. In labor incomes the procedure is quite different. Wage earners or salaried workers consume a part of their capital, viz.

their working capacity, in the process of earning their income; and the replacement of this earning capacity can be accomplished only by consumption at a certain level of subsistence plus provision for complete replacement at the time when working capacity has dwindled to zero. Were we to proceed as in the case of property incomes, we should deduct from wages or salaries the living expenses plus provision for the future and count as net income only the residue, a procedure suggested by some economists (Loria). The actual practise, as is well known, differs materially from that suggested. True, in certain occupations specific professional expenses are deducted from gross revenue in the computation of net income; also the income tax laws, by setting exemption limits and by imposing lower rates on "earned" incomes, recognize that a certain part of labor income is not net. But by and large, in contrast to property revenues, in labor incomes the net is almost equal to the gross revenue received. This implies that the working capacity of individuals cannot be treated as a part of the property system; that therefore an outlay by an individual of his personal activity is a part of his general existence and the income he receives is a fund of subsistence and not a means of perpetuating the individual as a part of society's wealth. Hence distinguishing gross and net income of individuals from labor or personal services is a case of drawing a line between the area of the economic principle and the ways of life at large. As this line is drawn, so are the questions raised solved. For instance, what specific expenses should be allowed in arriving at an individual's net labor income? There is no precise answer, the general basis of determination being the importance to the individual's whole life of the object obtained as a result of expenses. If this importance is great, the outlay, like expenditures on living, cannot be imputed to the income getting activity proper and should not be subtracted. If, however, these expenses are bound up only with the income getting activity, they can and should be deducted. An interesting illustration is provided by the expenses of doctors, lawyers and other professional persons for their offices or tools, the outlays on which are obviously deductible, and for their education, the expenses for which are usually not deducted. Similar questions arise in connection with wage and salary earners in regard to such cases as the differential expenses incurred in order to live in proximity to place of work.

The segregation of the purely economic motives in expenses from the broad drives of human life is a difficult problem whose solution shifts from time to time and country to country. In the United States as in many other countries there is a tendency in the direction of extending the area of expenses allowable for deduction, as the result of a desire on the part of individuals to limit the base of taxable income. The same tendency to regard individuals more and more in the nature of capital is illustrated by the legal cases of compensation for injury. The exclusion of such payments as industrial compensation for injury from net income is inconsistent with the failure to allow for living and conservation expenses; this is also true of the exclusion of net returns (after subtraction of the past contribution of the recipient) from unemployment, sickness and other social types of insurance. For this reason statistical estimates tend to and should include industrial compensation for injury at the same time that they exclude insurance compensation for the destruction of a building by fire.

Since net income from property can be ascertained only by allowing for the restitution of property outlay, a question arises as to what changes in property should be included in income in order to keep property intact. Shifts in the value of property due to general causes may either be accidental in character, i.e. destruction of property by an earthquake or a sudden rise in the value of property which has survived such a calamity, or may stem from general changes in business conditions, usually manifesting themselves through a rise or fall in the general level of prices. Since national income is to be conceived as the end product of economic activity, measured as net addition of commodities and services, changes in property values arising from either of these two groups of causes are to be disregarded. But if the changes in property value are a reflection of changes in the surplus of gross revenue over expenses incurred plus a depreciation charge at secular rates, to include them with the change in such net income would obviously amount to double counting. The same objection would hold if the changes in property value are a reflection not of actual rise or decline in net income but of a forecast income shift. It is therefore only in the cases of changes in property value due to plowing back of income or actual impairment of property that, by definition, there takes place a conversion of income into property or property into income; it is only in such cases

that net income cannot be confined to the surplus of gross revenue over expenses actually incurred plus a standard depreciation charge.

The consideration of the element of realization of changes in property value does not alter these conclusions. If a property has grown in value because of a general change in the level of prices and the property owner sells it, thus realizing a monetary gain, such gains are still to be excluded from national income; and if they are included in the estimate of national income in current money units, they ought to disappear in the deflation of these estimates by a properly constructed index of prices in which the prices of property are included. The consideration of the actual sale of property, however, suggests an additional source of changes in the value of property: an opening up of better marketing opportunities, due to the professional skill of the property sellers. Such changes take place in cases when buying and selling of property become a professional occupation; and in such cases incomes derived from the sale of property, i.e. from the change in the value of property because of the more skilful handling of it in the market, are to be counted as *bona fide* net incomes. But this is only another case of the plowing back into the property of certain currently produced services.

In actual statistical practise the inclusion or exclusion of such changes from net income from property is largely conditioned by the prevailing accounting procedure. For example, in a number of extractive industries the depletion of natural resources actually occurring is insufficiently taken care of by the accounting depletion rates, and in such cases net income as recorded by statistical practise contains large elements of gross income. In other industries deductions from current income for depreciation and obsolescence may exceed appreciably the actual destruction of property in the process of production; and it should be noted that the usual practise of relating depreciation and obsolescence charges to the original cost of equipment means, in the prevailing conditions of technical progress, a conservation of capital not at a constant but at a rising productive capacity. The practise of reporting inventories at cost or market, whichever is lower, means that in years of declining commodity prices the business units understate their net income by deducting losses on inventories. A correction in all such cases is rather difficult; and consequently the distinction between property and income, while theoretically feasible, is in actual statistical practise a reflection of the distinction made by current accounting procedure.

Of the numerous questions raised above in regard to the contents of national income some can be and have been answered unequivocally by the consensus of learned opinion; others are still in the zone of disputation; and still others, while yielding clear answers on theoretical grounds, fail of application because relevant data are lacking. Elements which are generally included in national income received are: wages, salaries, dividends, interest, net rents and royalties, net money receipts by entrepreneurs and independent providers of personal services—all flowing from legitimate pursuits; also commodity receipts of farmers and other self-contained producers; also the perquisites (such as food and board) of employees and receipts in kind of rent or interest. In order to pass from income realized by individuals to income produced the business savings of the individual and corporate business units and of social units should be added. Items which may still be considered in the doubtful zone are: free incomes to individuals from the business system, pensions, compensation for injury, returns from social insurance, hobby products and returns from incidental services, net services from durable goods used by owners, interest on government loans, the allowance for individuals' deductible expenses and, at a considerable remove, payments to government employees. In some countries, e.g. India, certain estimates exclude payments for all personal services. Finally, for the more deeply going problem of readjusting the market valuations practise lags far behind theory, even in the seemingly simple problem of correcting for changes in the value of the monetary unit.

National income estimates for various countries may differ not only because of the various ways in which the questions concerning doubtful items are answered but also because of differences in the statistical methods employed in arriving at such estimates. These methods vary in their turn because of differences in available data. Such variation is perhaps greatest where the scarcity of statistical materials compels the application of an arbitrarily chosen coefficient to a statistical measure of only a small part of the total universe. Estimating procedures of this type offer no purely statistical problems and are usually unreliable, except when undertaken as an extrapolation based upon a long and extensive series of income estimates for other years

or other areas. Even where statistics cover a substantial proportion of the field, data are rarely available on all types of income yielding activity and do not always provide an undistorted picture of income flow. Estimating methods may be distinguished according to the type of basic data used: production and trade statistics, income statistics and data on consumption and savings.

The commodity-service method attempts to measure national income as the net value of commodities and services produced, tracing them to their originating point in the industrial system. It utilizes the large body of production and trade statistics available in most of the principal countries of the world. Such data permit a comparatively easy discrimination between payments and receipts that represent economic goods and services and those that do not reflect actual creation of new economic goods; for it is the tendency of production and trade statistics to cover only those branches of activity in which the genuinely economic character of the activity is firmly established. Often such figures afford also an approximation to the physical volume of incomes. The disadvantage of this method is the difficulty of guarding against duplications and omissions. In production and trade statistics the full value of a good is usually recorded at each stage of its productive transformation from the point of origin to the sale of the final product. Even when "net value added" is segregated, as is the case in statistics for manufacturing in the United States, a large element of duplication still remains. On the other hand, production and trade statistics are by their very nature better suited for the coverage of commodities than of services and, among commodities, for the measurement of basic materials of uniform quality than of finished goods of varying grades and brands; there is thus the danger of overlooking certain types of income yielding economic activities.

The incomes-received method derives the national total as a sum of net incomes received by individuals and business enterprises. It relies primarily upon the large volume of data gathered by income tax authorities and sometimes upon special studies relating to earnings of various occupational groups and to their family budgets. At least in one country, Australia, data were obtained directly by means of a census. The method of incomes received escapes the danger of duplication; and the resulting total, in so far as it is based largely on incomes of individuals, is consistent with the concept of national income as it is generally understood in a business economy. The main disadvantage of the method is the deficiency in coverage. All existing taxation systems exempt incomes below a certain range or of a certain type, and many of such non-taxable incomes are not even recorded; in the United States, for instance, more than half of the estimated national income is not reflected in income tax statistics. The deficiency in coverage becomes less important as the exemption area narrows and disappears when an income census is taken. But census taking is an expensive procedure and an income census develops defects of its own; the Australian census of 1915 was shown upon analysis to include a number of petty receipts whose economic nature was uncertain. Even for the recorded incomes, tax (and income census) data do not provide a consistent quantitative picture. The statutory definition of income and the character of data requested vary from country to country and time to time. So does evasion of the tax by complete failure to report or by under-reporting incomes received. Moreover the character and statistical reliability of income tax data are not easily tested; these are available only in the form of summaries published by government bodies, to which they are merely a by-product of administrative activity.

The consumption-savings method, which registers income as it flows out of the individual economy, is used less extensively than the other methods, because it calls for data not generally available. No country has as yet continuous and reliable series on the volume of consumers' expenditures and savings, nor even such approximations as would be provided by data on the volume of retail trade or on consumers' budgets at various income levels. Such figures become available either through a greater development of trade, service and banking statistics, in which case the commodity-service method offers an easier way of arriving at total national income; or through a further study of the activity of individual households, which is both costly and unpractical because of resistance offered to the inquisitive statistician. At present the consumption-savings approach is used as a stop gap when industrial or income statistics are badly lacking; and data are available on individual savings, on apparent consumption of a number of consumers' goods and to some extent on household budgets. In the future, however, this method may come into greater prominence, for it is

increasingly appreciated that a study of the various ways in which income is spent or saved is an essential aid in dealing with a number of pressing economic problems.

There is an obvious relation between the methods described above and national income at one or another stage of its circulation, but the correspondence is one of practical convenience rather than of logical necessity. Since the different stages of national income are closely related, it may be approached at any stage, that of income produced or received or consumed, and the resulting estimate adjusted for the succeeding or preceding stage. Therefore it is theoretically possible to measure the magnitude of income by any of the three methods suggested; the results should check, and such a check is most desirable. Practically, however, the more compelling reason for using more than one method is that because of paucity of data no single type of statistics is sufficient by itself for the purpose of arriving at a reliable national total, unless the investigator gives rein to imagination by employing "raising" or "correction" factors. Estimates utilizing several methods and types of data may be theoretically deficient, because the different constituent parts of the income measure are liable to errors of differing character and hence are not strictly comparable or addible; but the possible error thus involved would be much smaller than that due to a restriction of the estimate to one type of data with consequent extrapolation over a large field.

The allocation of national income by different categories is suggested by the questions formulated above as to the specific contents of the total; it arises in the statistical process of building up the total from estimates of its various component parts; and it is necessitated by the recognition that the mere total is not sufficiently illuminating for any of the purposes served by the concept and measurement. There is an obvious need for a breakdown of a national income estimate when the total refers to an economic system with widely differing regions; when the industrial constituents of the productive system change; when various types of income shift in importance; when the form of economic organization changes; and when the personal shares in the national total are unequal to a varying degree. The main types of allocation are: by economic regions, by industrial sources, by forms of economic organization, by personal distribution according to size of income.

The need for a regional distribution of income totals has already been suggested. The problems raised by such a distribution are similar to those for the national total, but the gravity of some questions is increased in the smaller area units. For incomes conditioned by personal activity of recipients regional allocation may not be difficult, unless there is migration of such recipients across regional boundaries. Much graver problems appear in connection with property incomes. An enterprise may have its plant in one region, sell its products to the country as a whole and pay its dividends and interest to individuals residing in various regions of the country. A regional allocation of property incomes produced or paid out by such an enterprise offers obvious difficulties, problems which have often been discussed by the courts in connection with state taxation of corporations. Up to the present regional allocation of national income has been carried through only to a limited extent. It requires a volume of data not easily available and a clarity of concepts so far not attained in the existing income literature. But the increasing interest in regional similarities and diversities of economic life may lead to a wider employment of such distributions.

The distinction among the industrial sources of national income is important because of differences among these fields of activity in the character of work or life for the people employed; in stability, either secular or cyclical, of net incomes derived from them; in the importance of these industries in the general scale of human wants. Such distributions carried through for one country at successive dates or for various countries at the same date serve to indicate changes in a country's industrial structure over a period of time or structural differences between countries. The distribution presented in Table II for the United States illustrates the type of observation that is facilitated by such statistical measurements.

The dates at which various trends, such as those from agriculture to industry or trade, become observable differ from country to country and occur earlier in older nations, such as the United Kingdom or France, than in newer nations, such as the United States or Australia. Similarly, the exact rate at which shifts in the industrial sources take place in the different countries will vary because of differences in a host of natural and institutional determining factors, such as the availability of natural resources, the class distribution of incomes and

TABLE II

DISTRIBUTION OF NATIONAL INCOME IN THE UNITED STATES BY INDUSTRIAL SOURCES*

YEAR OR PERIOD	TOTAL INCOME (in $1,000,000)	PERCENTAGES OF TOTAL					
		AGRICULTURE	MINING	MANUFACTURING	TRANSPORTATION AND PUBLIC UTILITIES	SERVICE AND TRADE	GOVERNMENT
1850	2,178.3	35.1	1.1	19.8	19.0	22.0	3.0
1860	3,596.7	30.3	1.7	22.1	20.1	22.4	3.4
1870	6,646.2	26.8	2.2	24.1	11.3	30.2	5.5
1880	7,343.8	20.1	3.0	24.4	12.7	34.1	5.6
1890	11,965.5	18.9	2.7	31.9	10.1	30.8	5.6
1900	17,417.7	21.2	3.4	29.2	9.3	31.6	5.3
1910	29,243.9	23.4	3.3	28.2	9.7	30.9	4.5
1910	29,805.0	19.2	3.2	28.7	10.2	33.9	4.8
1913–17	38,610.0	18.3	3.5	29.8	9.6	33.6	5.2
1913–17	36,652.0	17.2	3.5	28.0	9.4	36.2	5.6
1918–22	58,401.0	16.7	3.4	29.6	10.3	31.7	8.3
1923–27	71,891.0	11.7	3.2	27.8	9.5	40.5	7.2
1930†	72,141.0	8.0	2.3	26.4	10.0	44.3	9.0

* The three divisions of the table represent three different estimates which are not strictly comparable; the degree of disparity between them may be judged from the two sets of figures for 1910 and 1913–17. The first and second parts of the table—the figures for 1850–1910 and for 1910 to 1913–17—represent total income including business savings but excluding government rent and interest and miscellaneous income; the third part—the figures for 1913–17 to 1930—represents realized income exclusive of government rent and interest and miscellaneous income. The figures for 1913–17 to 1923–27 are annual averages for the corresponding five-year periods.

† Preliminary figures.

Source: King, W. I., *The Wealth and Income of the People of the United States* (New York 1919); National Bureau of Economic Research, *Income in the United States*, 2 vols. (New York 1921–22) vol. ii, pt. i; King, W. I., *The National Income and Its Purchasing Power*, National Bureau of Economic Research, Publication no. 15 (New York 1930); an unpublished estimate by the National Bureau of Economic Research of national income for 1930.

the extent of purposive control exercised by society. But with all such differences the decline in the part of agriculture in the nations' end product; the rise, at first rapid and then disappearing, in the relative contribution of mining and manufacturing; and the increase, especially marked in the United States during recent decades, of the share coming from service, trade, finance and government, are tendencies which appear as constituent elements of the growing capitalistic system of production and thus characterize all countries drawn into the path of its evolution. The figures resulting from the allocation of national income by industrial sources are thus measures which afford specific confirmation of the broad tendencies of industrial evolution observed otherwise by historians and economists; or of the broad differences, generally known, in the industrial constitution of various countries. The net contribution of such measurements lies only in refining and checking the generally held notions on these subjects. And when available annually they may aid in the study of the relative stability of income flows from various industrial sources, a problem on which the prevalent generalizations still need considerable testing.

There is a natural tendency to identify the industrial groupings, which are institutional categories, with the more analytically derived types of economic activity (extractive production, manufacturing production, distributive trading, finance, transportation and so on) and to infer that a shift in the relative importance of a given industrial source, such as personal service, trade and finance, implies an identical shift in the extent of trading, financing and personal service activity. This, however, is not necessarily the case, for with changes or differences in the social division of labor the exact scope of activities subsumed under an identical industrial group may change or differ considerably. The manufacturers of the United States may have been distributing, financing and providing personal service to a greater extent (relatively to their purely manufacturing activity) several decades ago than they are doing now. The increase in the relative contribution to the national total shown by finance, trade and services may therefore be due partly to a shift of financing, distributing and service functions from manufacturing and other activities to a separate professional group. A similar lack of identity between industrial groupings and types of economic activity affects comparisons among various countries. Clearly the difficulty of inferences

from allocations of national income by industrial sources is the greater the more specific such allocations are—even neglecting the fact that carrying industrial distinctions beyond a few major groups runs afoul of the absence of definite criteria as to what constitutes an industry or an industrial group.

It may be said that the general evolution of the industrial system is toward a more intensive division of labor, a greater specialization of functions and hence a closer identity of industrial groupings with types of economic activity; and that consequently the shifts in the relative shares of industrial sources tend to result in overestimation of the shifts in the relative importance of production versus transportation, transportation versus distribution and so forth. But such a general inference neglects two difficulties. The first is the existence of a counteracting tendency of vertical integration which complicates the proper allocation of single economic units; this difficulty may be enhanced by special factors, such as the allowance in the United States of consolidated income tax returns from corporations. In the second place, the difficulty of determining how far the division of labor has gone in the direction of segregating a new industrial division is especially disturbing, the best illustration being provided by the treatment of interest on loaned funds. If a bank receives interest payments on short term credits to a pig iron manufacturer, is this income produced by the banks or by the pig iron industry? The current statistical practise considers such incomes to be produced by the banking industry. But do banks produce the interest received by them on government securities? Are interest payments received by an individual on his railroad bond income produced by the individual or by the railroad? The current practise is to consider these interest payments as income produced or paid out by the government or the railroads, the basis of such decisions being the distinction between professional activity requiring skill and experience, as exemplified in a bank's commercial credit policy, and a non-professional activity of investment requiring no such qualifications. But the carrying through of such a distinction is beset by difficulties. Are the incomes of holding companies, insurance companies, savings banks, investment trusts and similar institutions, whose main source of income is equities in other concerns, to be counted as the product of insurance or the investment industry as such, or are they to be allocated to the industrial activities which constitute their primary origin? Such questions have arisen but seldom in statistical practise, mainly because of lack of data, but they will have to be faced in the near future.

For all these reasons the apparently precise results of distributions of national income totals by industrial sources must be interpreted with a great deal of caution, being an approximate reflection of only the broadest trends or differences, and need to be supplemented by allocations of the national total based on other criteria.

Forms of economic organization may be distinguished by types of the organized unit (individuals and corporations), by the general principle of organization (free competition, regulation and complete control) or by any of a number of basic elements. No matter how the form of economic organization is defined, the national economy of the last century and of the recent decades represents a combination of branches functioning under different forms of organization. The distinction of the relative importance of the latter on the basis of shares of national income derived from activities organized upon different ruling principles is of considerable significance. But the difficulty of such distinction lies in the contrast between the absolute categories set up by analysis and the absence of such pure forms in reality. One could presumably formulate adequate definitions of free competition or of complete control; but to establish whether or not a given branch of activity is in a state of free competition is difficult, even with access to the internal records of the individual enterprises in the field. On the other hand, when the possibility of a clear distinction is given by formal criteria, e.g. corporate and non-corporate units, such criteria may not correspond to the essential meaning of the distinction. From the point of view of economic analysis the one-man corporations, which formally belong to the corporate field, are by the nature of their operation much more similar to individual businesses than to the giant, anonymous corporate units.

It is this difficulty that largely explains the failure of statistical study of national income to pay proper attention to the allocation by forms of organization. Such a breakdown takes place mostly in so far as it is coincident with allocation by industrial sources, a coincidence that is relevant since the technological differences among industrial divisions form a basic element which underlies differences in form of organization. Thus the estimates presented in Table II permit

one to draw inferences, from the relative growth of such corporation dominated industries as mining, manufacturing, transportation and finance, as to the growing share of national income paid out by corporations; and from the increasing share of government and public utilities in the total to draw inferences as to the growth of controlled areas of our economic system. Further precision in the distribution by forms of organization is at present impossible because of lack of data. But since such breakdowns are especially important in a national economy of a transitional type, when changes in organization are rapid and their effect has to be measured as a basis of economic prognosis or diagnosis, and since recent developments have stimulated changes in the relative areas of various principles of organization, the near future is likely to witness an increasing emphasis upon the allocation of national income by forms of organization.

The distribution of national income by forms of payment is an attempt to go beyond the industrial and organization groupings and to measure the current returns of such general productive factors as labor, capital and land. The significant political and social conflicts that center about the relative share of these productive factors render a quantitative measurement and test supremely important. An illustration of results obtained by such measurements for the United States is provided in Table III.

The difficulty of obtaining consistent estimates and hence of arriving at definite conclusions is shown in this table by the two sets of ratios for the year 1910. Such inconsistencies make a comparison of the distribution for various countries impossible without a thorough reanalysis of the published data and some rather arbitrary adjustments. But the broad trends in the United States over a period of time, as shown by Table III, can be said to be fairly typical of other industrial countries. Wages and salaries appear to account for a slightly rising proportion of the national total; while entrepreneurial income, which is a combination of wages or salaries, interest on capital invested, rent on land and entrepreneurial profits, claims a markedly declining share of the total. The share of interest and dividends, the segregable elements of pure property incomes, shows considerable stability during the period covered. Rather similar results are revealed for the United Kingdom in the comparison of the years 1880 and 1913 by Bowley and of later years by Colin Clark. The movement of the same shares in the years before the second half of the nineteenth century is subject to conjecture. Some students (Angelo-

TABLE III

DISTRIBUTION OF NATIONAL INCOME IN THE UNITED STATES BY FUNCTIONAL SOURCES*

YEAR	TOTAL INCOME (in $1,000,000)	PERCENTAGES OF TOTAL					
		SERVICE INCOME			PROPERTY INCOME		
		WAGES AND SALARIES	ENTREPRENEURIAL INCOME	TOTAL	RENT	INTEREST AND DIVIDENDS	TOTAL
1850	2,178.3	36.4	44.7	81.1	7.3	11.6	18.9
1860	3,596.7	37.6	39.8	77.4	8.6	14.1	22.7
1870	6,646.2	49.2	31.9	81.1	6.6	12.3	18.9
1880	7,343.8	51.8	21.4	73.2	8.5	18.3	26.8
1890	11,965.5	54.0	24.8	78.8	7.3	13.9	21.2
1900	17,417.7	48.7	30.9	79.6	7.0	13.4	20.4
1910	29,243.9	48.9	28.8	77.7	7.7	14.7	22.4
1910	29,805.0	55.6					
1910	28,297.0	57.5	32.4†	89.9†		10.1	
1913–17	36,652.0	57.5	32.0†	89.5†		10.5	
1918–22	58,401.0	62.9	29.4†	92.3†		7.7	
1923–27	71,891.0	65.5	26.3†	91.8†		8.2	
1928	78,502.0	65.1	24.7†	89.8†		10.2	

* The three divisions of the table represent three different estimates, the degree of disparity between which is indicated by the three sets of figures for 1910. The first and second parts of the table—the figures for 1850–1910 and the second set of figures for 1910—represent total income including business savings but excluding government rent and interest and miscellaneous income; the third part—the figures for 1910–28—represents realized income exclusive of government rent and interest and miscellaneous income. The figures for 1913–17 to 1923–27 are annual averages for the corresponding five-year periods.

† Includes rent.

Source: The published sources specified in Table II.

poulos) suggest that the early half of the nineteenth century was a period of a declining share of labor incomes; and the investigations of the founders of the Marxian school, indicating the same tendency, are well known. But the inferences for these earlier years can be based only upon a piecing together of the most variegated and detailed evidence, since the data do not permit a brief summary such as is provided in national income estimates for later years.

Such summary estimates, however, must be interpreted with the utmost degree of caution, if misleading inferences are to be avoided. Just as in the allocation of national income by industrial sources so also here there is a natural tendency to identify institutionally determined divisions with analytical categories. Wages and salaries tend to be identified with the theoretical category of labor income; and conclusions are often drawn as to the increase in labor's share of the national product from the rising percentage of wages and salaries in the total income. But such an inference is obviously misleading because of: first, the increasing relative weight of industrial branches in which the corporate form of organization predominates (e.g. the share of manufacturing increases while that of agriculture declines); and, secondly, the increasing weight within each industry of the corporate form of organization. As a result of both tendencies the share of labor payments, which has formerly been combined with other functional payments in the mixed category of entrepreneurial incomes, is increasingly segregated and goes to swell the relative weight of wages and salaries. There takes place here the same "purification" of categories that was suggested as occurring in the allocation of national income by industrial sources. The gradual breakdown of individual enterprises serves to increase the identity in the national totals of types of payments with economic functions, just as the intensification of the division of labor serves to raise the conformity of industrial grouping to types of economic activity.

It is for this reason that Table III combines entrepreneurial income with wages and salaries, to yield the estimate of labor and service income. This addition assumes that individual entrepreneurs (i.e. farmers, small traders and professional persons) obtain the bulk of their compensation in payment for their labor functions rather than as a return on capital or as entrepreneurial profits. This assumption granted, it is seen that the relative share of labor and services (earned income) in the national income of the United States has shown scarcely any increase during the past eighty years. And by the same token similar ratios in any other country for wages and salaries alone tend to underestimate the share of labor and services in the total income at any given moment of time and to reveal a trend in time that is more favorable than closer analysis would show.

Lack of identity between forms of payment actually distinguished and the theoretical categories of economic and social analysis stems not only from the existence of the mixed category of entrepreneurial incomes. Any one institutionally determined form of payment is not a "pure" income category. Thus wages and salaries are defined in economic analysis as a distributive share imputed to the working of a given productive factor, but the payments as registered by the statistician may include quasi-rent and other elements. In the United States salaries as reported by corporations are especially likely to include elements other than labor income, partly because in one-man corporations there is a tendency to report exaggerated salaries in order to reduce the net taxable profits shown, partly because in giant corporations the upper executive personnel wields such powers as to disqualify them from being characterized as employees or their compensation as payment for services. This particular tendency, unlike that of the reduction in the relative weight of entrepreneurial incomes, serves to widen the gap between the institutionally determined types of payment and the economic categories.

To those who conceive of individuals as the active and ultimate units and who do not accept the idea of the economic system as an organic whole it is the income received by every individual that is of importance. National income as a whole retains meaning only in so far as the national distribution by size of personal income shows tendencies toward stable patterns. But from any point of view such a frequency distribution is an indispensable complement of national income estimates if these are to throw any light on the welfare of the nation. Welfare is an actuality only within the experience of every individual and varies materially with the size of a person's income.

The study of personal distribution of income has been rich in attempts at generalization and analytic interpretation. The reason lies partly in the great theoretical interest which attaches

to the whole problem of inequality of incomes as well as in the individualistic slant of theoretical economics after the classical school; and partly in the susceptibility of frequency distribution analysis to statistical generalizations, a property much less characteristic of the time series analyses involved in the other distributions. Thus the past study of this type of breakdown of the national total, unlike that of the other types, has gone beyond a descriptive presentation of results in two directions: first, an attempt to establish a law as to the functional relationship between size of income and number of recipients; and, second, an attempt to summarize the distribution by a single measure of inequality of incomes.

In the first direction the basic point of departure is Pareto's law. This law, in its most dogmatic form, states that the distribution of incomes in the upper (income tax) ranges follows a straight line of the equation $\log N = \log A - \alpha \log x$, where x is income size, N is number of individuals having that income or larger, and A and α are constants to be found from the empirical statistics. Moreover the constant α, the slope of the straight line, is approximately 1.5 in all countries and at all recent times; there is a strong suggestion that not only the upper range of the income distribution but the distribution through its entire length follows the same curve for all countries and at all times; and, because of the unchanging and unchangeable nature of the whole income frequency distribution, economic welfare can be increased only through an increase in the total amount of income.

The importance of such a law for major questions of economic theory and economic policy is obvious, and consequently the attention of economists and statisticians has been directed toward testing its validity. As a result of such cumulative analysis (notably in the United States by F. R. Macaulay) it was established that Pareto's law is quite inadequate as a mathematical generalization; that because of the heterogeneity of the frequency distribution curve, due to the grouping together of incomes from various economic categories, it seems unlikely that any mathematical law describing the entire distribution will ever be formulated with satisfactory results; and, finally, that Pareto's conclusion that economic welfare can be increased only through increased production is based upon erroneous premises. Other attempts to substitute for Pareto's curve a single curve with another mathematical expression have also been found unsatisfactory as methods of generalization, although recently a French student, R. Gibrat, using a modification of the normal curve of error, has obtained successful descriptions of a large number of frequency distributions of income. The curve employed was of the equation $y = \pi^{-\frac{1}{2}} e^{-z^2}$ with $z = a \log (x - x_0) + b$, where y is the number of income recipients, x is variable size of incomes and $x_0 - x$ is a selected income constant. The assumption in which this equation differs from the normal curve is that the effect of each of the numerous contributory factors is not independent but proportional to the effect of the others.

The more fruitful development in the direction of summarizing the inequality of incomes has yielded numerous measures, which fall easily into four groups: first, those derived from a specific type of mathematical equation and hence contingent upon the goodness of fit of the curve implied by the equation; second, measures of the mean deviation type, available in the statistical theory of frequency distributions and applicable, with varying reliability, to diverse types of distribution; third, measures of mean difference types; and, fourth, measures constructed upon definite theoretical criteria in regard to welfare equivalents of individual incomes.

In the first group three measures of inequality may be mentioned: first, the coefficient α, the slope of the straight line described by Pareto's law, has been employed as a measure of inequality. The steeper the slope, i.e. the larger the numerical value of α, the smaller the inequality. Secondly, there is C. Gini's index of concentration, δ, derived from a different type of curve of the equation $\log N = \delta \log S - \log K$, where N is number of individuals whose income is above a certain size, S is sum of incomes, each greater than the certain size, and δ and K are the constants. In this equation N is a function of the sum of incomes greater than a certain size, rather than, as in Pareto's law, a function of that income size itself. The relationship between Pareto's and Gini's measure is expressed by equation $\delta = \alpha/(\alpha - 1)$. A third measure of inequality may be derived from the curve employed by Gibrat, being equal to $100/a$, where a is the constant in the equation $z = a \log (x - x_0) + b$.

Of the dispersion measures developed in the statistical theory of frequency distributions the average and the standard deviations suggest

themselves as indices of inequality of incomes, both taken relatively to some average income, either the mode, median, arithmetic or geometric mean. The resulting relative measures of dispersion can be computed from a frequency distribution in which the class intervals of income size are taken in absolute figures or in logarithms. The advantage of the latter procedure arises from the fact that the positive skewness characterizing frequency distributions of income is reduced in taking the income variable in terms of logarithms, and that the representativeness both of the central tendency of the distribution and of the average or standard deviation is thereby raised.

The mean difference is computed as an arithmetic average of differences, taken without regard to sign, between all possible pairs of incomes. This measure, called the ratio of concentration by its originator, Gini, stands in definite relation to another, widely known measure of inequality, the Lorenz curve. In the latter cumulative percentages of total income are plotted along the horizontal axis; cumulative percentages of population, from poorest to richest, along the vertical axis; and the points of the curve are the intersections of the abscissae and ordinates thus obtained. In the Lorenz curve an equal distribution is represented by a straight line, equally inclined to both axes; empirical distributions of income usually appear as concave hyperbolae; and the existing inequality is measured by the area between these hyperbolae and the straight line. This area is equal to one half of the ratio of the mean difference to the arithmetic means of incomes.

Measures of inequality based upon functional relation between size of income and economic welfare usually assume that the welfare of different persons is additive; that the relation of income to welfare is the same for all members of the community; and that, for each individual, marginal economic welfare diminishes as income increases. But this last assumption is unfolded differently as preference is given to some specific welfare-income function. Thus according to Daniel Bernoulli the function is described by the equation: $w = dx/x$, where w is welfare and x the size of income. According to Dalton a more realistic hypothesis is expressed by the equation $w = dx/x^2$. According to Cramer (quoted by Alfred Marshall) welfare varies with the square root of income or, making it more general, $w = x^{1/n}$, when n is larger than 1. From each of these functions one can derive an index of inequality by comparing maximum aggregate welfare with actual aggregate welfare as shown by the empirical sample.

The choice of a measure of inequality may, on theoretical grounds, be based upon the conception of the measure as an index of statistical variability and hence utilize the customary statistical criteria of representativeness; or it may flow from an understanding of the measure as a summary of the welfare equivalents of income distribution and utilize corresponding tests. From the first point of view one tends to look skeptically upon Pareto's α and Gini's δ, based as they are upon curves fitted to cumulated variables; to consider the average and standard deviations as inadequate in themselves, unless taken for an income distribution that does not depart considerably from the normal type; and to consider the mean difference as subject to similar qualifications, in so far as it is shown (by Gini) that the mean difference is equal to the arithmetic mean of deviations from a median, weighted by the number of incomes plus one between the median and the given income. From the second point of view the choice hinges obviously upon an agreement as to the functional relation between welfare and income. But in default of that, the various measures of inequality, which are not based consciously upon a welfare-income relation, may be analyzed for the function which they imply; as a result some narrowing of the field of choice may be attained. Finally, in the selection of inequality measures for empirical application there is the additional factor of the influence of imperfections in data on the precision of the various measures. Those measures that may be best by the criteria of statistical representativeness or theoretical adequacy may be the most susceptible to imperfections of statistical data.

The variety of methods devised to measure inequality of incomes illustrates the profusion of its aspects and suggests a high probability of divergent results from the analysis of one and the same set of data. Considering that this lack of agreement as to the precise aspect of inequality to be studied is accompanied by a comparative paucity of adequate data, one would expect to find few definitely promulgated conclusions as to trends or differences in inequality of incomes. One finds on the contrary a profusion of contradictory generalizations, which are too often obvious results of pressure to respond somehow to a problem so vital to social policy and prognosis. How divergent and withal

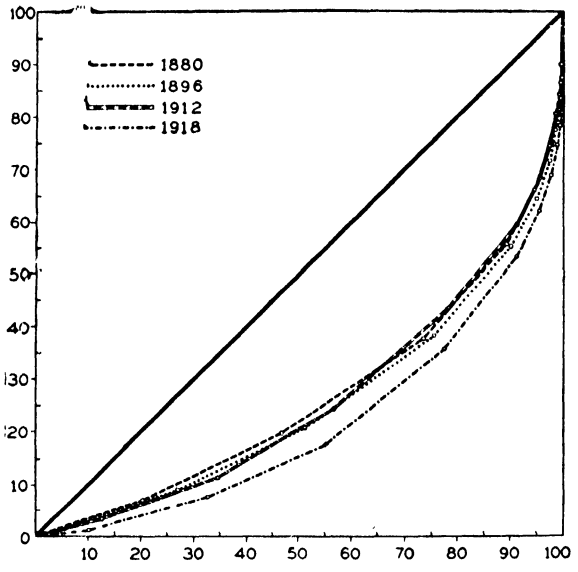


CHART I

LORENZ CURVES OF INCOME DISTRIBUTION AMONG INCOME RECIPIENTS, SELECTED COUNTRIES

Scales: Percentage of income recipients, beginning with poorest, is indicated along the horizontal scale; percentage of total income is indicated along the vertical scale.

Source: Based on data derived from the following sources: Prokopovich, S. N., "The Distribution of National Income" in *Economic Journal*, vol. xxxvi (1926) 69–82, and *Narodny dokhod zapadno-evropeyskikh stran* (National income of west European countries) (Moscow 1930) ch. ii, sect. iii; National Bureau of Economic Research, *Income in the United States*, 2 vols. (New York 1921–22) vol. i.

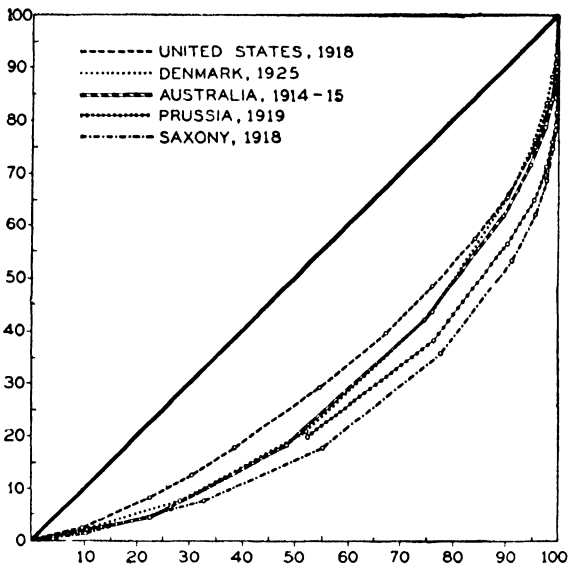


CHART II

LORENZ CURVES OF INCOME DISTRIBUTION AMONG INCOME RECIPIENTS IN SAXONY, SELECTED YEARS

Scales: Percentage of income recipients, beginning with poorest, is indicated along the horizontal scale; percentage of total income is indicated along the vertical scale.

Source: Based on data adapted from Prokopovich, S. N., *Narodny dokhod zapadno-evropeyskikh stran* (National income of west European countries) (Moscow 1930) ch. ii, sect. iii.

unreliable such inferences are may be illustrated in the case of Prussia, one of the few countries for which data on personal distribution of incomes are available for some years back. From the figures for 1875, 1896, 1913 and 1919 Prokopovich concludes that the inequality of incomes is increasing, thus denying a contrary conclusion by Helfferich that no tendency toward a greater concentration of incomes is observable. From the data for 1896, 1914 and 1926 Angelopoulos infers that the inequality has diminished. And Gibrat, after inspecting the data for Prussia and some other countries, concludes that no definite trend in inequality can be established.

The absence of data as to personal distributions of income for lower income ranges and of data for one and the same country for successive years and the variations from country to country or from year to year in the degree of coverage are but partly revealed in Charts I and II. These assemble some of the various distributions available and give on the whole too favorable an illustration of the kind of data at the disposal of those who attempt to deal inductively with this most important problem. The various studies which have been made, primarily of Austrian, Italian and German data, lead to the following highly tentative suggestions concerning differences and trends in the inequality of incomes. First, income inequality among income recipients is less conspicuous in agricultural than in other industries, in rural than in urban areas, in smaller cities than in the big urban centers (Austrian and Prussian data—Bresciani, Savorgnan, Prokopovich). But since average income tends to be lower in agricultural and rural areas, the industrialization and urbanization of nations do not in themselves imply increasing inequality of incomes. As for the very difficult international comparisons, one may only suggest that inequality is less conspicuous in younger industrial countries (United States) and in agricultural countries (Denmark, Norway) than in the older industrial states (Prussia, Saxony, United Kingdom). In the second place, income inequality among income recipients is greater in the case of property incomes than it is for labor incomes. If the growth in the number of property owners has not kept pace with the growth of the total number of income recipients, one would infer that income inequality has grown. Thirdly, in those countries in which personal distribution of income has been measured for some time past the preponderance of evidence is toward increasing inequality of incomes among income recipients. This seems to be true for Prussia and Saxony,

for Austria (for the decade before the World War, according to Savorgnan, who, however, qualifies his conclusions by saying that the change may be due to increasing efficiency of income tax authorities) and for Italy (according to Gini and d'Addario). Finally, the inequality of income among income recipients tends to decline during years of depression and to rise during years of business prosperity (Prokopovich, Gibrat).

As one increases the time range and attempts to compare income inequality characteristic of the capitalistic countries of the nineteenth and twentieth centuries with that for countries of precapitalistic times, even the slender foundation provided by the currently available statistical data disappears. Schmoller's suggestion in his communication in 1896 to the International Institute of Statistics that no marked change occurred in income distribution between the fifteenth and the nineteenth centuries is based upon too fragmentary a factual foundation to pass critical inspection. General historical knowledge would lead one to infer that numerically the income inequality must have been smaller in precapitalistic Europe than at present, if only for the reason that incomes were then absolutely lower and that the lower limit of incomes is more rigid than the upper. But this statement as such remains a conjecture, while its analytical interpretation, as to the implied welfare inequality, is all the more uncertain because of marked changes in absolute income, standards of living, organization of society and all other factors that affect the significance of a single aspect like income distribution.

Any analytical inferences, however, even if limited to the recent century and related to the more complete statistical data available at present, are made difficult by three considerations. First, all these studies refer to inequality of income among income recipients only and neglect perforce the number of persons capable and willing to earn incomes but unable to do so because of unemployment, legal limitations and other circumstances. The inclusion of these potential income recipients with zero incomes is likely to change considerably the differences in inequality of income distribution between industrial and agricultural, urban and rural areas; the trends in inequality with the passage of years; and especially the changes in the inequality of income distribution from years of prosperity to years of depression. Thus on the basis of 1918–30 data for the United States Morris A. Copeland suggests (in a paper presented at the 1932 meeting of the American Statistical Association) that a distribution among the entire population of money incomes, excluding profits from the sale of real estate and securities and other capital gains, tends to become more concentrated in years of depression and less concentrated in years of prosperity—a conclusion exactly opposite to that indicated above for the distribution of incomes among actual income recipients. Secondly, all studies tend to disregard the absolute size of incomes and study only relative inequality, although most of them note the positive correlation in time between size of average income and extent of inequality. But from the point of view of welfare, capital formation or any other analytic implication of a frequency distribution of income the absolute size of incomes involved is of material importance. Income inequality may decline during years of depression, but the welfare inequality may rise materially because of the general lowering of the absolute level of incomes. Similarly, inequality may be more conspicuous in one country than in another, but because of difference in the absolute size of income the capital forming power of the second country may be greater than that of the first; that is, assuming that inequality of distribution stimulates capital formation, a rather doubtful hypothesis. Thirdly, no personal distribution of income takes into account the costs incurred in obtaining the income and the needs it has to satisfy The importance for any inferences as to welfare, savings, and so forth of establishing a net rather than a gross income distribution is obvious. From this point of view the treatment of labor and property incomes as if they were measured just by the amount received is of course a misleading distortion. And it is clearly important to have frequency distributions of income by families.

These difficulties are but different aspects of the same cardinal obstacle, which has been stressed before in connection with other types of allocation of national income: the disparity between the quantitatively available and measurable groups and the analytically clear cut categories to which they should correspond. It is highly doubtful that this disparity will ever be overcome completely; but progress in this direction will be made through a combination of groups based on more than one principle of division, through the collection of a more extensive body of data and through an evolution of a more definite consensus of scientific opinion

as to the methods of quantitative analysis and their implications. Above all, the recognition of the gap between what can be and is measured and what ought to be measured is a necessary prerequisite of any further progress and a highly valuable antidote to those interpretations, all too common in national income literature, where the wish is the unrecognized father of the thought.

SIMON KUZNETS

See: INCOME; NATIONAL WEALTH; DISTRIBUTION; PRODUCTION; CONSUMPTION; STANDARDS OF LIVING.

Consult: For the concept of national income, in addition to the references in the article on INCOME, see: Smart, W., *The Distribution of Income* (London 1899) bk. i; Loria, A., *La sintesi economica, studi sulle leggi del reddito* (Turin 1909), tr. by M. E. Paul (London 1914); Pigou, A. C., *The Economics of Welfare* (3rd ed. London 1929) pt. i, chs. iii–vi; Stamp, J. C., *Wealth and Taxable Capacity* (London 1922) ch. ii, and *British Incomes and Property*, London School of Economics, Studies in Economics and Political Science, no. 47 (new ed. London 1920) ch. xii; Bowley, A. L., and Stamp, J. C., *The National Income, 1924* (Oxford 1927) ch. v; Bowley, A. L., "The Definition of National Income" in *Economic Journal*, vol. xxxii (1922) 1–11; Shah, K. T., and Khambata, K. J., *Wealth and Taxable Capacity of India* (Bombay 1924) bk. i, pt. i, chs. iii–v; Winkler, W., "Einkommen" in *Handwörterbuch der Staatswissenschaften*, 8 vols. (4th ed. Jena 1923–28) vol. iii, p. 367–400; "Beiträge zur Wirtschaftstheorie," ed. by Karl Diehl, Verein für Sozialpolitik, *Schriften*, vol. clxxiii, 2 vols. (Munich 1926–28) vol. i; Hermberg, P., *Volkswirtschaftliche Bilanzen*, Probleme des Geld- und Finanzwesens, vol. v (Leipsic 1927) p. 24–34; Kats, Vladimir, *Narodny dokhod SSSR i ego raspredelenie* (National income of the U.S.S.R. and its distribution) (Moscow 1932) chs. i–iii; Falkner, S., "Ponyatie narodnogo dokhoda i ego elementi" (The concept of national income and its elements) in *Sotsialisticheskoe khozyaystvo*, vol. vii, bk. iv (1929) 65–104.

For estimates of national income for various countries, in addition to references in Table I, see: Stamp, J. C., "The Wealth and Income of the Chief Powers" in his *Current Problems in Finance and Government* (London 1924) p. 271–335; Winkler, W., "Volkseinkommens, Statistik des" in *Handwörterbuch der Staatswissenschaften*, 8 vols. (4th ed. Jena 1923–28) vol. viii, p. 746–70; Fisk, H. E., "Some New Estimates of National Income" in *American Economic Review*, vol. xx (1930) 20–27.

For the frequency distribution of income, in addition to references cited in Tables II–VI, see: Pareto, Vilfredo, *Manuale d'economia politica* (Milan 1906); Gini, Corrado, *Variabilità e mutabilità*, R. Università di Cagliari, Facoltà di Giurisprudenza, Studi Economico-Giuridici, vol. iii, pt. ii (Bologna 1912), *Indici di concentrazione e di dipendenza*, Biblioteca dell' economista, 5th ser., vol. xx (Turin 1922), and "The Contributions of Italy to Modern Statistical Methods" in Royal Statistical Society, *Journal*, vol. lxxxix (1926) 703–24; Ricci, U., *L'indice di variabilità e la curva dei redditi* (Rome 1916); Savorgnan, F., *La distribuzione dei redditi nelle provincie e nelle grandi città dell' Austria* (Trieste 1912); Bresciani-Turroni, C., "Kritische Betrachtungen über einige Methoden der Einkommenstatistik" in Austria, Statistische Zentral-Kommission, *Statistische Monatschrift*, n.s., vol. xx (1915) 1–30; Pigou, A. C., *The Economics of Welfare* (3rd ed. London 1929) pt. v, chs. i–ii; Lorenz, M. O., "Methods of Measuring the Concentration of Wealth" in American Statistical Association, *Publications*, vol. ix (1904–05) 209–19; Persons, W. M., "The Variability in the Distribution of Wealth and Income" in *Quarterly Journal of Economics*, vol. xxiii (1908–09) 416–49; Young, A. A., "Do the Statistics of the Concentration of Wealth in the United States Mean What They Are Commonly Assumed to Mean?" in American Statistical Association, *Publications*, vol. xv (1916–17) 471–84; Dalton, Hugh, *Some Aspects of the Inequality of Incomes in Modern Communities*, London School of Economics, Studies in Economics and Political Science, no. 59 (new ed. London 1925); Wedgwood, J. C., *The Economics of Inheritance*, London School of Economics, Studies in Economics and Political Science, no. 98 (London 1929); Money, Leo Chiozza, *Riches and Poverty* (10th ed. London 1911); Bowley, A. L., *The Division of the Product of Industry, an Analysis of National Income before the War* (Oxford 1919); Bortkiewicz, L. von, "Die Disparitätsmasse der Einkommensstatistik," and Savorgnan, F., "Di alcuni metodi per misurare la distribuzione dei redditi in Austria, (1903–1910)" in Institut International de Statistique, *Bulletin*, vol. xxv (1931) pt. iii, p. 189–298 and 331–57; Angelopoulos, A., *Die Einkommensverteilung im Lichte der Einkommenssteuerstatistik*, Probleme des Geld- und Finanzwesens, vol. xii (Leipsic 1931); Yntema, D. B., *The Measurement of Inequality in the Personal Distribution of Wealth or Income* (typewritten, University of Michigan, 1931); Beckwith, E. R., *Inequalities in the Distribution of Income, Their Meaning and Measurement* (typewritten, Harvard University, 1924); Gibrat, R., *Les inégalités économiques* (Paris 1931).

NATIONAL LABOR UNION. *See* TRADE UNIONS, section on UNITED STATES.

NATIONAL LIBERAL PARTY, GERMANY. *See* PARTIES, POLITICAL, section on GERMANY.

NATIONAL MINORITIES. *See* MINORITIES, NATIONAL.

NATIONAL PARKS. *See* PARKS.

NATIONAL SOCIALISM, GERMAN. The National Socialist movement in Germany is a product of the post-war period. It can be understood only as the result of the dictates of the Treaty of Versailles, involving as it did loss of territory, lowering of military prestige, invasion of the Ruhr and reparation burdens, and bringing in its wake such economic consequences as

inflation, the destruction of the independent middle class, distress among the professional classes and unemployment among the youth.

The words national and socialism had been combined by Friedrich Naumann in the early part of the twentieth century. Naumann's aim was to incorporate the proletarian classes into a democratic state and thus to overcome the Marxian doctrine of class struggle. His partisans, however, never comprised more than a small group of intellectuals, quite different from the great mass following which has come to center around Adolf Hitler. Both the National Socialism of Hitler and the theories of Naumann are at one in regarding the working and agricultural classes as the most important elements in the development of the state. But Hitlerism is more instinctive; it is not based on any rational considerations. Psychologically it is grounded in the pain of the loss of the war and the accompanying phenomena of the German breakdown. The soldier's individual experience of unbounded disillusionment became fixated in a simplified view of post-war history. According to this view Germany was defeated in 1918 not by the superior force of the enemy's men and supplies but by the ill will of certain German groups which, through strikes and uprisings, made victory or the continuation of the struggle impossible. From this interpretation originated such expressions as "dagger thrust from the rear" and "November criminals." The psychological effect of such a representation of historical facts was immeasurable. With the passage of time the influence of this interpretation increased, particularly among the younger people, who came to feel that Germany's unlimited heroic achievements during the war met with defeat at the hands of the internal rather than the external enemy. This internal enemy came to be identified with Marxism, with internationalism, with the pacifist manifestations and aspirations of the Social Democratic party and its adherence to the theory of the class struggle, and with Judaism.

The ideology of National Socialism represents a convergence of several strains in German political and social thought. The writers most frequently mentioned in National Socialist literature are Adam Müller, Houston Stewart Chamberlain, Oswald Spengler and Othmar Spann. From Adam Müller and the romantic movement there has been derived an emotionalist philosophy of irrationalism, an attack on the so-called liberal principles of the French Revolution and a vague groping toward a corporate and organismic view of the state. This has been reenforced by the neoromanticism of the school of Spann. Spengler, with his attack on liberalism and democracy, his identification of Prussianism with socialism and his heralding of the advent of a new Caesar, has been especially influential among the academic youth. The emphasis on racialism and antisemitism goes back to the influence of writers like Chamberlain, Paul Lagarde and Adolf Stöcker and, in the case of Adolf Hitler himself, to the influence of Karl Lueger. By birth an Austrian, Hitler was influenced in his youth by the anticapitalist and anti-Marxist petty bourgeois antisemitism of Lueger, which regarded both Marxism and capitalism as essentially products of Jewish thought. This antisemitism, at first primarily negative in character, received its ideological elaboration at the hands of National Socialist publicists such as Alfred Rosenberg and Hans Guenther, who placed particular emphasis upon the racial factor and the concept of "Germanic" and Nordic types.

The economic features of the National Socialist program are vague. To Marxism is opposed a "German socialism." The formula of general welfare before individual welfare is more a socio-ethical postulate than a systematic economic formulation. In the early editions of the so-called Twenty-five Points, which represent the official formulation of the National Socialist program and which have been labeled as "immutable," the "liberation from interest bondage" (*Brechung der Zinsknechtschaft*) occupied a prominent place. This is the agitational formula of the monetary theory of Gottfried Feder, which is based on the following simple ideas: the state as the possessor of sovereign power over the issuance of money is not obliged to assume interest obligations for the loans which it floats; it can issue non-interest bearing government certificates to cover the necessary expenditures, whose value will consist in the backing of the state and whose yield will serve to redeem the expended money within a definite period. As the National Socialist movement lost its character as a "sect" this monetary theory, formerly called the hub of the movement, lost its significance and met with opposition even within its own ranks. The attitude toward the system of private capitalism is not clear. Private property and private initiative are recognized, but the nationalization of the great industries and the credit system (the Reichsbank and the

big banks) has been demanded, at least theoretically. Generally speaking the movement is oriented toward a policy of home economy, is mistrustful of international world economy and is favorably disposed toward economic autarchy. There is undoubtedly also a vague anticapitalist spirit, although the more radical proletarian elements under Otto Strasser seceded from the party in 1930 and formed their own organization, now known as the *Schwarze Front*.

The political expression of the National Socialist movement is the National Socialist German Labor party (*Nazionalsozialistische Deutsche Arbeiterpartei*, abbreviated as Nazi), the organization of which is direct and hierarchical. The leaders of the various subdivisions of the party are not chosen by the membership but are appointed by the central headquarters. Hitler, despite many difficulties, has succeeded in securing for himself the supreme power over this machine. The *Sturm-Abteilungen* (*S. A.*) and the *Schutz-Staffeln* (*S. S.*), originally organized for the protection of party meetings and as guards for the leader, represent the nucleus and most militant elements in the party. Modeled after Mussolini's "black shirts," they are organized in a military fashion, although they have no real military training, and are bound to unconditional obedience to the leader. By the setting up of National Socialist occupational groups and cells in the labor unions and by the creation of a large press and propaganda organization, the party has succeeded in penetrating effectively into the most varied elements of German society. Whereas the membership originally consisted of the proletarianized middle class and of embittered military officers it has, with the increasing distress in agriculture, penetrated into the agrarian districts and absorbed the old agrarian parties. It also enlisted many of the young workers and officials but did not make much headway among the industrial trade unions. It has been particularly successful among young intellectuals, who have been attracted by the nationalist ideology, and its emotional appeal has been largely responsible for its influence among the women.

Officially, the party has always been financed by voluntary contributions. Much revenue has been derived also from admission fees to party meetings, a custom first established by the National Socialists. Naturally these funds could not suffice to pay for such large enterprises as buildings and newspapers. The extent and source of the additional funds cannot, however, be determined and they have been the subject of many rumors.

The question of the form of government is considered of secondary importance in the movement; republican and monarchist currents exist side by side. It is, however, antidemocratic and above all antiparliamentarian. The laborious, sober and often unsuccessful tasks of the republican Reichstag—the liquidation of the war, the Ruhr invasion and the reparations payments—often led to unpopular measures which were attributed not to general historical conditions but to the "government system." Majority will and compromise were thrust aside and the idea of a "leader" was propagated. Hitler had made a vain attempt to seize power by violence in Munich in the fall of 1923 and thereafter followed the "legal" way which led in 1933 to his assumption of power. He made use of the most rational means to arouse thoroughly irrational forces. By all the instruments of popular democracy he was able to create a mass antidemocratic movement centering around him as the leader. Despite a temporary setback in the Reichstag elections in November, 1932, Hitler was called to the chancellorship on January 30, 1933, and assumed control of the government in a coalition with the Nationalist party led by Alfred Hugenberg. New Reichstag elections on March 5, 1933, gave the coalition the necessary majority and the National Socialist party has since then firmly intrenched itself in control of the country. All opposition has been crushed, the governmental administration has been centralized throughout the land and many points of the party program, particularly those of a racialist character, have been put into effect. It is hardly possible to appraise at this time either the national or the international consequences of the Nazi revolution. The chief problem with which the movement and its leader are faced is to adapt their primitive identification of party, nation and state to the enormous spiritual, religious, economic and regional complexities of German society.

THEODOR HEUSS

See: PARTIES, POLITICAL, section on GERMANY; NATIONALISM; ROMANTICISM; FASCISM; SOCIALISM; ECONOMICS, section on ROMANTIC AND UNIVERSALIST ECONOMICS; RACE; ARYANS; ANTISEMITISM.

Consult: Heuss, Theodor, *Hitlers Weg* (Stuttgart 1932); Heiden, Konrad, *Geschichte des Nationalsozialismus* (Berlin 1932); *Zwischenspiel Hitler. Ziele und Wirklichkeit des Nationalsozialismus* (2nd ed. Vienna 1932); Mowrer, Edgar Ansel, *Germany Puts the Clock Back* (New York 1933). The most important works

by National Socialist writers are Hitler, Adolf, *Mein Kampf*, 2 vols. (16th ed. Munich 1932); Feder, Gottfried, *Der deutsche Staat auf nationaler und sozialer Grundlage* (5th ed. Munich 1932); Rosenberg, Alfred, *Der Mythus des 20. Jahrhunderts* (4th ed. Munich 1932).

NATIONAL WEALTH. The word wealth has many meanings. It may be used to describe the condition of an individual who has at his disposal, without the necessity of exertion, an abundance of the means of enjoyment. In this sense a country may be called wealthy if its inhabitants are provided with many free gifts of nature. While, however, the possession of the necessities of life without expenditure of effort contributes to the well being of the inhabitants and has great social and cultural importance, it is in principle contradictory to the idea of economic relations, which imply choice between limited goods. Such wealth moreover is not susceptible of measurement and comparison, apart from the fact that there is no standard gauge of enjoyment. On the other hand, the scarcity of many goods relative to the need for them—the situation which gives rise to economic problems—has for centuries raised the question as to how and in what measure a state may amass a stock of goods which are generally valued but limited in supply and which hence constitute a factor of material ascendancy either for the individual owners or for the nation as a whole. Wealth in the form of such an available stock is in the strictest sense an economic factor. And just as the economic process involves the calculation and comparison of goods which are desired but scarce, so wealth in this sense, the result of the economic process, must appear in a calculable form. The basis for such calculability is the market, with its determination of prices and its use of the money system as a general standard of measurement. The expression of the results of the economic process in monetary terms furnishes not only the reason but the presuppositions basic to the inquiry into the existing wealth of an economic system expressed as a total. Closely related to this concept is the idea of the resulting social power or influence of the individual or nation possessing wealth.

It was not by accident that the question of the relative wealth of nations arose in Europe just when feudalism was disappearing and the power of the rising territorial principalities was coming more and more to be based on money revenues needed especially for the payment of soldiers and officials. As taxation became more widespread, greater significance attached to that total fund of moneyed property which served as its source. The ascendancy of mercantilist doctrines moreover led statesmen and economists to stress the importance of a national supply of money and goods. Later the advances in means of communication and the increasing division of labor resulted automatically in the augmented exchangeability of every stock of goods convertible into money—all the more as closer legal and economic relations worked toward an international credit system and permanent participation by one country in the economic affairs of others. For all such international relationships the aggregate of economic goods possessed by any country—expressed in money—becomes an important quantity, a basis of power of tremendous and growing significance. This significance is manifested in the increasing division of nations into creditors and debtors, into entrepreneurs and rentiers, into countries with fluctuating or those with stable financial requirements. Since the World War England and the United States have provided outstanding illustrations of the economic and political influence which a nation may derive from its total monetary wealth. National wealth then in the narrow, accepted sense is the exchange value sum of the total supply of goods of a country expressed as a unit in terms of a general standard of measurement—today, money. For certain purposes it may be merely a summation of actual objects; as a rule, however, the important problem is that of the purchasing power of this supply of goods.

Certain aspects of the concept of national wealth require further elaboration. In the first place it should be stated explicitly that the concept is that of the total of individual possessions; it does not mean publicly owned wealth but rather all economic goods possessed by members of a given nation. The question arises as to whether the possessions of foreigners within the state as well as the foreign possessions of nationals should be included. The idea basic to the concept of national wealth is the extent of the material preponderance a people can exert in the international economic system as a result of its total supply of economic goods. In this respect the property of foreigners within the state plays a variable role. For many nations this will balance more or less with the property of nationals abroad, so that it is possible to ignore the nationality of the owner and merely to calculate the sum of the objects within the country. This, for example, is the method employed by

the United States Bureau of the Census. A distinction between "national wealth" and "wealth within the borders" must, however, be made for countries like Switzerland, in which the preponderance is on the side of property owned by foreigners.

Objects included under national wealth may be either material or immaterial, as, for instance, advantages of position, of productive efficiency or of monopolistic control. The decisive feature is that they can command a price in the market and be converted into monetary terms. Economic goods do not include rights as such; rights are only the forms of such goods. If double counting, however, is to be avoided, even these should be counted into a total representing national wealth only if the tangible items which they represent have not already been included or if corresponding obligations have been considered elsewhere as negative factors. A further point to be noted is that it is logically unsound to maintain that national wealth embraces any classes of objects not regarded as individual wealth. Thus it is inconsistent to hold that ethical goods, such as loyalty, discipline, development, integrity, should be included under national wealth when they would not be counted as individual wealth. When the term wealth is used in the strict economic sense, such goods will not be included in either case. Wealth or national wealth is the sum of economic goods, of price commanding commercial objects, and is conceptually different from and narrower than the sum total of productive or cultural forces. Both concepts are important, for the individual as well as for the nation, but it is illogical to apply the one term wealth to the latter concept in one case and to the former in the other.

A number of authors have denied the validity of the concept of national wealth as it has been set forth here. Some, like von Gottl-Ottlilienfeld, contend that it is meaningless to add together the commercial values existing at any given moment into one total without taking into account the fact that all these goods could never be sold simultaneously and possess any such value. Others, like Spann, argue that the particular character (*Gliedcharakter*) of the individual goods in relation to the whole does not receive adequate expression in such a mere summation. The first objection is in principle applicable to any evaluation of a supply of goods. It can be pointed out in reply that the great mass of value estimates, such as are found, for example, in the balance sheets of industrial enterprises and relate to stocks for long periods, are based on the assumption of continuation of regular commercial relations and that only in particular cases is any simultaneous or complete liquidation contemplated. Such estimates are never challenged and express precisely the purpose for which they are drawn up. The same is true of the calculation of the total national wealth of a country, since here too the idea of a general liquidation is essentially irrelevant to the purpose of the concept. In answer to the second argument it may be observed that the particular function of the single objects in the economic units, in manufacturing enterprises, for instance, is generally well reflected in market price. It is the summation of those economic units and not of the individual parts which is important. Real difficulty is introduced into the concept of national wealth by the inclusion within it of factors which lie outside the bounds of economic goods commanding market prices. Indeed it is this misconception which has been responsible for the historical fluctuation in the scope of the concept. The English school of classical economics had a simple clear notion, that of the total sum of exchange goods. John Stuart Mill stated it thus: "Wealth may be defined: all useful or agreeable things, which possess exchangeable value; or in other words, all useful or agreeable things except those which can be obtained in the quantity desired without labor or sacrifice." The idea of the enjoyment of free goods or the possession of non-economic goods, which had already been introduced by H. C. Carey and has persisted to the present, has served to make the concept ambiguous and vague.

As soon, however, as any attempt is made to arrive at a statistical determination of national wealth, it becomes necessary to omit from consideration goods which have no exchange value. The first attempts to calculate national wealth were made in seventeenth century England, chiefly as an outgrowth of English economic rivalry with France and Holland. Thus about 1665 Petty calculated the national wealth as £250,000,000; Gregory King at the beginning of the eighteenth century arrived at the figure of £650,000,000 and fifty years later Hooke set it as £1,000,000,000. These early figures were for the most part based on more or less vague estimates. In the later and more exact studies made in various countries two statistical methods are to be distinguished: the objective and the subjective method. The first proceeds from an inven-

tc.y of the objects comprising wealth, grouped into different categories—land, buildings, machinery—the figures being derived as completely as possible from valuations current in the various branches of economic life, and the value of each group being arrived at through the use of average prices and added together to form the total. The subjective method derives the total national wealth from a summation of the value of individual possessions, calculated chiefly from taxation statistics.

The particular advantage of the objective method is that it reveals clearly the detailed constitution of the total national wealth, which may be of vital significance for further analysis. Thus, for example, it makes considerable difference whether a large or a small part of the national wealth consists of immovable goods and whether these are of stable or fluctuating commercial value and so forth. On the other hand, an obvious weakness of the objective method is the fact that the estimates of value which it uses must be made by outside statisticians. Under the subjective method, however, the individual owners of wealth or, if necessary, special experts provide the figures. In this way complexes of economic goods which are used as a unit are evaluated according to the significance of the combination and not according to that of the individual parts. Thus the value of the objects in a factory is not expressed merely as the sum of the individual items, but rather as that of a closed unit based on the economic function of the whole enterprise and on its earnings represented by the exchange value of its shares. The major part of the wealth in circulation today is in fact appraised and sold according to its particular place in the economic system, chiefly through a capitalization of average annual earnings. The mere addition of the individual items in a business enterprise would not as a rule yield a value figure nearly as great as that of the enterprise as a whole. On the other hand, extensive aggregation and centralization sometimes result in the decrease in value of the particular items, when their value as separate units is compared with the economic yield of the combination. In either case the subjective method yields the better results, especially where a numerical value is desired and not a record of how wealth is constituted. But aside from its failure to present an objective picture it has a serious weakness in the low valuation deliberately set upon their property by many individuals in their tax declarations, as well as in the fact that many forms of wealth (public wealth, tax exempt consumption goods) do not allow for a declaration of value by the direct participants. In such cases the subjective method must be supplemented by the objective or by additional sums calculated and added.

Statisticians at first generally used the objective method. More recent work based on this method is that of Fellner for Hungary, Steinmann-Bucher for Germany, Gini for Italy, Théry and others for France and, with certain reservations, the publications of the United States Census Bureau. The census method, with its periodic counting of the population, sets up a definite framework of categories of goods into which the national wealth is divided. In the valuation of the individual categories, however, it relies as far as possible on the information from tax statistics, although it arrives at a more refined estimate of value by the use of a local and well oriented staff of appraisers. In this way the advantages of both methods are combined, up to a certain point. Since the United States Bureau of the Census estimates are restricted to private wealth, the Federal Trade Commission began in 1922 an attempt to complement this by an appraisal of public wealth, which had not been entirely completed by 1933.

The pioneers in the utilization of the subjective method were Adolf Wagner for Germany, Giffen, Chiozza Money and Josiah Stamp for England and de Foville for France. Helfferich made an estimate of the German national wealth in 1911, which he based on tax reports and various other materials. As a test of this estimate he also calculated the national wealth on the basis of fire insurance policies supplemented by additional figures reached by use of the objective method. The difference between the two estimates was 50,000,000,000 marks and the arithmetical mean of the two, 310,000,000,000 marks.

The results of a few of the more recent estimates are worth mentioning. Théry estimated the private wealth of France in 1912 at 302,517,000,000 francs; Gini set the Italian private wealth in 1914 at 110,000,000,000 lire. The private wealth of England for 1912 was set at £16,470,000,000 by Crammond and for 1914 at £14,319,000,000 by Stamp. The United States Bureau of the Census estimate for 1900 was $88,500,000,000; for 1912, $186 300,000,000; and for 1922, $320,800,000,000. (For further statistical information see the article by W. Winkler on "Volksvermögen" in *Handwörterbuch der*

Staatswissenschaften, vol. viii, 4th ed. Jena 1928, p. 770–86.)

A figure representing the total sum of material objects can be constructed by a but slightly variable inventory process. For the determination of valuation figures, however, there are a variety of methods, the choice depending largely on what materials for appraisal are available. In countries with well developed systems of property taxation this material is the primary source for information as to personal fortunes. The degree of accuracy of the results depends of course on the inclusiveness of the taxation and on the severity with which it is enforced. Another valuable source is the income tax based on a schedule system, as in England; as this material has been used by Giffen among others, those income groups which represent earnings on wealth are segregated and the incomes capitalized. Since there are many objects of wealth, either private or public, which yield no monetary return, either of these methods requires supplementation. An interesting method, based primarily on the French taxation system, is that developed by de Foville. His investigation rested on the idea that the entire private wealth of a country is transferred by inheritance during the course of one generation. He derived the total value of such wealth by calculating the average amount of annual transfer of inherited wealth and multiplying this by the number of years in a generation. To this sum he then added figures for non-private wealth derived in other ways. The danger of the method lies chiefly in the difficulty of making an accurate estimate of the average number of years through which a heritage survives the individual who bequeathed it. Moreover allowances should rightly be made for differences as between different social groups. More recent methods based on the ideas of de Foville are even more subject to the charge of resting on a narrow basis.

The scientific justification and significance of attempts to estimate national wealth in monetary terms are not negated by the very real difficulties of the problem. The same may be said of international and periodic comparisons of national wealth, although these present even greater limitations and disparities. Thus, for instance, one nation may have to expend huge sums to acquire certain consumption goods which in another land are obtained either completely or in part without cost, such as warmth in southern countries. In any comparisons of national wealth there must also be taken into account the fact that some of the values of the items comprising the total rest on narrow and others on broad market bases, as, for example, certain kinds of art objects at one end of the scale and grain at the other. Fashion and business cycles also give differential significance to totals. All such differences can be subsumed under the term market disparity. Differences in the valuation of similar objects in separate local markets are due largely to differences in individual purchasing power. There is one more factor of the greatest moment: the psychological attitude of a people determines, to a far greater degree than is generally supposed, which goods shall be brought within the bounds of the price system. In this respect modern capitalism is much more sensitive and far reaching than, for example, the mediaeval handicraft system. It might even be said that the commercial-capitalist outlook creates values out of dust. Differences in intensity of economic activity and thought result in the greatest differences in the extent to which values are expressed in monetary terms and therefore also in what is included in the sum of national wealth. Comparisons between different countries as well as between different periods are affected by this fact. It is easy enough to conclude that values once represented solid wealth but now stand only for shaky or even completely fraudulent structures. But this is not true, for there is a tendency in the general course of economic development for new objects continually to be drawn into the sphere of market transactions and price valuation and consequently for the bases of calculable wealth to shift and change. Despite all difficulties of definition and calculation, however, the importance of the concept of national wealth for an analysis of the economic and social position of different nations is likely to increase rather than to decrease.

M. R. WEYERMANN

See: NATIONAL INCOME; NATURAL RESOURCES; FORTUNES, PRIVATE; ACCUMULATION; PROPERTY; STANDARDS OF LIVING; PUBLIC WELFARE; MERCANTILISM.

Consult: "Volkseinkommen und Volksvermögen," ed. by Karl Diehl, Verein für Sozialpolitik, *Schriften*, vol. clxxiii, pt. i (Munich 1926); Popp, Fritz, *Die Bedeutung der Volksvermögensberechnungen* (Bayreuth 1929); Weinschenck, Fedor, *Das Volksvermögen*, Sammlung nationalökonomischer und statistischer Abhandlungen, vol. xiii (Jena 1896); Wagner, Adolph, "Zur Methodik der Statistik des Volkseinkommens und Volksvermögens" in Prussia, Statistisches Landesamt, *Zeitschrift*, vol. xliv (1904) 41–122; Fellner, Frédéric, "L'évaluation de la richesse nationale" in Institut international de statistique, *Bulletin*, vol. xiii,

pt. ii (Budapest 1902) p. 96–136; Foville, A. de, "Ce que c'est que la richesse d'un peuple et comment on peut la mesurer" in Institut International de Statistique, *Bulletin*, vol. xiv, pt. iii (Berlin 1905) p. 62–74; Mayr, Georg von, "Volksvermögen, Staatsvermögen und Statistik" in *Allgemeines statistisches Archiv*, vol. x (1916–17) 325–64; Weyermann, M. R., "Die statistischen Versuche einer Erfassung des Volksvermögens" in *Zeitschrift für schweizerische Statistik*, vol. li (1915) 54–70, "Sozialökonomische Begriffsentwicklung des Vermögens und Volksvermögens" in *Jahrbücher für Nationalökonomie und Statistik*, 3rd ser., vol. lii (1916) 145–214, and *Volksvermögen und Staatskredit in Krieg und Frieden*, Finanz- und volkswirtschaftliche Zeitfragen, no. 47 (Stuttgart 1918); Gottl-Ottlilienfeld, Friedrich von, " 'Volkseinkommen' und 'Volksvermögen' " in *Weltwirtschaftliches Archiv*, vol. xxvi, pt. i (1927) 1–96; Helfferich, Karl, *Deutschlands Volkswohlstand 1888–1913* (7th ed. Berlin 1917), English translation (New York 1914); Fellner, Friedrich, "Das Volksvermögen Österreichs und Ungarns" in Institut International de Statistique, *Bulletin*, vol. xx, pt. ii (Vienna 1915) p. 503–74; Gini, Corrado, *L'ammontare e la composizione della ricchezza delle nazioni* (Turin 1914); Foville, A. de, "La richesse en France" in *Revue économique internationale*, vol. iii, pt. ii (1906) 7–37; Théry, Edmond, *La fortune publique de la France* (Paris 1911); Giffen, Robert, *The Growth of Capital* (London 1889); Crammond, Edgar, "The Economic Relations of the British and German Empires" in Royal Statistical Society, *Journal*, vol. lxxvii (1914) 777–824; Stamp, J. C., *British Incomes and Property*, London School of Economics and Political Science, Studies in Economics and Political Science, no. 47 (new ed. London 1920), *Wealth and Taxable Capacity* (London 1922), *The Wealth and Income of the Chief Powers* (London 1919), and "The National Capital" in Royal Statistical Society, *Journal*, vol. xciv (1931) 1–30; Douglas, Paul H., "An Estimate of the Growth of Capital in the United Kingdom, 1865–1909" in *Journal of Economic and Business History*, vol. ii (1929–30) 659–84; Australia, Bureau of Census and Statistics, *The Private Wealth of Australia and Its Growth* (Melbourne 1918); King, W. I., *The Wealth and Income of the People of the United States* (New York 1915); Ingalls, W. R., *Wealth and Income of the American People* (2nd ed. York, Pa. 1923); Woytinsky, Wladimir, *Die Welt in Zahlen*, 7 vols. (Berlin 1925–28) vol. i, p. 153–236.

NATIONALISM

THEORETICAL ASPECTS. Nationalism in its broader meaning refers to the attitude which ascribes to national individuality a high place in the hierarchy of values. In this sense it is a natural and indispensable condition and accompanying phenomenon of all national movements. In so far as the political life of the national state is governed by national forces there is hardly ever any sharp distinction between patriotism and nationalism. On the other hand, the term nationalism also connotes a tendency to place a particularly excessive, exaggerated and exclusive emphasis on the value of the nation at the expense of other values, which leads to a vain and importunate overestimation of one's own nation and thus to a detraction of others. Nationalism of this sort stands in the same relation to national feeling or national consciousness as does chauvinism to genuine patriotism. Although it represents but one aspect of national movements, this narrower kind of nationalism, espoused by militant groups and often by mass parties, exercises an enormous political influence.

The concepts nation and nationality have been subject to two interpretations. According to one interpretation the tendency in national development has been to efface the boundaries between nation and state so that at a certain stage in democratic development states automatically become transformed into nations. Nationality thus implies the formal adherence of an individual to the state. Polish nationality, in this sense, includes all the subjects or citizens of the Polish state irrespective of the language they speak or the ethnic group to which they belong. Concretely the term nationality is here used to designate an undeveloped and non-independent national group which has not yet attained to national sovereignty. Nationalism therefore represents the tendency of the subject national group to achieve independence or, in the case of an already existing national state, to increase as far as possible the prestige and consciousness of power of the dominant nationality. Hence nationalism and the national movement appear as a continuation of the democratic movement which after achieving the elimination of all privileges and differentiations, of every form of aristocracy within its own midst, then sets up its own nation as against the outside world. Nationalism of this sort assumes an emotional character which easily becomes aggressive, thrives on the negation of other alien peoples and ethnic groups and rises to extreme forms of passionate hostility to all foreign manifestations. Although this type of nationalism has its origin in intellectual circles, it achieves its actual force and significance through its appeal to mass instincts.

In contrast to this political concept of nation and nationality there is the view of the nation as a more ethnic and cultural phenomenon. Differences in language and culture as well as variations in religion, race and customs result in the formation of social groups which, independent of political boundaries, constitute fundamental national units. Nationality thus signifies ad-

herence to a people rather than to a state. Whereas according to the political concept of nationality there is a definite Swiss nationality based on membership in the Swiss state, according to the other view every Swiss individual is of the German, French or Italian nationality, depending on his cultural and ethnic affiliations. Nationality in the concrete sense thus refers to a people or a group which, independent of its political aims, forms a totality relatively wider and more comprehensive in character. Thus the Ukrainian nationality in Poland includes all the Ukrainians in Poland and the Polish nationality in Europe all the Poles in Europe. It follows that not every modern state is to be identified with a nation, as implied in such an expression as League of Nations. The national state must be looked upon only as a particular form of political organization representing a synthesis of nation and state. There is no clear and unanimous opinion as to the exact nature of this synthesis. By some it is viewed as a complete identity of the territory of the nation with its political jurisdiction. A state which has not yet united with it all its co-nationals (e.g. the pre-war Italian *irredenta*) thus falls short of this ideal. A state of this kind should, however, be forbidden to possess jurisdiction over alien minorities or colonies (e.g. post-war Italy). In a similar sense the term national state may be applied to a state which pursues a policy of irredentism and assimilation of its foreign minorities. In this sense Italy has exhibited the characteristics of a national state both before and after the World War. A national state moreover is conceived to be a symbol and form of expression of the peculiarity of a particular people, having as its special mission the realization in history of all its predispositions and ambitions. Despite the fusion of nation and state in these conceptions, the distinction between the two is fundamental to the original idea of nationality. The absolutist dynastic state represented a type which was in no way legitimized by the idea of nation or nationality. There are, on the other hand, forms of nations, of smaller or larger magnitude and of greater or lesser development, which lack completely any political unity or form. Pure state and pure nationality represent the limits between which are realized specific syntheses of people and state in the form of national state, nation and nationality.

National feeling arises and becomes intensified as a result of a twofold process of isolation and contrast with respect to the outside world and cohesion and drawing together within. The result is not only the demarcation of one nation from another but also, as regards the individual, a struggle between the group consciousness of the nation and that of the church or other social groups. In this struggle the national ideal asserts itself as the bearer of a principle of solidarity *sui generis* against all other forms of group consciousness. The emergence into consciousness of unconscious evaluations through contrast and emphasis of appeal becomes a dynamic factor of first magnitude in times of political instability and transmutation of values. Under the stress of such conditions the principle of nationalism penetrates into spheres which normally are beyond the scope of national differentiation, such as those of absolute religious belief, or else it must defend itself against the encroachment of religious, economic or political interests upon the legitimate realm of national being. The continued existence of nations depends too not only on their physical growth but also on their self-assertion in the world of nations around them. They may increase through assimilation and infusion of alien national elements as well as by accretion of their own national powers. Their decay and disappearance likewise come about not only in the form of physical extinction but also through relative loss in world prestige and importance, through alienation of elements within their own national groups, through emancipation of particular separatist groups or, finally, through the dissolution of the national entity into independent nations, as, for example, in the decline of the Roman Empire through the emergence of the Romanic nations.

National character is one of the most significant factors in the more precise and pronounced elaboration of modern nationalism. The rather uncritical assumption that peoples have a common character and that national characterization is therefore possible is very old and ineradicable. Scientific travelers, historians, poets, members of military expeditions and tourists have always attempted to present their impressions of foreign countries and foreign peoples as descriptions of national character. Genetic explanations of these national characters thus precede critical reflection as to whether and how far the hypothesis of the existence of national character is at all tenable. On the other hand, those who criticize the acceptance of the idea of national character have also not distinguished clearly enough between the various aspects of the problem: whether clear and un-

mistakable characterizations of nations are possible or whether perhaps in the theoretical and practical relations between nations there is a presupposition of national character although it can never be exactly determined. That there is at least a relative uniformity and constancy in the attitude of a nation is hardly to be doubted. The determination of national character in this sense, however, is rendered more difficult by the fact that there are also common attitudes characteristic of an age as well as of groups and individuals; national character is thus but a partial factor which cannot be isolated for observation and description. A particular difficulty in ascertaining and determining national character arises out of the fact that it is applied not to the average but to the typical, and in a wide sense to the ideally typical, attitudes of a people. It is therefore dependent on the social relations of the period particularly with regard to the domination of one or another social group within the nation.

The question of the immutability of national character which has been so passionately affirmed and denied is in great part a mere exercise in terminology. Socially dominant characteristics of a people are historically mutable and the historical identity of a people is not destroyed by such change. A complete constancy of national character therefore can hardly be maintained. Single characteristics of a people, however, often show extraordinary powers of survival and self-assertion. But it would be a *petitio principii* to consider that only these factors make up the completely immutable national character. An exact determination of national character would then be impossible, for its constancy would have to extend not only into the past but also into the future, so that the "proofs" would be in the nature of prophecy as well as of historical analysis.

In its wider aspects the question of the permanence of national character is linked up with attempts to explain it. Those who adhere most closely to the theory of the permanence of national character attempt to make race or blood mixture the determining factor. They hold that all changes in the racial basis of a people, such as those brought about by the absorption of an alien racial element in colonial possessions, would result in a corresponding alteration of national character. Considerations of this sort are also basic to antisemitism in many European countries and to the movement against the infusion of alien racial elements in North America. There is, on the other hand, an explanation of the peculiarity of race and, above all, of national character which proceeds from more or less variable environmental influences. Climate, stressed in antiquity by Hippocrates, Galen, Strabo, Vitruvius and Cicero, was taken up by Montesquieu and Herder during the era of Enlightenment as an explanation of national character. Other theories which interpret national character as variable and as an outgrowth of historical conditions emphasize the habitudes which arise from political, religious, social and economic situations.

The idea of national spirit or national genius in Montesquieu's writings and in the French Enlightenment and of *Volksgeist* in the works of Herder, the German romanticists and of Hegel has a certain affinity with the idea of national character. The German writers particularly view the *Volksgeist* as a metaphysical hypostatization whereby the history and culture of a people can be traced to one common root. Whereas the idea of national character has been of greater influence on the emotional relations between peoples, the doctrine of *Volksgeist* has proved to be very fruitful in philosophy and in the social sciences and has aided in bringing about a greater mutual understanding between peoples. This influence, however, has pervaded only the intellectual classes and has been without any practical political consequences. Through Hegel the concept of *Volksgeist* was diverted into étatism and moreover, by being made to correspond to his dialectical system, was robbed of its richness and vitality. During the course of the nineteenth century the theory of *Volksgeist* was more and more discredited by empirical skepticism. Less precise concepts, such as "French spirit" or "the genius of the Roman Law," came into use and the idea of the character of an epoch came to displace that of national character.

Theorists of nationalism have ascribed great significance to the factor of territory and territorial conditions. The mystical element of the association of earth with the cult of the dead has been particularly strongly emphasized in the more recent French nationalism represented by Barrès. The belief in absolute autochthony or relatively earlier settlement within a given territory and the idea of original settlement still play an enormous role in the struggles between nationalities. Such arguments are brought forward in justification of the revolutionary agrarian measures in eastern central Europe. Love

of homeland is an ethical concept fundamental to all nationalism. In regions of mixed nationality, however, this idea may serve as a unifying element for rival nationalities and also as a check on the development of a conscious and too ardent nationalism. There is thus both a sympathetic and an antagonistic relationship between nationalism and regionalism, in so far as the latter represents more than the mere yearning of an uprooted urban population for its native home. A healthy nationalism makes use of this feeling of local attachment and finds in it an effective counterpoise, for it is conducive to nationalism of a defensive and intensive rather than of an aggresive and extensive nature. On the other hand, because of their tendencies toward decentralization, their emphasis upon cultural factors and a certain type of pacifism, regionalist or federalist currents are looked upon with suspicion by the political nationalist movements of the great states. Indeed the restriction of national feeling to a local region may lead to eventual dissolution of the greater national unity.

The national frontier, or border region, is the symbol of the territorial contiguity of nations and thus a particularly vital factor in modern nationalism. A linear border is said to exist where the territories of the individual nations touch each other; often the mutual pressure is so great that this border acquires a dynamic character. A border zone is a region where the settlements and spheres of influence of the peoples are so intermingled that the boundaries separating the nationalities are identical with the barriers of religion and social groupings. In such a common territory the only actual boundaries are those set by the social relationship of the nationalities. Border populations are usually imbued with a particularly militant nationalism, for here the contrast to an alien people and an alien culture is more generally apparent. At the same time, however, it is practically possible in such regions for individuals, families and groups to change their nationality. Through widespread bilingualism as well as through intermarriage and other manifestations of binational life an individual may easily drift into that hazy transition stage of nationality which is but a step from becoming a renegade. These may, on the other hand, lead also to an overemphasis of national antagonism. This "pathos of the border regions" is the connecting link between the border regions and the capital city of a country. For the capital, as the focal point for all the vital energies of a people, is also the rallying point of its expansive forces. A threat to the safety of the border is thus looked upon as a menace to the whole nation. The chief nerve centers of nationalism are therefore the border regions and the central region. The intervening districts are less affected by nationalism.

Nation and territory are brought into contact not only by the static phenomena of settlement but also through the dynamic factor of population movements. The territory of a nation may be altered radically through movements of populations, as in the case of the great migrations, or it may increase or shrink through emigration or colonization. The result of such proceedings is the conversion of nationally homogeneous territories into mixed regions in which the relations between the rival nationalities as well as their numbers will be subject to change in accordance with their power, culture and economic influence. Just such regions, however, which often become the battle grounds of century long national struggles, assume particular importance for the nationalism of the peoples concerned, for they come to serve as barometers of their national prestige.

National cohesion of widely scattered regions and populations and protection against national particularism and disruption, as in the case of the Spanish colonial empire in South America, depend on numerous factors including profound and many sided relationships firmly rooted in tradition. Together with the development of such immanent tendencies as economic intercourse, nationalism also develops a sort of territorial symbolism conducive to what may be called a secularized form of pilgrimage. This nationalist symbolism has a distinctly historical character and serves to intensify the group solidarity by the revival of national traditions. The objects of such pilgrimages are sites of important incidents in national history—battlefields, places of birth or death of national heroes and ruins. The transference of this symbolic significance to geographical districts which are also scenically attractive, as, for example, the Rhine for romantic Germany during the nineteenth century, is merely a secondary and relatively insignificant accompanying phenomenon. It is not the most beautiful section of the Alps which comes to possess the greatest symbolical significance for German nationalism but rather the south Tyrol, which is historically and ethnographically most significant for the German national consciousness. Any restricted region,

in particular one's own native birthplace, may thus come to represent the wider national symbol. The more circumscribed homeland toward which the yearning of the uprooted is directed becomes in the basic nationalist experience the particular territorial symbol of the fatherland or the national territory as a whole. This gives rise to a close connection between nationalism and regionalism in contrast to the centralistic tendencies of a purely political nationalism.

Perhaps the most important factor in modern nationalism is language. The concept of a mother tongue has made language the source from which springs all intellectual and spiritual existence. The mother tongue represents the most suitable expression of spiritual individuality. The development of philology since the middle of the eighteenth century cannot be understood without this basic supposition according to which language is represented as the key to the most essential characteristics of a people and its culture. A people not only transmits the store of all its memories through the vocabulary of its language, but in syntax, word sound and rhythm it finds the most faithful expression of its temperament and general emotional life. The rare cases wherein a people has retained its individuality despite the loss of its language do not disprove the conviction of a people or national group that they are defending in language the very corner stone of their national existence. The encouragement of dialect is somewhat analogous to the regionalist cult of the local homeland. Its exaggeration leads to a dissolution of the nation into smaller component parts, which may remain independent for a longer or shorter period and thus jeopardize the greater national idea. The development of a linguistic particularism, such as the Afrikaans as opposed to the Dutch, the American to the English, the Pennsylvania Dutch or Luxemburgian to High German, is a symptom which reveals, even outside the realm of language, divisions and separations from earlier and more comprehensive social groups.

Language is particularly important for nationalism in that it is the object of social and political conflict. This language conflict cannot be explained as a rational phenomenon regulated by practical utilitarian considerations. Where such considerations do predominate, the basic nationalist suppositions are absent and very few serious clashes result. Essentially these conflicts spring from national pride, honor and prestige as well as from tendencies toward national survival and expansion. The conflict is usually concerned with the public use and official toleration of the language in the church, in legal affairs and administration, in intercourse and in economic relations. Further it is concerned with the possibility of propagating the language through schools, organizations, clubs and other institutions and of defending it against attempts to suppress and supplant it. Here too, in addition to the kind of nationalism which defends its language as the central symbol of national life, there is also an aggressive nationalism which seeks to suppress other languages and to disseminate and exalt its own.

Names represent a phase of language especially emphasized by nationalism. There are regions of mixed nationalities in which there are two rival sets of names for cities, rivers, mountains and the like. The use or disuse of one or the other leads to the growth of definite national claims, of either a cultural or political character, which assume a popular symbolical significance. The national affiliation of individuals or families is often indicated by their choice of first names or by their modification of surnames either voluntarily or by compulsion. Nationalism thus develops a definite moral code whereby individuals, officials and the state are constrained to give theoretical or practical recognition to the national relevance of names.

Closely related to language is the script. Among civilized nations there are many more languages and peoples than there are scripts. But the contest between the Latin and the Gothic script in Germany and between the Latin and the Cyrillic script in some of the eastern and southern Slav countries has taken on a nationalist character. The Irish have given expression to their national emancipation from the Anglo-Saxons by the revival of their ancient script. On the other hand, nationalism in modern Turkey has led to the abolition of the Arabic script. Among some of the smaller east European nations—the Czechs, the Latvians, the Estonians—the transition from the Gothic to the Latin script was a definitely nationalist act, a protest against the German influence which had hitherto prevailed.

The dominant position of language in national conflicts arises from its utter incompatibility. There are few practical possibilities of using several languages simultaneously or of mixing their elements. People are thus more constrained to make a decision in the case of language than

in matters of custom, gesture or thought. Above all language is the material basis of all higher forms of cultural and spiritual life and of the science and literature of a people. It undoubtedly represents the strongest and most significant bond which unites the various cultural expressions of a people.

Another important and highly volatile factor in modern nationalism is religion. Under primitive conditions an intimate connection between national or tribal religion and the consciousness of solidarity of the given ethnic group is both possible and normal. In fact the primitive forms of nationalism may be understood as religious phenomena. In the nationalism of the more civilized peoples of the world the problem is determined by the strong tension which arises between a religion to which is ascribed a fundamentally universal, supranational and absolute character and the quasi-religious emotional atmosphere of a particular nation. Generally it may be said that a form of religious life which is rigidly bound by dogmas and ecclesiastical institutions is an obstacle to the expansion of religion into other fields of activity. A formless and less authoritarian Christianity offers greater possibilities of development to syncretism and also to adulteration by nationalism.

A closer analysis, however, reveals that in the legitimate sphere of the Christian religion and even more in Judaism and Islam there is a starting point for nationalism. It is only the dogma or the objective creed of the religion which is strictly supranational. The fulfilment of the religious spirit in the cult of the church community or in the inner life of the individual undoubtedly allows for differentiation in the national religion. The great difference, for example, between Catholics and Protestants with regard to the significance of the mother tongue (despite the occasional concessions of the church to Ukrainian and Armenian Uniats) now begins to disappear as the Catholic church no longer attempts to bar national influences from the religious service. In the question of religious instruction in the mother tongue Catholicism represents theoretically and also in practise an attitude which can be thoroughly harmonized with a moderate form of nationalism. On the other hand, it is just this confessional variation within Christianity which is very important for nationalism, since the national opposition is raised likewise into a transnational and absolute sphere and evinces a tendency to fanaticism. Such possibilities are always present where national and confessional opposition appear simultaneously within any sort of complex of peoples. Particularly in the past, as, for example, in the Anglo-Irish antagonism or the German-Czech opposition during the Hussite period, it is not easy even for the historian to distinguish clearly between the religious and the national elements. Religious proselytizing in the Balkans inspired by Russia during the first half of the nineteenth century was designed to pave the way for the nationalist activities of pan-Slavism. Whereas the antisemitism of the Middle Ages was grounded on a religious basis and was appeased by the conversion of the Jews, the racial or nationalistic antisemitism of today passionately opposes change of faith as mimicry.

When Christianity sought to wipe out the existing religions of the pagan tribes and peoples it merely forced these strong religious energies into a secondary channel of apocryphal religiosity and so-called superstition. Actually these peoples never completely surrendered their need to ground their national consciousness in religion. Military oaths, presentation of colors, field services or religious services on national memorial days are but illustrations of a concrete and far reaching connection between nationality and religious life even among the Christian nations. The complex and deeply rooted relationship between nationalism and the church is exemplified among the Poles, the Flemings and the Irish. General Foch, at the close of the World War, placed his sword on the altar of the Virgin Mother of Lourdes; and the canonization of Joan of Arc by the Catholic church lent strong support to French nationalism. Religion and nationalism are even more closely connected among Greek orthodox nations, like the Serbs, who revere as saints most of their national heroes and dynasties.

Very often the more orthodox elements in Christianity take a stand against this intermixture of the religious and national spheres and withdraw into the narrower sphere of pure religion. Thus the atheistic Catholicism propagated by Charles Maurras and the Action Française was no longer tolerated by the church even though this movement supported Catholic interests in lay France. German Catholicism has always remained aloof from nationalism. A corresponding attitude is also developing today in German Protestantism, especially as a reaction against the encroachment upon the Protestant churches by the National Socialist movement. This has resulted in the develop-

ment of sectarian communities, some of which have taken a position of sharp opposition to Christianity and have sought to arouse and stimulate a national religion out of the elements of the old mythical religions. An extreme example is the *Tannenbergbund* of Erich and Mathilde Ludendorff in Germany.

Stronger perhaps than these conscious and institutional connections are the unconscious and indirect relations which exist between religion and nationalism. The whole emotional realm of piety, which occupies such an important place in nationalism, is thoroughly impregnated with a religious strain. Ancestral reverence, the respect for the institution of the family, the adoration of national heroes and particularly of national martyrs, the readiness to self-sacrifice for the nation, the traditionalism which clings to morals and customs and defends them against the leveling influences of world civilization—all these are manifestations of an attitude which is both ethical and religious. This is equally true of the idea of a national mission. The *Gesta Dei per francos* represent an early example of French nationalism; and the great Russian novelist Dostoevsky declared that every people must consider itself the "God bearing people" in order to have any faith in its future. The chiliastic expectations which nourish nationalism and wipe out the distinctions between the political leader and the savior of the masses reveal clearly the extent to which religious forces have penetrated national feeling.

In the nineteenth century the idea became dominant that the natural goal of every national movement is the creation, maintenance and increase in power of a national state. Only a few decades ago this "principle of nationality," propagated by Mazzini and later by Napoleon III, demanding that political and national boundaries be made to correspond, was a subject of great controversy in political philosophy and jurisprudence. The principle has since gained such wide influence that Wilson's program of "self-determination of peoples" in Europe was interpreted and utilized as a license for the most unrestrained kind of nationalism at the expense of the defeated nations. The explanation for this one-sided exaggeration of the political aspect of nationalism is to be found above all in the fact that the legitimist-dynastic principle as the constitutive factor of the life of the state was undermined by the individualism and skepticism of the Enlightenment. Its place was taken by the principle of popular sovereignty, out of which developed the modern national democracy which embodied the political will to carry through the principle of nationality. Its foreign policy is irredentist and its domestic policy assimilationist. It denies the sovereignty of the state over the people and affirms the sovereignty of the people as the nation in the state. Until the present it has largely combined the idea of a centralized state with an individualistic concept of the nation, interpreted as based on the decisions of the individuals (the principle of subjectivity) or, in the classic words of Renan, as a *plébiscite de tous les jours*. The integrating factor, previously consisting of loyalty to the ruling house, was now replaced by nationalism. The present day trend from liberal representative democracy to dictatorial plebiscitary Fascism has led only to an intensification of nationalism. The subjection which results from wars, rendering more difficult the correction of frontiers, misplaces the emphasis of actual conditions upon the opposition between a policy of political assimilation and national revolutionary, ultimately revolutionary, opposition of the national minorities. An attempt to combat these irredentist movements by organic counter measures along the lines of cultural and territorial autonomy is not at present being undertaken by national states. The unitary and centralized form of state which is dominant today is by nature hostile to the concepts of federalism and autonomy.

The appeal to the individual for conscious solidarity with the group is made through the most extensive use of propaganda. For the most part it arouses the energies and dispositions which are latent in all human beings. The spiritual and intellectual needs of man as well as his emotional and instinctive powers are canalized through nationalism. Since the latter are most decisive for nationalism and its expression in collective action, the individual should be reached when his critical powers are either undeveloped or in abeyance. For this reason nationalist propaganda concentrates upon the young and the masses.

Nationalist propaganda commences with the youngest children. It is most potent when it enlists the support of family, school and society. One of the most effective methods of French *revanche* propaganda in pre-war Alsace-Lorraine was the wholesale importation and distribution of nationalist toys (French tin soldiers, flags, trumpets). Planned attempts toward assimilation through kindergartens (*salles d'asile*) were undertaken by the French under the auspices of

the empress Eugénie. Fascism in particular makes use of open nationalist propaganda for children, as in the Ballila. Among the great youth organizations which serve the cause of nationalism that of the Boy Scouts is internationally the most widespread. Military sports are today organized either directly or indirectly by the armies. Their most recent development aims definitely at a militarization of the nationalist youth propaganda. Strong currents within the youth organizations reenforce the movements fostered by adults and by organs of the state.

While the nationalist youth propaganda increases national consciousness and in many ways makes it also more fanatical within concentrated areas, the contest over the mind of the child in nationally mixed regions is greatly intensified both in attitude and in method. Not infrequently it is found that each national party looks upon the other as the aggressor and attacks the other's "nationalism." For itself it claims merely a normal national consciousness. The modern doctrine of the omnipotence of the state, which since the French Revolution has gained in ascendancy far beyond the confines of the European continent, gives the state and therefore the dominant national group such an overwhelming supply of instruments of power in the field of education that the oppressed national minorities are reduced to a hopelessly defensive position, especially as regards primary education. Their only means of defense against the positive right of the state are natural law, the Catholic position as regards the rights of parents, the right of private instruction and such other remains of liberal and corporate institutions as are still preserved. Cultural autonomy, as realized in Estonia, represents an attempt to secure for the minorities by constitutional means a corporate development of their nationality with the assistance of the state. Opposed to these demands are the ever present assimilationist tendencies in the government schools and in the youth organizations favored by the government.

The organization of the youth constitutes but a small part of a more comprehensive system of nationalist organization which finds expression in societies, clubs, orders, parties and the like. A survey of the organizational development of European nationalism in the nineteenth and twentieth centuries reveals a great abundance of these types of organization. Once its goal has been attained, nationalism becomes inseparably united with the state and all its institutions; while it becomes the guiding force of all the organizations and societies of nationalities which have not yet arrived. Very often a harmless functional purpose serves to conceal the nationalist intent. Among the smaller nations and particularly among the Slavs of east central Europe the nationalist development of the last hundred years has ranged from predominantly academic and literary associations, sport societies and popular libraries through economic cooperative organizations (consumers' cooperatives, savings banks, scholarship funds and so on) to definite political parties and secret committees which have been instrumental in attaining political independence.

The press is an extremely important auxiliary for nationalist propaganda. It serves to solidify the national consciousness and to diffuse the nationalist ideology in the form of slogans for mass consumption. Other means of propaganda are meetings, parades, brawls; in regions where the conflict is more aggravated (as in Galicia against the Poles, in Macedonia and Croatia against the Serbs, in Ireland against the English) nationalist militancy finds expression in acts of terrorism, arson, attacks by armed bands and similar outbursts. The sacrifices demanded by this activist propaganda and the even more stringent measures of repression applied by the reigning state serve merely to intensify the fanaticism of the nationally aroused masses. Very frequently national and social grievances are combined, as in Ireland during the nineteenth century and in contemporary India, forming the basis of political revolutions.

A nationalist ideology is central to all these forms of propaganda and its basis is found in a nationalist view of the historical development of the people. Although this historical picture is grounded less in immediate tradition than in popularized scientific investigation, the deep, mythlike belief in the national past is reflected in exact historical writing. The effects of the teaching of history on the development of sentiment are conditioned by these legendary forms of historical presentation. This accounts for the fact that the school occupies such a strategic position in the national struggle. Closely related to the nationalist view of history is the idea of a national mission, very often derived from history, particularly in the form of a desire for revenge or in the notion of "historical rights" which aim to rectify a past "injustice." The tenet of a "hereditary enemy" also tends to invest historical events with ideas of political and military obligations, especially where there

has been an evident transformation or secularization of religious and chiliastic basic ideas, as in the case of pan-Slavism and Polish messianism.

It is commonly assumed that there is a fundamental antagonism between nationalism and the idea of humanity. The development of German intellectual history from Herder through Fichte to Wilhelm von Humboldt and the romanticists reveals, however, a close and mutually reciprocal synthesis between the idea of humanity and cosmopolitanism and the idea of nationality. Catholicism also has attempted to harmonize humanity with nationality, although not always successfully. While its ecclesiastical organization and policy are constructed on an international foundation and therefore always evoke nationalist opposition, there are certain clearly supranational elements of belief and cultural forms which are conducive to an enlightened cosmopolitanism with which Catholicism seeks to counteract the individual nationalisms of the nations of the West. Actually nationalism has proved incapable of rediscovering and reanimating old discarded national religious symbols or of creating new and permanent symbols. Much more significant is the influence of nationalism in the cultural sphere. Here too the opposition between nationalism and humanity should not be exaggerated, since the latter often is manifested in national forms. Nationalism can most certainly raise existing tensions to the point of war or revolution. Moreover it not only nourishes a people's yearning for freedom but also steels their powers of resistance and their capacity for collective performance in all phases of civilization and culture.

It is very difficult also to distinguish with accuracy the differences between nationalism and imperialism and between internationalism and cosmopolitanism as regards their influence on world politics. Whereas the older English imperialism was generally free from nationalist characteristics, the German imperialism of the pre-war period represented the program of strongly nationalist circles. Italian Fascism likewise clings to a narrow militant nationalism, as revealed in its attitude toward the German and Slavic minorities. Particularly where nationalist forces are in power and where they are in control of the state, they degenerate easily into a chauvinism which looks upon intolerance and oppression as a sign of outward strength. Oppression and suppression of minorities, especially through brutality in the execution of educational and administrative policies, prohibition of immigration, denial to nationals of the right to travel abroad, boycott of foreign goods, tariff restrictions and other forms of autarchic economic policy, are all typical examples of exaggerated nationalism. If it controls the state apparatus nationalism will attempt to repulse foreign criticism of its domestic nationalist policy by falling back upon the principle of non-intervention, particularly if the victims are elements of its own populations and not foreigners or minorities of another people, race or religion. In view of the close economic, cultural and political interrelationship between the various states and peoples the principle of non-intervention cannot, at least morally, be sustained today. Abnormal conditions of any sort within one country are bound to have repercussions in the international sphere.

Although nationalism and internationalism are considered to be mutually hostile, especially in the daily press and in popular agitation, it is not to be denied that an internationalism is conceivable which not only does not question nationalism but presupposes it. Such an internationalism will have to avoid any appearance of denying the validity of the existence of a variety of nations and of attempting to destroy or dull national self-consciousness. Once nationality were recognized as a basic element of civilization and history, such an internationalism would counteract the dangerous solipsistic tendencies inherent in all nationalism. This view of internationalism is current, for example, among the responsible leaders of the so-called national minorities, who insist that international law must recognize what in the *jus gentium* was an unfulfilled promise of the preservation of the rights of peoples and not of states. They urge the further development of international law, which politically narrow nationalism regards as an assault upon the sovereignty of the states and thus as an antinationalist factor.

The solidarity of world economic interests and the leveling of nations through technical advances in communication appear to foster a development of international feeling at the expense of national values. On the other hand, the events of the last thirty years have shown that the world has been held in a state of conflict by a succession of wars and revolutions in which political and military forces have predominated over the social and economic. In such an atmosphere, which will long continue to determine world history, nationalism may be ex-

pected to remain the spirit of the age. As long as the important states in which monarchism has been overthrown waver between representative and plebiscitary democracy, as they do at present, the tendency toward fusion of the national and political spheres and the resulting exaggeration of the political side of nationalism will be difficult to counteract. If nationalism does not shake off its Jacobin heritage and if it becomes instead the weapon of independent nations and national groups against all legitimate political power, the insane forces of destruction will triumph and chaos, already largely a concomitant of nationalism, will reign over all highly developed nations and eventually perhaps over the entire human race.

MAX HILDEBERT BOEHM

HISTORICAL DEVELOPMENT. From anthropological studies it is obvious that the tribalism which exists among primitive peoples today and which presumably flourished generally before the dawn of recorded history is a kind of nationalism. Each tribe has normally a distinctive speech or dialect, a peculiar pattern of social organization and cultural and religious observances, a special set of oral traditions and a particular manner of initiating its youthful members into the full life and lore of the tribe and of inculcating in them a supreme loyalty to it.

From historical studies, however, it is equally obvious that throughout most of the period of recorded history, say from 5000B.C. to 1700A.D., and wherever civilization was most advanced the earlier and primitive tribal nationalism tended to be submerged. To a very large degree it ceased to command the supreme loyalty and patriotism of civilized men. What submerged it and long kept it submerged was one or another or a combination of four historical developments, which substituted new types of human groupings and new objects of human patriotism. One was the advance and diffusion of the agricultural and industrial arts—the domestication of animals and plants and the expanding use of copper, iron and boats—which emphasized the interdependence of tribes. Another was the conquest and consolidation of tribes by military empires, such as the Egyptian, the Assyrian, the Chinese, the Persian, the Roman or the Arab. A third was the spread of intertribal religions, such as Buddhism, Christianity or Islam. A fourth was the development of literary languages, such as Sanskrit, Greek, Latin, Chinese, and their employment by intellectuals of many different tribes in preference to the several tribal dialects of the illiterate.

In these circumstances tribalism was largely supplanted by either cosmopolitanism or localism. The masses, fused together from various tribes and yet marked off from the upper classes by economic, social and cultural discrimination, were usually quite local in experience and loyalty; their supreme patriotism was directed toward the agricultural estate or village, the commercial town or the petty feudal province in which they lived and labored. On the other hand, the upper classes, while they might be intensely loyal to city-state, to duchy or to county, were apt to associate a higher patriotism with an area and with ideas which covered more than the primitive tribes and even the larger aggregates which in modern times are called nationalities; in their cosmopolitanism they were devoted to the fusion of peoples in a common empire, a common religion or a common culture. For at least sixty centuries of recorded history warfare was not generally between such nationalities as have waged war in the last two centuries but between cities and provinces of kindred nationality or between international empires or religions. The conquests of the Roman Empire, the internecine struggles among the Greek city-states, the private feudal combats of the Middle Ages, the protracted crusading conflict of Christendom with Islam, displayed less the character of modern nationalism than that of ancient or mediaeval cosmopolitanism or localism.

It should not be assumed, however, that there was no consciousness of nationality among civilized peoples in ancient or mediaeval times. The fusion of tribes in an empire or a theocracy often served to create a fairly large community, which can properly be termed a nationality, with kindred language, customs and traditions, whose members, if not supremely loyal to the community as such and as a whole, if not as patriotic to it as their forbears had been to their several tribes, were quite aware that they were alike among themselves and different from foreigners, and on occasion they could evince a real nationalism. There were such occasions in the history of the ancient Egyptians, Jews, Greeks, Armenians and Persians. In the later Middle Ages acute consciousness of nationality was evidenced, for example, by Italians and Greeks in the fourth crusade, by Frenchmen and Provençals in the Albigensian crusade, by

Slavs and Teutons in their fifteenth century conflicts and by Frenchmen and Englishmen in the concluding phases of the Hundred Years' War. Yet, when liberal allowance has been made for these and other evidences of a historic nationalism which succeeded primitive tribalism, the fact remains that it was more spasmodic and less commanding.

In modern times and with continuously waxing strength since the seventeenth century nationalism has reemerged, first in Europe and then in other continents. It is akin to primitive tribalism in that it directs the supreme loyalty of its adherents to a community of language, customs and historic traditions. But it differs from primitive tribalism in noteworthy respects. Instead of being based on a small group of persons, banded together by actual blood relationship and by identity of religious practises and economic interests, it is based on a relatively large group of persons connected very distantly, if at all, by blood, professing almost any religion, or none at all, and having widely divergent economic interests. Modern nationalism, thus depending on larger units and being less substantial than primitive tribalism, is more artificially engendered and propagated; it relies more on conscious purposefulness, on the written and particularly on the printed word and on a special kind of mass education.

Modern nationalism has been a vital part of an extraordinary complex of economic, political, social and intellectual developments: the invention and spread of printing; the rise of national vernaculars as literary languages, accompanied by the decline of Latin and other international languages; the revolutionary growth of capitalism and of the middle classes; the role of aggressive divine right monarchs in suppressing feudalism and in consolidating and secularizing their realms on a national basis; the religious upheavals which eventuated in the disruption of Christendom and the establishment of state churches; the increasing commercial contacts and competition of one people with another, especially of "progressive" peoples with "backward" peoples; the changing emphasis from what is common to mankind to what is peculiar to a nation; the rise of humanitarianism, of individualism and latterly of the democratic spirit.

These developments took place first in western Europe. Here, from the fourteenth to the eighteenth century, national states were being formed and solidified by the cooperation of ambitious monarchs with the rising middle classes against local feudalism and cosmopolitan ecclesiasticism. The economy of rural manor and urban guild was being transformed by the same means into a national economy, with the express purpose of regulating domestic industry and foreign commerce and colonization so as to promote the "wealth of the nation." Feudal and interurban warfare was being supplanted by warfare on a grander scale between nations, either for the dynastic aggrandizement of monarchs, who were becoming symbols of national power and prestige, or for the commercial and colonial advantage of upper and middle classes, who were becoming enthusiastic exponents of national, as against local or cosmopolitan, interests. Simultaneously apology for national interests and praise of national exploits, especially of military and colonial achievements, were being penned and communicated ever more widely within each nationality as more and more authors confined themselves to the common speech of the masses and utilized printing presses.

By the eighteenth century, thanks to geographical situation as well as to historical circumstance, England had experienced all these developments more fully than any other country in western Europe. By this time there was a lively English nationalism. From Milton and Locke in the seventeenth century to Bolingbroke, Blackstone and Burke in the eighteenth, abundant rationalization was provided for the nationalist ardor which already burned in the breasts of the agricultural upper classes and the commercial middle classes and which was shared in greater or lesser degree by the masses. Divine right monarchy, it is true, had been overthrown in fact if not in name, but it had already performed its nationalist role. A similar part was now played even more effectively by an aristocratic Parliament, whose members, drawn almost wholly from the patriotic upper and middle classes, could sincerely identify their own economic interests with national interests and could freely forward them amid popular approbation. This English nationalism of the eighteenth century was both cultural and political. On the political side it was aristocratic. Pride in being Englishmen and in possessing English traditions was the prerogative of all who spoke the English language as their mother tongue, but control and direction of English policies and real leadership in English nationalism were reserved to the upper classes.

In most countries on the continent, even in western Europe, nationalism was less advanced. In France, it is true, there was a rapidly rising consciousness of nationality and there had long been a form of national monarchy. But even here the sharp cleavage between social classes and the traditional loyalty of the masses to locality or province militated against national solidarity; and the Bourbon kings continued to address their subjects not as the "French" people, but as the peoples of Languedoc, Gascony, Burgundy, Picardy and other regions which had been acquired by earlier French monarchs. Devotion to dynasty seemed still to outweigh devotion to nationality, and *pays* to be more fundamental than *patrie*.

Elsewhere in the eighteenth century there might be stirrings of national consciousness and some pleas from intellectuals for cultural nationalism, but there was little nationalism of a strictly political sort. No monarch based his domestic or foreign policy on the principle of nationality. The masses divided their allegiance between the immediate locality in which they lived and the remote prince or king or emperor whom they had been taught to honor and obey. The upper classes served the non-national interests of themselves or their prince, and many of them, despising the national language as vulgar, adopted the current fashion of using French and posing as enlightened cosmopolites. There was no national school system, and armies were professional and mercenary rather than national.

In Germany, for example, no one in the eighteenth century expressed any desire for political nationalism. German intellectuals, equally with German nobles and peasants, seemed quite content to leave the fatherland parceled out among some three hundred separate and practically independent states and to suffer the domestic conflict of Hohenzollerns and Hapsburgs and the shift of the interest of the latter, the nominal leaders of Germany, from the home scene to the alien scenes of Hungary, Italy and Belgium. Very few Germans then talked about the desirability, much less the possibility, of unifying the hodgepodge of German kingdoms, duchies, counties and free cities into a compact national state and inculcating in all its inhabitants a new national loyalty which would transcend their traditional local loyalties.

Yet in this same Germany of the eighteenth century certain intellectuals taught the utility and practicability of a cultural nationalism. To this end several factors contributed. One was the rise of Pietism, which represented on the part of a goodly number of clergymen, especially Lutheran clergymen, an enthusiasm for the "simple faith" of the common people as against the dogmatic and formal religion of the highly educated or the highly stationed. This meant a special regard for the masses, for their beliefs and observances, for their mores, and at the same time a special concern with elementary schooling so that the poor as well as the rich would be enabled to read the Bible in the common German tongue. Another factor contributing to the same end was the development of the *Sturm und Drang* and romantic movements, which brought about increased interest in folk language, folk literature, folk customs and folk personality and which in turn led to the emergence of the ideas of national language, national literature and national culture.

Meanwhile in France there was being implanted the seed of a novel type of nationalism—not a traditional, aristocratic nationalism such as was then flourishing in England and not a merely cultural nationalism such as was taking root in Germany and elsewhere, but a revolutionary democratic nationalism. Throughout the eighteenth century there was a marked quickening of national consciousness in France, an obvious tendency to distinguish between the monarchy and the nation, to exalt the latter while finding fault with the former. In the spirit of the current enlightenment attacks multiplied against the traditional and presumably irrational nature of many existing institutions—against divine right kingship, against the Catholic church (and supernatural religion in general), against privileges of class, province or profession, incidentally against the very historic developments which had been unfavorable to nationalism. In the spirit of contemporary "classicism" moreover praises were sung of the civic spirit of ancient Athenians, Spartans and Romans, and the meaning of the antique Latin word *patria* and its derivative "patriotism," although originally associated narrowly with a town or a locality, was now stretched to designate an ideal loyalty to the whole national state of France. Presently too in the spirit of rising romanticism a new enthusiasm manifested itself, especially in Rousseau, for the republican simplicity and virtue which would characterize France when the "common" and "natural" people should be rid of social discrimination and by exercise of their general will should usher in

a new regime, not only of liberty and equality but also of fraternity.

All these speculations were received with sympathy and ever louder acclaim by the expanding middle class, by a considerable number of peasants and artisans and by some upper class persons whose enlightenment or romanticism was superior to their class consciousness. And just such speculations were realized in substance by the great French Revolution of 1789–95, a noteworthy landmark both in the history of individualist democracy and in the evolution of modern democratic nationalism.

The French Revolution created a truly national state, in which distinctions of class and locality were abolished, the church was secularized and all political as well as ecclesiastical institutions were put on a national basis and made to serve national ends. It also enunciated the doctrine of national self-determination, that the members of a nationality have the right not merely to exercise popular sovereignty within the state of their birth but also, regardless of previous treaty obligations, to detach the place of their birth from any alien dominion and unite it with the national state of their choice. This right the new French nationalists invoked as justification, against the protesting exponents of treaty rights, for their incorporation of Avignon, Savoy, Nice and Belgium into France.

Likewise the French Revolution inculcated the doctrine that all citizens owed their first and paramount loyalty to the national state, and it sought in various ways to infuse them with an ardent national enthusiasm. It prescribed quasi-religious rites before altars of *la patrie* and over the remains of the dead fallen *pour la patrie*. It devised such nationalist symbols as a national flag, a national anthem and national holidays. It insisted upon linguistic uniformity and undertook to root out of France all foreign languages and local dialects. The French Revolution moreover elaborated the first general scheme of elementary schooling which should be maintained and controlled exclusively by the nation, which should be compulsory for all the boys and girls of the nation and in which national patriotism and national duty should be taught equally with the traditional subjects of reading, writing and arithmetic. The revolution too adopted and gave effect to the principle of the "nation in arms," the principle that all able bodied male citizens should be trained for war and liable to conscription for military and naval service. Finally, the French Revolution inspired the establishment of new kinds of newspapers and patriotic societies for the propagation of intense and sometimes quite intolerant nationalism among the masses.

So convinced were the French revolutionaries of the blessings of the new democratic nationalism for themselves that they were unable to conceive how it could fail to bless all other peoples. It was a peculiarly French mission, they believed, to spread the new gospel; it was in the highest sense humanitarian to spread this gospel, if necessary, by the sword. In December, 1792, the National Convention decreed: "The French nation . . . will treat as enemies every people who, refusing liberty and equality or renouncing them, may wish to maintain, recall, or treat with a prince and the privileged classes; on the other hand, it engages not to subscribe to any treaty and not to lay down its arms until after the establishment of the sovereignty and independence of the people whose territory the troops of the [French] Republic shall have entered and until the people shall have adopted the principles of equality and founded a free and democratic government."

The English were already too strongly impregnated with their own traditional and aristocratic nationalism, and the other peoples on the continent were still too much devoted to localism or class interests or dynastic loyalty—in other words, they were too lacking in any kind of political nationalism—to heed at once the French pleas for democratic nationalism. Indeed large numbers of Germans, Netherlanders, Spaniards and Italians—as well as Englishmen—actively supported their respective sovereigns in armed attempts to suppress what they termed the "excesses" of the French Revolution. Probably, as so often happens to missionary enterprise, what seemed altruistic and messianic to the crusaders appeared to their beneficiaries (or victims) to be selfish and downright satanic.

At any rate the French Revolution precipitated a series of gigantic international wars, in the protracted course of which the French themselves subordinated political democracy and individual liberty to military dictatorship in the person of Napoleon Bonaparte, won glory for themselves more than freedom for others and allowed the new democratic nationalism to become identified with militarism more than with peace. The wars, whether in their earlier republican aspects or in their later Napoleonic phases, stimulated enormously the national patriotism and national pride of the French

people. Eventually too they did much to arouse nationalist feeling among other peoples on the continent of Europe and similarly on the American continents. On the already developing cultural nationalism was now superimposed, in imitation of the French or in reaction against the high handed interferences of Napoleon, a yearning on the part of many Europeans for some form of political nationalism. Spaniards, Portuguese, Germans, Scandinavians, Italians, Poles, Greeks and southern Slavs gradually turned to the principle of nationality as a most promising aid to domestic harmony and self-respect and as a most efficacious safeguard against foreign exploitation and conquest. The leaders of these embryo movements in the first two decades of the nineteenth century were largely of the professional middle class, but some noblemen and clergymen participated conspicuously in them; and in certain cases even such dynasts as the Hohenzollerns, Hapsburgs or Romanovs found it convenient, at least temporarily and in emergencies, to champion the cause of political nationalism. This partially explains the rivalry of Hohenzollern king and Hapsburg emperor for leadership in the reconstruction of Germany and likewise the ambition of a Romanov czar to pose as the national king of Poland and to give succor to Greeks and south Slavs in their national rebellions against the Ottoman Empire.

The last great European statesman to oppose political and cultural nationalism consistently and with a large measure of success and to labor consciously to retain the earlier localism and cosmopolitanism was Metternich. His was the finally decisive role in the overthrow of Napoleon and the restoration of the Bourbons in France. His was the chief authorship of the territorial rearrangements effected at Vienna in 1815, the rejection of the doctrine of national self-determination and the redistribution of peoples among polyglot empires or petty principalities. His also was the chief guidance of those alliances of divine right monarchs who from 1815 to 1848 kept the principle of nationality out of the public law of Europe and cooperated to thwart the development of nationalism as well as liberalism and democracy in Italy, Spain, Germany and Poland. Yet nationalism, both cultural and political, continued to win converts and to make headway. Metternich could not anywhere wholly suppress nationalist propaganda, not even within his own Austrian empire; he had to acquiesce in the establishment of national states for Greeks, Serbs, Belgians and Latin Americans; and he himself was deprived of power and influence by the nationalist upheaval of 1848.

From 1815 to 1880 nationalism in Europe and America—the only continents where it was as yet significant among civilized peoples—was closely related to liberalism. Nationalism had been too long a tradition in England and after the French Revolution it was too omnipresent in the continental atmosphere to be disregarded by such intellectual and "progressive" persons as the leading liberals. Liberalism could best be realized, it was believed, within the framework of a national state, within an England or a France or within a newly unified Italy or Germany rather than within an extensive, autocratic and privilege ridden empire, like the Austrian, the Russian or the Ottoman. Besides, much of the research of liberal scholars—historians, anthropologists, philologists—was romantically consecrated to the language and folklore, to the legal and political heritage, of particular peoples; and this research further stimulated the nascent cultural nationalism of Germans, Latins, Scandinavians, Slavs and Magyars. Both cultural and political nationalism became integral parts of nineteenth century liberalism.

This liberal nationalism, like that of the democratic French revolutionaries, was humanitarian in object and preachment; and if a bit timid about too rapid experimentation with political democracy, it was thoroughly sympathetic with the principle of national self-determination. It would redraw the political map of Europe—and of the world—so that disjointed parts of the same nationality would be knit together in a common polity, and supranational empires would be broken up into their constituent national parts. It would make nationalities rather than states the units of "international" relationship and law. At the same time, however, the foremost liberal nationalists, unlike their democratic French predecessors, were strenuously pacifist by conviction and policy. Romantic liberals reacted sentimentally against the bloodshed, as well as against the despotism, of the French Revolution and the Napoleonic wars. Industrial liberals were convinced that war did not pay: it interfered seriously with commercial intercourse and it put heavy tax burdens on industry. For compulsive conflict in arms should be substituted free competition in material and intellectual production, not only within a nation but likewise

between nations. Let each nation like every individual exercise the right of self-determination; then, according to liberal doctrine, each would eschew imperial ambitions and monopolistic enterprises and pursue policies of free trade and peace.

Liberal nationalism inspired many intellectual, social and political developments between 1815 and 1880. In existing national states, such as England and France, it tended finally to replace aristocracy with middle class government, to enlarge the basis of direct personal participation in public affairs and to create popular sympathy for the efforts of "oppressed" and "enslaved" nationalities to free themselves from alien domination. Among these latter nationalities liberal nationalism did much to exalt the popular tongue, to resuscitate folk songs and folk customs, to revive or invent national traditions, to arouse popular enthusiasm for national heroes of the past and for the contemporary cause of national freedom and unity. Overseas the beginnings of national self-government in the British dominions of Canada, Australia and South Africa were a peaceful accompaniment of liberal nationalism.

In one very important respect liberal nationalism failed. It could not realize its ideal of basing the state system of Europe on the principle of nationality without sacrificing its ideal of pacifism. Subject and divided nationalities could not be freed or unified unless great empires were dissolved and local potentates were dispossessed, and such heroic action required more than a pious wish on the part of middle class liberals. Moral support of the masses at home and diplomatic aid of foreign governments were needed, and even then they seldom achieved their ends without armed insurrection and bloody war. So fighting became the practical means of transforming cultural into political nationalism. Under liberal auspices occurred the terrible rebellions of "enslaved" Greeks and Slavs against the Ottoman Empire and of "oppressed" Latin Americans against Spain; the riots of 1820 in Italy and Spain; the widespread insurrections of 1830 in France, Belgium, Germany and Italy; the even more widespread and deadly insurrections of 1848 in France, Germany, Italy, Switzerland, Bohemia, Hungary and Ireland; the Polish uprisings of 1831 and 1863; the Crimean War of 1854–56; the wars of Italian unification in 1848–49, 1859–60, 1866 and 1870; the wars of German unification in 1848–49, 1864, 1866 and 1870–71; the Balkan war of 1877–78; and the mighty struggle of 1861–65 in the United States for the preservation of the national union and the emancipation of an enslaved race.

By 1880 some progress toward a new national and presumably liberal state system could be recorded. France and England and a considerable number of other countries in western Europe were under liberal governments. Germans and Italians possessed national states, as did likewise, with full independence or a large measure of autonomy, Greeks, Serbs, Rumanians, Bulgarians and Latin Americans. The people of the United States were more completely committed to nationalism, if not to liberalism.

Since 1880 greater progress has been made toward a world wide acceptance of nationalism, although the liberal element has notably lessened. This latest phase of nationalism, which tends to be more and more illiberal, seems to be closely associated in its origin and extension with the whole complex of developments which characterize most recent industrial civilization.

Peculiarly basic has been the development of large scale machine industry, with the impetus it has afforded to the growth of middle class and proletariat, to the improvement of means of transportation and communication and to the rivalry of peoples for economic advantage. In the main nationalism has flourished most abundantly in national states which have been most industrialized, and the advent of the industrial revolution among "oppressed" nationalities has been the most potent factor in arousing their national consciousness and in enabling them to create national states of their own. It has been naturally so. For, while industrialization favors commercial intercourse between peoples, it is even more conducive to commercial intercourse within each nation. It is easier and more natural to do business with persons who speak and read one's own language than with others. Exports and imports of an industrialized nation do not equal in value what it buys and sells at home. Credit and banking function nationally far more than internationally. Labor is organized by nations, and if it has international affiliations it subordinates them to what it considers to be its particular national interests. There is much more travel by people within a nation than between nations. There is more news in the public press about one's own nation than about others.

These consequences were not so obvious to

the economic liberals of the period from 1815 to 1880, when the industrial revolution was centered in England and was just beginning to affect other countries, as they have been to neo-mercantilists since 1880, with the revolution spreading rapidly all over Europe and America and even in Asia. If the whole world could have been industrialized simultaneously and uniformly, national differences might not have been emphasized and the liberal dream of "peace and universal brotherhood through free trade" might have been realized. Actually, however, no two countries have been at any given time in exactly the same stage of industrialization, and especially since 1880 each partially industrialized country has utilized the sentiment of nationalism and the power of national government to protect by tariffs and bounties its own industry against foreign competition and by labor legislation and restriction of foreign immigration to raise the standard of living of its own population. This is the new economic nationalism, which, assuming significant proportions in Germany and the United States early in the 1880's, has been seized upon and pursued with generally augmenting intensity by every civilized nation. Everywhere it has transformed economic interests of the masses as well as of the classes into national interests and has provided substantial foundation for the almost universal contemporary habit of referring to "national wealth," "national resources," "national production," "national labor supply."

With the speeding up and spread of the industrial revolution moreover it has been proved practicable in one nation after another, with increasing rapidity since 1880, to carry to unforeseen lengths certain developments which the democratic nationalists of the French Revolution had inaugurated—the democratic spirit itself, popular schooling, compulsory military training, cheap popular journalism and efficient societies for popular propaganda. The democratic spirit has been immensely quickened in the melting pot of modern cities, and the enormous migration from country to town, from farm to factory, has served to weaken traditional local ties and to identify the new democratic spirit with the new nationalism. With democratic pressure the augmenting financial resources of industrialized national states have been applied more and more to the establishment and maintenance of armed forces, in which every citizen is liable to service, and of public schools, in which every citizen is taught to read and write. Armies and schools are alike quite national in organization and effect; while both are ostensibly humanitarian, the one to insure international peace and the other to promote individual well being, each is used primarily to inculcate in the masses a supreme devotion to their respective nationalities and national states.

There is still another very important element in most recent civilization which must be mentioned—the supplanting of the intellectual and cultural vogue of romanticism by what has conventionally been termed "realism." This realism has been the product of a variety of novel factors: absorption in the mechanical and utilitarian aspects of the industrial revolution; admiration for the "practical man" of big industry and big finance; acceptance of a mechanistic theory of the universe and of a materialist interpretation of human behavior; interest in sociology, with its "laws of society" and its fact finding inquests; distrust of human reason and trust in pragmatism and human will; adaptation of the biological hypotheses of Darwin to support such conceptions as the inequality of races, the "struggle for existence" and the "survival of the fittest"; enthusiasm for Nietzsche's "red blooded men" and for his "superman." The vogue of realism has paralleled not only the intensification of the industrial revolution but the rise of Marxian socialism and revolutionary syndicalism and also an epochal transformation of nationalism.

To this transformation the wars for national unification in Germany and Italy (from 1859 to 1871) contributed in no small degree. They had originally been undertaken by altruistic liberals for liberal ends, but eventually they evoked a strongly nationalist spirit of militarism and a boastful pride in the nation's achievement and the nation's mission. Then, backed by statesmen, business men and intellectuals who were falling under "realist" influences and fortified by effective agencies of popular propaganda, nationalism grew less and less liberal and more and more militarist, imperialist and intolerant. Such was the case not only in Germany and Italy but also in older national states, such as England, France and the United States, and presently, with the onward sweep of the whole complex of modern civilization, in Russia, Hungary, the Balkans and Japan. In the new circumstances free nationalities armed themselves with guns and tariffs as they had never been armed when they were "oppressed," and they entered into acute rivalry, military and

economic, with one another. At the same time, feeling that because they had won their own independence they must be better and more heroic than any other nation and mindful of economic needs and the duty of "superior" races, such nations as could proceeded to conquer and impose their rule on "inferior" and "backward" nationalities. Usually with force and popular acclaim the nationalist great powers built huge new colonial empires after 1880. Simultaneously and with like acclaim many national states after 1880 displayed at home a highly intolerant attitude toward racial and linguistic (and sometimes religious) minorities among their own citizens; the official process of "nationalizing" such minorities was known by different names in different countries—Russification, Germanization, Magyarization and so on. Short of formal state action private societies and political parties waged vigorous campaigns, in the name of nationalism and on a wide front, against the Jews—in Germany, Austria, France, Rumania, Russia and elsewhere. The emergence of Zionism at this time was in part a Jewish reaction to the stimulus of antisemitism.

Nationalism paved the way of statesmen and prepared the mind of peoples for the World War. The costliest and most widespread and most terrible in human annals, this war was chiefly nationalist. Its immediate cause was the murderous activity of a secret nationalist society of Jugoslavs. Its fighting was done by "nations in arms," whose morale was sustained by nationalist propaganda through schools, press and special associations. Its most obvious immediate result was the triumph of the principle of national self-determination in central and eastern Europe. The last of the non-national empires on the continent were shattered—the Austrian, the Russian and the Ottoman—and from their ruins were constructed new or enlarged national states—Finland Estonia, Lithuania, Poland, Czechoslovakia, Jugoslavia, Rumania and Greece.

The World War not only issued from nationalism but led to a more intense nationalism. In Europe the newest national states almost instantly passed from liberal pronouncements to illiberal conduct and speedily vied with older national states in establishing nationalist tariffs, armies, schools and other agencies of propaganda and in discriminating socially if not legally against dissident minorities. In connection with this last statement it should be remarked that while the new map of Europe conformed in general to the principle of nationality, the population in some parts of the continent was so mixed in nationality or a particular region was so insistently demanded by one of the victors for commercial or strategic considerations that all the new national states (and some of the old) embraced minorities of alien nationality. To those states the temptation of "nationalizing" their minorities was strong, while states like Germany and Hungary were at least equally tempted to regard the populations and areas which they had lost as "irredentas" which must be regained as soon as possible. Agitation for the recovery of "irredentas" and movements for the "nationalizing" of minorities are alike dangerous to internal and international peace.

Then too, taking advantage of economic distress and of the enhanced nationalism of the post-war period, demagogues and dictators have risen to positions of influence or power in several European countries and have used their position to preach or enforce an ever more intensive and exclusive nationalism. The most striking illustrations of this have been the conversion of Mussolini from socialism to nationalism and the establishment and maintenance of his Fascist regime in Italy and the ascension to power of Hitler and the Nazi movement in Germany with their hostility to Jews, Poles, the French, Catholics and any other groups at home or abroad who are assumed to belie or belittle German nationalism. Somewhat similar phenomena have attended post-war dictatorships in Poland, Lithuania, Hungary and Jugoslavia and, on widely different intellectual levels, the propaganda of the Ku Klux Klan in the United States and of the Action Française in France.

In contemporary Russia the Communist dictatorship, while theoretically basing itself on the doctrine of the class struggle and claiming that extreme nationalism must pass with the passing of capitalism, has actively patronized cultural nationalism and is actually pursuing such social policies as are likely to prove especially effective in attaching the Russian masses to their national state and filling them with patriotic ardor. It seems in general as if Marxian socialism in power may readily reverse the historic role which it played when out of power and become quite nationalist; a dictatorial social democracy might well contribute even more than a bourgeois political democracy to national solidarity and hence to nationalism. The twentieth century has already shown that at least with certain individual socialists and revolutionary syndicalists enthusiasm for class conflict can fairly

quickly be transmuted into enthusiasm for national conflict.

Notable features of post-war nationalism have been its stimulation among relatively small or hitherto submerged nationalities in Europe and its rise among great and mixed populations in Asia. In Europe not only has there been an increase in the number of small sovereign national states, not only have such nationalities as the Finns, Estonians, Latvians, Lithuanians, Czechs Irish and Catalans acquired political independence or autonomy, but more or less insistent nationalist demands have been voiced by Flemings, Bretons, Basques, Scots, Icelanders, Ukrainians, White Russians, Macedonians and Maltese. The trend appears to be toward smaller cultural, and political, units.

In Asia, although the Japanese evinced a kind of nationalism in the seventeenth century, they learned a good deal about it as well as about other matters from Europe in the nineteenth century. Nationalism in its modern form, with its industrial and social accompaniments and with its systematic propaganda through schooling, military service and popular press, has become a vital force in Japan only since 1870 and in other Asiatic countries even more recently. Indeed it is only in the post-war period that nationalist movements have assumed highly significant proportions in China, India, Persia, Mesopotamia, Syria and Egypt. It may be added that the recent so-called Indian renaissance in Mexico and various countries of South America is essentially nationalist.

Nationalism is now obviously a world wide phenomenon, vitally affecting both the material and the intellectual development of modern civilization. It tends more and more to influence the economic and spiritual as well as the political relationships of mankind. It is so closely related to the whole complex of contemporary culture that any change in its direction or intensity would seem to wait upon an alteration of other factors in the complex.

CARLTON J. H. HAYES

See: NATIONALITY; PATRIOTISM; CHAUVINISM; COSMOPOLITANISM; INTERNATIONALISM; REGIONALISM; MINORITIES, NATIONAL; IRREDENTISM; INTOLERANCE; RACE; RACE CONFLICT; ETHNOCENTRISM; ETHNIC COMMUNITIES; ISOLATION; ASSIMILATION, SOCIAL; AMERICANIZATION; EUROPEANIZATION; ROMANTICISM; TRADITIONALISM; MESSIANISM; IDEALISM; LIBERALISM; DEMOCRACY; FRENCH REVOLUTION; JACOBINISM; FRONTIER; BOUNDARIES; NATIONAL DEFENSE; MILITARISM; WAR; IMPERIALISM; ECONOMIC POLICY; PROTECTION; MERCANTILISM; ALLEGIANCE; STATE; AUTONOMY; FEDERALISM; WORLD WAR; PAN-MOVEMENTS; ACTION FRANÇAISE; IRISH QUESTION; NEAR EASTERN PROBLEM; EGYPTIAN PROBLEM; FAR EASTERN PROBLEM; CHINESE PROBLEM; KUOMINTANG; INDIAN QUESTION; PAN-ISLAMISM; ZIONISM; PAN-AMERICANISM; KU KLUX KLAN; FASCISM; NATIONAL SOCIALISM, GERMAN; PROPAGANDA; PRESS; LANGUAGE; DIALECT; CIVIC EDUCATION; BOYS' AND GIRLS' CLUBS; HISTORY AND HISTORIOGRAPHY; INTELLECTUALS.

Consult: Hayes, Carlton J. H., *Essays on Nationalism* (New York 1926); Herz, F., "Zur Soziologie der Nation und des Nationalbewusstseins" in *Archiv für Sozialwissenschaft und Sozialpolitik*, vol. lxv (1931) 1–60; Boehm, M. H., *Das eigenständige Volk* (Göttingen 1932); Steinmetz, S. R., *Die Nationalitäten in Europa* (Berlin 1927); Ziegler, H. O., *Die moderne Nation* (Tübingen 1931); Mitscherlich, W., "Volk und Nation" in *Handwörterbuch der Soziologie*, ed. by A. Vierkandt (Stuttgart 1931) p. 644–52; *Nation und Nationalität*, ed. by G. Salomon, Jahrbuch für Soziologie, vol. i, Ergänzungsband (Karlsruhe 1927); Barth, Paul, "Die Nationalität in ihrer soziologischen Bedeutung," Schmid, F., "Das Recht der Nationalitäten," Hartmann, L. M., "Die Nation als politischer Faktor," Oppenheimer, F., "Die rassentheoretische Geschichtsphilosophie," and Michels, R., "Die historische Entwicklung des Vaterlandsgedankens" in Deutsche Gesellschaft für Soziologie, *Schriften*, ser. i, Verhandlungen der deutschen Soziologentage, vol. ii (Tübingen 1913) p. 21–48, 55–72, 80–97, 98–139 and 140–84; Barker, Ernest, *National Character and the Factors of Its Formation* (London 1927); Zimmern, A. E., *Nationality and Government* (London 1918); Joseph, Bernard, *Nationality* (London 1929); Renan, E., *Qu'est-ce qu'une nation?* (Paris 1882); Fouillée, Alfred, *Esquisse psychologique des peuples européens* (2nd ed. Paris 1903); Mancini, P. S., *Il principio di nazionalità* (Rome 1920); Pi y Margall, F., *Las nacionalidades* (Madrid 1876), tr. into French by L. X. de Ricard (Paris 1879); Ginsberg, Asher, *Ten Essays on Zionism and Judaism* (London 1922); Gennep, Arnold van, *Traité comparatif des nationalités* (Paris 1922); Pillsbury, W. B., *The Psychology of Nationality and Internationalism* (New York 1919); Michels, R., *Der Patriotismus* (Munich 1929); Oakesmith, John, *Race and Nationality* (London 1919); Dittmann, Friedrich, *Der Begriff des Volksgeistes bei Hegel, zugleich ein Beitrag zur Geschichte des Begriffs der Entwicklung im 19. Jahrhundert* (Leipsic 1909); Mitscherlich, W., *Nationalstaat und Nationalwirtschaft und ihre Zukunft* (Leipsic 1916); Sulzbach, W., *Nationales Gemeinschaftsgefühl und wirtschaftliches Interesse* (Leipsic 1929); Bauer, Otto, *Die Nationalitätenfrage und die Sozialdemokratie* (2nd ed. Vienna 1924); Lenin, N., *Über die nationale Frage*, 2 vols. (Berlin 1930–31); Heller, Hermann, *Sozialismus und Nation* (Berlin 1925); Vossler, Karl, *Geist und Kultur in der Sprache* (Heidelberg 1925), tr. as *The Spirit of Language in Civilization* (London 1932); Schmidt-Rohr, Georg, *Die Sprache als Bildnerin der Völker* (Jena 1932); Reisner, E. H., *Nationalism and Education since 1789* (New York 1922); Scott, J. F., *Menace of Nationalism in Education* (London 1926); Harper, S. N., *Civic Training in Soviet Russia* (Chicago 1929); Gaus, J. M., *Great Britain: a Study in Civic Loyalty* (Chicago 1929); Schneider,

H. W., *Making Fascists* (Chicago 1929); Pierce, Bessie L., *Civic Attitudes in American Textbooks* (Chicago 1930); Hayes, Carlton J. H., *The Historical Evolution of Modern Nationalism* (New York 1931); Mitscherlich, W., *Der Nationalismus Westeuropas* (Leipsic 1920); Hauser, Henri, *Le principe des nationalités* (Paris 1916); Johannet, René, *Le principe des nationalités* (Paris 1923); Hintze, H., *Staatseinheit und Föderalismus im alten Frankreich* (Stuttgart 1928); Platz, H., *Geistige Kämpfe im modernen Frankreich* (Munich 1922); Curtius, E. R., *Maurice Barrès und die geistigen Grundlagen des französischen Nationalismus* (Bonn 1921); Gurian, W., *Der integrale Nationalismus in Frankreich* (Frankfort 1931); Hayes, Carlton J. H., *France, a Nation of Patriots* (New York 1930); Meinecke, F., *Weltburgertum und Nationalstaat* (5th ed. Munich 1922); Joachimsen, Paul, *Vom deutschen Volk zum deutschen Staat* (Leipsic 1916); Bassenge, Edmund, *Der nationale Gedanke in der deutschen Geschichte* (Leipsic 1921); Rapp, A., *Der deutsche Gedanke* (Bonn 1920); Ergang, R. R., *Herder and the Foundations of German Nationalism*, Columbia University, Studies in History, Economics and Public Law, no. 341 (New York 1931); Fischel, Alfred, *Der Panslawismus bis zum Weltkrieg* (Stuttgart 1919); Masaryk, T. G., *Russland und Europa*, 2 vols. (Jena 1913), tr. by E. and C. Paul, 2 vols. (London 1919); Koyré, A., *La philosophie et le problème national en Russie au début du XIXe siècle*, Bibliothèque de l'Institut Français de Léningrad, vol. x (Paris 1929); Kohn, Hans, *Der Nationalismus in der Sowjetunion* (Frankfort 1932), tr. into English (London 1933); Seton-Watson, R. W., *The Rise of Nationality in the Balkans* (London 1917); Gewehr, Wesley M., *The Rise of Nationalism in the Balkans* (New York 1931); Wendel, Hermann, *Der Kampf der Südslawen um Freiheit und Einheit* (Frankfort 1925); Radl, E., *Der Kampf zwischen Tschechen und Deutschen* (Reichenberg 1928); Elviken, A., *Die Entwicklung des norwegischen Nationalismus*, Historische Studien, no. 198 (Berlin 1930); Thayer, W. R., *The Dawn of Italian Independence*, 2 vols. (Boston 1893); King, Bolton, *A History of Italian Unity*, 2 vols. (London 1899); Wingfield-Stratford, Esmé, *The History of English Patriotism*, 2 vols. (London 1913); Wallace, W. S., *The Growth of Canadian National Feeling* (Toronto 1927); Kohn, Hans, *Nationalismus und Imperialismus im vorderen Orient* (Frankfort 1931), tr. by M. M. Green (London 1932), and *Geschichte der nationalen Bewegungen im Orient* (Berlin 1928), tr. by M. M. Green (London 1929).

NATIONALIST PARTIES. *See* PARTIES, POLITICAL, sections for various countries.

NATIONALITY is defined in article 1 of the model code on the Law of Nationality (Harvard University, Research in International Law, *Nationality*, Cambridge, Mass. 1929) as "the status of a natural person who is attached to a state by the tie of allegiance," and it is in this sense that the term is used here. Nationality is a reciprocal relationship, involving claims of the national upon the state as well as obligations of the national to the state. Although not necessarily indissoluble, the allegiance of a national to his state is said to be permanent, as distinguished from the temporary allegiance or obligation of obedience owed by an alien resident or visitor. While nationality is sometimes used broadly with reference to blood relationship, in the strict legal sense there is no necessary connection between them. Thus under the laws of most modern states nationality may be acquired through naturalization by aliens having no blood relationship to the individuals comprising the main body of the national community; and in most of the imperial states, including the United States and the British Empire, the great mass of inhabitants of the outlying possessions are racially very remote from the inhabitants of the mother country.

In considering the subject of nationality it is important to bear in mind the fact that its meaning has not always been what it is today, but has changed with changes in the character of states. A distinction is now generally recognized between nationality and citizenship although the latter is frequently employed as a synonym for the former. The corresponding term, subject, is used in states having personal sovereigns. Citizens are included in nationals, but not all nationals are citizens. The latter term refers to the highest political status in the state and ordinarily connotes participation in government by exercise of the franchise or otherwise. The classification of nationals into citizens and non-citizens was found in the ancient republics, notably in Athens and Rome, where originally citizens were a minority of the population. The privilege of Roman citizenship, carrying the important civic rights of *commercium* and *connubium*, was at first restricted to the governing class in Rome proper but was extended for reasons of policy in the year 121 B.C. to the Latins, in 90 B.C. to the inhabitants of all Italy and in 49–48 B.C., under Julius Caesar, to the inhabitants of Cisalpine Gaul. Finally under Caracalla all the free persons then living in the empire were declared citizens. In most of the larger modern states there are nationals who either lack citizenship altogether or who have only a local and limited citizenship. Thus citizens of the Philippine Islands are United States nationals but not citizens of the United States. It is noteworthy that the term citizen is found throughout the Constitution of the United States, while national is never employed. The

acts of Congress raising the status of the inhabitants of Porto Rico and the Virgin Islands to that of citizens of the United States and the recent act providing for the future independence of the Philippine Islands may be regarded accordingly as in a measure restoring to the United States the political character envisaged by its founders.

Nationality is important to the individual, not only with regard to political rights and privileges but also because his civil status and capacity may be dependent upon it. In some states the right to hold real property is to a greater or lesser extent dependent upon nationality. Although most of the states of the United States allow aliens to hold real property, in a number of states this right is limited. Thus some states confine it to aliens racially eligible to citizenship, others to aliens who have declared their intention to obtain naturalization and others to those who are resident in the state. Some states limit the amount of real property which may be owned by an alien. These limitations have been held valid by the Supreme Court of the United States in a number of cases [Hauenstein *v.* Lynham, 100 U. S. 483 (1879); Blythe *v.* Hinckley, 180 U. S. 333 (1901); Terrace *v.* Thompson, 263 U. S. 197 (1923); Porterfield *v.* Webb, 263 U. S. 225 (1923)]. State laws concerning alien property are of course subject to treaties between the United States and foreign powers. The Supreme Court has also upheld the constitutionality of state and municipal laws and ordinances prohibiting aliens from being employed on public works [Heim *v.* McCall, 239 U. S. 175 (1915)] or in specified occupations [Clarke *v.* Deckebach, 274 U. S. 392 (1927)], although it has denied the right of a state to limit the number of aliens employed by a private employer [Truax *v.* Raich, 239 U. S. 333 (1915)].

In public law nationality is of great importance, not only with regard to the right of the state to demand certain services from its nationals, particularly military service, but also with regard to the right of the state to protect its nationals in foreign countries when they are unable to obtain justice through an appeal to the appropriate authorities of the foreign state. In many countries the jurisdiction of the criminal courts attaches when the defendant is a national of the state to which the court belongs, regardless of the locus of the crime. Thus Italian courts will try and penalize Italian subjects for murder and some other offenses whether committed in Italy or abroad, and the same is true of French courts with regard to crimes committed by French citizens. The British law, while primarily territorial, also punishes its subjects for murder and a few other crimes, wherever committed.

The question whether or not a person is a national of a particular state, in the usual sense, is determined by the municipal law of that state, although the right of the latter to claim persons as its nationals is subject to some limitations. The grounds upon which a state may claim persons as its nationals or thus designate them are fairly well marked out by customary international law. It is true that section 12 of the Immigration Act of 1924 of the United States (43 Stat. 153) arbitrarily classifies an alien, for purposes of the act, as having the nationality of the foreign state in the territory of which he is born, regardless of whether he is a national of such state under its law. This arbitrary rule, however, is hardly open to objection by any foreign state, since it relates solely to the classification of aliens applying for entry into the United States. It is the basis of the quota system, the object of which is, broadly, to retain the existing racial character of the population and citizenry of the United States.

While most of the nationals of a state are ordinarily found domiciled in its territory, domicile and nationality are not identical. Legal domicile has been defined by Joseph Story as the place where a person "has his true, fixed, permanent home, and principal establishment, and to which, whenever he is absent, he has the intention of returning." Domicile, unlike nationality, is not generally recognized as conferring the right to diplomatic protection by the government of the state of the domicile when the domiciled alien is visiting another country. This is true notwithstanding the action of Secretary of State Marcy in the Koszta case, in which a resident alien who had declared his intention of becoming a citizen of the United States and who was an expatriate of the Austro-Hungarian Empire was given diplomatic aid (Moore, J. B., *A Digest of International Law*, vol. iii, Washington 1906, sect. 820–54). In time of war alien merchants domiciled in a belligerent country are assimilated to the nationals of the latter with reference to the laws of war governing trade with belligerents.

Acquisition of nationality at birth may rest either upon *jus sanguinis*, whereby nationality

is derived from a parent, ordinarily the father, regardless of the place of birth, or upon *jus soli*, under which nationality is derived from birth in the territory of a state, regardless of the nationality of the parents. *Jus sanguinis* is undoubtedly the older basis of nationality, since blood relationship was the origin of primitive political organizations. The familiar history of the early Hebrews, Greeks and Romans bears this out. In every case the nation is divided into a number of tribes, each composed of families, nationality being based upon membership in these families.

Jus soli is said by some authorities to have its origin in the Germanic monarchies, in which allegiance to the king was the bond of union among the members of the various tribes. When the kings obtained fixed territories, their authority became coterminous with their holdings and allegiance was demanded as a matter of right. All inhabitants, and habitancy was most easily determined by place of birth, were regarded as the subjects of the king, while nationals, in so far as the concept was then recognized, were considered subjects of his state. Other writers hold that *jus soli* was derived from the feudal system. Feudalism certainly greatly emphasized the relationship between domicile and allegiance. Except in England, however, the relationship existed primarily between the vassal and his overlord rather than between the former and the king. Under the feudal custom elaborate formalities and express permission were necessary in order that a vassal might be released from his allegiance or fealty. This was the origin of the theory of indissoluble allegiance, representing a retrogression from the liberality of the Roman law, which recognized, theoretically at least, the right of expatriation. The doctrine of *jus soli* pervaded the common law both in England and on the continent until the reception of Roman law introduced again the principle of *jus sanguinis*. *Jus soli* and indissoluble allegiance, two incidents of the peculiar political organizations which developed over the greater part of Europe in the Middle Ages and which differed so widely from the organization of the modern state, have, however, survived.

Jus soli has been retained as the basis of nationality chiefly in Great Britain. It survives also in the United States and in the British dominions and to a greater or lesser degree in the Latin American republics, because of the practical expediency of claiming the allegiance of the children born of alien immigrant parents in their undeveloped territories. *Jus soli* was regarded as common law in the United States long before the passage of the Civil Rights Act of 1866 (14 Stat. 27), by which it was definitely confirmed, and it was likewise the basis of French law for many generations prior to the adoption of the *Code Napoléon*. While the laws of Germany and of several of the other states of continental Europe as well as those of China and Japan confer nationality at birth under *jus sanguinis* only, except in the case of foundlings, the laws of most states have taken over both principles or combinations of them. Thus *jus sanguinis* was adopted in the United States first in an act of Congress of 1790 (1 Stat. 103) and again in an act of 1855 (10 Stat. 604), reenacted in 1873 (Revised Statutes, sect. 1993), by which a child born outside the United States is a citizen of the latter if his father is a citizen of the United States and has ever resided there.

The coexistence in the laws of most states of *jus soli* and *jus sanguinis* gives rise to many cases of dual nationality. There seems to be no likelihood that the various states can be persuaded in the near future to adopt a single basis for acquisition of nationality at birth, and at the Conference on the Codification of International Law held at The Hague in 1930 no measure looking to such uniformity was introduced. The conference did, however, adopt an international protocol relating to Military Obligations in Certain Cases of Double Nationality, making residence the test of liability. This protocol has been ratified by the United States, Brazil, Sweden, the British Empire (including India but excepting all the other states which are separate members of the League of Nations), and when it goes into effect will furnish a satisfactory solution of many troublesome cases.

An important branch of the subject of nationality is found in the laws concerning naturalization, which involves also the problem of expatriation and the controversial question of whether there is such a thing as a natural right of expatriation as proclaimed by the Congress of the United States in an act of 1868 (15 Stat. 223 subsequently embodied in sections 1999–2001 of the Revised Statutes). Controversies between nations over this right have to some extent been settled by treaties. In many states naturalization in a foreign country or continued absence involves loss of nationality. In the

United States the prolonged absence merely raises a rebuttable presumption of renunciation of nationality. Marriage of a woman national to an alien, except in the United States and several other countries, leads to a loss of her nationality. There is also the problem created by persons who have lost their old nationality without ever acquiring a new one, a problem which assumed tremendous proportions during the World War.

In view of the differences in the geographical, political, ethnological and economic conditions of the various states it is inconceivable that uniformity in nationality laws can be agreed upon in the near future. It is doubtful indeed whether any real benefit would be gained by such uniformity. But it should be possible, if sufficient efforts are made and the need of large standing armies does not overshadow all other considerations, to reach satisfactory international agreements for the settlement of certain conflicting claims arising out of the diversity of nationality laws, especially with regard to the status and obligations of naturalized citizens and persons born with dual nationality.

RICHARD W. FLOURNOY, JR.

See: CITIZENSHIP; NATURALIZATION; EXPATRIATION; DUAL CITIZENSHIP; ALIEN; ENEMY ALIEN; DIPLOMATIC PROTECTION; DOMICILE; PASSPORTS; ALLEGIANCE; NATIONALISM.

Consult: Zeballos, E. S., *La nationalité au point de vue de la législation comparée et du droit privé humain*, 5 vols. (Paris 1914–19); Fustel de Coulanges, N. D., *La cité antique* (28th ed. Paris 1924), tr. by W. Small (12th ed. Boston 1901) bk. iii, ch. xii; Zimmern, A. E., *The Greek Commonwealth* (5th ed. Oxford 1931) pt. ii; Glotz, Gustave, *La cité grècque* (Paris 1928), tr. by N. Mallinson (London 1929) p. 263–72; Buckland, W. W., *A Manual of Roman Private Law* (Cambridge, Eng. 1925) p. 51–59; Greenidge, A. H. J., *Roman Public Life* (London 1901); Burge, W., *Commentaries on Colonial and Foreign Laws*, 4 vols. (new ed. London 1907–28) vol. ii, p. 85–220; Moore, J. B., *A Digest of International Law*, 8 vols. (Washington 1906) vol. iii, sects. 372–486; Piggott, F. T., *Nationality*, 2 vols. (London 1906) pt. i; Kiefe, R., *La nationalité des personnes dans l'Empire britannique* (Paris 1926); Louis-Lucas, Pierre, *La nationalité française* (Paris 1929); Schätzel, W., *Die Regelung der Staatsangehörigkeit nach dem Weltkrieg* (Berlin 1927); Gläser, Karl, "Erwerb und Verlust der Staatsangehörigkeit in Hispano-Amerika" in Institut für Politische Auslandskunde, *Abhandlungen*, vol. ix (Leipsic 1930); Salem, M. E., "La loi nouvelle sur la nationalité turque" in *Revue de droit international privé*, vol. xxiv (1929) 25–59; Dufour, R., "La nationalité dans l'U.R.S.S." in *Revue générale de droit international public*, vol. xxxvii (1930) 511–20; Söhngen, F. A., *Die nationaliteit van de gehuwde vrouw* (Amsterdam 1930); Bergmann, A., *Internationales Ehe- und Kindschaftsrecht*, 3 vols. (Berlin 1926–28) vols. ii–iii; Colanéri, André, *De la condition des "sans-patrie"* (Paris 1932); Pillet, A., and Niboyet, J. P., *Manuel de droit international privé* (Paris 1924) pt. i; Hyde, Charles Cheney, *International Law, Chiefly as Interpreted and Applied by the United States*, 2 vols. (Boston 1922) vol. i, p. 610–91; Borchard, E. M., *The Diplomatic Protection of Citizens Abroad* (New York 1915), esp. ch. i; Scott, James B., *Observations on Nationality* (New York 1931); Flournoy, R. W., Jr., and Hudson, M. O., *A Collection of Nationality Laws of Various Countries* (New York 1932).

NATIONALIZATION. *See* SOCIALIZATION.

NATIVE POLICY

LATIN AMERICA ..... JOSÉ OTS Y CAPDEQUI
NORTH AMERICA ..... W. C. MACLEOD
THE PACIFIC AND AFRICA ..... STEPHEN H. ROBERTS
GENERAL SUMMARY ..... STEPHEN H. ROBERTS

NATIVE POLICY

LATIN AMERICA. When the Spanish state was forced to take account of the new territories incorporated under the crown of Castile, to intervene actively in their affairs in order to impose its sovereignty and to organize them according to the norms of public law, there developed a native policy imbued with two fundamental motives which in practise frequently conflicted—the conversion of the Indians to Christianity and the exploitation of the natural riches, especially the mineral deposits, by the use of native labor. Almost from the first a plan of complete assimilation was followed. The Indies were organized after Spanish models; Castilian law was made expressly operative as a supplementary law; the natives were declared free vassals of the crown of Castile; and mixed marriages, which in the form of concubinage had been common from the beginning, were encouraged.

Modification of this scheme soon became necessary not only because of wide differences among the various native peoples—including such divergent types as the semicivilized agriculturists of Mexico and Peru and the wild tribes of the Antilles—but also because of the cultural differences between the colonists and

the natives, the tendency of the Indian to isolation and to the avoidance of steady work, and the exploitation of the aborigines by the invaders. The indigenes were placed in *reducciones*, or settlements separated from the Spaniards, under the political and (if he were a *licenciado*) judicial jurisdiction of a royal official, the *corregidor*; they enjoyed, however, a certain administrative autonomy and were ruled by alcaldes and other local functionaries chosen from their own ranks. In the *reducciones* families were assigned *resguardos*, or lots of land for cultivation; these were inalienable without official permission. Lands for pastoral and other purposes were marked off for communal use. The Indians were encouraged also to form community welfare funds (*cajas de comunidad*). The clergy supplied the stimulus to this partially isolated settlement of the conquered natives by the state; but certain religious orders, principally the Jesuits, carried the method of isolation much farther in so-called mission territories. When by the beginning of the seventeenth century the semicivilized societies of Mexico, Central America, northern South America and the Andes had been subdued and lay elements were unwilling to undertake to pacify the wilder tribes, the mission, subsidized by the monarch, became the chief instrument for advancing the frontier. Within its confines the Indians were put under the tutelage and rigid discipline of the clergy. Cultivating their lands in common, they enjoyed a considerable degree of economic well being. They were, however, totally isolated from other Indians as well as from the colonists; in fact the Jesuits did not foster the use of the Spanish language.

The administrative organization of *reducciones* and missions, the communal land tenure and the community funds were in great part derived from pre-Columbian institutions existing in such highly organized centers as Peru. Native customs received legal sanction in so far as they did not contradict the basic Spanish principles, and the native organization of the Indians in Peru and Mexico facilitated the establishment of a seigniorial regime (*see* AGRARIAN MOVEMENTS, section on LATIN AMERICA).

Almost from the beginning enslavement of the Indians was prohibited; this was confirmed by a papal bull of 1537. Enslavement was legal only in the case of just war, as against the persistently rebellious and reputedly cannibalistic natives of the Caribbean islands. But if the Indians were free men, they were considered to be minors requiring tutelage and protection. The demand for workers and the necessity of rewarding the colonizers resulted in the imposition of forced labor. The Indians were grouped into *repartimientos*, or allotments to individuals and public bodies for some specific employment—mining, farming, cattle raising, domestic service—and into the so-called encomiendas. Legally the encomienda was a tutelary institution; the *encomendero* was obliged to provide for the religious education of his charges, and in return for his patronage, which covered all spheres of social and juridical life, he was permitted to call upon the services of the *encomendados*.

Derived from the seigniorial regime of mediaeval Spain and legally sanctioned as early as 1504, the encomienda was vigorously opposed by some Spanish clerics and moralists, especially Las Casas (*q.v.*), but its legality and expediency were defended by most jurists and officials. In 1542, after deliberation by various councils of theologians, the *Nuevas leyes* were proclaimed. Besides setting forth high standards for the treatment of the Indians and abolishing personal service they provided for the gradual abolition of the encomiendas. The bitter protests of the *encomenderos* culminated in Peru in a bloody rebellion led by the Pizarros. The encomiendas were permitted to continue in force, but many provisions of the *Nuevas leyes* and earlier legislation favorable to the Indians remained permanently incorporated in colonial law. In the earlier years encomiendas were granted only for the life of the *encomendero*, but after 1536 succession to the second generation was admitted and this was soon extended to the third and fourth. Alienation, however, was forbidden. Upon the death of the last successor the Indians reverted to the crown and could again be indentured. In the second half of the sixteenth century the obligation of personal service was replaced by a system under which the Indians were free to benefit from their own labor on the sole condition that they indemnify the *encomendero* by a tribute fixed by the authorities. With few exceptions all male Indians of working age were under obligation to pay the tribute to the *encomendero* or to the king, but many Indians succeeded in evading this requirement.

Forced labor, established for all idle inhabitants of the colonies, constituted a real burden only in the case of the Indians, despite certain measures designed to soften its rigors. Thus only where absolutely necessary for the

provisioning of the cities could Indians be employed as carriers; the number to be used was to be judicially determined, and all so employed had to be over eighteen. The weight of the burden was also limited. Work in the mines, prohibited in 1549, was permitted in 1551 and even declared obligatory with the institution of labor shifts, known as the mita. In order to protect the *mitayos*, who were drafted for a certain period, numerous regulations covering the length of service, hours, payment, health conditions, types of labor, education and religious instruction were adopted; even with all these safeguards the mita was permitted only because of a lack of voluntary labor and was to be replaced by Negro slavery. Because of economic considerations, however, such substitution was never effected. In order to ensure an adequate supply of labor for the mines and to further the system of voluntary service an effort was made to establish in the mining areas settlements of Indians, to whom were granted cattle and lands for crops. The mitas for work outside the mines were also the subject of protective legislation. In 1609 conscriptions for forced labor were abolished and it was ordained that the Indians should be hired in public market places by individuals or corporations, with whom they should agree upon the period of employment. The legislators intervened repeatedly to regulate these work agreements. Despite the spread of voluntary labor the mita continued in force.

Forced labor of Indians under the age of eighteen was prohibited and labor of women and children was specially regulated. Hospitals, houses of correction for girls and young women, and educational institutions were established for the Indians, while their status as minors freed them from the jurisdiction of the Inquisition, tempered certain criminal penalties, such as that for bigamy, and secured a simplified judicial procedure for them. Their defense in civil and criminal suits was in the hands of the special guardians and protectors designated to watch over their interests and of the *fiscales* of the audiencia (*q.v.*).

Aside from the slaves and the theoretically free Indians there were, first in Peru and later elsewhere, Indians called *yanaconas*, who were considered to be serfs attached to the estates upon which they worked.

The exaggerated if well intentioned propaganda of Las Casas and others gave rise to the so-called black legend, which represented Spanish colonization in America as an example of the greatest cruelty and which was fostered by historians inspired by national prejudices. In modern times, however, there has developed a powerful reaction favorable to Spain. To Spain's credit are the humanitarian laws which modern Latin Americans regard as the precursors of their own social legislation; and while their profuseness indicates that they were frequently flouted by officials, landowners, priests, their own caciques and other oppressors of the Indians, many witnesses testify that they were not entirely ineffective. It is also necessary to recall the contemporary condition of the lower classes in Europe. Moreover the Spanish policy of forced labor found a place, if a subordinate one, for the Indian in the colonial society.

The practise of treating with the Indian tribes as sovereign nations, common in North America, was not generally followed by the Spaniards (*see* LAND GRANTS, section on LATIN AMERICA). Where, however, the conquerors failed to bring adequate force against natives well organized for warfare, the latter were able to resist conquest until long after the close of the colonial era. Thus the Spaniards were forced to parley with the mounted Araucanians of southern Chile and the La Plata region, give them gifts and acknowledge their virtual independence beyond certain boundary lines.

The practise of racial crossing resulted in the development of a hybrid race—the mestizos, *cholos* or gauchos—which in most Latin American countries is becoming increasingly the national type. The preservation of native customs and organization, besides checking the usually disastrous results of disorganization, served to establish many features of local government and cultural life, which survive in modern Latin America often beneath formal structures of a very different kind. Similarly the religion of the Indians in many instances remains fundamentally pagan.

Although the legislation contemplated that within ten years the mission village would be converted into a center of Spanish civilization, the unattractiveness of many of the sites for Spanish and mestizo settlers, the unwillingness of the missionaries to yield control and their isolationist policy retarded or completely checked this process. In addition the mission regimen made impossible the development of a self-reliant personality. Thus the missions accentuated the failure of the Spaniards to attain a unified culture in Hispanic America.

The humanitarianism of the eighteenth cen-

tury, the uniformist tendencies of the Bourbons and their desire for increased revenues influenced native policy considerably. Legislation incorporating the encomiendas into the crown was promulgated as early as 1720 and as late as the reign of Charles IV, by which time the institution had largely lapsed. Action was also taken against forced labor, which continued, however, either in defiance of law or under the legalized debt slavery known as peonage (*q.v.*). Indians also remained attached to estates as customary tenants and laborers, practically serfs. The office of the *corregidores*, who oppressed the Indians by forcing them to engage in trade with them, was generally abolished with the introduction of intendants, who were charged with avoiding abuses by local officials. The expulsion of the Jesuits from the Spanish dominions in 1767 struck a telling blow against the mission system, particularly in their great center in Paraguay, and many of their charges relapsed into savagery or fell prey to the colonists. In some regions, notably in northern Mexico, the Jesuits were replaced by the Franciscans and other orders.

With regard to both methods and results Portuguese native policy in Brazil offers strong analogies to the Spanish, with its conflict of economic and religious motives and the early assertion of the assimilative policy. Enslavement, however, which had attained a marked development in the Portuguese colonies in Africa, characterized the sixteenth century; from 1570 constantly changing legal restrictions on the practise were introduced and sometimes it was entirely prohibited. The union of Spain and Portugal (1580–1640) resulted in the adaptation of Spanish practises, the Jesuits providing the driving force for humanitarian measures. In 1611 a variation of the encomienda was introduced under the name of *administrações*. Peaceful subjection of the Indians was to be accomplished by a layman, or "captain," accompanied by a religious. The captain was to be judge and seignior of the settlement; coercion for his own service was prohibited, but his charges might contract for service with others. The captains were usually half breeds and government under native chieftains developed also; the system of forced labor evolved into a sort of mita. The Jesuits, opposed to the administrative system, struggled for control throughout the seventeenth century, sometimes gaining complete sway over the Indian villages. Like their Spanish brethren they favored the importation of Negroes, which in fact became more widespread than in the Spanish colonies outside the Antilles region and eventually resulted in benefiting the Indians. Another compromise was the division of the newly subdued Indians into three groups, two of which were to alternate between cultivation of their lands in the villages and work for private individuals, while the third was placed under direct control of the missionaries. In 1686 a fixed number of aborigines were set as the padres' share. This apportionment system prevailed in the eighteenth century when the missions, centered in the north, were in a prosperous condition and the Jesuits, who in addition possessed numerous Indian slaves, occupied their charges in their own service while the colonists complained of a labor shortage. Nevertheless, the same forces which influenced Spanish policy in this period functioned in Portugal. Between 1755 and 1758 Pombal expelled the Jesuits, declaring all the Indians of Brazil to be freemen equal to all other subjects. In the latter year, however, he sanctioned the virtual restoration of the administration system under the control of so-called directors of the Indians, despotic individuals generally chosen from the military class. The ensuing decay and reversions to savagery resulted in 1798 in legislation abolishing the office and placing the Indians under general law, but allowing the imposition of forced labor. As late as 1808 open warfare was declared against some of the Indians and their enslavement for a term of years was permitted. At the end of the colonial era the Brazilian Indians were the prey of all the traditional enemies of the aborigines.

Since the winning of their independence advances of settlement have been made in Latin American countries into the numerous territories over which the Spaniards failed to establish supremacy, although, as in various parts of Colombia and Venezuela as well as in the Amazon basin as a whole, control is still very loose. On the Argentinian pampa, where the Indians encouraged by the officials on the Chilean side of the Andes had engaged in cattle raiding over the mountains, the gradual advance of settlement signified the virtual extermination of the natives. For some time after independence the policy of treaty making was continued, while Indian raids constituted a menace to important centers of population. Finally in 1867 the policy of forcible occupation of the native territory was adopted; the Indian frontier was established at the southern end of the pampa and the natives

were guaranteed everything necessary for their settled existence. The conquest was completed under General Roca (1878–79) and the Indians were driven beyond the frontier or colonized in the agricultural settlements of the northern pampa; women and children were distributed among Argentinian families. From time to time land in Patagonia was apportioned to caciques and their tribes in full proprietorship or insecure occupancy tenure.

In Chile the process of incorporating the Indians of forested Araucania had begun in the late eighteenth century. Caciques were subsidized and given titles; missionaries, traders and settlers who procured land from the natives entered the country in increasing numbers. During the struggle for independence loyalists were more successful in winning over the Indians, some of whom never submitted to the Chilean government. Civil conflict also augmented the restlessness of the Indians in the earlier years. From about 1860 a definite policy of incorporating the Araucanian territory was followed continuously: fortified towns constantly pushed back the frontier, strong garrisons sufficing usually to intimidate the natives, who were given land for their own use while their customs, including inheritance and polygamy, were respected. Their last uprising occurred in 1881; the last parley was held in 1883.

The aborigines of Tierra del Fuego, which is divided between Argentina and Chile, were practically exterminated by gold seekers and sheep raisers who invaded their territory from about 1880. Although as late as the first decade of the twentieth century the various tribes of the Chaco constituted a menace to colonists and soldiers, this region has also been the scene of encroachments by cattle farms and plantations and punitive expeditions have reduced the natives to submission.

In older centers constant encroachment drove the communities of semicivilized Indians for the most part into isolated mountainous regions (*see* LAND TENURE, section on LATIN AMERICA). But the Indian remained the chief source of labor supply in most of the countries, and his labor was governed by the system of extensive cultivation followed by the politically dominant *terratenientes*. Constant increase in the areas under cultivation necessitated an ever greater supply of workers; this was usually obtained by binding the savage or communal Indian to service on the hacienda under the system of peonage. Like the colonial forced labor systems, peonage was probably the chief means of assimilating the native. Through forced or voluntary labor the Indian came to serve also in mining and newer types of enterprise, although until recently he was not generally considered capable of operating machinery. In the vast Amazon basin the natives were utilized on rubber plantations; the accompanying abuses, in part a result of the difficulty of establishing control in remote territories under conflicting jurisdictions, finally aroused world indignation.

Inspired by French revolutionary ideas and to some extent also by the legislation of the Indies, the patriots who framed the early Latin American constitutions proposed to proclaim the Indians equal to all citizens and to grant land to the landless. Equalitarian legislation was promulgated in Venezuela in 1811, in Argentina in 1813, in Chile in 1819 and in Peru in 1821. Communal lands were ordered to be divided up and the checks upon alienation removed. But the disastrous results of such legislation soon became evident and although the law generally maintained the principle of individualization, alienation was restricted. As early as 1825 Bolívar prohibited the alienation of the lands of the Peruvian Indians until 1850; in 1828 this was modified to permit free alienation by owners who were literate. In Colombia alienation of the *resguardos* was prohibited in 1832 and 1843; Chile introduced restrictions on alienation in 1853.

The proclamations of equality and the attacks on communal land tenure implied an assault upon native customs and internal government, which was counteracted, however, by isolation and the communal resistance. In fact there was a dual governmental organization, the formal structure being superimposed upon the Indian system. Occasionally too the law permitted deviations from the principle of uniformity, especially when, as in Venezuela in 1856 and in Colombia in 1874, attempts were made to control the nomadic tribes. In certain cases the inferior status of the Indians under the colonial regime was maintained in whole or in part. In 1830 the laws of the Indies were declared effective in Ecuador. Bolívar in 1826 restored the tribute in Peru, for the necessities of the struggle for independence made this a highly important source of revenue. It was abolished in 1857 in Ecuador and in 1854 in Peru, where a new source of income had been found and where the liberals linked their action with the abolition of slavery.

The movement against the missions, begun in the eighteenth century, was aided in the independent period by the fact that the royal subventions were cut off. Moreover the members of the orders were inclined to favor and even to incite their charges to fight for the royalist cause; it was for this reason that the Capuchins were expelled from Venezuela. By attacking the church influence and property the liberals continued to hamper mission work. The conservatives, on the other hand, were inclined to invite the orders to return; in Chile the restoration process began as early as 1832.

As the various countries with a considerable proportion of Indian population approached the centenary of their independence, compared their political, social and economic situation with that of the United States, noted the wretchedness and isolation of their communal Indians (many of whom do not speak Spanish) and the misery of the peon and recognized their failure to attract a considerable flow of immigrants, they awoke to the realization that the aboriginal population was perforce their chief reservoir of labor and that the unsolved Indian problem was the greatest cause of their backwardness. This recognition came at a time when interest in the lower classes was increasing throughout the world, but it was associated also with the emergence of a spirit of Indian nationalism originating in the struggle for independence which achieved vitality when linked with the hitherto sporadic uprisings of the downtrodden natives. Indianism is in the main still confined to intellectuals and mestizo politicians; but contact with the towns, army service and the influence of missionaries and agitators have served to make the Indian conscious of his own rights. The Mexican Revolution and world reaction to the disclosure of conditions in Putumayo hastened action in Latin America in the interest of the native. Papal pronouncements stimulated Catholic action, which, however, has been attacked by anticlericals and by individuals who feel that it is based too much on an ethical appeal. In Bolivia a Catholic pro-Indio campaign in 1926 was defeated largely by anticlericals.

The movement on behalf of the Indian crystallized in the formation of societies for the protection of indigenes, as in Chile, Argentina and Peru where the chief accomplishment of the Asociación Pro-Indígena (1909–17) seems to have been the stimulus given to the Indians to organize themselves. An increasing number of studies of native organization, psychology and economic life have sought to evaluate the Indian's aptitudes and to determine those of his social and cultural attributes which might be incorporated into the national civilization. A clearer definition of the objective of education has been attained; generally this does not go far beyond conversion of the Indian into a prosperous agriculturist or craftsman. Observation of the effects of assimilative legislation, reenforced by general tendencies in anthropological studies, has developed the conviction that the Indians need special laws, that the communities serve as a defense against the landowners and that they must not be transformed abruptly. An extreme view is held by Marxists, like the Peruvian J. C. Mariátegui (*q.v.*) who sought the establishment of a collectivist state based on the communal system. State action adopted with a view to solving the native problem has been for the most part reformist and educational. Special governmental protective agencies, which had disappeared after the end of the colonial era or had been revived largely in connection with the disposal of lands, were given a greatly increased scope, including the proposal and enforcement of legislation and the protection of native interests, especially in labor contracts. General social and labor legislation, including the abolition of peonage, has been widespread. Ambulatory schools and institutions for agricultural training have been adopted from other countries; in Peru certain Indians have established schools on their own initiative. Nationals have finally been accorded equally liberal treatment with foreigners in regard to land settlement.

The question of settlement is linked with the problem of missions. The desire to use the mission for the effective occupation of disputed frontier regions has been operative in Colombia, where beginning about 1890 the long conservative domination opened a field for various orders and subsidized them, and in Venezuela, where a law for mission colonization was passed in 1915. In countries where religious strife has been less acute or has decreased in significance missions have received some encouragement also. In 1900 Argentina granted lands to Catholic missions in the territories of Chaco and Formosa; Argentinian officials, however, do not greatly favor missions. Catholic missions exist in Ecuador, Peru, Bolivia, Paraguay and Brazil; but while they do important work in several places, their scope is very small as compared

with the colonial era and they have rarely been given the powers they possessed at that time. With the abatement of religious intolerance various countries have been opened to Protestant missionaries. The oldest and most important evangelical organization is the South American Missionary Society, a Church of England group founded in 1844; it became established in Paraguay in 1890, and the government subsequently recognized its Chaco mission as the official representative; it entered Araucania in 1895, the Argentinian Chaco in 1911 and Bolivia in 1926. The most successful enterprise is probably the Seventh-Day Adventist Mission to the Indians of Peru and Bolivia, which has established numerous schools and aroused the aborigines to demand their rights. Although the Protestant missions have received some government backing, they have lacked financial resources and sufficient personnel and have accomplished relatively little.

Critics of the various steps taken on behalf of the Indian point out that he is unable to take advantage of educational opportunities or to avoid oppression and enslavement as long as the system of latifundia deprives him of access to the ownership of the land. Hence they hold that the Indian problem and the land problem are identical and that the haciendas must be divided. Generally very little has been done in this direction.

Modern methods of dealing with the natives have received greatest application in Mexico, where there are some 6,000,000 Indians of almost every degree of civilization, with strong local loyalties and speaking ten or twelve different languages which may be further subdivided into numerous dialects. About 2,000,000 speak no Spanish; as in neighboring Central America, the number whose mode of life is Indian far exceeds the number of pure blooded natives. Under Díaz, when the country underwent considerable industrialization, the land and labor policies of the dictatorship together with the despotic centralization carried the oppression of the Indian to extremes. In Sonora the officials embarked upon a brutal policy of exterminating the stubborn Yaqui. The revolution which began in 1910 was, like earlier revolts, an uprising of the mestizo and Indian classes as well as an attack upon foreign domination, and the development of Indian consciousness became a distinct objective of the revolutionary leaders. Not only were sweeping labor reforms enacted and the land system reformed but the movement for popular instruction, begun under Alvaro Obregón, fostered the teaching of Spanish and the development of native culture while linking education with immediate economic betterment. The anthropologist Manuel Gamio, the author of *Forjando patria* (Mexico 1916), developed and applied experimentally the theory of "integral" education, according to which only instruction applied to the whole community and embracing its entire mode of life would suffice in Indian Mexico; the characteristics and products of each region must be studied as a basis for its education policy. Gamio's scheme was applied only in part. Under Calles the so-called cultural mission achieved a considerable development; it comprises a group of specialists who devote a number of weeks in a given region to training local teachers and furnishing special instruction in hygiene, music, art, agricultural and industrial pursuits. A great number of rural schools were founded, and although there was some opposition, the villages cooperated enthusiastically. In Mexico city there was established a school for Indian boys, who are expected to return to their native communities. Carleton Beals in 1931 summarized the accomplishments of the revolution as follows: "Since 1910 the Indian population has been taken out of serfdom . . . ; two thirds of the Indians . . . now live in free villages. Probably 800,000 heads of families have received land. . . . A very small minority has also been helped by rural credits. Probably a fourth of the Indian population is in touch with some autonomous peasant organization. Probably between a fourth and a fifth of the Indian school population has access to educational opportunities. Educational contacts of one sort and another probably influence many more." The advance in agrarian reform seems, however, to have been checked and the vicissitudes of politics and the necessity of presenting a united nationality against the outside world have led to a suppression of the autonomist aspirations of certain Indian groups.

Of the five Central American countries only in Guatemala do the Indians, numbering over 1,000,000, remain a distinct racial group speaking variegated tongues. Ever docile agriculturists, they are subjected to forced labor recruitments and to the system of peonage, which finds in Guatemala its last stronghold.

Next to Mexico and Guatemala the Andean countries have the largest centers of Indian population. The great majority of these Indians are

communal mountain dwellers, but there are also wild aborigines in the eastern lowlands. In Peru action was taken in 1909 against the complicity of officials in the imposition of forced labor; in 1916 legislation was enacted against peonage and for a minimum wage. Definite abandonment of the long established assimilative policy came with the incorporation into the constitution of 1920 of declarations that the state would enact special laws for the betterment of the native race and that it recognizes the legal existence of Indian communities, whose property is inalienable by ordinary procedure. In 1921 a Section of Native Affairs was created to suggest and enforce protective legislation. A directory for indigenous education also has been established and a weak attempt to improve education has led to the introduction of ambulatory, boarding and farm schools. Protective legislation is not fully enforced, however; the Indians still form the rank and file of army conscripts, and the corvée was reestablished in 1920. Peru, Ecuador and Bolivia lag far behind Mexico.

Among the countries of the Amazon basin Brazil is distinguished by its native policy. During the imperial period the Indians benefited by wise legislation but only on a small scale, particularly because of lack of adequate means of communication. In 1831 the Indians in servitude were ordered liberated; the natives were given over to the judges of orphans, who were to place them where they might earn wages or learn crafts. A comprehensive plan for the government of the Indians and the peaceful reduction of nomadic tribes was adopted in 1845. The emperor appointed for each province a director general of Indians, who was to act as a legal representative, guard against forced labor, promote intermarriage and the voluntary acceptance of Catholic instruction, provide necessary assistance in the form of housing, tools, clothing and medicine and base his policies upon the study of the aptitudes and inclinations of the Indians and the resources of the locality. Individual natives were given the right to acquire title to land outside of reservations. In the first two decades of the republic practically all protection disappeared. The natives became the prey of rubber exploiters, who organized raids to recruit forced labor, and of the armed forces sent out by colonization and construction enterprises, whose advance was blocked by savage tribes. Finally, a spirit of humanitarianism combined with anthropological interest and a certain sense of nationalism, manifested especially in a demand for the placing of nationals on terms of equality with foreigners, led to the establishment in 1910 of the Federal Service for the Protection of Indians and the Settlement of National Workers. The enabling legislation, which resembles considerably the decree of 1845, requires that the customs and internal organization of the natives be respected, holds up the restitution of usurped lands as an objective, although the natives have only the usufruct of their lands, and entitles all Indians to assistance, including the inhabitants of civilized centers. By 1923 the Indian service had settled nomadic, recalcitrant groups of indigenes on thirty-one reservations and had taken over four older reductions, while incidentally it had done much toward colonizing and pacifying various sections of the interior. Its objective is to provide incentives for the native to take up a civilized life, become a rural worker and learn the national language. It guards carefully against the taking of life in the process of Indian pacification. Although it has won widespread approbation abroad, it is handicapped by the opposition of land grabbers and politicians and by the lack of support of state governments. Its budget is far smaller proportionately than were similar expenditures under the empire. In the other countries of the Amazon basin conditions although better than formerly are far worse than in Brazil.

In recent years the Araucanians of Chile have undergone a renaissance. This is to be credited to the work of the protector of the natives, whose office was established in 1866, and of the missionaries, especially the German Capuchins, who have been in Araucania since 1896; service in the army; contacts with the general population in the north; and especially the national attitude which prizes possession of the supposedly manly Araucanian blood. Increasing emphasis is given to industrial and agricultural training, while the Spanish and Araucanian languages also are taught. The Indians have learned to organize to protect their property and they are said to entertain aspirations toward autonomy. In order to end internal strife and to foster productivity and assimilation legislation was enacted in 1927 with the object of individualizing land tenure; Indians with a certain amount of education are authorized to alienate their land freely. In 1928 there were 3278 reserves involving a population of 80,661, but it is estimated that no more than 20,000 indigenes live in isolation.

In Argentina, although Indian blood is more prevalent than is usually admitted, the racial attitude is different and the condition of the Araucanians is less favorable. Their reservations situated in the south are few and scattered and the land is not always of good quality and is usually overpopulated. Nevertheless, the erstwhile pampas Indians are likewise being assimilated and arouse less interest than the natives of the Chaco, who are transported back and forth to the northern sugar plantations in Jujuy and Salta. Land for the latter has been given to but one or two chiefs and missions. The chief problems are connected with labor. The equalitarian tendencies of the country have checked attempts of officials to secure the establishment of a code of special Indian labor legislation.

JOSÉ OTS Y CAPDEQUI

NORTH AMERICA. In the study of native policy it is expedient to distinguish from Latin America that part of North America north of Mexico. The Indian policy of the other European nations in North America can best be understood in contrast to that of Spain, as exemplified in Spanish policy in the areas north of the Rio Grande as well as south of it.

In the territory now covered by the United States, in regions formerly under Spanish control, slavery and forced labor, which had been so important farther south, were applied only on a small scale. The mission technique predominated (*see* section on LATIN AMERICA). In the peninsula and panhandle areas of what is now Florida and on the coast of what is now Georgia and South Carolina most of the native tribes were, well before 1700, resident in mission villages under the economic, social and religious tuition of Spanish missionaries. In California the first mission was established at San Diego in 1769, the last in San Francisco in 1823; by 1834 some 30,000 Indians were settled in over twenty missions. Missions flourished also in Texas.

Beginning about 1680 the British colonists of Carolina, assisted by Creek and other Indian allies, completely destroyed the Spanish missions in the southeast. The civilized mission Indians were killed, taken captive and sold into slavery or otherwise dispersed. The young Mexican government, engaged in a struggle with the church, decreed the secularization of the missions in California in 1833 and 1834, driving out the missionaries; the result was the disintegration of the missions in that area. The Indians either died off or returned to a more primitive way of life as marauders. When Texas seceded from Mexico in 1836 it secularized the missions, which disappeared as important Indian agencies.

Aside from the Spanish missions the mission policy was employed on a noteworthy scale in North America only by the French in what is now the province of Ontario. From about 1635 to 1645 the French Jesuits achieved some initial success there among the 30,000 Hurons. Beginning about 1645, however, and especially in 1648–49 these Hurons were nearly exterminated by the Iroquois, who had acquired firearms from the Dutch fur traders of New Netherland and, with the gradual exhaustion of their own fur supply, sought the Huron country as a fur hunting ground.

The fundamental distinction between the Spanish policy and that followed by other nations in North America lies in the fact that the Spaniards rarely treated with the Indian tribes as though these possessed any collective sovereign rights. Except where the Indian tribes were used as allies against a strong rival, such as the United States, as in the case of the Spanish treaties of 1784 with the Creeks, Choctaw and Chickasaw, subjection to the Spanish crown was insisted upon. The Indians became subjects of the Spanish crown only as individuals. Although in practise the representatives of Spain frequently utilized the existing Indian tribe as an administrative unit, making it the basis of a municipality or other organ of local government, it was always as a branch of the Spanish government and not by way of recognition of the continued sovereignty of the Indian tribes. Supreme authority was vested in the representatives of the crown. There was no purchase of Indian lands or other rights (*see* LAND GRANTS, section on LATIN AMERICA). All the former national or tribal domains of the erstwhile sovereign Indian people became crown property.

The earliest British colonies (Roanoke about 1585 and Jamestown, Virginia, 1607) did not consciously diverge from the Spanish policy, with which they were well acquainted. The colonists were "planted" not by the British crown, but by entrepreneurs to whom the crown had granted rights of colonization (*see* CHARTERED COMPANIES). For a time conquest of the Indians and their economic assimilation under a forced labor system was under consideration, but North

American enterprise never gave promise of great profits; it therefore never attracted enough capital to make practicable the actual subjugation of the Indians, involving considerable outlay which would yield dividends only after a long time. Although the first British entrepreneurs in North America were cautious as regards expenditures, their heavy losses suggest that they followed the wrong policy. The alternative adopted was to treat with the Indian tribes as sovereign nations. Land for settlement was acquired from the Indians by cession through formal treaty. In the earliest period cession followed as a result of defeat in war but later as a result of purchase from the Indians, who because of the advantages of trade with the colonists were in the beginning glad to have small groups of whites settle among them.

The earliest French colonization contemporaneous with that of the English in Virginia was also under the direction of a trading company. In this case, however, the interest was chiefly in the fur trade rather than in the cultivation of crops for export. Here too the management was conservative with regard to expenditures and was likewise obliged to treat with the Indian tribes as sovereign nations and to receive from the Indians land for forts and settlement by cession, which did not always, however, involve purchase. The Dutch and Swedes on the Atlantic coast in the first half of the seventeenth century followed policies very much like those of the British as a result of the same sort of financial conditions and with similar consequences to themselves and to the natives.

The Dutch in acquiring land by cession from the Indians followed a somewhat different procedure; they retained all the European formalities of land transfer, including the use of properly attested and signed parchment deeds. The Dutch West India Company, which controlled New Netherland, required that a deed of transfer from Indian owners be acquired by prospective settlers but refused to recognize the settler's right to the land without approval by the company. This practise, initiated in 1626 with the purchase of Manhattan, was probably intended to challenge English claims to exclusive right to trade and settle in areas in which the Dutch were intruding. Since the English treated the Indian tribes as sovereign, consistency demanded that they recognize deeds transferring lands from the Indians. The Swedes in Delaware and the New Englanders on the Connecticut River succumbed to the strategy of the Dutch. In New England, however, the practise at first had no legal sanction, since these colonies, while they found it expedient to recognize Indian sovereignty, would not officially recognize Indian title to Indian lands. Later, in the 1640's, under the sentimental and politically heretical Roger Williams the practise became widespread in New England and gradually received the official sanction of the New England colonies. In the 1650's it was adopted in Virginia and Maryland.

Interminable wrangling over Indian deeds of transfer ensued. Established merely as a device whereby colonial rivals could concoct new legal quibbles over colonial rights pending the resolution of the entire conflict by European war, such deeds became a part of British policy through the pressure of sentimental elements. The procedure was never adopted by the French, who did not need such an intercolonial bargaining device and did not pretend that their recognition of Indian sovereignty was prompted by anything but financial expediency.

The English and American attitude, as subsequently explained in the cases of Fletcher *v.* Peck, 10 U. S. 87 (1810) and Johnson and Graham's Lessee *v.* McIntosh, 21 U. S. 543 (1823), was based upon the principle that discovery gave title to the government by whose subjects or authority the discovery was made but that this title was subject to the Indians' perpetual right of occupancy. This right of occupancy was to be respected while the Indians were in possession of the land, although they were incapable of transferring absolute title.

While Russian colonization in Alaska in the late eighteenth and the early nineteenth century also was carried on through a private company—the Russian-American Company—treaties were not employed nor was the policy one of pushing a segregated Indian people farther and farther into the wilderness. The policy varied according to whether the Indians were classed as settled or wild. Over the latter the company exercised little control, merely attempting to obtain the best possible trading terms from them. The settled natives, however, were considered Russian subjects with a distinct status; they were subject to Russian laws and entitled to Russian protection, but they were not required to pay taxes or tribute. They were governed by their own chiefs but subject to company control. These natives were utilized in the otter hunt, which was the principal activity

and source of revenue of the settlements. The native hunters were furnished with supplies and equipment by the company; they hunted under the direction of a Russian foreman and they shared their catch with the company. Their own portion was sold to the company at a set price which governed not only their pelts but those of the Russian settlers as well; they were paid not in money but in credit at the company stores. Considerable opportunity was afforded them of achieving equal status with the Russians, and some of the natives and hybrids were sent to Russia to be educated.

One of the important elements of friction in the problem of Indian-white relations in North America was the treaty system, which assumed a sovereignty and a control of subjects and groups that existed neither among the Indians nor among the whites. Under the customary loose organization of the Indians no single central body would act for the entire nation; only those who had actually participated in the signing of a treaty and in the distribution of presents considered themselves bound by its terms. Clashes were often due to claims by groups of Indians that those who actually signed the disputed treaties had no authority to commit the nation as a whole. As a result of the recognition of Indian sovereignty whites were generally restrained from entering Indian territory and Indians from entering white territory without actual passports or other express permission. Traffic through Indian territory was possible only by acquiring from the Indians formal rights to pass over certain routes. There was as a rule no authority among the Indians which could punish violations of treaties. On the part of the colonies too attempts to prevent intrusion by whites into territory guaranteed to the Indians proved vain. Even where troops were used to force squatters back to the established frontier, the check proved only temporary.

Another frictional factor in North America, as elsewhere in the relations between peoples in different stages of economic development, was the lack of a common standard of value. The prohibition upon the sale of land by Indians to individual whites had a rational justification in that the Indians were unable to comprehend values in terms of the white economic system and were willing to part with their land and furs for trifles. Regulation of trade between whites and Indians was necessary not only to assure additional revenue to the colony or mother country but also to protect the Indian against unscrupulous and overreaching traders, whose practises affected the Indian attitude toward all whites. Accordingly trading with the Indians was generally either a monopoly of the colony or of some private corporation or could be carried on only by licensed and bonded traders. Such stipulations were generally incorporated in the treaties with the Indians.

The treaties were renewed frequently, generally every year in accordance with Indian practise, which also required the exchange of presents of about equivalent value on the occasion of the renewal. But because the military assistance of the Indian was sought in intercolonial wars, the white colonial ambassadors instituted the custom of accepting only a nominal formal gift from the Indians while giving them considerable presents of ammunition, spiritous liquors, hatchets, hoes and various other articles. Serving as pawns in the struggle for imperial domination in North America, the Indians demanded greater and greater rewards for their alliance and services.

As war, disease and liquor made inroads upon the Indian population, the dwindling tribes sold their territories bit by bit to the white invaders. Lands which one year were guaranteed to the Indians in perpetuity were the next year demanded of them for a consideration. The little remaining tribal property became isolated from similar Indian enclaves. Finally the tribe, reduced to a few hundred on just enough land to support it, its military strength no longer either valuable or dangerous to the whites, came to be looked upon as a charge or ward of the colony. It was prohibited from alienating its remaining lands without colonial authorization and was forced to agree to trade only with individuals licensed by the particular colonial government. After the American Revolution there developed the practise of reserving the sums credited to the Indians for lands sold, the Indians being given an annuity from the fund in addition to the annual treaty payment.

The sadly diminished, isolated enclave of Indians became popularly and later officially called a reservation. Essentially a reservation is any area of land which with its inhabitants is set apart from the encircling dominant community, with definite territorial boundaries within which there exist special laws and customs for the inhabitants. Reservations have been typical phenomena of many an Old World cultural and racial frontier. They have evolved

in each case as a consequence of the clash of cultures subjected to a control leading to segregation (*q.v.*) of the weaker group. So long as large areas in North America remained inhabited exclusively by large tribes of Indians, the process of forming Indian reservations continued, a result of the constant pressure of organized white population against the Indian borderlands and the continuation of the old colonial Indian policy.

Before 1754 each of the various British colonies had assumed management of its own Indian affairs; in that year war with France brought the British military forces on the colonial frontiers to the realization that while the direction of the Indian allies of the French was efficiently centralized, the British tribal allies were allies not of the crown and its forces but, in each case, of some particular colony. By hasty and impromptu measures the crown through its military organization took over from the several colonies the control of relations with the Indians on the frontier. A superintendent of Indian affairs was appointed to deal directly with the Indian tribes. The old decayed coastal reservation tribes were still for the most part left in the charge of the several colonies.

With peace established in 1763, the British crown in its famous proclamation of that year made permanent its control of Indian affairs. The colonies were restricted to the territory east of the Appalachian divide, all the territory to the west of it being reserved to the Indians. The Indian territory was divided into a northern and a southern district with a superintendent for each. Aside from unification of the management of Indian relations there were minor modifications but no fundamental change in Indian policy.

The crown sought to check the tendency of the poorer classes of agriculturists to press upon the solid line of the established Indian frontier. There was considerable land for sale even in the area of old settlement but at a price which many were unable to meet, while beyond the frontier there was rich land which a decreasing Indian population with aboriginal techniques could not cultivate. The impoverished whites were anxious to secure land in this territory—through acquisition and subsequent grants by the crown, through forcible seizure to be followed by legal recognition or through direct purchase from the Indians and legal recognition of title.

These conflicts over the Indian land problem had existed from the early seventeenth century in each of the separate colonies, the colonial government being antagonistic to the poorer frontiersmen and constantly interfering in quarrels between them and the Indians in favor of the latter. Neither the colonies nor the crown found it advisable to change the policy of acquiring and granting new Indian lands. Effective maintenance of the status quo, it was held, would decrease quarrels and crime incident to the mingling of Indians and the rougher elements on the frontier; tend to preserve the friendship of the Indians and make unnecessary expensive wars against them; keep up the productivity and profits of the fur trade beyond the frontier; permit more effective political, social and economic control of the outer edges of the colonial settlements; and reserve the frontier lands in Indian possession until the westward movement of relatively dense white population would enable the government to sell the lands to prospective settlers at a profit after acquiring them at its own price from the remaining Indians. In practise, however, the policy merely intensified the hatred of the frontier whites toward the Indians, a hatred expressed in murders and resulting in Indian wars, while the government was constantly forced to buy new Indian lands for disposition to the frontiersmen.

Under the Articles of Confederation (1777) Congress was given exclusive power of "regulating the trade and manageing all affairs with the Indians, not members of any of the states, provided that the legislative right of any state within its own limits be not infringed or violated." The confederation made no material modifications of policy, but in a treaty with the Delawares in 1778 it gave the Indians the right to send delegates to the Congress if they chose. Thus was initiated the idea of an Indian state in the union, a proposal which was given some consideration by Jefferson and which was repeatedly advocated for over a century.

The constitution of 1789 gave the federal government exclusive power "to regulate commerce . . . with the Indian tribes." In an effort to restrict the evils of private trading the United States in 1792 adopted the principle of direct government trading with the Indians. It was some time, however, before these government trading houses actually were established. In 1806 provision was made for a superintendent of Indian trade to serve as a permanent central

directing agent for government trade with the Indians. Persistent opposition by private trading interests resulted in the abolition of this office in 1822, but two years later the Bureau of Indian Affairs was established. In 1832 a commissioner of Indian Affairs was appointed to take charge of all matters arising out of relations with the Indians, and in 1834 the Department of Indian Affairs was organized as a subsidiary of the Department of War. The Indian bureau was transferred to the Department of the Interior upon its establishment in 1849.

Pursuing in general the policy which had been followed by the crown and the confederation with reference to extension of the frontier, the federal government soon found that the desire for land on the part of the frontiersman was still unappeased. Particularly with the acquisition of the Louisiana Purchase in 1803, those southern states on the borders of which lived powerful Indian tribes whose lands were sought by the frontier whites insisted that the federal government either liquidate the tribal governments and acquire their territories or remove these tribes to new regions west of the Mississippi. The idea of removing the Indians apparently originated with Jefferson in connection with the Louisiana Purchase. Under Monroe and Adams the federal government insisted that removal could take place only with the voluntary consent of the Indians. The Indians were approached on this basis; but the principal tribes concerned, the Choctaw, Creeks, Seminole and Cherokee, refused. Several states then threatened to defy the federal government, to take charge of Indian affairs within their own borders, to dissolve the tribal governments and to confiscate all Indian lands except those needed by the Indians for sustenance. The hatred bred on the frontier had given rise to the application of color prejudice against the Indians, and it was planned to subject the tribesmen to the legal disabilities imposed upon Negro freedmen. As early as 1794 a Tennessee law provided that no Indian could be a competent witness in court against a white man. Without federal interference Mississippi in 1830 dissolved the tribal governments of the Chickasaw and Choctaw within the state, but this affected few Indians. Alabama in 1820, 1821 and 1829 and Florida in 1831 extended their civil and criminal jurisdiction to the few Indians remaining within their boundaries. Tennessee and Texas (both as republic and state) likewise rid themselves of Indians and tribal government. The Choctaw, Chickasaw and Creeks yielded and most of them moved west.

The Cherokee, however, except for a small group which voluntarily and unofficially migrated to western lands, refused to leave Georgia. Between 1806 and 1827 they effected a modification of their already excellent native form of government into a form patterned after that of the white American. Georgia legislation of 1828 and 1829 refused to recognize the remodeled Cherokee confederation, declared Cherokee lands the public domain of the state, to be distributed to white and Indian alike, and provided that the Indians were to become individual subjects of the state, with certain disabilities such as attached to freed Negroes. The Cherokee nation sought an injunction against the enforcement of these measures; but the Supreme Court held [Cherokee Nation *v.* Georgia, 30 U. S. 1 (1831)] that the Cherokee nation, being a dependent domestic nation and not an independent foreign nation, could not maintain a suit against a state in the Supreme Court. The following year, however, in a suit involving a white missionary [Worcester *v.* Georgia, 31 U. S. 515 (1832)] the laws of Georgia breaking up the tribal organization were held illegal. Jackson, a frontiersman whose election to the presidency changed the executive attitude to one favoring forcible removal, thereupon nullified the decision by refusing to enforce it. With no other recourse, the Cherokee in 1835 agreed to move west within two years. At the end of that period most of them had not yet moved. Federal troops thereupon rounded up and forcibly moved thousands of Cherokee, causing great loss of property and life. In the fall of 1837 the remainder of the tribe—about 12,000—accepted the inevitable and moved to the Indian Territory. About 4000, representing approximately one fourth of the tribal strength, died in the course of the various removals. The Seminole were nearly all moved west by 1842, but only after a war lasting nearly eight years.

Northwest of the Ohio the power of the tribes had been broken at the battle of Tippecanoe in 1811. Furthermore as a result of the War of 1812 the United States was able to expel from this region English fur traders, who had constantly encouraged the Indians to hope that they would be able to resist the advance of American agricultural settlement. On its own initiative the federal government began to plan the westward removal of these Ohio valley and Great Lakes tribes, including immigrant Seneca,

Delaware and Shawnee. There was mild resistance on the part of the Kickapoo and of the Sauk, Foxes and Winnebago under Chief Black Hawk in 1832, but before 1840 most of the northwest tribes had gone west.

With the removal completed, the welfare of the Indian received little consideration until the late 1860's. The problem persisted throughout this period; but the expanding west was hostile to the Indian, while the now remote east was indifferent and increasingly absorbed in the problem of slavery.

Just as previous boundary lines had had to give way before the irresistible pressure of the frontiersman, the great preserve in the western part of the old Louisiana Purchase which the United States had set apart as a solid Indian territory in 1834 was broken up beginning in 1853. In the next few years a great many treaties were made extinguishing Indian title to certain lands. During the Civil War the slaveholding Indians, the tribes which had been expelled in the 1820's and 1830's on the demand of the southern states, fought on the Confederate side. In addition wild tribes to the north and west also went on the warpath. With the Civil War over, the United States penalized the Oklahoma tribes by obliging them to sell great tracts of land which they owned but did not have sufficient population to occupy. Into the territory so obtained the Cheyenne, Arapaho, Kiowa, Comanche, Sauk, Foxes, Pawnee, Iowa, Kickapoo, Shawnee, Potawatomi, Ponca, Wichita, Oto, Missouri, Delawares and other tribes were forced to move.

Investigations of the Indian service in the late 1860's, largely a result of the rise of a strong humanitarian interest in the Indian, revealed that inefficiency and corruption were then, as before and since, widely prevalent. A number of changes in Indian policy and organization resulted. As a check on the bureaucracy the Board of Indian Commissioners was set up in 1869; it was to consist of ten men who were to serve without pay and to have joint control with the secretary of the Interior over the disbursement of the Indian appropriation. Legislation in the next few years, however, made its powers almost entirely advisory. The appropriation for Indian education was greatly increased in 1870. Realization of the inexpediency of treating the Indian tribes as self-governing entities led in 1871 to the abandonment of the policy of regulating Indian affairs by treaty, in favor of that of congressional legislation and simple agreements, although existing treaties were not thereby impaired.

The sovereignty of the tribes, however, had already been impaired by the legislation of 1834 which extended the federal criminal laws to crimes on tribal territory where a non-Indian was the criminal or victim. In 1885 the United States assumed the right to exercise criminal jurisdiction in cases involving any of eight specific major crimes committed on Indian territory, even when the crime was of Indian against Indian. In 1932 two more crimes were added to this list. The states had jurisdiction in cases of offenses committed by Indians outside the bounds of the reservation. Other jurisdiction was left to the tribal government. Where, however, the tribal government had disintegrated, as was frequently the case, courts of Indian Offenses were set up. These courts are usually composed of three Indian judges, appointed and removable by the superintendent in charge of the reservation; they mete out justice theoretically according to a general code set forth by the Bureau of Indian Affairs in 1904 but actually almost entirely according to the dictates of their common sense. These courts have been criticized considerably, but their principal fault seems to be not that they are too harsh but that they are unable to control habitual malefactors. Marriage and divorce are governed by Indian custom.

With the abandonment of treaty making, the reservation system remained the dominant characteristic of American Indian policy. Its essential features were an emphasis on segregation and guardianship, with land communally owned but administered by the Indian bureau, which had the power to lease timber and mineral lands for the benefit of the tribe. The income from these leases, treaty payments and other annuities was distributed among the individual members of the tribe or placed in a tribal fund from which expenditures were made for communal purposes, such as education. In order to provide for the Indians in the early years of their settlement in the reservation and in an attempt to make them more contented with their lot rations were provided for them, at first for a limited time but later until they were capable of self-support. Under this arrangement the more warlike and potentially dangerous the tribe, the larger its allotment of rations was likely to be. The administration of tribal property was characterized by considerable laxness and corruption: leases were often made at highly

disadvantageous terms and tribal funds were frequently expended for improvements which were of little or no benefit to the Indians. Government appropriations for the Indian were often wasted or stolen.

Increasing evidence that the reservation system was pauperizing the Indian without making him any better adjusted to the prevailing economic system led in 1887 to the passage of the Dawes Act, which provided that individual Indians might receive a "trust patent" from the government for an allotment of land on the tribal reservation and that at the end of a twenty-five-year trust period full control of the land would pass to the individual Indian. Citizenship in the United States, theretofore denied Indians even though they had left their tribes [Elk *v.* Wilkins, 112 U. S. 94 (1884)], was to follow automatically upon the grant of the trust patent. The Burke Act of 1906 facilitated the grant of full control by providing that the trust period might be shortened if the Indian was able to manage his own property; it hindered the grant of citizenship, however, by setting up the achievement of ownership in fee as a prerequisite to citizenship. During the World War many non-citizen Indians fought in the United States army, and a law of 1919 conferred citizenship on all honorably discharged soldiers who asked for the privilege. In 1924 an act of Congress declared all non-citizen Indians born in the United States to be citizens; prior to this act, however, about two thirds of the Indians had already become citizens under the general allotment act or under various special acts.

Grant of citizenship has not carried with it the right to vote, which is regulated by the respective states in which the Indians live. Reservation Indians in the southwest, for example, are barred from voting on the ground that they are not taxpayers, reservation lands and lands held in trust by the United States having been held not taxable by local authorities [United States *v.* Rickert, 188 U. S. 432 (1902)]. In Arizona the Indians are barred from voting because the state law provides that persons under guardianship may not vote.

It has thus far proved an almost impossible task to educate the Indian population, primarily because of the diversity of views with regard to the proper aim of such education and because of the impracticability of the schemes of education adopted. In the earliest period Indian children were often permitted to attend school with the whites; but as hostility between the two races increased, this became less and less common. One of the most potent forces for education of the Indians in colonial times was the work of the various missionaries. But they soon discovered that their efforts were futile because the Indian possessed no outlet for the type of education thus provided. Unadapted as yet to the white man's economic system, he tended to discard his education on returning to his tribe.

Little was done by the United States government in the matter of educating the Indians until 1819, when an annual appropriation of $10,000 was provided for industrial and scholastic education. Since the government had no educational machinery, it distributed the money among the missionary societies, which later also received money from the treaty funds as well. In 1870 the development of an educational system under direct government administration was initiated. Toward the end of the 1870's the non-reservation boarding school was developed; the first one exclusively for Indians, situated at Carlisle, Pennsylvania, offered academic and industrial courses. This type of school quickly became the ideal in the Indian educational system, since it offered the greatest advantages to the white staff with regard to both their own comfort and their ability to control the Indian students. It soon developed obvious weaknesses, however. No provision whatsoever was made for the students returning to the reservation. With no economic opportunities available there and no particular training for the white economic world, they became either drifters or casual laborers performing the lowest types of manual work under the most degrading conditions. More recently, particularly since the report of the Meriam committee in 1928, the tendency, especially as regards the younger children, has been toward a system of day schools on the reservations or toward their education in the state public schools, the federal government paying the state a definite sum for each Indian student.

A critical summary of North American Indian policy must conclude that that followed by the United States has been a decided failure from any but the most rabid anti-Indian point of view. After over three centuries of contact the handful of Indians who remain in America today are still to a large extent culturally unassimilated. From a population which before the coming of Columbus numbered perhaps

3,000,000 the Indians of what is now the United States have decreased to some 350,000 at the most liberal estimate, which includes all those who possess any Indian blood whatsoever. Even now only about one third of the Indians are outside the jurisdiction of the Indian office, half of the remainder comprising unallotted Indians and the other half those whose allotment is still held in trust by the government. As recently as 1928 a report prepared by the Institute of Government Research under the direction of Lewis Meriam found that, aside from a few Osage and other Indians who had become wealthy through the discovery of oil on their reservation lands, the income of the typical Indian family was low and the earned income, as distinct from that which came from government grant or rations, extremely low. Only 2 percent of the Indians had incomes of over $500 a year. Partly as a result of this poverty the health of the Indians in comparison with the rest of the population was bad. The death rate and infant mortality rate were high. Tuberculosis and trachoma were extremely prevalent. Living and housing conditions were appalling; diet was poor; sanitary provisions were generally lacking. The system of public health administration and relief work was inadequate. The educational system had no well considered broad educational policy. A uniform curriculum was being applied throughout the Indian school system, although the different tribes were at quite different stages of development. Indian children were being fed at reservation schools on an average expenditure of eleven cents a day per child and were being forced to do heavy domestic work actually to ease the financial burden but ostensibly to acquire training in useful industrial arts. The Indian Bureau was found to be below a reasonable standard of efficiency because of inadequate funds, low salaries, rapid turnover, incompetence, bad living conditions and the political nature of the appointments to some of the more important positions.

The report and a subsequent senatorial investigation which gathered corroborative evidence from 1929 to 1932 stimulated a reorganization of the Indian service. As a result of the revelations appropriations for the Indian service were increased considerably, amounting (including appropriations from tribal funds) to $29,000,000 for 1932 and to $24,200,000 for 1933. The most important factor, however, is the efficiency and spirit of the administration; this in turn is largely dependent upon the men who head it. Recently there has been inaugurated a policy of appointing to these offices persons who have shown a definite interest in the Indians, and the administration of Indian affairs may therefore become somewhat more efficient and constructive. The work of various organizations interested in the welfare of the Indians, such as the Indian Rights Association organized in 1882, and the various Indian defense associations has helped in arousing public interest to the necessity for a change in treatment.

In Canada, until about 1830, the British crown retained its purely military administration designed to keep the Indians in peaceful alliance with Great Britain. By the Articles of Capitulation of 1760 the half dozen remaining French reservations were recognized by the British; they remained under the influence of the Catholic clergy. In the newer area of Upper Canada, however, the practise of extinguishing Indian title in accordance with the Proclamation of 1763 and of setting aside reserves was followed consistently.

With the elimination of the Indian menace and the propaganda of mission organizations and of the Aborigines Protection Society in the mother country, the British began to follow a policy of active education and assimilation. In the period between 1830 and 1867 the foundations of Indian policy as it still prevails were developed in eastern Canada: administration was transferred to the local authorities; a system of educational grants to religious denominations was adopted; the costly presents system was supplanted by the bestowal of useful implements; land was set aside by public authorities or private enterprise for the landless natives in the Maritime Provinces; and location tickets granting individual rights of occupancy were inaugurated for Indians on the reserves.

In British Columbia, established as a crown colony in 1858, aboriginal title was not extinguished, the natives being granted whatever land they had improved. They formed small communities of one or a few families scattered throughout the province in proximity to white settlements. Although some measures were taken to relieve distress and suppress drunkenness and although the Indians were granted legal protection and certain exemptions, practically nothing was done to advance their condition.

The act creating the Dominion of Canada

granted the federal Parliament exclusive power to legislate for Indians and for lands reserved to Indians. Since 1880 the supervision of Indian affairs has been entrusted to a separate department usually under the minister of the Interior. Canadian Indian administration, although charged with similar responsibilities, differs from that of the United States in that it has been marked by an absence of political control and bureaucratic centralization. A greater degree of responsibility is vested in the field staff, which in turn has encouraged greater self-reliance on the part of the Indians.

On the prairies and in the north the government has consistently followed the treaty policy even down to the present day. The provisions have been very similar: the Indians promise to obey the laws of the country, while the government undertakes to allot reserves at the rate of one square mile for each family of five, to provide annuities and agricultural implements and to set up educational facilities. The establishment of control over the western Indians has been peaceable almost without exception. The Hudson's Bay Company had maintained cordial relations with the natives, and missionaries of various denominations who had begun to enter the region about 1820 were also of influence. The Royal North West Mounted Police, who came to the prairie in 1874, imposed respect for law and order upon both colonists and Indians.

In the older provinces the federal government took over the control of the existing reserves and established new ones. In British Columbia the treaty policy was not followed, the allotment of reserves depending upon the joint agreement of the dominion and the province. The natives have expressed dissatisfaction with the size of their reserves and have claimed compensation. In 1926–27 a special committee of the Senate and House of Commons inquired into the claims of the Allied Indian Tribes of British Columbia and the Indian Tribes of the Interior of British Columbia. It concluded that no aboriginal title ever existed, but its recommendation of a special annual grant of $100,000 for provision of hospitals, medical attention and technical education and for promotion of agriculture, stock raising and irrigation projects was accepted.

The Canadian Indian is a citizen, but his right to vote depends on provincial legislation. Special Indian legislation is fairly flexible, leaving to the discretion of the authorities the choice of methods appropriate to the various classes of Indians. The legislators have not attempted to break up tribal government, and besides maintaining established systems of rule among less advanced groups they have introduced two types of local self-government. The government, however, retains extensive authority, which may be exercised in default of action by the Indians. In late years this authority has been increased, especially with respect to utilization of the funds of the Indians and the resources of the reserves as well as to individual allotments of land to Indians. But except for very special reasons no reserve lands may be surrendered without the consent of a majority of the males above the age of twenty-one. The authorities have control over Indian devices of real property on reserves and over trade with the Indians. The prohibition of the use and sale of intoxicants is very strictly enforced; infractions may be brought before the local Indian agent, who may try all violations of legislation regarding the Indians. With some important exceptions the officials have not attempted to suppress aboriginal culture and customs. Marriages according to Indian custom have been considered legal, while divorces are held illegal.

The dominion has continued the system of denominational education, and its policy, adopted especially with a view to ending the necessity of rationing the plains Indian, is to equip the native for civilized life in his own environment. Hence there has been an increasing emphasis upon agricultural training. While boarding schools have been regarded with approval, efforts have been made to prevent "relapses" upon return to the reservation. Marriages are arranged between graduates, and the young man is assisted in establishing himself as a farmer. Promising students are materially encouraged to pursue advanced studies. The curricula of the Indian schools follow rather closely those of the other schools in the province, but the department reports that this practise is not altogether suitable. Attendance in recent years has increased rapidly. Certain Indians in the east contributed to educational costs until 1928–29, when Parliament assumed responsibility for the entire appropriation. Of late there has been an extension of health work, but preventive measures have not yet been given sufficient support.

Until recently the process of enfranchisement, or release from special status as an Indian, was

rather tedious and difficult. The loyal participation of the Indians in the World War hastened their enfranchisement, which after 1918 was granted on application to competent Indians not holding land or residing upon a reservation. In 1920, in view of the reluctance of certain Indians to seek enfranchisement because of the tax exemption and protection which their reservation property enjoyed, legislation was enacted permitting enfranchisement by the authorities without the consent of the Indian. This aroused considerable protest, and by legislation of 1922 application by an Indian or a majority of the voters of the band was constituted a necessary preliminary. Since the supplanting of the old legislation the rate of enfranchisement has been greatly accelerated.

A large proportion of the Indians have advanced considerably on the road to economic independence. The Indian population, among whom there has been considerable admixture of white blood, increased from 105,998 in 1917 to 108,012 in 1929. In the older parts of the country and in sections of the west the scale of civilization of the Indians is frequently on a par with that of their white neighbors. In the north the natives have been brought under control comparatively recently and are still largely nomadic. The authorities make no attempt to effect radical changes in their mode of life and are content to obtain for them wide hunting and fishing privileges and special game preserves.

The highly adaptable Eskimo are vital to the economic development of the regions they inhabit. Their chief problems arise from a diminishing food supply and from the introduction of diseases through contact with Europeans. In Greenland missionary activity began in the early part of the eighteenth century, and a government monopoly of trade and administration was established in the latter half. Since then the condition of the Eskimo has slowly improved. They are subjected to special law, which includes aboriginal custom, and have been allowed participation in government. Schooling is provided in the native language. There has been intermarriage and the population is on the increase. In Alaska the Eskimo were threatened with starvation until the government in 1892 imported domesticated reindeer. The natives now own two thirds of the herds. Hospitals and schools have been established; all the children learn some English and the boys are trained in navigation, wireless operation and the use of motors. Here too the population, containing mixed blood, is increasing. More widely scattered and less accessible, the Canadian Eskimo have been forced to submit to less favorable conditions, although a beginning has been made in improving their situation.

W. C. MacLeod

The Pacific and Africa. In its earlier stages native policy throughout the Pacific area was determined in the main by three sets of factors: adherence to a regime of laissez faire, missionary philanthropy and self-seeking nationalism. The first of these, which may be attributed largely to Great Britain's refusal to assume responsibility, led to beach combing and blackbirding. Partly because Great Britain desired to avoid new oversea responsibilities and partly because of the mission influence from Exeter Hall, the islands of the Pacific were generally assumed to be independent kingdoms in international law; an assumption which resulted inevitably in a sacrifice of the natives and an evasion of responsibility. The best example of the results of such a policy may be studied in the history of the kingdom of Hawaii. Native parliaments and elections led to the appropriately named "Bayonet Constitution" of 1887 and to abuses which necessitated annexation by the United States.

The second factor, missionary influence, began to operate with the voyages of the *Duff* in 1797 and reached its apex in Tahiti, "the missionary kingdom" under the control of the London Missionary Society. Every detail of liberal constitutional paraphernalia was copied, the resultant enfeeblement leading to a French protectorate in 1842. Thus the third influence, self-seeking nationalism, came into prominence, taking the form of a series of raids and annexations, regardless of native rights, as far apart as Tahiti and New Caledonia. This caused a general rush for annexation, in which the danger zone of Samoa opened the door to international intrigue and led to the Berlin Conference of 1889. For somewhat similar reasons Great Britain had to break down the native kingdoms in Tonga, where native self-rule had opened the way to a scheming Australian dictator; in Fiji, where it resulted in the capricious cruelty of Thakombau; and in the New Hebrides, where the earlier policy of laissez faire had been conducive to blackbirding and abuses by sandalwood traders.

By 1900 all of the Pacific lands were annexed,

and Derby's phrase about "black subjects enough" was replaced by apostrophes to "the white man's burden." Laissez faire was now discredited as a policy of drift, in which facts were sacrificed to theory and in which the result was chaos. It had failed to train the natives and had led, on the contrary, to a great destruction of native life and to acute depopulation practically everywhere in the Pacific.

Annexation after the 1840's had been accompanied by direct rule, but this, while eliminating some of the earlier evils of irresponsibility, was equally injurious to native culture. Rule by native chiefs was destroyed even in places, like Samoa, where it was highly developed; and the native was allowed to drift in a state of mental and physical despair. The French were the chief sponsors of this policy, for they deliberately set out to break down everything native. They attacked native life qua native and made no attempt to modify French practises to the Polynesian or Melanesian environment. As the necessary prelude to ultimate assimilation tribal organizations were smashed in New Caledonia, Tahiti and the Marquesas. Until the reforms of 1906 Germany followed this policy of destructiveness, especially during the company period in the Pacific; while Great Britain, although pursuing no sustained program in this regard, provoked the same results, as is evidenced in the excessive depopulation of Fiji.

By the end of the century only two truths apparently had emerged from the many decades of varied experience: first, that the natives were incapable of developing along the lines of western constitutionalism; and, second, that rule from above in defiance of native customs had failed, even where the aims had been benevolent. Yet some such course as the second seemed to be necessitated by the rapid economic development, especially after the 1870's, when extra-European affairs assumed a new importance and when the cry of "raw materials" began to be raised with increasing intensity. The natives had to conform to the pace set by economic entrepreneurs and be subordinated to a policy of development. Direct rule, conditioned by the economic motive, treated the islanders simply as a detached element in a complex situation and neglected the possibilities of a slow evolutionary development.

With the beginning of the new century, however, the various powers, profiting from the numerous unsatisfactory policies of the past, began to work toward a new native policy. It was obvious that the native could not progress as long as he was viewed as a mere instrument of production for European factories, and that direct rule made him a means to an end and prevented him from playing a part in his own development. As Sir Hercules Robinson said of the Fijian in 1879, "Nothing is left to be done by him or in his own way." Similarly, such European palliatives as democracy and individualism were seen to be inapplicable, either to highly conventionalized polities, such as the Indo-Chinese and Javanese, or to communalized societies, like those of Polynesia.

The moral was pointed by the ravages of depopulation—a fact which the Germans perceived as they turned in some fields to policies of native regeneration, if only to keep up the efficiency of the natives as copra producers. Thus the realist Theodor Weber respected Samoan customs after 1864 as a matter of good business; later Governor Haber ruled through the chiefs in New Guinea, evolving a system of delegated authority through native *luluais* and *tultuls*—a technique subsequently applied by the Australian mandatories; and Dr. Wilhelm Solf scrupulously kept the self-governing institutions of the Samoans, especially the *fono*, or councils on the basis of the head of the family (*matai*). In Micronesia the chiefs exercised taxing and other functions under German rule, and this system was extending on the New Guinea mainland at the outbreak of the World War.

Meanwhile in the 1890's Sir William MacGregor, governor of Papua, was going still further and shaping the new ideas into an organized system of government. "Natives first," he proclaimed, as he proceeded to utilize Papuan agents, even turning convicted murderers into village constables on the ground that successful murder under Melanesian conditions required just those qualities which, properly directed, would make the murderer an ideal instrument of state policy. MacGregor desired especially to maintain the bases of the old native life and urged the strengthening of the chiefs in Polynesia and the old men in Melanesia. When the new system was defined, it was seen to be an indirect rule, analogous in many respects to the new methods which were being introduced into Africa. It aimed at a natural growth through native institutions to that degree of development which the individual tribe was capable of reaching; it represented an invigorating process in which administrators would build on the native past, while removing antisocial tendencies. Each tribe

would meet and overcome its own difficulties and by so doing would undergo physical regeneration; this was the lesson of the Maori of New Zealand. In short it was to be a flexible policy preserving in so far as possible the old cultural vitality, and at the same time continually selecting and adapting itself to new conditions.

The system was applied in different degrees in various parts of the Pacific. Papua continued to follow MacGregor's policy; Samoa, despite certain changes under mandate rule, has retained a system of concentric councils ranging from the village to the nation; and smaller groups like the Gilberts have adopted indirect rule in toto. Elsewhere the British groups have a mixed record. Tonga still apes European constitutions and cabinets, and Fiji has manifested no consistency. While Sir Hercules Robinson, the first ruler, stressed the system of chiefs, later governors reduced it. The result was an undue social leveling and a weakening of the beneficent feudalism of native organization before the individual was prepared for the change. Recently there has been a turn to the lesser rather than to the high chiefs (the *Buli* rather than the *Roko*) and toward self-governing village communes, but the result has not been satisfactory. Small scale peasant proprietorship for the big sugar industry has attracted attention, but is still in its infancy.

The French, although of recent years professing adherence to the theory of indirect rule, have failed to introduce a uniformly constructive policy. They are still inclined in the main to view their Pacific lands as *colonies d'exploitation*, and plans for the preservation of chiefly power—tried by Brunet in New Caledonia in 1914—are exceptions to the general rule. The Tahitian groups are still devitalized and it is only in certain outliers, such as the Leeward Islands, where rigorous conditions have kept the natives at work, that there is any cultural vigor. Since 1925 the guiding motive of the French has been to improve island production by means of large scale Indo-Chinese immigration—a policy which must in the long run tell against the islanders.

In Indo-China the French had tried various policies: in Cochin China rigid assimilation on the Algerian model; in Tonkin destruction of the native mandarins; their maintenance in Annam; and in Cambodia rule through picturesque native kings. But all of these policies failed, and the French began slowly to realize that the only hope of progress, either for the colony or for the natives, lay along the path opened by various reformers of the type of Paul Bert (*q.v.*) and de Lanessan (*q.v.*), who, in conformity with the general change in the spirit of European colonial policy around the turn of the century, advocated a growth on the sound basis of native institutions—especially in a culture as developed and as traditionalist as the Indo-Chinese—and through native agencies. The sullen resentment of the natives emphasized the necessity for a new policy, and it remained for Paul Doumer to commence a reorganization of the four provinces as a preliminary to a native policy which would offer hope to the millions of Indo-Chinese. In the end this rapprochement between natives and French was to be achieved through the medium of economic prosperity, artificially stimulated by war conditions.

In Java, where somewhat similar conditions prevailed, the Dutch had proceeded by a trial and error policy for centuries and had come to rely on an unusual compromise. The size of the native population led them to retain the native rajahs and to rule by means of Dutch residents, exerting power behind the scenes—a form of direct rule with insufficient personnel, thus intensifying all the ills of this type of control. Coupled with this was the culture system in the economic field, a system of part time slavery elaborated by van den Bosch, by which the natives were compelled to yield to the state a proportion of their produce. In practise this led to countless abuses and to the pouring of wealth into Holland. Attacks by the new liberal parties in parliament and such exposures as that in Multatuli's (Douwes Dekker's) *Max Havelaar* led to the gradual abandonment of the culture system after 1870, although it was retained for the three most important crops and traces of it lingered until 1917.

In both Indo-China and Java the greatest emphasis has been upon peasant proprietorship and village councils, with the native chiefs exerting real power; but the emergence of a minority educated in Europe has combined with this a movement for national councils or parliaments. A class of agitators has secured such national bodies as the Javanese *Volksraad* (1918) and various economic councils in Indo-China; and such agitators—especially when religious fanaticism as well as native ignorance is invoked, as in the *Sarèkat* Islam movement in Java—play upon native feelings and tend to divert the natives from the slow but legitimate development

along the lines of village cooperation. Both countries retain mixed systems, with the emphasis on Europeans. In Java the regents are still the crux of the system, although since 1903 native communes have been allowed and a policy of "emancipation of native government" was started in the Preanger provinces in 1918 and has since been extended. In Indo-China the French have diverted the attention of the natives to small scale production of rice. In addition to thus minimizing political grievances they employ more native agents, although the tendency is to educate them in Paris and to use them as agents of direct rule rather than as genuine instruments of indirect rule along indigenous lines. Such a development is probably inevitable in a colony with a population of 21,000,000, with a growing educated intelligentsia; and, after all, the future lies with the village council rather than with the assimilated Annamite administrator.

Japan, as the mandatory for the islands of Micronesia formerly held by Germany, has tried a policy of indiscriminate grafting. It accepts the British theory of indirect rule, the experience of Germany, the American educational policy of the Philippines, and caps the lot with a rigorous assimilation to Japan and an impregnation of the native chiefs with Japanese education and ideas.

Within the Pacific zone are three special regions—Australia, New Zealand and Hawaii. In Australia the separate race of Tasmanians was exterminated by 1876, and the mainland Australians, save for a minority employed on pastoral stations and a few gathered on tiny reserves in the settled states, were confined to the great and sparsely peopled interior, mainly in the north of Western Australia and the Northern Territory. The government has done everything in recent years to provide for the remnants of this race and to mitigate the difficulties of race mixture; in 1932 there were 19,096 half castes and 60,000 full blooded aborigines, for whom the future holds no place other than isolation in the desert interior or gradual absorption. Their economic utility, always negligible even in the pastoral sphere, is bound to diminish.

With the Maori the story is very different. Like all their Polynesian compatriots they declined in the last century, largely because of constant warfare; the Maori population diminished from 114,000 in 1840 to 42,000 in 1891. Their own leaders predicted their ultimate disappearance, but when confronted by racial death they stirred themselves to follow the teaching of a famous chief of the Ngatiporou, Sir Apirana Ngata, who urged them to split up their old communally held lands and under the new incentive of individualism enter into economic competition with the Europeans. The dreary *hapus* of the far eastern land in New Zealand were soon changed into prosperous sheep farms; and the example spread, for the natives still retain more than 90 acres of land per head, and their country is essentially dairying or sheep land. The government aided this movement by agricultural education and by health campaigns. The old race bitterness gradually disappeared. Maori fought in the World War on equal terms with the whites, and the islands boast a camaraderie rare where races come into contact. The Maori Councils Act conferred limited rights of self-government on the natives and helped to maintain their old tribal organization. In the wider sphere of national politics all were allowed to vote or to run for office; indeed Maori, like Ngata or Sir Maui Pomare, have become ministers of the crown. A Maori is eligible for any political or administrative position, and the absence of discrimination is practical as well as legal. New Zealand thus offers as many avenues of progress as the Maori may aspire to, and the story of Ngata's successful career is that of the regeneration of the Maori race. The Maori increased to around 70,000 by 1932; the future of the race is assured, and as a separate entity, for there are only some 10,000 half castes.

In Hawaii the native problem has taken a unique form by reason of the tremendous migration of various races; there are 320,000 immigrants, of whom 216,000 were Asiatics, making Hawaii "the world's greatest experimental-station in race-mixture." As far as the native Hawaiians are concerned, this influx has meant opportunity for intermarriage—save with the Japanese—a diminishing demand on them for industrial purposes and, conversely, such an intensification of economic development that they had either to play a part or retire to a minor position. On the whole the Hawaiians were more individualistic than most of their fellows, because of the "Great Division" of their lands in 1848, and this together with the progress of industry had the effect of divorcing them from the land. As a remedial measure Prince Jonah Kuhio Kalanianaole sponsored a program like Ngata's, and an act of 1920 initiated the Hawaiian rehabilitation movement to turn the natives into homesteaders. They had declined in numbers from 108,000 in 1836 to 39,000 in 1896 (includ-

ing 8000 half castes), and, although some stability has since been obtained and the Hawaiians (full blood and half castes) now number around 50,000, their place is a minor one in a population of almost 370,000, especially in such an industrialized community; and their ultimate future appears to be one of absorption into a composite native-Asiatic-American culture.

As a whole, then, the Pacific divides itself into those regions, such as Melanesia and the less developed groups of Polynesia, where the natives predominate overwhelmingly and those, such as Hawaii, Australia and New Zealand, where large outside populations and extensive development are to be found. In the former, native policy has tended more and more toward the norm of indirect rule and peasant proprietorship, although traces of the old factory fodder idea linger on in the form of Melanesian indentures. In most groups too the problem is undergoing a marked change as a result of the introduction of Asiatic laborers, even in French Melanesia; and the problems of their assimilation and their relationship to general native policy remain in the melting pot. The Pacific is rapidly becoming a series of localized problems, and in view of this increasing local differentiation it is unrealistic to speak of a single general policy. The nearest approach to a norm would be in the partially developed group of Samoa, which stands as an improvement on Fiji and French Oceania and as the practicably realizable goal for the more backward Melanesian lands. Here too is the nearest approach to conditions in the African lands.

Until the closing years of the nineteenth century native policy in Africa, which during its earlier stages had displayed many similarities to that prevailing in other spheres of colonial and imperialistic exploitation, continued to be in the main spasmodic and incoherent, manifesting pronounced variations both as between regions and within a given area. Around the turn of the century a significant revolution was initiated by such colonial administrators as the Englishmen Lugard, Cromer and Johnston, and the Frenchmen Galliéni, Cambon and Lyautey; but despite their several efforts in the direction of a more coordinated and far sighted policy, designed to carry into effect the untried principles of association and indirect rule, not a few of the basic dilemmas have persisted. For no other continent possesses such a congeries of races at different stages of development or has been subject to such varying degrees of European penetration. The policy of the French toward the Hamito-Semitic peoples in the Moslem countries along the Mediterranean fringe shows marked divergences from the Boer and the British treatment of the strikingly homogeneous Bantu races in southern Africa; while the general economic exploitation carried on by the representatives of France, Belgium, Germany, Great Britain, Italy and Portugal against the heterogeneous tribes scattered over the center of the continent and constituting what is generally referred to as black man's Africa involved, especially after "the grab for Africa" in the 1870's, still a third set of problems. Despite these disparities, however, a few broader trends of policy may be detected, particularly in northern and central Africa.

For more than half a century after the occupation of Algiers in 1830 the French colonial administrators concentrated their military strength on breaking the resistance of the virile Arab and Berber tribesmen. Tribal organization and institutions were viewed as barbaric survivals, and in the slow process of driving back the natives to the borders of west and central Africa the methods of *cantonnement* and *refoulement* became generally accepted. Committed to a program of progressive annihilation, the military forces aimed at segregation based on continuous withdrawal. Islam was attacked root and branch; native lands and religious *habous* were confiscated; and tribal organization was destroyed. Even an intelligent theorist like Leroy-Beaulieu said that the three bases of native life—the tribe, collective property and the polygamous family—had to be wiped out. This policy was carried out not only in the Algerian Tell but in the occupied parts of the Congo and west Africa, except in four privileged Senegalese communes where the natives were all enfranchised.

The vast extent of territory which had been acquired in northern and central Africa by 1890 made the French pause. The humanitarian and rationalistic temper of eighteenth century France was beginning to emerge once more, reshaping French policy according to older patterns. Invoking again the time honored shibboleth of natural rights, the Colonial Congress of 1889 proclaimed the policy of assimilation as the new order of the day for Africa. Since French civilization constituted beyond cavil the quintessence of life, it devolved upon responsible administrators to convert "the absolute man," whom the philosophers had created to include even the

least gallicized savage of Africa and the Pacific, into a model Parisian. Logic and reason could tolerate no alternative, and despite the opposition of Gustave Le Bon the Congress agreed to ignore such aberrations as racial endowment, ancestral tradition and geographical peculiarities. The colonies were to be French departments; the French local commune was to be introduced; and the natives were to be encouraged to become French citizens. Algeria and the Congo were to have the same organization, however great the differences in native society. The only exception was to be Tunisia, where the peculiar status of the protectorate of 1881 limited French efforts (*see* PROTECTORATE).

The results soon became clear in all of French Africa. In most of the colonies the system could be applied only at the expense of ruthless destruction of native organizations. An attack on one part of a closely interrelated native structure usually meant the collapse of the whole. Uncongenial institutions, such as fee simple and individualization, were introduced in flat defiance of the maxim that a race can evolve only in conformity with its own traditions and mentality. The 1890's witnessed the nadir of French native policy in Africa. The Arabs refused to renounce Mohammedanism: those of the coast obtained a veneer of civilization but the dwellers in the interior watched the destruction of their own tribal institutions and laws with smoldering apathy. In the northern colonies the French encountered all the difficulties involved in attacking a polity wherein state and society were linked with religion; while in the Negro lands of central Africa the development was still more premature and the goal still more unwise.

Around the turn of the century, however, evidences of the breakdown of the older system were becoming increasingly apparent not only in practise but also in theory. Practical experts, like Gallièni in Madagascar and Lyautey on the Algerian marches, protested, in terms reminiscent of de Lanessan and his successors in Indo-China, against the stupidity of assimilation as applied to the natives of Africa. Cambon's success in preserving native institutions in Tunisia (*see* PROTECTORATE) had brought into more striking relief the maladministration and depopulation resulting from assimilation in such areas as Algeria, the Congo, Madagascar and West Africa. On the other hand, the evils of the old policy of uncontrolled exploitation were dramatically revealed in the scandals involving the French Congo, where in the 1890's the natives had been terrorized and enslaved under a company regime ruthlessly engaged in draining the country of its ivory and "red rubber." Attention began to be directed to the experience of the Malagasian Horas, the Tunisians and the mountain Berbers of Algeria, all of whom had been allowed to preserve their native institutions. During this same period colonial theorists were turning in increasing numbers to Taine's environmentalist formulae, Ratzel's geographic determinism, Gobineau's racialism, the positivist ethnological findings of the Broca school and Le Bon's psychological laws of the evolution of peoples. Whereas the Colonial Congress of 1900 had contented itself with adopting a skeptical attitude toward assimilation, the Congress of 1906 openly repudiated the older policy in favor of the new theory of association which, as defined by Jules Hormand in his *Domination et colonisation* (Paris 1910), "is the systematic rejection of assimilation, and tends to substitute for the necessarily rigid and oppressive system of direct administration that of indirect rule, with a conservation—albeit a well watched and well directed conservation—of the institutions of the subject people, and with a respect for its past." No theorist or administrator of note stood outside the new theory, and the psychological school of Delafosse joined the administrative materialists, whose views Girault expressed. "Each in his own civilisation!" was the slogan, and after the reform of the Congo in 1907 each African colony saw the strengthening of native councils and other agencies. Along with these changes went an emphasis on the new moral values of colonization and a striking development of native plantations—in other words, economic as well as political association.

The Belgians had practically repeated the French experience, first in the indiscriminate destruction of native life in the Congo, then in the awakening of national conscience by the scandals to which it gave rise and, finally, in the turn toward native cooperation. Unfortunately the destruction of the chiefly system had been too complete, so that by 1917 the Belgian officials stood face to face with a native rabble. This very extremity emphasized the failure and led the colonial minister to announce in 1920: "We claim that the native society should freely develop after its own manner, its own nature, its own *milieu*. We must respect and develop native institutions, and not—as heretofore—break them." Another factor was the new con-

cept of colonization as primarily an industrial process—a concept which involved a prosperous native population as an essential contributory element.

The German experience had been a mixed one. Being comparatively late in the race, they obtained the poorer lands. Moreover they were not at first concerned with human values, so that they carried the French and Belgian theory of exploitation to its extremes. The colonies were factories, handed over to concessionaire companies; and the natives were so ground down that frequent revolts occurred in southwest Africa, in the Cameroons and in east Africa. On the other hand, the scientific and medical services were highly developed, and after 1907 there was more toleration and there was more progress along native lines as a result of the reforms of Dr. Dernburg, who said, "We have not gone to Africa to found three or four hundred plantations." Despite the errors of the company regime Germany was thus evolving toward the same system of native officials and plantations that the British were working out in west Africa, when the former was deprived of its colonies on the alleged ground of colonial unworthiness.

During the earlier periods of trading and the commercial and imperialistic exploitation of central Africa, Great Britain, like France, paid little heed to native welfare; and it was not until the consolidation of the various west African lands that the most powerful of the colonizing nations began to work out a coherent policy toward the natives of black man's Africa. The laboratory of the new experiment was the northern zone of the Niger region, which until 1914 remained separate from the southern colony and protectorate. Until the 1890's two thirds of the natives in the northern zone were under Moslem dynasties, while the remaining third were scattered among two hundred and fifty animistic pagan tribes. In 1900 Northern Nigeria became a protectorate and Sir Frederick Lugard was sent out to formulate a unified policy.

Lugard sensed that a new era had dawned for tropical Africa. The confused "palm oil" stage of unregulated imperialistic exploitation had gone; and the practise of treaty making, which during a long period was the corner stone of British native policy, especially after the assumption of crown control during the partition of Africa in the 1870's, had likewise become indiscriminate and antiquated. The declaration of protectorates led to a realization of national responsibility; it made Europeans recognize the necessity of putting down slave traffic along the coast and of controlling the strong Moslem kingdoms of the interior. Direct rule being out of the question by reason of the areas involved and the cultural vitality of the Moslemized states, Lugard worked out an indirect form of native control, which was extended after 1914 to the southern section of Nigeria and which eventually became the norm of British native policy in Sierra Leone, the Gold Coast, much of equatorial and southern Africa and spread even across the continent to Uganda.

"To prevent denationalization, to develop along indigenous lines, to inculcate the principle that the function of the ruler is to promote the welfare of his own people and not to exploit them for his own pleasure, and to afford both rulers and people the stimulus of progress and interest in life," Lugard preserved existing institutions, subject to control, and employed native officials. He built up a system of three related parts based on the Native Authority Ordinance of 1916, under which nearly 400 natives exercise delegated power; on the Native Courts Ordinance of 1914, by which the courts are under native judges who administer Moslem or native law with a necessary admixture of British law; and on the Native Revenue Ordinance, which allows eighty native treasuries and continues the earlier systems of taxation. Lugard was always mindful of the condition of the native states of India and counted it a gain whenever natives were allowed a measure of independent action. The ultimate confirmation of the merits of his system is provided by the fact that in the north one British political officer suffices for 100,000 natives and in the south for 70,000.

The result of this manifold experience in Africa was that by the time of the International Colonial Congress of 1921 all the European colonial powers had arrived at a similar basic policy—a policy clearly stated when Sarraut and Franck, the colonial ministers in France and Belgium respectively, met and agreed on common action in 1924. Native policy in Africa, for Negro and Moslem alike, was standardized and directed toward bringing native welfare into harmony with the needs of the new industrial era. The urgent necessity of some form of native adaptation to the modern economic system was emphasized still further in the report of the Ormsby-Gore East African Commission of 1924, which eventually submitted two alternative sets

of recommendations for dealing with the complicated native problem provoked in the British colony of Kenya by the insistence of the 12,000 European inhabitants on carrying through a program of intensive economic development even at the price of overriding the interests of the 2,500,000 natives. Whether in general the natives of Africa can maintain the bases of their society, whether they can produce enough native officials and whether their small scale plantations can survive in the face of world conditions —can be determined only by experience; but the great gain of the last quarter century has been the widespread acceptance of a common aim and the decision to give native institutions, native officers and native plantations a trial. The inapplicable policies and the uncontrolled exploitation of the previous fifty years have been left far behind, as have the coastal draining of wealth and the slave raids.

There were of course certain exceptions to this general trend in native policy. Africa possessed two enclaves, each with a peculiar status: Abyssinia, with a semibarbaric native rule, and Liberia, with a dominant population composed of descendants of freed American slaves. Italy too in its Libyan possessions stood athwart the main path of development and, by enfranchising its African subjects—partly with a view to embarrassing the French in neighboring Tunisia—introduced a confusing element reminiscent of the misdirected liberalism of 1848. Finally, the Portuguese still adhered to the old Spanish system of rigid tutelage for natives, who were treated as minors. In Guinea, Angola and east Africa they maintained time worn notions of direct rule and penalization of natives, combined with undesirable labor conditions and an undue church influence.

Meanwhile the Europeans in southern Africa had been encountering a somewhat similar problem, because here too there were overwhelming numbers of varied native peoples. The Bushmen, the original nomadic inhabitants, were soon driven back to the mountains and the Kalihari desert and became a negligible factor. The Hottentots survived in a few parts of the interior but completely lost their individuality in Cape Town, the south and the east and, mingling with Malays, Kaffirs, Bushmen and whites, became "Cape Boys," speaking the ordinary Cape Dutch language. On the other hand, the various Bantu races—Kaffirs, Zulus, Basutos—were on a distinctly higher plane and were rapidly progressing, numerically and culturally.

The first Europeans to come into permanent contact with the Bantus were the Dutch, who drove them back and enslaved them under an Old Testament type of patriarchal system. When the British freed their slaves in 1833, they were faced not only with the opposition of the Boers in the southern colonies but with the patriarchal native policy pursued by the Boers who had trekked to the Orange River and Transvaal regions and had adopted backward agricultural methods. Involved in frequent complications with the Boers and at the same time beset by a series of native wars, the British in southern Africa failed, at least until the 1890's, to evolve any progressive native policy. The problem could not be viewed as a whole until the Boers were conquered in 1900 and the Union of South Africa was formed in 1910.

The situation which the British faced in southern Africa was particularly complex. In the first place, a less highly developed European population, composed of Boers, outnumbered the British in every province but Natal. There were five natives to every white, unevenly distributed and with sharp differences between those living in towns, mines and farms. Moreover each province had a different policy toward the natives, the divergence being particularly marked as between the older British colonies and the former Boer republics. The existing confusion was still further aggravated by the policy of compromise pursued by the Union government in its handling of the native problem. As time went on, a population of poor whites emerged, numbering as high as 10 percent of the whole and living side by side with the natives; while another distinct element of half castes called the Cape colored people was made up mostly of European-Hottentot mixtures. Then there were certain outer lands, such as Bechuanaland, Basutoland and Swaziland, set aside for the natives and presenting problems distinct from although influenced by those of the industrialized areas. Finally, the needs of a rapid partial industrialization led to grave interferences with all classes of natives and to the introduction of Portuguese East African natives and 170,000 Indians.

The problems of contact between the various races center mainly around the 900,000 natives who live on "urban locations" in town areas and the hundreds of thousands employed in the mines, particularly in the Transvaal. Both of these groups are divorced from the normal conditions of native life in South Africa—the life

of small cultivators and herdsmen; and both represent the economic thrust outward due to the fact that there is not enough good land to provide sufficient food for all. Both present somewhat similar problems. Those natives who live on the special locations set aside for them in the towns suffer from improper housing, abnormal sex relations, epidemics and illicit liquor traffic, evils which have social repercussions on the other inhabitants of the towns. All of these conditions are present also among the mine boys, with the added complications arising from the system of recruiting and control. Since the recruiting of natives living on European farms is virtually forbidden by law, the mines depend on labor supplies from outside the Union provinces: a third of the Transvaal laborers come from Portuguese East Africa, half from the Transkei and a tenth from Basutoland. The drain is partly on foreign lands, but mainly on those very regions in which special efforts are being made to bring about native regeneration. The laborers are recruited under a contract which compels them to live in compounds and renders them liable to imprisonment for desertion; and experience has shown that no system of this kind can be freed from various abuses.

All of the industrialized natives have to face the "color bar," for the South African system is based on the existence side by side of a few overpaid whites and many underpaid natives. Since 1890 color bar legislation in the Transvaal has forbidden competition between the two sections of the population; and in 1911 a similar act, while not explicitly mentioning the color bar, secured the same result for the Union of South Africa by introducing a system of certificates to be held by all laborers using machinery. The owners wanted cheap labor and asked for a removal of the prohibition on recruiting natives north of 22°; the unions upheld the color bar and wanted a ratio "progressively favorable to the white race" in every industry except agriculture. In Parliament the Labour party fought for the color bar; the Nationalists, largely agricultural, advocated it on broader cultural grounds; while the manufacturers advanced it as an argument for high wages and high tariffs. In addition to actual legal discrimination, such as the Wage Act of 1925, a conventional color bar exists in most industries in Cape Province and Natal, and the Jim Crow principle is widely, if tacitly, assumed. In all four provinces natives have to submit to the pass system, are denied military training and cannot acquire crownland or use the Land Bank. There is a distinct racial feeling directed against the town natives by the great bulk of Europeans, who are convinced that they should remain in a state of inferiority and are inclined to use any degree of political or economic pressure to secure this result.

The same bitterness does not operate so keenly against the country natives. The problem here is one of numbers, for 5,000,000 natives are scattered through the country districts, 3,250,000 on native reserves and over 1,500,000 on European farms. All native lands were originally expropriated; but the Cape led the way in making reserves, for the most part, except in the Transkei, in small locations. Similar crown locations and mission reserves were made in Natal and most of Zululand was set aside as a trust. The Transvaal was not as liberal, and the Orange Free State took practically no steps in this direction. The present position is indicated in the following table.

	Percentage of Total Land as Native Reserves or Locations	Natives Living on	
		Reserves	European Farms
Cape of Good Hope	8.47	1,250,000	248,000
Natal	22.83	648,000	443,000
Transvaal	3.22	417,000	640,000
Orange Free State	0.48	24,000	28,000
Union as a whole*	7.12	3,291,000	1,611,000

* Includes special native lands in addition to the four provinces.

In addition natives have acquired 0.6 percent of the Union outside the reserves and for many years have been agitating for extended purchasing rights. Half of the rural natives live on holdings of their own, either within or outside the reserves and, although the communal nature of Kaffir pastoralism has led to a prevailing poverty, many are sufficiently prosperous to feel a land urge. Eighty-four percent of the Union is reserved for 1,500,000 whites, while 5,000,000 natives hold 8 percent and can under certain conditions purchase an additional 6 percent.

In recent years, however, the political question has attracted much more attention than the economic. The present policy is an anomalous one, based on historical accidents and laissez faire, and reveals no uniformity from province to province. The Cape allows unqualified and unrestricted civil and legal equality; Natal makes certain theoretical concessions; while the other provinces confer practically no rights of this

kind on natives. The Union itself represents a compromise, for when it was formed the northern provinces would not consent to the extension of rights to the natives, while the southern provinces would not consent to their penalization.

The resentment of the native population, directed at first against economic inequality, has been extended since the Boer War to the political sphere. Commissions have revealed the dissatisfaction of the Bantu at the dislocation of their customs, without compensatory privileges as enjoyed by the new race of intruders. The Zulu rising of 1906 confirmed the existence of the discontent, and the Native Affairs Commission of 1906–07 showed its urgency. The World War distracted attention from this problem, but it has since become ever more pressing. A new racial consciousness is aided by the fact that a fourth of the native children now go to school; and, although tribal and personal rivalries stand in the way, the feeling of frustration acts as a constant incentive to united action. Resenting the piecemeal or repressive policies applied to them, the natives recall skeptically Rhodes' formula of "equal rights for all civilised men south of the Zambezi."

These complexities have called forth a variety of apparently unrealistic solutions, ranging from complete isolation of the natives, to fusion of Bantu and white, to assimilation through education. In recent years, however, attention has been concentrated chiefly on the theory of differentiation, or zoning, which means that natives may work for Europeans but have separate provinces as their homes. This theory, as formulated in the Glen Grey Act of 1894, was first applied in the Transkei, a Cape region of 16,000 square miles and comprising 1,000,000 natives, where self-governing communities were set up in native reserves. According to the provisions of the act the natives were to be segregated on special areas; small freehold allotments within the reserves were to give them individual property and provide incentives impossible under the prevailing system of communalism; a labor tax—never really applied—was to induce them to work; and control was to be exercised through boards and councils of natives (*Bhungas*) with European advisers. The plan succeeded from the outset. A General Council was established in 1895 and smaller administrative and taxing councils were set up; these now exist in each of the Transkei territories and are being extended to the more primitive races in the Ciskei. The Native Affairs Act of 1920 accepts this system as the basis for all future development and aims to extend it to all parts of the Union, for it is sufficiently adaptable to suit tribes at every stage of contact with Europeans.

Similar questions were at once raised with regard to the other outer lands, in which European penetration had not progressed to any great degree. Thus the highlands of Basutoland have been a model of racial preservation since the assumption of crown authority in 1884, and the methods there followed have gradually spread outward toward central Africa. There are only 1600 Europeans to 500,000 natives, and extension of settlement is practically prohibited. The Basutos, a fine Bantu race which stood out in the early days against both Zulus and whites, have kept their native self-government, their own laws and their old institutions. The land has been left to the chiefs and the occupants pay tribute. Native customs, such as polygamy, are maintained even if opposed to European ideas, provided that they are not antisocial. The Basutos, thus guarded in their cultural heritage, have become efficient cattle and grain producers, and their experiment has been a most successful one. Similar conditions obtain in Swaziland, a tiny enclave of 110,000 natives in the southeast of the Transvaal, although the natives there keep only a third of their land. These examples have influenced the much larger Bechuanaland protectorate, where the comparatively sparse population of 150,000 comes into contact with only 1700 Europeans and is ruled by the native chiefs under the supervision of eleven resident magistrates.

Farther north, in Rhodesia, the problem is modified in view of the presence of 60,000 Europeans permanently resident among 2,125,000 virile natives. In the southern section of Rhodesia, although the natives have no vestige of the political rights vouchsafed in the Cape, they are in a better material position than any of the Union natives because they have an easier pass system, they have six times as much land in proportion to population in their reserves, more of them actually live on the reserves, they can settle more easily on outside lands and they can buy land. The entire question of their lands was referred to the Judicial Committee of the Privy Council in 1918, and in a famous judgment which is the basis of British policy in east Africa today it was decided that the land belonged to the crown if the natives had no highly developed ideas of ownership. In the sparsely

settled northern section of Rhodesia problems of mining industrialization and extensive white settlement are practically non-existent as compared with the southern provinces. The zone system of Basutoland has been extended, until within recent years it has led to an agitation for a racial repatriation north of the Zambezi. Adherents insist that a zoning of this kind, combined with a policy of preserving native culture and institutions, would prevent questions of racial friction, social contacts and political grievances.

It is difficult to foresee any unitary solution of the native problem in these vast lands between the Cape and Tanganyika. As against the single factor of racial homogeneity historical development, economic conditions and methods of control are so varied as to preclude any uniform solution. Neither a standardized native policy nor a coordinated movement of segregation is feasible for such a variety of social and economic conditions as prevail in the different regions of southern Africa. At the same time the natives, in their new racial consciousness, have found difficulty in comprehending the fortuitous and arbitrary divergences of policy and status as between adjacent territories. The general atmosphere of racial malaise which colors the South African native problem is, however, more intense in the case of the natives who have worked for Europeans and who themselves despise their kraal compatriots than in that of the pastoral natives on the reserves. Accordingly it is in the Free State and in the Transvaal that the question of cultural disintegration resulting from European contact is most immediate. The culture of the native villages in the outer Bantu lands has maintained itself to such an extent that new plans of racial concentration are possible. But, in contrast to the apparently effective policy evolved in northern and central Africa, it remains a matter of extreme uncertainty whether expatriation or assimilation to European-Boer standards or the emergence of a composite culture is the way out. All that can be said is that the alternative is a constant campaign of attrition directed against the native organization.

STEPHEN H. ROBERTS

GENERAL SUMMARY. Certain general conclusions emerge from the various regional studies of contact between native and European races. In practically every case the coming of the Europeans was accompanied by disintegration, a process which extended to hinterlands even where direct European contact was restricted to coastal regions. The reason was that new ideas inevitably led to changes in a polity which was built on a basis of immobile custom and the parts of which were so interconnected that a challenge to any one involved a weakening of the whole. This explains the failure of the various policies until the latter part of the nineteenth century, since all meant change and most were uncoordinated stressings of one aspect alone. All were based on a confused ideology, and thus all—even those inspired by the loftiest motives—adversely affected native well being.

The accepted policy of the early stages of contact was *refoulement* in its various forms, a driving back of the natives either to make room for Europeans or to provide in some way for European needs. After the first disorganized contacts natives were usually employed as economic fodder in an industrial transformation. This took the form either of the slave trade and indenture systems or of an exploitation of the natives in their own lands. As the growth of a more sensitive conscience led to the elimination of the former aspects during the course of the nineteenth century, the industrial revolution intensified the latter and, after about 1870 in particular, the natives had to play their part in providing markets for the cheap products of European factories and in working to supply the necessary raw materials, especially when industry became increasingly dependent on those originating in the tropics, such as the oleaginous products.

From the outset there was also in operation a different set of forces, dating back to the first contact of Spaniards with America: ecclesiastical and philanthropic paternalism. This later took the form of opposition to the slave traffic, although, particularly in the Portuguese and Spanish colonies, it could be accompanied by assigning inferior, or minor, status to the natives once their souls were saved. Concurrent with this trend was democratic egalitarianism, arising from abstract generalizations about democracy and especially from the French theory of assimilation, which constituted a curious blend of the eighteenth century exoticism of Chateaubriand and the doctrines of Rousseau as exemplified in the French concessions of universal enfranchisement. An offshoot of the same principle was the formation in the Pacific of various missionary kingdoms, on the approved models of the latest European liberalism. Closely connected with the same theories in its origin, but

bringing about diametrically opposite results, was the policy of laissez faire, so popular in England with nineteenth century theorists. In the colonial field this took the form of ascribing full rights to native peoples and leaving them to work out their own destinies, in defiance of the fact that the way was thus opened for exploitation by adventurers and more materialistic nations.

Finally, every nation adopted policies of direct rule in various guises; and here entered the influence of extreme nationalism, Darwinism and of course Nordicism. A combination of these, especially the realization that the weakest must go to the wall, led to the great period of imperialism in the later nineteenth century, as seen in the grab for Africa, the opening of Asia, the industrialization of South America and the partition of the Pacific, with the rights of the natives ignored in each case.

Gradually the failure of all of these policies led to new ideals and new methods. Many factors contributed to the change, quite apart from the earlier failures. Research in various fields, especially in anthropology and psychology, necessitated new ideas of native society and caused a reaction from Bastian's theory of *Elementargedanken*, or the essential similarity of all native structures. Instead of uniformity, differences came to be emphasized; and there were also a realization of the potentialities of various native races and the belief that each might survive, without reaching either the impossible goal of assimilation to the European standard or the lowest level of primitive savagery.

In the years after 1870 too there set in a reaction against laissez faire, alike in its European and in its colonial implications. "The white man's burden" was spoken of, and native matters were viewed with a sane humanitarianism. The superficial simplicity of the ideas of the early nineteenth century was now scorned as unscientific, and rigidity of the earlier type was sacrificed to the newer considerations of how the natives in any particular group could be made to increase in numbers and to prosper under their own conditions. At the same time there was a recognition of international responsibility, as in the attempt to settle the Congo by an international venture and to rouse opinion because of atrocities in the French and Belgian Congo and on the Putumayo in South America. The more recent propaganda against Germany's colonial unworthiness, although admitted by historians to be grossly exaggerated, and the system of mandates (*q.v.*) have added to this trend.

Finally, new economic conditions have exerted a preponderating influence. The early stage, in which colonial possessions were indiscriminately stripped of easily accessible wealth, was over; and, if only for the crudest economic motives, colonizing powers were forced to see that the natives, as essential instruments of production in the industrial world, should prosper. This was the later period of finance capitalism and did much to remove the evils of the earlier company period in Africa and in the Pacific. Later still, but partly in pursuance of the same motive, there was a tendency to further native possibilities, such as peasant proprietorship, cooperation in small plantations and the growing capitalization of the native unit, often in competition with the European.

Thus occurred a reaction from mistaken, selfish, uncoordinated, inapplicable policies to norms that, curiously enough, involved a basic uniformity reminiscent of Bastian's presupposition. The fact of the protracted failures of the older methods, buttressed by ethical and economic arguments alike, led gradually to a great degree of standardization in native policy, except in those regions where the native unit is obviously bound to disappear or be submerged beneath a large and dominant European population. It is therefore now possible to formulate a standard native policy, capable of adaptation to any particular set of local circumstances and applicable to all regions where natives are destined to remain in the majority.

Scientific research made it clear that the only line of progress was in keeping and reviving native institutions. Racial pride and cultural traditions were to provide the nucleus; and the result is that—aided by the new international morality—"the native problem," that bugbear of nineteenth century imperialism, has been largely resolved. The new policy is a blend of various degrees of indirect rule, the extent varying with each tribe; of vocational education; of cultural conservation to prevent depopulation; and of peasant proprietorship to allow indefinite economic expansion and adaptation to the new economic age. Indeed the latter, the native industrial revolution, sums up the others. Together they form one well knit whole, lending itself to infinite variation. The application of this norm depends on each administrator, although experience in every part of the world demonstrates the practicability of the new the-

ory. The realization of the norm in itself constitutes the great advance over last century, for the accumulated rubble of thwarted effort and misdirected aims has been cleared away, and the administrators of all the colonizing powers are face to face with essentials, both of aim and of method.

As applied in practise this means the virtually complete adaptation of Polynesia and the beginning of such a development in Melanesia; a compromise in Java, Indo-China and most South American lands; and in Africa the great transformation of the west during the present century, the increase of the Bantus in the south and the limitation of the problem in the north to its cultural and religious aspects. Serious evils remain, such as the depopulation of the Congo and the native problem of Kenya; peculiar cases like Hawaii and the Transvaal must increase with the progress of industrialization; and certain races like the Australians and many of the North American Indians must have little future beyond the easing of their last days. But except for these the outlook is totally different from that of sixty years ago, when native policy was lost in a bewildering maze of contradictions and national rivalries.

STEPHEN H. ROBERTS

See: CONQUEST; RACE CONFLICT; RACE MIXTURE; AMALGAMATION; ASSIMILATION, SOCIAL; EUROPEANIZATION; ETHNIC COMMUNITIES; COLONIES; COLONIAL ADMINISTRATION; COLONIAL ECONOMIC POLICY; IMPERIALISM; BACKWARD COUNTRIES; SLAVERY; PEONAGE; FORCED LABOR; PLANTATION; PLANTATION WARES; FUR TRADE AND INDUSTRY; FRONTIER; MISSIONS; CHARTERED COMPANIES; COUNCIL OF THE INDIES; AUDIENCIA; GOVERNMENT, sections on LATIN AMERICA, SOUTH AFRICA and NEW ZEALAND; LAND GRANTS; LAND SETTLEMENT; LAND TENURE; AGRARIAN MOVEMENTS; NATIONALISM; REVOLUTION AND COUNTER-REVOLUTION; INDIAN QUESTION; PHILIPPINE PROBLEM.

Consult: GENERAL: Maunier, René, *Sociologie coloniale* (Paris 1932); Muntz, E. E., *Race Contact* (New York 1927); Keller, A. G., *Colonization: a Study of the Founding of New Societies* (New York 1908); Reinsch, P. S., *Colonial Administration* (New York 1905); Lindley, M. F., *The Acquisition and Government of Backward Territory in International Law* (London 1926); Snow, A. H., *The Question of Aborigines* (New York 1921).

FOR LATIN AMERICA: Levene, R., *Introducción a la historia del derecho indiano* (Buenos Aires 1924); Viñas Mey, Carmelo, *El estatuto del obrero indígena en la colonización española*, Monografías hispanoamericanas, no. ii (Madrid 1929); Barber, Ruth K., "Indian Labor in the Spanish Colonies" in *New Mexico Historical Review*, vol. vii (1932) 105–42, 233–72, 311–47; Simpson, L. B., *The Encomienda in New Spain*, University of California, Publications in History, vol. xix (Berkeley 1929); Ots y Capdequi, J. M., "El derecho de propriedad en nuestra legislación de Indias" in *Anuario de historia del derecho español*, vol. ii (1925) 49–160; Octavio, Rodrigo, *Les sauvages américains devant le droit* (Paris 1931); Hinman, George W., *The American Indian and Christian Missions* (New York 1933); Azevedo, João Lucio d', *Os Jesuitas no Grão-Pará, suas missões e a colonização* (Lisbon 1901); Rocha Pombo, José F. da, *Historia do Brazil*, 10 vols. (Rio de Janeiro 1905) vol. ii–iii; Vasconcelos, José, and Gamio, M., *Aspects of Mexican Civilization* (Chicago 1926); Beals, Carleton, *Mexico: an Interpretation* (New York 1923), and *Mexican Maze* (Philadelphia 1931); Gruening, Ernest H., *Mexico and Its Heritage* (New York 1928); Haven, William I., "The Indians of South America" in Congress on Christian Work in South America, Montevideo, 1925, *Christian Work in South America*, ed. by R. E. Speer and others, 2 vols. (New York 1925) vol. i, p. 145–222; Grubb, K. G., *The Lowland Indians of Amazonia* (London 1927); Herrera, Luciano, "España y los indios de América" in Congreso de Historia y Geografía Hispano-Americanas, *Actas y memorias* (Madrid 1914) p. 225–58; Uribe, Antonio J., *La reforma administrativa en Colombia* (2nd ed. Bogotá 1917) 563–78; Gil Fortoul, José, *Historia constitucional de Venezuela*, vol. i–iii (2nd ed. Caracas 1930) vol. i, ch. ii–iii; Means, P. A., "Indian Legislation in Peru" in *Hispanic American Historical Review*, vol. iii (1920) 509–34; Encinas, José A., "Contribución a una legislación tutelar indígena" in *Revista universitaria*, año xv (1920) 35–143; Bustamente y Cisneros, R., *Condición jurídica de las communidades de indígenas en el Perú* (Lima 1924); Mariátegui, José C., *Siete ensayos de interpretación de la realidad peruana* (Lima 1928); Jaramillo Alvarado, Pio, *El indio ecuatoriano* (2nd ed. Quito 1925); Guillén Pinto, Alfredo, *La educación del indio* (La Paz 1919); Edwards, Agustín, *Peoples of Old* (London 1929) chs. iii, xii–xiv; Vedia, Agustín de, *Constitución argentina* (Buenos Aires 1907); Muñiz, Romulo, *Los indios pampas* (Buenos Aires 1929); Rohmeder, W., "Die Indianerkolonie Malleo (Neuquén)" in *Phoenix*, vol. xvi (1930) 90–100; Ruzo, Alejandro, *Política social* (Buenos Aires 1918); Gusinde, Martin, *Die Feuerland Indianer*, Anthropos-Bibliothek, Expeditions-Serie, vol. i– , 2 vols. (Wenna 1931–); Horta Barboza, L. B., *Pelo indio e pela sua protecção official* (Rio de Janeiro 1923); Simoens da Silva, A. C., *Protecção aos indios e amparo aos seus artefactos e ossadas* (Rio de Janeiro 1911).

FOR NORTH AMERICA: FOR GENERAL AND CONTEMPORARY SURVEYS: MacLeod, W. C., *American Indian Frontier* (London 1928); Schmeckebier, L. F., *Office of Indian Affairs* (Baltimore 1927); Institute for Government Research, *Problem of Indian Administration* (Baltimore 1928); United States, Congress, Senate, Committee on Indian Affairs, *Survey of Condition of Indians in the United States, Hearings*, 24 pts. (1929–32); United States, Office of Indian Affairs *Annual Reports of the Commissioner of Indian Affairs*, published annually since 1825, and *Bulletins*, published since 1909; United States, Board of Indian Commissioners, *Annual Reports*, published since 1869. FOR SPANISH AREAS: Berry, J. M., "The Indian Policy of Spain in the Southwest 1783–1795" in *Mississippi Valley Historical Review*, vol. iii

(1916–17) 462–77; Crane, V. W., *The Southern Frontier, 1670–1732* (Durham, N. C. 1928); Ellison, W. H., "The Federal Indian Policy in California, 1848–1860" in *Mississippi Valley Historical Review*, vol. ix (1922–23) 37–67; Whitaker, A. P., *The Spanish-American Frontier, 1783–1795*, with introduction by S. E. Morison (Boston 1927); Muckleroy, A., "The Indian Policy of the Republic of Texas" in *Southwestern Historical Quarterly*, vol. xxv (1921–22) 229–60. FOR FRENCH AREAS: Lanctôt, Gustave, *L'administration de la Nouvelle-France* (Paris 1929); Salone, Ernest, *La colonisation de la Nouvelle-France* (Paris 1906); Kellogg, Louise P., *The French Régime in Wisconsin and the Northwest* (Madison, Wis. 1925); Alvord, Clarence W., *The Illinois Country 1673–1818*, Illinois Centennial Commission, Centennial History of Illinois, vol. i (Springfield, Ill. 1920). FOR COLONIAL AND CROWN POLICY: James, J. A., *English Institutions and the American Indian*, Johns Hopkins University, Studies in Historical and Political Science, ser. xii, no. 10 (Baltimore 1894); Shaw, Helen, *British Administration of the Southern Indians, 1756–1783* (Lancaster, Pa. 1931); Lauber, Almon W., *Indian Slavery in Colonial Times* (New York 1913); Halsey, Francis Whiting, *The Old New York Frontier, 1641–1800* (New York 1901). FOR FEDERAL POLICY: Thomas, C., Introduction to "Indian Land Cessions in the United States," compiled by C. Royce in U. S., Bureau of American Ethnology, *Annual Report, 18th* (1899) pt. ii, p. 527–643; Abel, A. H., "The History of Events Resulting in Indian Consolidation West of the Mississippi River" in American Historical Association, *Annual Report, 1906* (Washington 1908) vol. i, p. 235–450; Eaton, R. C., *John Ross and the Cherokee Indians* (Muskogee, Okla. 1921); McMurry, D. L., "The Indian Policy of the Federal Government and the Economic Development of the Southwest, 1789–1801" in *Tennessee Historical Magazine*, vol. i (1915) 21–39, 106–19; Malin, J. C., *Indian Policy and Western Expansion, 1770–1854*, Kansas University, Humanistic Studies, vol. ii, no. 3 (Lawrence, Kan. 1921); Parker, T. V., *The Cherokee Indians, with Special Reference to Their Relations with the United States Government* (New York 1907); Stevens, W. E., *The Northwest Fur Trade, 1763–1800* (Urbana, Ill. 1928); Abel, A. H., *Slaveholding Indians*, 3 vols. (Cleveland 1915–25); Hill, L. B., *History of the State of Oklahoma*, 2 vols. (Chicago 1908); Textor, L. E., *Official Relations between the United States and the Sioux Indians* (Palo Alto 1896); Coolidge, D., *The Navajo Indians* (Boston 1930); Abel, A. H., *Proposals for an Indian State, 1778–1878* (Washington 1909); Cox, I. J., "The Indians as a Diplomatic Factor in the History of the Old Northwest" in *Ohio Archaeological and Historical Quarterly*, vol. xviii (1909) 542–65. FOR LEGAL STUDIES: Brown, R. E., "The Indian Problem and the Law" in *Yale Law Review*, vol. xxxix (1929–30) 307–31; Lien, A. J., "The Acquisition of Citizenship by the Native American Indians" in Washington University, St. Louis, *Studies*, vol. xiii (1925–26) 121–79; Mershon, S. L., "The Indian and Crown Grants" in his *English Crown Grants* (New York 1918) p. 90–103; Scaife, W. B., "The Development of International Law as to Newly Discovered Territory" in American Historical Association, *Papers*, vol. iv (1890) 269–93. FOR MEDICAL STUDIES: Emerson, Haven, "Morbidity of the American Indians" in *Science*, n.s., vol. lxiii (1926) 229–31; United States, Public Health Service, *Contagious and Infectious Diseases among the Indians*, United States, 62nd Cong., 3rd sess., Senate Document no. 1038 (1913); Hoffman, F. L., "Are the Indians Dying Out?" in *American Journal of Public Health*, vol. xx (1930) 609–14; Guthrie, M. C., "Health of the American Indian" in United States, Public Health Service, *Public Health Reports*, vol. xliv, pt. i (1929) no. 16. FOR CANADA: Scott, Duncan Campbell, "Indian Affairs, 1763–1841," "Indian Affairs, 1840–1867" and "Indian Affairs, 1867–1912" in *Canada and Its Provinces*, ed. by A. Shortt and A. G. Doughty, 23 vols. (Toronto 1914–17) vol. iv, p. 695–725, vol. v, p. 331–62, vol. vii, p. 593–626, and *The Administration of Indian Affairs in Canada*, Canadian Institute of International Affairs (n.p. 1931); Abbott, F. H., *The Administration of Indian Affairs in Canada* (Washington 1915); Trimble, W. J., "American and British Treatment of the Indians of the Pacific Northwest" in *Washington Historical Quarterly*, vol. v (1914) 32–54; Gosnell, R. Edward, "Indians and Indian Affairs in Canada" in *Canadian Magazine*, vol. lvi (1921) 381–86, 480–83, and vol. lvii (1921) 39–43; Canada, Department of Indian Affairs, *Annual Reports*, published since 1871. FOR ALASKA AND THE ESKIMO: Andrews, C. L., "Alaska under the Russians" in *Washington Historical Quarterly*, vol. vii (1916) 278–95; Jenness, Diamond, "Canada's Eskimo Problem" in *Queen's Quarterly*, vol. xxxii (1924–25) 317–29, and "The Eskimos of Northern Alaska: a Study in the Effect of Civilization" in *Geographical Review*, vol. v (1918) 89–101; Krabbe, Thomas N., *Grønland, dets Natur, Beboer og Historie* (Copenhagen 1929) p. 29–84.

FOR THE PACIFIC AND AFRICA: Girault, Arthur, *Principes de colonisation et de législation coloniale*, 3 vols. (5th ed. Paris 1927–30); Lanessan, J.-L. de, *L'expansion coloniale de la France* (Paris 1886); Harmand, Jules, *Domination et colonisation* (Paris 1910); Roberts, S. H., *History of French Colonial Policy (1870–1925)*, London School of Economics and Political Science, Studies, no. 95, 2 vols. (London 1929), with exhaustive critical bibliography: Vignon, L. V., *Un programme de politique coloniale-les questions indigènes* (Paris 1919); Sarraut, A., *La mise en valeur des colonies françaises* (Paris 1923) ch. iii, and *Grandeur et servitude coloniales* (Paris 1931); Hardy, Georges, *Nos grands problèmes coloniaux* (Paris 1929); Tilby, A. Wyatt, *Britain in the Tropics, 1527–1910* (London 1912); Ireland, Alleyne, *Tropical Colonization* (New York 1899); Knowles, L. C. A. and C. M., *The Economic Development of the British Overseas Empire*, 2 vols. (London 1924–30) vol. i; "La politique coloniale par rapport aux us et coutumes indigènes" in Institut Colonial International, Session de La Haye de 1927, *Rapports préliminaires* (Brussels 1926) pt. A; Schnee, Heinrich, *Die koloniale Schuldlüge* (Berlin 1924) tr. as *German Colonization Past and Present* (London 1926); Roberts, S. H., *Population Problems of the Pacific* (London 1927), with bibliography; Scholefield, G. H., *The Pacific, Its Past and Future* (London 1919); Pitt-Rivers, G. H. L.-F., *The Clash of Culture and the Contact of Races* (Lon-

don 1927); Lanessan, J.-L. de, *La colonisation française en Indo-Chine* (Paris 1895); Day, Clive, *The Policy and Administration of the Dutch in Java* (New York 1904); *The Effect of Western Influence on Native Civilizations in the Malay Archipelago*, ed. by B. Schrieke (Batavia 1929); *New Zealand*, Cambridge History of the British Empire, vol. vii, pt. ii (Cambridge, Eng. 1933) chs. ii, iv, vii; Keesing, Felix M., *The Changing Maori* (New Plymouth, N. Z. 1928); Jackson, Patrick M., *Maori and Education* (Wellington, N. Z. 1931); Gribble, E. R., *Problem of the Australian Aboriginal* (Melbourne 1932); McKenzie, Robert D., "Population Problems on the Pacific Rim" in Institute of Politics, Williams College, *Report of the Round Tables and General Conferences at the Eighth Session* (typewritten), ed. by R. A. Newhall (Williamstown 1928) p. 129–52; Young, W. Allen, *Christianity and Civilization in the South Pacific* (London 1922); Martin, K. L. P., *Missionaries and Annexation in the Pacific* (London 1924); Buell, R. L., *The Native Problem in Africa*, 2 vols. (New York 1928), with exhaustive bibliography; Harris, Norman Dwight, *Europe and Africa*, International Politics series, vol. i (rev. ed. Boston 1927); Lugard, F. D., *The Dual Mandate in British Tropical Africa* (2nd ed. Edinburgh 1923); Johnston, Harry H., *A History of the Colonization of Africa by Alien Races* (Cambridge, Eng. 1913); Willoughby, W. C., *Race Problems in the New Africa* (Oxford 1923); Temple, Charles L., *Native Races and Their Rulers* (Cape Town 1918); Smuts, Jan C., *Africa and Some World Problems* (Oxford 1930) ch. iii; Brookes, E. H., *The History of Native Policy in South Africa from 1830 to the Present Day* (rev. ed. Pretoria 1927); Kirk, John, *Economic Aspects of Native Segregation in South Africa* (London 1929).

NATORP, PAUL (1854–1924), German philosopher. A great grandson of Ludwig Natorp, theologian and organizer of the Prussian *Volksschule* in the spirit of Pestalozzi, Paul Natorp likewise directed his efforts toward fusing society and education in an ideal unity. Schooled in the 1860's and 1870's, when exact science and its methods became ascendant in the intellectual sphere, Natorp felt obliged to renounce a theological and metaphysical world view but retained a primary interest in man's self-cultivation (*Bildung*) as a whole. He espoused neo-Kantianism, developing a "critical idealism" in close relation to that of Hermann Cohen, especially after joining Cohen as professor of philosophy at Marburg in 1885. Exact science was for him the product of mathematical and logical thinking, which presides over the uniform ordering of experience. At the root of such thinking is the idea (*Idee*) of a completely unified manifold, which we never reach but which indicates the ultimate ideal of practise and the norm of obligation. As the individual "scientific object" arises only in a logical ordering of nature, so too the moral individual must be produced in an ideal ordering of society. On this basis Natorp and the Marburg neo-Kantians were able to develop a social, democratic ethics of considerable influence.

While Natorp's practical philosophy did not overlook the economic and political aspects of social organization, its distinctive note was the paramount emphasis on the educational aspect. The highest significance of the social order lies in its educating effect upon its members, and a worthy social order can be achieved only by educational means. In elaborating these views Natorp was greatly influenced by the study of Plato as well as of Pestalozzi and German idealism. His *Sozialpädagogik* gave a moral and philosophic perspective for the reconstruction of general education, replacing individualistic and intellectualistic conceptions by the ideal of a social harmony of all powers. In his person as well as in his thought he proved an inspiration to German educators and to German youth. An overwhelming sense of the conflicts within both the nation and mankind at large came to him through the World War. He supported the *Einheitsschule* idea to promote a common national culture irrespective of class or creed and took part in drafting a common school program in 1920 under the Weimar constitution. Under his program Germany was to set an example not merely in economic but also in cultural socialization and in social idealism. At the same time Natorp built great hopes for international reconciliation and for this reason he joined the Quakers.

HORACE L. FRIESS

Important works: *Sozialpädagogik* (Stuttgart 1899, 4th ed. 1920); *Platos Ideenlehre* (Leipsic 1903, 2nd ed. 1921); *Gesammelte Abhandlungen zur Sozialpädagogik* (Stuttgart 1907, 2nd ed. 1922); *Die logischen Grundlagen der exakten Wissenschaften*, Wissenschaft und Hypothese, vol. xii (Leipsic 1910, 3rd ed. 1921); *Allgemeine Psychologie nach kritischer Methode* (Tübingen 1912); *Hoffnungen und Gefahren unserer Jugendbewegung*, Comenius-Gesellschaft, Vorträge und Aufsätze, vol. xxii, pt. i (Jena 1914); *Die Einheitsschule*, Deutsche Erziehung, no. 3 (Berlin 1916); *Deutscher Weltberuf*, 2 vols. (Jena 1918); *Sozial-Idealismus* (Berlin 1920, 2nd ed. 1922); *Der Deutsche und sein Staat* (Erlangen 1924); *Vorlesungen über praktische Philosophie*, ed. by Hans Natorp (Erlangen 1925).

Consult: Cassirer, Ernst, in *Kant-Studien*, vol. xxx (1925) 273–98; *Die Philosophie der Gegenwart in Selbstdarstellungen*, ed. by Raymond Schmidt, vols. i–vi[1] (Leipsic 1921–29) vol. i, p. 151–76; Levy, Heinrich, "Paul Natorps praktische Philosophie" in *Kant-Studien*, vol. xxxi (1926) 311–29.

NATURAL LAW as conceived by its exponents is that law which, grounded in the innermost nature of man or of society, is independent of convention, legislation or other institutional devices. The problems which it raises are as old as the earliest speculation regarding law; for it is a reflection of the antinomies inherent in the realm of jurisprudence itself, wherein ideal norm is confronted with the deviations of reality, apriorism with empiricism, autonomy with heteronomy, stability of the established order with the dynamic of moral progress, justice with security, ideal with social necessity and immobile organization with the elastic continuity of life. Under each of these manifold aspects the term natural law may assume a special connotation. It may be used to designate the ethical justification of law as a whole; as the a priori element antecedent to all law; as the ideal source of law and the criterion for testing the positive law emanating from this ideal; as the invariant rules of law in contrast with the changing; as autonomous law deriving its validity from its own inherent values; as spontaneous law differentiated by its living and organic properties from the law promulgated in advance by the state or its agents.

Inasmuch as the exponents of natural law have not as a rule been overparticular in drawing these finer distinctions, the meaning of the term has been somewhat obscured. In particular the terms nature and natural have proved to be confusingly protean. As used in the natural sciences nature is synonymous with the physical universe; or again it may be the normal as contrasted with the pathologic; or the ideal essence of an object; or the spontaneous and unconscious flow of life as opposed to that which is artificial, deliberative or willed. In the same way natural is set off against the supernatural and the revealed; or it may be used in the sense of "natural reason" or evidence; or as the innate in contrast with the acquired; or as the antithesis of civil or, again, of authoritarian. It is not surprising therefore that the various schools of natural law have interpreted the concept with considerable variety of emphasis. Whereas the stoics and certain Roman jurists interpreted natural law as that law which conformed to the natural order of the universe, and which, according to certain exponents of this school, extended its sway even to the lower animals, and whereas Hobbes and to an even greater degree Spinoza conceived natural law as synonymous with the force of nature (*naturae potentia*), Plato and Kant deduced it from the moral ideal. Locke identified it with the harmony prevailing in a remote primitive state of uncorrupted nature, while Aristotle, Leibniz and Wolff regarded it as intimately bound up with the essence of existing society. Rousseau drew a careful distinction between "instinctive natural law" and "reasoned natural law"; and Fichte considered it as a law of reason (*Vernunftrecht*), an a priori logical category informing all law.

Yet despite the diversity of these and many other versions of natural law a common element may be detected: a dualistic tendency to resolve the antinomies constantly reappearing in the sphere of jurisprudence by disentangling and isolating the conflicting elements. Thus law as a natural phenomenon is disentangled from artificial law; ideal law from real law; immutable law from changing law; a priori law from empiric law. For this reason one of the most crucial problems in jurisprudence has been that of establishing criteria whereby a solution may be provided for those conflicts which seem inevitably to arise between positive and natural law.

A familiar type of solution proceeds by assuming the primacy of natural law, which in case of conflict is held to overrule positive law. This essentially revolutionary version of natural law may be observed, with a variety of nuances and shades of emphasis, not only in Locke and Rousseau but among the theologians of the Middle Ages and, after the Reformation, among the monarchomachs. Where the primacy of natural law is based on a law inhering in the individual, the hypothesis leads logically in the direction of anarchy. On the other hand, if this primacy is based on a law inhering in a particular social group, the logical result is the overriding of the positive law of one group, as, for example, the state, by the positive law of a second group, as, for example, the church or the feudal associations. Thus the insistence of certain of the mediaeval theologians that the definition and interpretation of natural law were the exclusive privilege of the church was basically an attempt to establish the supremacy of the positive law of the first estate.

A second formula for resolving the conflict between natural and positive law consists in taking for granted the primacy of the latter. The classical statement of this position, as formulated by Grotius and his followers Wolff and Nettelbladt, maintains that positive law may not only prohibit that which is allowed by natural law but also approve that which it forbids. The thesis of Grotius, which has likewise found an echo

among certain recent exponents of natural law, that the only legitimate function of the latter category of law is to supplement the positive prescriptions of the lawmakers on questions not already specifically covered, tends to equate natural law with the intuition of the judge, the administrator or the learned jurist. Not infrequently theorists of natural law have skirted the problem of conflict, either by assuming that positive law is merely the embodiment of natural law or by ignoring the dilemma altogether, despite the fact that it is obvious that in so far as natural law is regarded as a functioning law, directly binding on its subjects, the problem of the conflict of the two categories must remain a most crucial one.

Although natural law has been repeatedly invoked by conservative apologists in order to rationalize existing institutions, it has more frequently served the purposes of the revolutionary reformer who seeks to introduce a radical improvement in the existing body of law. Any breakdown of categories, any restlessness of juridical thought, are invariably reflected in enhanced interest in natural law. Each time the jurist seeks new categories as an aid to setting up new institutions free from traditional encumbrances he begins by opposing natural law to positive law. Thus Grotius, the founder of the modern doctrine of international law, in his preoccupation with the problem of subjecting the newly forged nation states to a supernational juristic authority, posited a natural social law binding together the international community. The periods of greatest concern with questions of natural law have coincided with critical epochs in which the established order has been beset by new currents of thought and new social aspirations. During the great eras of reform and revolution, especially during the seventeenth and eighteenth centuries in England and in France, the various schools of juristic thought turned with particular fervor to the task of reinterpreting natural law. Then, as in all particularly trying moments in the life of a society, the aid of natural law was eagerly invoked. "It will be observed," writes a French historian, "in following in the *Moniteur* the debates of the Constituent Assembly, that the appeals to natural law became more frequent as the political skies darkened." Just as the formulae of the classic "école du droit naturel" voiced the revolutionary aspirations of the third estate, the "renaissance of natural law" at the end of the nineteenth century and the beginning of the twentieth expressed the aspirations of the fourth. And whereas the natural law formulae of the bourgeois ideologists emphasized the individualistic aspects of natural law, the later proletarian ideologists have thrown their emphasis on its social and group implications. The revival of natural law has also been advocated by certain modern jurists as a reaction against the traditional tendency to place major emphasis on the multiplicity of the sources of positive law.

One of the characteristic features of natural law has been its striving after unity and universality, as opposed to the particularism of the systems of positive law. With few exceptions the partisans of natural law have thrown their emphasis on the cosmopolitan element inherent in all law, stressing the common meeting point of the various systems of national law. In so far as this emphasis has been instrumental in preparing the way for a type of positive international law, recognized as superior to the various national systems, its validity should be recognized. On the other hand, this validity has been seriously weakened by the accompanying tendency to overabstraction and rationalism and by the fact that this interpretation has tended to ignore the concrete complexities of the social dynamic.

Theories of natural law may be traced back as far as the period of the sophist enlightenment in Greece of the fifth century B.C. Proceeding from their basic premise that man is the measure of all things, the sophists challenged the prevailing faith in the divine origin of law and set out to show that established law is the artificial creation of human will and human conventions. To this artificial and conventional order they opposed natural law, a law rooted in the very nature of man. According to Protagoras, one of the earliest of the sophists, man is by nature evil and ill disposed toward his fellow men; and natural law has no relation to peace and order until individuals come together and agree to found the state, whose will thereafter becomes the measure of all things. Protagoras' interpretation of natural law, strikingly prophetic of Hobbes, is essentially a justification, addressed to the individual conscience, of the established order. In opposition to the conservative theses of Protagoras the sophists of the following generation, Hippias, Lycophron and Alcidames, formulated a system of natural law radical and subversive in its implications. Maintaining that "all men are equal cocitizens by nature, but not according to positive law . . . which acting as a tyrant over men forces them to actions contrary to nature," they

appealed to natural law as a standard for revealing the shortcomings of the positive laws to which men submitted. Lycophron, according to the testimony of Aristotle, denied the legitimacy of all hereditary privileges, repudiating them as incompatible with the natural equality of man which the positive law should serve to carry out and to guarantee. Alcidames, who shared the convictions of Lycophron, carried these premises to even more unprecedented lengths, inveighing against slavery as an institution contrary to the dictates of natural law. The succeeding generation of sophists, as typified by Callicles and Thrasymachus, interpreted natural law, along lines suggestive of Haller, as the innate right of the strong to dominate the weak. This natural law of the stronger was set off by Callicles against positive law, which he regarded as a creation of the weak with no binding power on the superman; to Thrasymachus, on the contrary, the established order represented merely a manifestation of the power of the strong, justified by reason of their natural right to dominate the weak.

The theory of natural law in Plato represented a double reaction against the conception of the sophists. It gave to natural law a metaphysical foundation by considering justice, the highest criterion of natural law, as an eternal idea. At the same time Plato interpreted natural law, in a universalist manner, as an organic harmony wherein each individual and each class are called upon to carry out an appointed function. Accordingly natural law finds its realization in a state founded upon a hierarchy of classes; it is the juridical order of this state, an order essentially authoritarian and anti-equalitarian. Although this theory of natural law implies an identification of law with the moral ideal, it should be noted that Plato conceived natural law not only as the a priori antecedent of all law but also as an ideal criterion for correcting existing law. Aristotle's conception of natural law was directed against both the theory of the sophists and that of Plato. Functioning society, which he identifies with the state (*polis*), is a necessity of nature both from a physico-psychic and from a rational and ethical point of view. There can be no question of a law prior to or superior to the immediate realities of a society in operation. Natural law thus becomes identified with the established order of the existing society; or rather it constitutes one element in the positive law, inasmuch as Aristotle draws a distinction in the body of positive law between that which is indispensable as a result of the very nature of the state in question and that which is contingent and based solely on legislation.

With the stoics natural law became fused with the general law of the universe and once more took on a predominantly individualistic tinge. The subjects of natural law were considered as abstract representatives of the same species, bound together only by their common submission to the same universal law. Thus arose the recurringly invoked cosmopolitan formula of the stoics which in considering every man as a citizen of the world sought to destroy all barriers between nations. Moreover this universal law, conforming to the law of nature and identical with physical laws, was conceived as applying to all creatures, plants, animals and men and thereby as establishing unity and order among them. This law, which rightly interpreted constituted nothing more or less than right reason diffused throughout the universe, was indistinguishable from Jupiter, the cosmic ruler. The natural law of the stoics was advanced less as a substitute for positive law than as a basic foundation, or logos, thereof. The Roman jurists in their efforts to bring greater precision into the stoic theory of natural law introduced a variety of increasingly subtle distinctions. Whereas Ulpian extended the sway of natural law to "all animals which live on sea or land, and to birds as well," his successors carefully differentiated the natural law peculiar to the human race and the human reason from the natural law common to all animals, including man. In order to distinguish more satisfactorily between these two types of natural law Roman jurists introduced the term *jus gentium* to designate the natural law peculiar to the rational nature of man. It should be noted, however, that the *jus gentium*, embracing the human race as a whole in contrast to the *jus civile* limited to Roman citizens, constituted not only natural law but also, in so far as it was founded upon convention and usage, positive law. Thus in Roman theory a distinction developed between the natural law common to all rational beings—*jus gentium* with natural implications—and the *jus gentium* of a positive character.

The rise of Christianity and the development of Catholic doctrine brought about a profound change in the older conceptions of natural law. While profiting from the doctrines of the stoics and the Roman jurists, the church fathers, particularly St. Augustine, divorced natural law from its intimate connection with the physical universe and grafted it on to the *corpus mysticum*

and on to the spiritual unity, founded upon grace and encompassing earth and sky. A further distinction was drawn, in deference to the theistic emphasis on revelation, between natural law, the ultimate rational principle ruling the divine cosmos, and natural law, considered as an expression of the will of God and revealed to man by the Holy Scriptures. The distinction between natural law as an expression of divine reason and natural law as an expression of divine will was developed still further in St. Isidore and led at a much later date to a protracted controversy between the schools of Thomas Aquinas and the nominalists, headed by Duns Scotus and Ockham. Aquinas, in subordinating entirely the will of God to His immutable reason and to the *lex aeterna* flowing therefrom, made revealed natural law synonymous with the natural law binding God Himself. At the same time he introduced a new distinction between the *lumen naturale* belonging to man and the *lumen divinum* and consequently between the human natural law which can be discovered by the unaided human reason and the divine natural law attainable only by grace and jealously guarded by the church. There may be detected in Aquinas the first effort in Christian philosophy to effect, at least partially, a secularization of natural law. This effort became more pronounced and systematic in the work of Aquinas' successors, Biel, Alamin and particularly Vasquez. Taking as their starting point the inability of the divine will to modify the rational natural law, or *lex aeterna*, and the idea of the *lumen naturale* residing in each human being, they reached the revolutionary conclusion that natural law would exist, God or no God—a thesis which in the seventeenth century was widely popularized and applied in a more sustained and vigorous manner by Hugo Grotius. It should not be forgotten, however, that the school of Aquinas made a crucial reservation in insisting that inasmuch as the *lex aeterna* was superior to the human natural law, the church as guardian of the *lex aeterna* was entitled to exercise full domination over the state as well as over individuals.

The nominalists, on the other hand, particularly after Ockham, by making natural law synonymous with the personal will of God, were in a position to undermine the pretensions of the pope and of the church in general to exclusive interpretation of natural law. This anticlerical and anti-institutional tendency is evidenced most clearly and with greatest precision in the work of an early fourteenth century theologian, who in other respects took little part in the quarrel between the nominalists and the realists—Marsilius of Padua. In maintaining that the only qualified guardians of natural law, whether human or divine, were on the one hand the community of the people in a state and on the other the community of believers in the church, he became the first systematic representative of the democratic idea of the inalienability of the sovereignty of the people.

After the Reformation not a few of the ideas of Marsilius were taken over by the Protestant and Catholic monarchomachs. Although in proclaiming the inalienable rights of the people they often confused positive customary law and natural law, they drew particular attention to the natural law which authorized the people to revolt against and even to assassinate the tyrant. Proceeding from theistic premises, however, they reviled the tyrant as an offender not only against natural law but also against the will of God, which had sanctified the *pactum subjectionis*, whereby the people had agreed to subordinate themselves conditionally to the prince. The recrudescence of theistic premises in the post-Reformation period may be observed likewise in the doctrines of natural law which grew up in connection with the political and religious conflicts in England in the seventeenth century before and during the first revolution. In the theories of the Independents, the true founders of modern liberalism, in the libertarian homiletics of Robert Browne and Roger Williams and in the polemical broadsides of Lilburne and the Levellers, sanction for the innate and inalienable rights of man to liberty and immunity from interference by tyrannical rulers was repeatedly sought in a natural law saturated in the Protestant faith that the kingdom of God lies within the individual. The natural right to religious toleration, based on the liberty of interpreting the Holy Scriptures and of finding the personal path to salvation, was revered as the foundation consecrated by religion of all innate rights and thus of all liberty.

A consistently secular version of natural law emerged only with the rationalistic juridical doctrines of the classic school of natural law in the seventeenth and eighteenth centuries. After Grotius, whose greatest reputation was gained in other fields, had proclaimed, in reenforcing the theses of Vasquez and of Biel, that God is incapable of modifying natural law and that this law would continue even if God ceased to exist, the work of secularization was carried on in more pronounced fashion by the mechanistic school of

Hobbes, Pufendorf and Spinoza. In the mechanistic system the term natural was invoked as an antithesis to that which is supernatural and heralded the application to the study of law and of society of the new methods of the natural sciences, particularly mechanics. Just as the physicist breaks up into atoms the body which he is studying, so the jurist should break up the civil state into its irreducible elements, which in this case are the component individuals considered as placed in a hypothetical state of nature. So conceived the mechanical movement of the physical atoms is paralleled by the instinctive effort of similarly minded individuals toward self-protection and self-preservation, an instinctive effort identical with natural law itself, which in the state of nature implies a *jus ad omnia*. Since the collision of atom-individuals thus produced is in contradiction to their inherent tendency toward self-preservation, the *lex naturalis* demands of them that they come together and agree to concentrate their *jus ad omnia* in the state—which acts in the capacity of a global mechanical force holding in place the divergent particular forces and thus as a guarantor of order and peace. The positive law of the state must be thought of therefore as realizing the law of nature, which serves not as an implement for criticizing the existing order but rather as a justification of the status quo and as an instrument for combating subversive theories directed against the authority of the state. This justification of the state, however, was addressed to the reason of the individual member, and in contrast to the collectivist emphasis of the mediaeval *pactum subjectionis* the new *pactum conjunctionis* of the mechanistic school called upon the individual to create the civil state from the chaos of the natural state by an exercise of his will. In the case of Spinoza, whose mechanistic and geometric methodology tends to disguise a deep lying mysticism, there may be detected a marked inclination to utilize the new system of natural law as a bulwark of liberal and democratic ideas. Since, argued Spinoza, the power of the state cannot penetrate the inner spiritual recesses of the rational being, the natural law demands that it should recoil before the invincible force resident in the reason of the individual, which constitutes a reflection of the infinite reason of God.

But above all Locke and Rousseau, in abandoning the mechanistic methodology of their predecessors and yet at the same time preserving and developing more profoundly their rationalistic individualism and their contractualism, made use of the theory of natural law to develop the systems which served as justifications for the second English revolution and prepared the way for the cataclysmic doctrines of 1789 (*see* NATURAL RIGHTS). Seeking to integrate the heavily theistic political theories of the Independents with the more rationalistic theories of natural law, Locke generalized the theory of the innate rights of the individual to liberty and appealed to the theories of the monarchomachs as substantiating the inalienable sovereignty of the people and their right of revolt whenever the public authority, even though it be the legislative, infringes upon the inviolable natural rights of man. Rousseau based his theory of natural law on the presupposition of the moral dignity of the individual, which being inalienable necessarily implies liberty. He distinguished between instinctive natural law, which leads to liberty so long as man remains in a state of innocence but which makes possible the greatest evils as soon as he is forced to emerge from this state, and the reasoned natural law, which alone in the modern context can guarantee that the moral dignity of man shall be preserved in its social setting. Reasoned natural law is grounded in the *volonté générale*, which is interpreted by Rousseau, in terms not unlike those used by Kant in analyzing the practical reason, as the innermost sense of law with which each individual is imbued and which is essentially the same in all members of the social collectivity. In order to safeguard this reasoned natural law the like minded individuals comprising society were constrained to renounce by means of a social contract their instinctive natural law and to submit themselves to the *volonté générale*, or, in other words, to that sense of law which resides at once in the reasoning individual and in the collective society. The public authority thus constituted retains its legitimacy only in so far as it acts in conformity with the dictates of the deeper will of each individual; that is to say, in conformity with the reasoned natural law. This law implies a synthesis of liberty and of equality, each individual enjoying, by reason of his underlying sense of law, equality with all other individuals and, in giving affirmation to this sense, liberty. The inalienable character of popular sovereignty becomes but a consequence of this theory of reasoned natural law, and universal suffrage merely its realization in the realm of practical affairs. When the individual becomes aware that the enactments and decrees of existing political agencies contravene his inner sense of law or, in other words, do

violence to his enjoyment of liberty and equality, he is released from the obligation to obey. Thus all legitimate positive law becomes permeated with reasoned natural law; in so far as it does not, its binding force is annulled. This basic hypothesis of Rousseau, by transcending the dualism between natural law and positive law and by proclaiming throughout the primacy of the former, gave to his body of theory a dynamic revolutionary character.

Kant like Rousseau sought to transcend the dualism between natural and positive law, but in so doing he gave to the former an unfamiliar interpretation, advancing the concept *Vernunftrecht*, or law of reason, a natural law constituting the a priori form, or *logos*, of all law. The critical method of Kant, if applied in a strictly logical manner to the domain of law, precluded the possibility of deducing from an a priori idea or from an ideal an empiric law which could be considered as an alternative to existing prescriptions of positive law. Kant was therefore compelled to consider natural law, the content of which he viewed in the manner of Rousseau, either as a logical form of positive law or as a purely regulative idea. In either case, by consistently denying the right of revolt against the established order, he attributed direct compulsion only to positive law. The same tendency to reduce natural law to the law of reason (*Vernunftrecht*) became more emphatic and precise in Fichte's more mature writings, in which his earlier terminology as epitomized in the title *Grundlage des Naturrechts* was replaced by the new term *Rechtslehre*, or doctrine of law.

In addition to the predominantly individualistic interpretations of natural law in the seventeenth and eighteenth centuries there was a significant, if less widely publicized, current of speculation which conceived natural law as rooted in the social group. Grotius, referred to by his contemporaries as a "socialist," derived from this doctrine of a social natural law his theory of international law. The most profound and original statement of the theory of a social natural law is to be found, however, in the writings of Leibniz, whose followers, particularly Wolff and Nettelbladt, expounded even more explicitly the theory of the innate laws of the group and their function as limitations on the power of the state. Schlözer, working from the same basic premises, drew for the first time a distinction between the two opposing concepts of civil society and political society. The physiocrats, applying the theory of the social natural law to the new field of political economy, postulated an *ordre social naturel* of production, a domain fenced off against authoritarian state interference. As defined by its distinguished line of exponents social natural law is primarily law which "protects and gives assistance to natural and necessary societies"—among which are included such a variety of groups as family, commune, occupational association, town, church, state and international community. The rules of this natural law derive either from the ethos of the group in question or are to be deduced, *ex ratione status*, from a consideration of the concrete social realities prevailing within the group. In the development of this type of doctrine progressively greater importance was attached to the latter method of deduction and at the same time it was recognized that every voluntary association was likewise the subject of a social natural law; whence it followed that the social natural law became reduced in the end to the autonomous positive law of the various groups. The theorists of the social natural law may thus be said to have transcended the dualism between natural and positive law by setting up a hierarchy of manifold particular orders of positive law.

The reaction of the nineteenth century against natural law formulae is traceable ultimately to Edmund Burke and to the numerous romantic theorists in Germany and France, who, like him, were seeking some corrective against the atomistic individualism and abstract rationalism which they identified with the doctrines of the revolutionary ideologists in Paris. The most precise and systematic expression of this reaction is to be found in the writings of the historical school of Savigny and Puchta. It should be noted, however, that the founders of this school of jurisprudence, for all their emphasis on traditionalism and historism, distinguish between law established by authority and the living law springing directly from the collective conscience of the people. Custom, to which these jurists attached such a great importance, is not merely traditional usage but also this direct juridical intuition of the people. Thus Savigny and Puchta, while giving it an altogether modern tinge, preserved one of the essential motifs of natural law, namely, a dualism between the law which is fixed in advance and the living spontaneous law or, stated in more general terms, between the reflective and spontaneous elements in law. Although Savigny and Puchta limited strictly the import of this distinction in restricting the living law of the modern period to the law of the jurists,

their Germanistic successors, headed by Beseler, drew the broader logical conclusions implicit in the distinction.

The efflorescence of positivism around the middle of the nineteenth century intensified the already widespread animus against the rationalistic apriorism of the older natural law systems. But the relentless attack upon all vestiges of natural law was the work much less of the partisans of positivist sociology than of the representatives of juristic positivism, who sought to limit the field of the jurist to technical analysis of the law established by the state and applied by its tribunals. The explanation of this hostility is to be sought primarily in the exaggerated étatism of the jurists themselves, who strove to reduce all law to the will of the sovereign state.

At the end of the nineteenth century and even more pronouncedly during the early years of the twentieth the emergence of unforeseen juristic institutions and of new social tensions which could not be resolved by reference to the rigid categories of the traditional body of law brought strikingly before the state tribunals the inadequacy of law promulgated in advance as a means of providing a solution for the vast number of complex cases. In this dilemma interest began to turn once more to the philosophy of law and to juristic sociology. There arose various groups, dedicated to such causes as the "renaissance of natural law," "free law" (*Freirecht*) and "sociological jurisprudence." In Germany the neo-Kantian Stammler postulated a "natural law with variable content," the function of which is to provide an instrument for criticizing the existing body of positive law. The "idea of law," which is to serve as this criterion, is purely regulative and is carefully distinguished by Stammler from the a priori notion of all law. François Gény in declaring war against the "fetishism of law" appealed to "free scientific research," distinguishing between the datum and the construct in the law and thus finding by intuition "the irreducible rational data of natural law." In this way the judge would be able to fill in the frequent lacunae which are to be found in the positive law promulgated in advance. The representatives of the *Freirecht* school have taken a more dynamic position, insisting that the spontaneous and living law defies reduction to any rational datum. There are also certain modern jurists who posit an objective rational law or natural law lacking a concrete fixed content but nevertheless based on certain essential principles which are eternal—a position held likewise by the neo-Thomist group of jurists. The confusion of schools has at least made clear the fact that there is general dissatisfaction with the positivistic jurisprudence of the nineteenth century and that a widespread effort is being made to salvage the more valid elements in the older doctrines of natural law.

GEORGES GURVITCH

See: LAW; PHILOSOPHY; ETHICS; JURISPRUDENCE; SOCIAL CONTRACT; LEVELLERS; MONARCHOMACHS; JUS GENTIUM; INTERNATIONAL LAW; NATURAL RIGHTS; JUSTICE; LIBERTY; EQUALITY; RATIONALISM; ENLIGHTENMENT; INDIVIDUALISM; NATURALISM; POSITIVISM; SOPHISTS; PLATO AND PLATONISM; STOICISM; CHURCH FATHERS.

Consult: Gierke, O. von, *Johannes Althusius und die Entwicklung der naturrechtlichen Staatstheorien* (4th ed. Breslau 1929); Senn, F., *De la justice et du droit: . . . la distinction du "ius naturale" et du "ius gentium"* (Paris 1927); Stammler, R., *Die Lehre von dem richtigen Rechte* (new ed. Halle 1926), tr. by Isaac Husik, Modern Legal Philosophy series (New York 1925); Gény, F., *Méthode d'interprétation et sources du droit privé positif*, 2 vols. (2nd ed. Paris 1919), and *Science et technique en droit privé positif*, 4 vols. (Paris 1914–24); Charmont, J., *La renaissance du droit naturel* (2nd ed. by G. Morin, Paris 1927), partly tr. in *Modern French Legal Philosophy*, Modern Legal Philosophy series, vol. vii (Boston 1916) pt. i, ch. v–xii; Le Fur, L., "La théorie du droit naturel depuis le XVIIe siècle" in Académie de droit international, *Recueil des cours*, vol. xviii (1927) 259–442; Pound, Roscoe, *An Introduction to the Philosophy of Law* (New Haven 1922); *Readings on the History and System of the Common Law*, ed. by Roscoe Pound (3rd ed. Rochester 1927); Kantorovicz, H. U. (Gnaeus Flavius, pseud.), *Der Kampf um die Rechtswissenschaft* (Heidelberg 1906); Ehrlich, E., *Freie Rechtsfindung und freie Rechtswissenschaft* (Leipsic 1903), tr. by Ernest Bruncken in *Science of Legal Method, Select Essays by Various Authors*, Modern Legal Philosophy series, vol. ix (Boston 1917) ch. ii; Gierke, O. von, *Naturrecht und deutsches Recht* (Breslau 1883); Gurvitch, Georges, *L'idée du droit social* (Paris 1932), and *Le temps présent et l'idée du droit social* (Paris 1932).

NATURAL ORDER. *See* NATURAL LAW.

NATURAL RESOURCES.

Resources are those aspects of man's environment which render possible or facilitate the satisfaction of human wants and the attainment of social objectives. They are thus distinguished from resistant or harmful aspects of the environment and from neutral or inert environmental aspects, which affect man's achievements neither favorably nor unfavorably. In the narrow sense natural resources are original aspects of nature untransformed by man, such as air, water, sunshine and wild animal and vegetable life, which spontaneously satisfy human wants. In a wider sense natural resources

comprise also the substances, forces, conditions, relationships and other aspects of nature which are transformed by man and underlie, shape, affect or inhere in that complex mixture of natural and cultural landscapes which constitutes the environment of modern man. By the development of new arts and new wants, by erecting a lofty structure of artifacts on the foundation furnished by nature, man provides the drive behind resource development and turns hostile wastes into cultural environments. While the universe may be finite and hence the totality of potential resources may be a fixed entity, that portion of the universe which at a given place and time is available for human use is not a fixed entity but in constant flux. Every change in human want patterns and in social objectives, every invention and increase in man's control over nature, constantly revises the criteria of availability and ordinarily tends to enlarge the aggregate of available resources. Man and his resources are functional reciprocals.

The appraisal of resources varies with the standpoint of the individual and of organized social groups. While the satisfaction of basic individual wants and the maintenance of standards of living are prerequisites to group life, there are social objectives which transcend the limits of individual concern. Since the group is a succession of generations, the social appraisal of the environment as the basis of group continuity reckons with longer time units, takes a longer range and hence tends to favor a slower tempo of exploitation and often also a fuller utilization of resources. In many fields social and private interests are mutually interdependent or supplementary; in others they simply exist side by side; in still others they are antagonistic. Whether in the case of conflicting interests the social will prevails over the private interest or whether the reverse holds true depends on the social order which happens to exist at a given time and place. Under an exchange economy price is the chief regulator of resource exploitation, modified by the degree of competition or monopoly which prevails and by the conditions of supply and demand. In time, however, the social appraisal of resources as the basis for the fulfilment of social objectives assumes increasing significance. The two extremes appear in nineteenth century United States, with its unrestrained individual exploitation of resources, and in Soviet Russia, with its insistence upon the planned social utilization of resources.

The functional interpretation which stresses man's active participation in the determination of resources is not a denial of his dependence on nature or of the importance of the geographical factor in history. Because man has developed the arts and the sciences and has stacked tier upon tier of cultural superstructures on the foundations of nature, original nature is not therefore necessarily of less significance to the industrialized peoples of today than it was to the primitives who faced nature barehanded. The arts and sciences give new meanings to nature, culture lessens the impact of nature on man and diverts the forces of nature into new channels; but culture, by multiplying the points of contact between man and nature, enlarges rather than reduces the significance of nature. Certain basic aspects of nature moreover remain well nigh unchallenged as determinants of the availability of resources. The soil is still the greatest agency for the transmutation of matter; the arctic and antarctic are as hostile to settlement as they were thousands of years ago; for every square mile of arid or semi-arid land that the skill of the irrigation engineer and the patience of the plant explorer and plant breeder have added to man's domain, an infinitely greater number of square miles remain barren waste; heavy industry continues to cling with considerable tenacity to the coal and iron regions. Basically human life is as dependent on natural resources as it was in the beginning of the history of the race, and there are definite limits on the ability of man to emancipate himself from the limitations of nature, although population growth and the qualitative refinements of civilization are now largely affected by man's ability to control certain forces of nature.

The history of the social utilization of natural resources can be roughly divided into three stages. The first, still shrouded in the mists of the past, is marked by man's dependence on the bounty of nature. During the second stage man applied his labor, at first barehanded, then equipped with tools, to coax nature into granting him favors more bounteous in amount or more varied in kind. During the third stage man not merely applied his effort to the specific task of production but spent an increasing part of his labor on more or less permanent changes in the natural environment (the temporary irrigation ditch, for example, yielded to intricate canal systems and monumental rice terraces). While probably all parts of the earth capable of supporting a full fledged civilization have passed

through these stages, the development appears most clearly in countries of the New World, particularly the United States. In the pioneer or exploitative stage the chief reliance of man is on natural resources or land; the isolated pioneer, inadequately supplied with equipment which would render his labor more effective, wastefully utilizes the few aspects of nature which appear as resources and destroys the many which appear as resistances. As waves of immigrants changed the man-land ratio, the actual amount of human labor that could be performed increased, because of population growth and of the concomitant division of labor. Population growth also tends to promote an expansion and refinement of demands, which invest widening circles of "land" with utility and thus enlarge the supply of available resources. This development stage is followed by a maturity stage during which capital, the permanent improvements of the natural landscape and the mechanical equipment of production, assume increasing importance; it is today infinitely more important than it was in the pioneer stage of American history.

Out of the maze of forces which bring about these shifts in the proportional relations of one factor to another, changes in population pressure and changes in the availability and utilization of energy emerge as among the most important. The two are closely interrelated, organically and functionally. Supported by new or more refined forms of energy, man can spread out, roam farther and subject wider areas and deeper strata of natural resources to simultaneous and coordinated exploitation. The availability of energy is of supreme importance in resource exploitation. Man, unlike other living organisms, can appropriate outside, or "foreign," energies for purposes of work. With their aid and only because of their aid, he can transform natural landscapes into cultural landscapes and create an environment in which machinery is increasingly dominant.

The forms of energy utilized by man fall into two groups: animate, or muscular, and inanimate, or mechanical. Up to the industrial revolution all civilizations depended largely on animate, or muscular, energy released by men or beasts. Inanimate energy was used in the form of fire, water and wind power but under such inadequate human control that only small amounts could be applied and then generally only as a supplement to, not a substitute for, human labor. The shift from almost exclusive reliance on animate energy to widespread use of inanimate energy since the industrial revolution marks a major change in the energy basis of modern civilization and a turning point in resource utilization.

Man and beast can live and work only so long as they are adequately supplied with food or feed and the other necessities of life. Food and feedstuffs are organic in origin and can be produced in adequate amounts only with the aid of soil, water and sunshine, which are consequently not merely vital to premachine, or vegetable, civilization but its very basis. Before the industrial revolution land therefore was regarded as the major form of wealth, its ownership assuming unique significance. The exploitation of the land in the sense of surface, especially of soil, was the occupation of the overwhelming majority of all peoples. Clothing materials were universally made from animal or vegetable substances. Only minerals found near the surface were widely used, mainly in pottery, the construction of dwellings and the building of roads. Metal was used only in relatively small amounts, mainly for utensils, tools, weapons and armor and as media of exchange. Craftsmanship, mining and metallurgy, commerce and finance, were supplementary to and dependent on the all important primary and genetic activities of soil exploitation. The ruling and privileged classes, including warriors and priests, were supported by the tiller of the soil, the hewer of wood and the drawer of water.

The processes of production have been revolutionized by the steam engine, the water turbine and the gasoline motor, making industrially available the crude energies of the mineral fuels and of moving water, and by the dynamo, which transforms semicrude energy into the refined energy of electricity. This has radically altered the criteria of economic and political power and remade the resource map of the world beyond recognition. The land, in the sense of surface, situs or soil, is no longer the strategic resource and the major form of wealth. Its place has been taken by coal, petroleum and other sources of inanimate energy and the metals needed to harness and to apply these new energies. Thus industry, using stored up solar energy and metals, both drawn from the subsoil strata of the land, has gained the ascendancy over agriculture, using current solar energy and the living energies and substances of fauna and flora. Inanimate energy has triumphed over animate, dead substance over living matter, mechanism over

organism. While as late as 1750 metal industries did not play a major role anywhere, being overshadowed by textile, clothing, leather and food industries, today the metal industries have gained the ascendancy not only in the industrialized countries but also in world affairs in general.

Since metals and the metal equipment of industry are durable, capital goods have assumed unprecedented dimensions and significance. Both mineral fuels and metals permit of greater accuracy in their measurement, treatment and use than the living energies and substances of the vegetable and animal kingdoms; and therefore science, dependent on accurate measurement and observation, has developed to remarkable perfection. The new energies have mobilized men and goods alike, lengthened the reach of the merchant and extended the boundaries of market, money and credit economy to the far corners of the earth. The arts have become progressively dynamic and have thrown the entire process of resource utilization into alternating phases of rapid expansion and violent reverses. Growth of leisure, greater mobility, rapid change and increase of wants, coupled with a decline in the sense of economic and social security, have promoted a new attitude toward population increase, which through birth control and other ways of reducing the birth rate is materially changing the man-land ratio.

The resource pattern underlying vegetable civilizations is a working combination of fertile soil, adequate rainfall properly distributed or an adequate supply of irrigation water, and climatic conditions favorable to the growth of specific crops. The resource pattern underlying machine civilizations is a working combination of energy factors (coal, gasoline, water power) and metals (particularly iron and copper) and a social organization adjusted to such a resource economy in terms of mobility and engineering and labor reserves. While the former pattern is fairly common, covering possibly two fifths of the earth's land area outside the arctic and antarctic, the geographical and social prerequisites of machine civilizations are concentrated in a few places. It is true that the availability of minerals varies with changing arts and sciences; but for the present there can be no doubt that the regions bordering the north Atlantic, especially northeastern United States, Great Britain and northwestern Europe, possess a natural endowment for the development of heavy industry and hence of industrial civilization far superior to that found elsewhere. Possibly new centers may develop in western Siberia, especially in the Kuznetzk-Magnitogorsk area, and in India; other Asiatic centers of heavy industry are of secondary importance. Machine civilizations are highly concentrated in accord with the concentration of basic natural resources.

Machine civilizations moreover are possessed with a drive toward expansion which leads to colonial rivalries between competitive industrial nations, to aggressive foreign investment policies and to armament rivalry and other concomitants of imperialism. Before this drive agricultural countries are relatively helpless; their resource pattern is inherently weaker than that of the industrial countries, at least in a world wide price economy. A country richly endowed with the mineral resources necessary for power driven machine industry can build up an economy infinitely superior in a material sense to the economy of a vegetable civilization dependent upon animate energy. Inanimate energy can be concentrated in quantities far in excess of any energy display of which vegetable civilizations are capable. It can be speeded up more and sustained longer, greater energies help to make better and stronger materials with which to harness still greater energies, and man can be relieved of much of the drudgery of physical labor. Largely because of this superiority of the mineral resource pattern the peoples who happen to possess workable coal and iron combinations rise to a position of world dominance, economically, financially and politically. The modern world economy thus becomes a resource hierarchy; that is, a hierarchical order in which strength and weakness are derived from the resource patterns underlying cultural development. In this system of staggered power surplus capital, derived from the increasing productivity of machine industry during times of expansion and from the profit made in trading the relatively scarce and controlled products of industry for the abundant and uncontrolled products of agriculture, dominates the central zone occupied by the cardinal industries—power, steel, coal, petroleum, electricity, copper, railroads and automobiles—while agriculture is thrust into a peripheral zone dominated by the central industrial zone. The great tropical plantation industries occupy a middle ground, the perennial nature of plants such as rubber, coffee, camphor, quinine and cocoa resembling in many respects modern overhead manufacturing industry. The central industrial zone corresponds also

to a central political zone of highly industrialized countries which dominate and exploit the agricultural countries and own or control their basic metal, petroleum and other natural resources; national control of strategic resources by the imperialistic interests becomes international.

While the masters of industry reach out to the four corners of the earth to acquire supplementary mineral wealth and actively enter the field of tropical plantation industry and of forest exploitation in the colder regions, they carefully stay out of cropping and animal husbandry. These industries are too competitive to attract big capital. Those who control the movements of capital may at times, consciously or unconsciously, act in a manner which keeps agriculture competitive, stimulates output and depresses prices. Among the devices which produce these effects is the construction of railroads and dams. A railroad within a relatively short period of time will turn a wild prairie into a new granary which throws on the world market quantities of wheat and other foodstuffs far in excess of the absorbing capacity of the existing demand, with the result that agriculture in new and old regions alike is thrown into turmoil. In general and normally capital flows into enterprises which stimulate the output of agricultural staples, aggravating and internationalizing competition.

Thus two kinds of capitalistic penetration must be distinguished, which might be termed absorption and subjugation. Through integration, including holding company devices, interlocking directorates and centralization of financial control, industry increasingly absorbs the mining industries furnishing its raw materials, especially iron, coal, petroleum, natural gas, copper, bauxite and other metal ores, as well as timber and water power. Moreover through mutual dependence for services and supplies and for utilization of by-products and waste products many industries are closely interrelated. This agglomerative trend, however, does not extend to agriculture. Neither the flour milling industry nor the baking industry absorbs wheat growing; the cotton textile industry does not acquire cotton plantations; the woolen and worsted industries do not enter sheep raising; the cigarette manufacturing industry leaves tobacco growing severely alone, although cases are known of crop lien or similar loans made to encourage output. A middle ground is again occupied by the tropical plantation industries: tire and sugar manufacturers acquire rubber and cane plantations, the United Fruit Company grows bananas, and the investments of soap and margarine manufacturers in the production of tropical fats may be expected to expand in the future. Absorption generally involves control of supply, at least attempted control; subjugation works through stimulation of supply. Whether capitalistic penetration takes one form or the other depends largely on the extent to which the output of commodities can be controlled and on the amount of capital equipment required for production and marketing.

These developments, a product of the transformation of the resource basis of civilization, have profoundly altered the relations of agriculture and industry. So long as agriculture was inefficient and therefore large numbers of peasants or farmers were required to feed and clothe the world, a very real community of interest existed between agriculture and industry. When science and mechanization vied one with the other to increase the efficiency of agriculture and as a result it became possible for a small minority of farmers to feed the world, the aggregate of their purchasing power was correspondingly reduced and industries stood to gain more from lower prices of foodstuffs and agriculturally produced industrial raw materials than from a sustained prosperity of the rural population.

The tendency toward progressive concentration of power in the masters of the basic energy and machine resources is heavily reenforced by the characteristic economic and social developments of capitalism. Among the more important are corporate organization and management, which accumulate scattered funds and diffuse risk; the profitable nature of industrial integration and monopolistic combinations; and the increasing yield of surplus capital pressing for investment. Above all industrial activities are on the whole more capable of controlled adjustment of supply to demand and are therefore less subject to unprofitable output and prolonged depressions than are agricultural activities. Because of the organic origin of their products and of improper institutional arrangements the production of coal and petroleum, especially in the United States, is still in a state of confusion, and has not yet reached that state of profitable stability characteristic of similar resources. Some manufacturing industries, like cotton textiles, especially the coarse goods division, are so closely connected with an agricultural raw material base that they reflect its uncertainty and weakness. In general large capitalistic developments flourish most on the firm basis of mineral

control. This control is facilitated by the reduction of the number of deposits usable under large scale capitalistic production methods; thus many iron ore deposits which were important before the advent of the "monster stack" and the by-product coke oven have ceased to be resources.

National economies differ widely in accordance with the nature of their resource bases. While it is true that no nation can boast of an endowment with natural resources so complete that it can with immunity shut itself off from the rest of the world, some nations are much closer to such a position than others and could support a balanced national economy better than most other countries. To what extent a nation so endowed should strive toward self-sufficiency or to what extent it should forego the opportunity of balanced economy in the interest of interregional and international specialization is a crucial question of international economic policy. Few if any other regions of the earth, with a single political control and a homogeneous culture, possess an endowment of natural resources comparable to that of the United States. Many regions, on the other hand, such as deserts, mountain ranges, tropical rain forests, jungles, arctic wastes and similar landscape types, are so inadequately endowed with natural resources that settled social life cannot be supported. Between these extremes there is a large variety of types which could be arranged in an ascending or descending order, indicating the degree of adequacy or inadequacy of the resource endowment. An appraisal of regional resources, however, must also consider the influence which geographical, historical and other factors exercise on institutional developments and the formation of cultures. Cultural borrowing moreover permits many regions to enjoy institutional advantages which are impossible on the basis of their own geographical endowment.

Regions which, because of their coal and iron resources, can develop heavy industry may be placed in the category of first class powers, even if their agricultural resources are inadequate, because they can exchange machine products for agricultural raw materials and foodstuffs. The United States, however, has in addition large internal agricultural resources, while Great Britain has similar resources in its oversea possessions. The relationship existing between the industrial, commercial and financial interests of Great Britain and its possessions producing agricultural, pastoral and other raw materials is comparable to that existing between the highly industrialized areas of the United States and the "provinces" producing agricultural and other raw materials. The national unity between industrial and agricultural areas, characteristic of the United States, has as many advantages and disadvantages as the non-geographical and looser political unity characteristic of the British Empire. Judging from present production records and trends, apparently only Russia and possibly Canada are nations which possess a balanced industrial and agricultural resource endowment.

While India is one of the world's chief agricultural countries and also possesses a workable combination of iron ore and coal, her climatic conditions and population density offer considerable resistance to full fledged industrialization and the accumulation of large surplus capital. Moreover the coal and iron resources, while considerable when measured absolutely, appear far less impressive in relation to the enormous population. China also possesses iron ore and coal, but these resources are so placed that early large scale exploitation seems unlikely; in general the remarks made about India apply within limits to China as well. These countries are the region of vegetable civilization par excellence, and it is extremely difficult to develop an industrial civilization in areas which for centuries have been dominated by the religions, philosophies and social organization characteristic of vegetable civilization.

Next to the first class powers as here defined rank countries, such as Germany, France, perhaps Italy, and to a lesser extent Spain, which possess at least one of the basic resources of machine industry, either coal or iron ore. Wherever one of these resources is available at home and through international trade can be supplemented with the others from outside sources of supply, balanced industrial systems can be developed. The extent to which a people avails itself of such opportunities depends on an infinite number of imponderables produced by historical, economic and national development. Germany before the World War, because of control over the ore of Lorraine and the coal deposits of the Ruhr, was in an exceptionally favorable resource position; the loss of Lorraine has resulted in a decided national deficiency of iron ore which neither the intensive exploitation of domestic ores nor the control and import of foreign, especially Swedish, supplies can wholly compensate.

While infinitely more efficient economically than vegetable civilization, machine civilization suffers from at least two serious weaknesses. In the first place, it is vulnerable because of regional specialization and interdependence. It is comparable to a carefully adjusted complex mechanism which runs well while working but is easily put out of order. The political measures designed to safeguard the system against disturbances from the outside, such as navies, colonial acquisitions and imperialistic policies, have not yet definitely proved their worth and wisdom. The second weakness stems from the one-sided reliance upon exhaustible, or "fund," resources. The vegetable civilizations of China and India owe their remarkable longevity in large measure to the fact that they rest mainly on "flow" and "revolving fund" resources, such as renewable soil fertility, natural water supply and sunshine. An industrial system which rests on coal, petroleum, metals and other fund resources is built on a far less durable foundation. At least until recently, however, progress in the technique of exploiting and utilizing mineral resources and the discovery of new deposits have gone far to counteract the economic effects of exhaustion.

So far the exhaustion of mineral resources has resulted not in the breakdown of an industrial economy but merely in shifts in the relative position of various industrial nations. The best example of this development is furnished by the English coal mining industry, which at one time, largely because of the proximity of coal deposits both to domestic iron ore deposits and to tide water, possessed superior advantages—and gave England its early industrial supremacy. Today, however, England finds it difficult, probably in part because of diminishing returns from her coal mines, to compete with younger industrial countries working virgin coal fields. Similarly the advantages of the British iron industry, which once depended largely if not exclusively on domestic ore supplies, have been adversely affected by the gradual depletion of at least the most workable portions of these reserves. Much more extreme is the case of the British tin industry, whose domestic ore basis has been almost completely exhausted. To be sure, by means of capital exports and by means of political, financial and commercial control over mineral deposits scattered throughout the world, particularly in Burma, the loss of domestic supplies has been largely compensated. In fact domestic supplies are not necessarily preferable to foreign supplies except in so far as dependence on outside supplies tends to render a country's position more vulnerable. Such compensation through foreign control for the loss of domestic supplies in general, however, works much more satisfactorily in the case of metals than in the case of coal. While industries may survive, perhaps even thrive, on cheap domestic coal and on imported metals, the reverse is far less feasible. Great Britain's economic difficulties during the past decade are traceable to a variety of causes, including the shift from coal to petroleum and water power, but the progressive exhaustion of the most accessible and most easily worked mineral deposits must be included as an important contributing factor.

There are two methods by which a country can round out its resource basis. One method, open only to politically and financially powerful countries, is to gain control over complementary resources in other parts of the world. Thus British capitalistic interests have secured control over important oversea deposits of gold, silver, iron, copper, tin, lead, zinc and other metals. Capitalistic interests in the United States have gained similar control over foreign mineral reserves, a policy also pursued more or less by France, Belgium, Holland and pre-war Germany. This method, which up to now has resulted in bringing almost all the world's known mineral deposits of major importance under the control of North American or northwestern European capital, is fraught with many dangers which in the future may increase and result in a serious conflict between the rising nationalism of economically backward countries and the vested interests of the great imperialistic powers. Japan pursues a similar imperialistic policy on the Asiatic mainland.

The other method makes use of modern science. It is most strikingly illustrated by inventions and processes which utilize domestic resources more rationally and more completely. These include hydroelectric power, long distance transmission of electricity, the hydrogenation or carbonization of coal, and other ways of mobilizing energy supplies; and the manufacture of methanol from coal, of rayon from wood pulp, of synthetic camphor from turpentine and of nitrogen from air. National resources, in other words, can be enlarged extensively by acquiring control over foreign supplies or intensively by enhancing the resource value of existing domestic reserves; both practises flourish in highly industrialized countries. As science advances the resource position must be determined by the

intensity of exploitation as well as by the extent of natural resources.

Fuller exploitation of basic resources is accompanied by more complete utilization of by-products and waste products and the re-use of waste, junk and scrap. Besides calling for a reappraisal of the relative position of various powers, such technological developments have a vital bearing on the rate of exhaustion of mineral resources. Thus the successful reclamation of rubber reduces the superior position of the countries which control or have easy access to the regions producing rubber and correspondingly improves the position of countries which have had to purchase imported rubber under a handicap. Similarly the growing importance of iron and steel scrap and of other secondary metals has correspondingly affected the relative position of primary raw material producers and of countries which, as a result of past imports, have built up domestic reserves of secondary supplies.

The effect of scientific progress on the rate of exhaustion of limited natural raw material supplies is strikingly illustrated by recent developments in the petroleum industry. By means of hydrogenation the petroleum refiner has greatly increased the control over the yield of marketable products, especially gasoline, from crude oil and has solved the most pressing technical problem. When the legal and other institutional problems of the petroleum industry will likewise have been solved, a much closer adjustment of crude oil production to market demand will be feasible and the rate of depletion of petroleum reserves in the ground may be materially reduced. It is conceivable, however, that if lower costs are translated into lower prices and greater demand, the rate of depletion of petroleum reserves may not be retarded but even accelerated.

In addition to the close connection between certain resource categories and economic and political power a close relationship exists between resource combinations and cultural development. The habits of thought, philosophy and religion of peoples reflect to some extent the resource basis upon which their economy depends. This relationship, however, has been affected by the cross fertilization, or hybridization, of cultures and the transfer of cultures through migration; therefore direct relationships between regional, national or racial cultures and their respective resource foundation can hardly be expected. Nevertheless, a certain general interdependence between resources and cultural developments can be traced. The defeatist character of some oriental philosophies and religions may, in part at least, be explained by the rigid limitations which, in the absence of compensating or modifying elements, a vegetable resource basis places on the cultural superstructure which it can support. On the other hand, the dynamic force peculiar to the power-metal-science bases of the civilizations of the younger industrial nations may explain much of their characteristic progressiveness and optimism. Inanimate energy mobilizes and multiplies contacts between heterogeneous elements and thus makes change not only possible but almost inevitable.

There is also a relationship between resources and the lines along which the inventive genius of nations tends to operate. The distinct difference between the general trend of European and American inventiveness seems to reveal an equally distinct difference in the resource bases on which European and American industrial civilizations rest. Europe, having been settled before the industrial revolution, began the process of industrialization with a higher population density and therefore with a man-land ratio quite different from that in the United States. The problems which the people of the United States faced during the nineteenth century were largely problems of labor scarcity, time scarcity and excessive distance. The problems of Europe sprang generally from the inadequacy of natural (non-human) resources. The American inventor consequently specialized in labor saving, time saving, space conquering; the European inventor worked toward a more economical and rational utilization of natural resources, supplementing them by synthetic and other artificial substitutes. The reaper, the sewing machine, the electric eye, are labor saving devices; the telephone and electric light are time saving devices; the airplane is a space conquering device—all of these were invented or perfected in America. The open hearth and the Bessemer converter are ingenious instruments of fuel economy; hydrogenation serves to broaden the scope and usable yields of natural resources; synthetic products are supplements to or substitutes for natural products—along these lines Europe excels.

A relationship exists moreover between scarcity or abundance of resources and social and political institutions. In general one may say that the extent of individual freedom among members of a social group is a function of its political and economic security. Nowadays when

naval and military strength is itself largely dependent on the availability of large amounts of fuel and metals and of scientific knowledge, both economic prosperity and political security are contingent on an adequate resource endowment and its mechanical exploitation. Under special circumstances, however, an abundance of life supporting necessities freely furnished by nature may encourage a system of rigid social control. Thus the possibility of white labor escaping from the obligations of indentures into the open frontier regions has been numbered among the factors which explain the introduction into and the rapid spread of Negro slavery in the American south. Similar conditions are said to have led to the development of the mir in seventeenth century Russia. A sharp distinction must be drawn between the effect of scarcity or abundance during the formative periods on the development of a social and political system and their effect on institutional developments in a maturer society.

The prevailing attitude toward social control and individual freedom respectively is generally reflected in national policies affecting resource exploitation. Periods marked by extreme severity of restriction alternated with periods of almost equally extreme indulgence in unrestricted exploitation. These shifts of policy are usually associated with changing uses of natural resources, causing scarcity at one time and giving the appearance of abundance at other times. The laws governing the use of water illustrate with particular clarity the relationship of relative scarcity or abundance of resources to the development of institutions; in the United States water laws vary regionally in close consonance with variations in the natural adequacy or inadequacy of water. Strong governments with feudal traditions impose limitations on the exploitation of mineral wealth; thus in continental Europe the mineral law generally reserves considerable rights to the crown or state. In the United States the legal theory that subsoil minerals belong to the owner of the surface land resulted in unrestrained exploitation, which led in some instances to truly chaotic conditions. In general a more or less unrestricted exploitation of natural resources prevails during the earlier stages of industrial development; during later stages, when the value of resources is more clearly appreciated and the dangers of exhaustion become manifest, the tendency is for the state to regulate the rate of exploitation, and demands for conservation and socialization arise.

As a result of the economic and political effects of the World War the trend toward nationalism and national self-sufficiency is being intensified. The League of Nations and other organizations interested in the revival and promotion of world economy have made efforts to counteract the nationalist tendency, with but meager results. That free trade interpreted as a laissez faire policy in the international economic field, if supported by an equally liberal attitude on the part of all major powers in the field of politics, is the surest way to bring about the most rational and most effective utilization of world resources is generally recognized and admitted. The emphasis, however, must be placed on the interrelation between the economic and political aspects of the problem. Laissez faire confined to the economic field is almost certain to strengthen further the position of the most powerful industrial nations at the expense of agricultural regions. Unless therefore the world succeeds in setting up a political system which insures a planned and equal utilization of the world's unevenly distributed resources as well as the political security of weaker powers, there seems little hope for a reversal of the present trend toward increased nationalistic and imperialistic exploitation of natural resources.

ERICH W. ZIMMERMANN

See: GEOGRAPHY, ECONOMIC; RAW MATERIALS; POWER, INDUSTRIAL; SOILS; AGRICULTURE; PLANTATION WARES; MINING; LOCATION OF INDUSTRY; NATIONAL WEALTH; ECONOMIC POLICY; AGRICULTURAL POLICY; LAND UTILIZATION; CONSERVATION; WASTE; TECHNOLOGY; GOVERNMENT OWNERSHIP; SOCIALIZATION; COMBINATIONS, INDUSTRIAL; CARTEL; COLONIES; IMPERIALISM.

Consult: Zimmermann, Erich W., *World Resources and Industries: a Functional Appraisal of the Availability of Agricultural and Industrial Resources* (New York 1933); Ely, R. T., Hess, R. H., Leith, C. K., Carver, T. N., *The Foundations of National Prosperity: Studies in the Conservation of Permanent National Resources* (New York 1917); Oppel, Alwin, *Natur und Arbeit*, 2 vols. (Leipsic 1904); Herkner, Heinrich, Hettner, Alfred, Michels, Roberto, Mombert, Paul, and Oldenberg, Karl, "Wirtschaft und Natur" in *Grundriss der Sozialökonomik*, sect. ii, pt. 1 (2nd ed. Tübingen 1923); Zimmermann, Erich W., "The Resource Hierarchy of Modern World Economy" in *Weltwirtschaftliches Archiv*, vol. xxxiii (1931) 431–63; President's Research Committee on Social Trends, *Recent Social Trends in the United States*, 2 vols. (New York 1933) vol. i, chs. i–iii; Van Hise, C. R., *Conservation of Our Natural Resources*, ed. by Loomis Havemeyer (New York 1930); Isc, John, "The Theory of Value as Applied to Natural Resources" in *American Economic Review*, vol. xv (1925) 284–91; Hotelling, Harold, "The Economics of Exhaustible Resources" in *Journal of Political Economy*, vol. xxxix (1931) 137–75; League of Nations, Provisional Eco-

nomic and Financial Committee, *Report on Certain Aspects of the Raw Materials Problem*, 2 vols. (Geneva 1921); Culbertson, W. S., "Raw Materials and Foodstuffs in the Commercial Policies of Nations" in American Academy of Political and Social Science, *Annals*, vol. cxii (Philadelphia 1924); Smith, G. O., "Theory and Practice of National Self-Sufficiency in Raw Materials" in Academy of Political Science, *Proceedings*, vol. xii (1926–28) 116–22; Moon, P. T., "Raw Materials and Imperialism" in Academy of Political Science, *Proceedings*, vol. xii (1926–28) 180–87; Bain, H. F., *Ores and Industry in the Far East; the Influence of Key Mineral Resources on the Development of Oriental Civilization*, Council on Foreign Relations, Research Publications (New York 1927); Rickard, T. A., *Man and Metals*, 2 vols. (New York 1932); Read, T. T., *Our Mineral Civilization* (Baltimore 1932); Leith, C. K., *World Minerals and World Politics: a Factual Study of Minerals in Their Political and International Relations* (New York 1931); Thom, W. T., *Petroleum and Coal: the Keys to the Future* (Princeton 1929); Gibson, A. H., *Natural Sources of Energy* (Cambridge, Eng. 1913); Gilbert, C. G., and Pogue, J. E., *America's Power Resources* (New York 1921); World Power Conference, 1st, London, 1924, *The Transactions of the First World Power Conference*, 5 vols. (London 1925); World Power Conference, 2nd, Berlin, 1930, *Gesamtbericht . . . , Transactions*, 20 vols. (Berlin 1930–31); Ostwald, Wilhelm, *Energetische Grundlagen der Kulturwissenschaft*, Philosophisch-soziologische Bücherei, vol. xvi (Leipsic 1909); Reyer, Eduard, *Kraft, das ist animalische, mechanische, soziale Energien und deren Bedeutung für die Macht-Entfaltung der Staaten* (2nd ed. Leipsic 1909); Smith, J. R., *The World's Food Resources* (New York 1919); Albion, R. G., *Forests and Sea Power* (Cambridge, Eng. 1926); Penrose, E. F., *Food Supply and Raw Materials in Japan* (Chicago 1930); Rew, E. H., *Economic Resources of Canada in Relation to Britain's Food Supplies*, Great Britain, Ministry of Agriculture and Fisheries, Economic series, no. 3 (London 1925); Canada, Department of the Interior, Natural Resources Intelligence Branch, *Canada's Natural Resources* (Ottawa 1928); Lewin, P. E., *The Resources of the Empire and Their Development*, The British Empire, a Survey, vol. iv (London 1924); *The Resources of the Empire*, Federation of British Industries, 10 vols. (London 1924); Boycott, A. G., *The Elements of Imperial Defence: a Study of the Geographical Features, Material Resources, Communications, and Organization of the British Empire* (Aldershot 1931); Patton, J. H., *Natural Resources of the United States* (rev. ed. New York 1899); Corsi, Ernesto, *Le basi della ricchezza e l'Italia* (Palermo 1931); Paris, École Libre des Sciences Politiques, Société des Anciens Élèves et Élèves, *Les possibilités économiques de la France* (Paris 1927); Hubert, Lucien, *Ce qu'il faut connaître de nos ressources coloniales* (Paris 1926); Gubkin, I. N., *The Natural Wealth of the Soviet Union and Its Exploitation* (Moscow 1932); Mauldon, F. R. E., *A Study in Social Economics: the Hunter River Valley, New South Wales* (Melbourne 1927); International Economic Conference, Geneva, May, 1927, *Documentation. Population and Natural Resources*, League of Nations Publication, 1927. II. 38 (Geneva 1927); Dresdner Bank, *The Economic Forces of the World* (3rd ed. Berlin 1930).

NATURAL RIGHTS. The doctrine of natural rights can be traced back through mediaeval and ancient times. It acquired its main significance, however, in the English, American and French experience of the seventeenth and eighteenth centuries. Natural rights are possessed by individual human beings, not by corporate organizations; that is, the doctrine is a part of modern individualism. These rights form a system of value judgments erected into metaphysical absolutes. Their value and use as metaphysics and their relation to the specific historical situation in which they were formulated are both worthy of brief consideration.

The natural rights movement represents one aspect of the eternal human tendency to distinguish between what is and what ought to be; the element of right is definitely an ethical norm, an assertion that certain human desires have greater validity than, and must therefore prevail over, force or circumstances or mere being. The specific content of these desires, identified as rights, was given great effectiveness as propaganda by the alliance with nature. God was gradually replaced in the seventeenth and eighteenth centuries by the vaguer and perhaps more useful concept of nature. Natural rights acquired something of the prestige of physical, earthly existence, since one of the numerous connotations of nature is simply the external world. Thus the doctrine of natural rights could claim to be both a standard and a fact. Through the work of a long line of philosophers and jurists from the stoics to the scholastics, the law of nature had come to stand for the universal, the ordered, the "golden mean," as opposed to the particular, the accidental, the excessive, so often found in actual human life. Again, nature suggested also the extraordinary achievements of natural science; natural rights were felt to rest on the same basis as Newton's discoveries; and reason discerned these rights despite their daily violation, just as reason discerned the true movement of the earth despite its apparent immobility. In its early stages the doctrine also borrowed prestige from history. It was insisted that the specific rights claimed by Englishmen in their civil war as natural had been possessed by Englishmen since the Magna Carta and even earlier. When the doctrine passed over to France in the eighteenth century it lost this historical cast and came indeed violently to repudiate the past as a tissue of errors.

This setting aside of history subsequently scandalized many Englishmen, like Bentham

who repudiated the phrase natural rights but erected a system of values almost identical with that of the French revolutionists. So too Maine fulminated against the metaphysics of natural rights, sought inductively in the facts of history and found there the famous phrase "from status to contract," a singularly pithy summary of the main tenet of the natural rights school. It is important to realize that natural rights were the metaphysical translation of a definite value scheme, or a way of life. Other metaphysical principles—history, utility, heredity according to Darwin and Weismann—were also used to explain, defend and propagate this way of life. But on the whole the natural rights basis has held on firmly, especially in the popular and the legal mind, right through the nineteenth century. The doctrine of natural rights in the eighteenth century commonly made use of a supplementary doctrine, that of the social contract. This latter doctrine provided a useful link with previously accepted notions and helped explain the genesis of natural rights on earth. It was therefore valuable as propaganda. But the social contract had no necessary connection with natural rights and was indeed invoked by Hobbes to deny them.

The main factor in the specific situation in which the doctrine of natural rights arose, and which serves to explain its contents if not its form, was the growth of a powerful middle class engaged in business for profit. The feudal nexus, in which each man possessed a definite status; in which ownership was hedged about by customary limitations, by collective supervision, by ethical and religious ideas; in which warrior and priest were the privileged persons, had by the seventeenth century been pretty well destroyed, especially in England. In its place there had arisen a handicraft system of industry, in which the distinction between employer and employee was already clear, a large trading class used to business enterprise rather than to actual production or even supervision of production and a new agriculture organized on a capitalistic basis. The "free" laborer and the "free" capitalist, both at liberty to enter into a variety of specific and usually short term contracts, existed before it was discovered that this sort of freedom was a natural right. The doctrine of natural rights was evolved by a prosperous middle class, first, as a rallying ground against the already almost beaten feudal warrior and priestly classes and, second, after the final victory over these classes, as an authoritative codification of the desires of the victors, a projection of these desires into a kind of religious absolute. The doctrine of natural rights is therefore not a theory, not an attempted description or ordering of facts, but a faith, the essential dogmatic basis of what Carl Becker has called the "heavenly city" of the eighteenth century.

Innumerable political theorists of the seventeenth and eighteenth centuries contributed to the codification of the doctrine. Here it is possible to say but a word on the two who clearly contributed most to this process as well as to the no less important process of disseminating the doctrine. Locke summarized beautifully the achievements of the Revolution of 1688, emphasized the right of resistance to oppression, gave to his whole theory a pronounced individualistic cast and, what is most important, firmly incorporated among natural rights the right of private ownership of property, ethically justified, because the owner has "mixed his labor" with what he owns. Rousseau, although in a good deal of his work he apparently tried to push beyond the natural rights doctrine into political psychology, was none the less the leading propagandist of the doctrine in the crucial period of the American and French revolutions. He added little to its actual dogmas, but he did much to give it proselyting strength. His identification of virtue with feeling and ignorance, with the homely, simple life of the people; his bitter attack on the corrupting force of conventional taste, manners, intelligence, did much to bring middle class morality into a fruitful emotional union with natural rights. Briefly, Rousseau gave the doctrine of natural rights, hitherto endowed with the solid and effective but imaginatively limited prestige of nature as reality, as uniformity and as the "golden mean," the additional prestige of nature as mystic strength, as *magna mater*. This union of rationalism and mysticism gave the doctrine extraordinary explosive force during the French Revolution. Subsequently western European and American countries learned to control and enlist in the service of stability this mysticism of natural rights, much as the Catholic church controlled and used such mystic outbreaks as that of St. Francis.

Like all such doctrines that of natural rights, although it arose from the specific needs and ambitions of a group—the middle class—had to be popularized even in that class by organized effort; and of course among the lower classes a still more conscious propaganda had to be car-

ried out. In seventeenth century England religious groups and political parties were already well enough organized to serve this purpose. In eighteenth century France an extraordinarily complete system for teaching the people their rights was worked out—the system studied by Cochin under the name of *sociétés de pensée*. Once the middle classes were victorious, the governments could of course take up this task, especially in the schools, a process notably successful in France and in the United States. In continental Europe nineteenth century liberal groups, Masons, *Burschenschaften* and many others spread the doctrine of natural rights.

The chief codifications of these rights by formal political action are: the English Bill of Rights of 1689; the bills of rights attached to the American state constitutions, of which the earlier ones, like those of Virginia and Pennsylvania (1776), were of great importance as patterns; the French Declaration of the Rights of Man and the Citizen (1789); the first ten amendments to the Constitution of the United States (1791); the Declaration of Rights in the stillborn French constitution of 1793 (passed at the height of the social revolution, this declaration has certain almost collectivist elements, notably the right to public poor relief, a declaration of social solidarity and so on); the Declaration of Rights and Duties in the French constitution of 1795. The nineteenth century saw many similar bills of rights in almost all civilized countries, but these added little of importance.

The rights thus enumerated vary somewhat from document to document. Those in the French tradition commonly fail to include a right of association, while those in the Anglo-Saxon tradition are somewhat more tolerant toward group life within the state. Otherwise the rights enumerated may be briefly summarized as liberty, with liberty of worship, of speech, of the press, of public meeting singled out for special mention; equality, usually defined as equality before the law; property, which apparently needed no definition; a number of vague or pleonastic rights, like those of life, the pursuit of happiness, the *bonheur commun* in which the eighteenth century sought to incorporate its sentimental optimism; resistance to oppression. These rights were regarded, in Locke's terminology, as "inalienable": the individual could not surrender them, and the government could not infringe upon them. A right to labor is not enumerated. On the other hand, the right to life could be interpreted as giving the individual at least an emergency claim on society for sustenance; and the right to property could, following Locke's own lead, be made to include a right to a reasonably free field for personal activity, for the sort of handicraft labor which Locke regarded as behind the creation of property.

When these rights were compared with the civil and criminal law actually enforced, even in the new regimes of Europe and America, certain discrepancies were clear. These discrepancies of course bothered only the extremely logical, who were very few, and the already discontented, who were not as numerous in 1800 as a century later. For the great majority of comfortable middle class people the gap between the bills and declarations of rights and actual law was of no more importance than the gap between the Sermon on the Mount and the routine of private Christian life. These discrepancies were roughly of two sorts. First, the enumerated rights were with difficulty reconcilable one with the other. They follow generally the antithesis between liberty and equality: if the laws let each man do as he wants to do, the very strong will ruin the very weak, and there is an end of equality; if the laws attempt to make each man as like his neighbor as possible, the eccentric will be suppressed, and there is an end of liberty. Second, enumerated rights may be more or less obviously violated in legislative enactments. A classic example of this is in the French constitution of 1791. The Declaration of Rights had asserted men to be born free and equal in respect of their rights; the constitution separated these free and equal men into "active" citizens who voted and "passive" citizens who did not, according to whether they paid a certain direct tax. The English combination laws of 1799 and 1800 or the American Alien and Sedition laws of 1798 can with difficulty be reconciled with the "inalienable" rights of the citizens of those countries.

Once consecrated as the metaphysical keystone of the social order produced by the victorious middle class, the rights of man acquired something of the fixity of religious dogma. But at almost the precise moment—roughly 1800, somewhat earlier for England, somewhat later for the rest of Europe and the United States—when the doctrine triumphed finally, the way of life from which its values had been built up was yielding to another way of life. The handicraft system was superseded by the factory system, and ownership was coming to be absentee

ownership, to be so far remote from any connection with labor that even the economists deserted Locke and explained interest on capital as the reward of abstention. Yet throughout the nineteenth century and into the twentieth, in the industrial countries, the doctrine of natural rights was used to defend a kind of property which in its extension, in its concentration in relatively few hands, in its very nature, was totally different from the property with which Locke and his followers were familiar. In general terms, a set of ideas with which one class had appealed to the ethical sense of humanity to secure its triumph at the expense of another class had now crystallized into a set of dogmas with which the newly victorious class consolidated its gains at the expense of a third class. Thanks to the marvelous power of the machine, however, and perhaps also to the development of the typical credit mechanism of capitalism, this triumphant class really gained far more than could have seemed possible in 1800. At the same time the gap between the new conditions and the old dogmas became increasingly obvious to all but the very interested or the very faithful. Some such general process as that outlined above—by which the liberal ideas with which a class fights its way into power become the authoritative dogmas by which it holds power—has often occurred in history. But the striking thing about this particular instance was the rapidity with which the doctrine of natural rights, become a dogma, was challenged by a new set of ideas, which were also provided with an ethical setting and used by a class struggling for power. Marxist socialist thought repudiates the rights of man and especially the right to property. Independent economists like Veblen have pointed out that men brought up with machines—the engineers and skilled machinists as well as the factory workmen—must now live a life so different from the life of the eighteenth century that they cannot even understand the doctrine of natural rights.

Yet the doctrine is still very much with us. Especially in the United States it has been used by the highest courts to protect private ownership against public regulation. The Fourteenth Amendment, notably, has been used to invalidate state legislation incorporating restrictions on private enterprise in the interests of the community. The concept of property as an inalienable right has allowed the courts to pass in judicial review acts of administrative bodies regulating public utilities. The general interest seems to be able to proceed against private property only under the guise of a "police power." Perhaps it is an even more important fact that the ideology of natural rights has thoroughly penetrated into the literature, the arts, the educational systems of western peoples. It may be true that this ideology is utterly inappropriate to the machine age; it may even be true that its patent failure to correspond with real conditions prevents those conditions from being as satisfactory for human existence as they might be. It is certainly true that the logical implications of nineteenth century scientific materialism leave no room for the concept of right. But the doctrine of natural rights is not wholly logical, and that aspect of the doctrine concerned with individual property rights and with individual freedom to experiment was actually greatly bolstered by the biological determinism of Darwin and his immediate successors. The doctrine of natural rights is so solidly rooted in human experience, its prestige so heightened by the extraordinary expansion of the western world in the last century, that, like Christianity, it will probably have to be absorbed, rather than destroyed, by a new ideology.

CRANE BRINTON

See: NATURAL LAW; BILLS OF RIGHTS; DECLARATION OF THE RIGHTS OF MAN AND THE CITIZEN; DECLARATION OF INDEPENDENCE; CIVIL RIGHTS; CIVIL LIBERTIES; SOCIAL CONTRACT; LIBERTY; EQUALITY; DEMOCRACY; INDIVIDUALISM; LIBERALISM; ENLIGHTENMENT; RATIONALISM; FRENCH REVOLUTION; PROPERTY; CAPITALISM.

Consult: Gooch, G. P., *English Democratic Ideas in the Seventeenth Century* (2nd ed. Cambridge, Eng. 1927); Martin, Kingsley, *French Liberal Thought in the Eighteenth Century* (London 1929); Wright, Benjamin Fletcher, *American Interpretations of Natural Law* (Cambridge, Mass. 1931); Ritchie, D. G., *Natural Rights* (3rd ed. London 1916); Scherger, G. L., *The Evolution of Modern Liberty* (New York 1904); Becker, C. L., *The Heavenly City of the Eighteenth Century Philosophers* (New Haven 1932); Larkin, W. Paschal, *Property in the Eighteenth Century with Special Reference to England and Locke* (Dublin 1930); Pareto, V., *Trattato di sociologia generale*, 3 vols. (2nd ed. Florence 1923) vol. i, sects. 401–63; Veblen, T. B., *The Theory of Business Enterprise* (New York 1904) chs. iv and viii, and *Absentee Ownership* (New York 1923) chs. iii–iv; Hamilton, W. H., "Property—According to Locke" in *Yale Law Journal*, vol. xli (1931–32) 864–80.

NATURALISM is better called a point of view than a fixed doctrine or a particular set of dogmas; for the doctrines and the dogmas, varied and often contradictory, that have reasonably been identified as naturalism have depended

largely on the context in which they arose and the interests, moral, social or aesthetic, in whose service they were emphasized. In the broadest sense the term may be used to describe that type of secular thought, first historically formulated in ancient Greece, which tried to frame a theory of the universe, a cosmology which both should comprehend a unity of substance or of principle and in terms of that substance, principle or set of substances or principles should comprehend or explain the changes that appear to occur in the universe. Such a theory, first clearly and simply expounded by Democritus and the Greek atomists and taken over almost without modification by Lucretius in the first century B.C. in Rome, originated in the attempt to render the flux and superficial confusion and caprice of experience intelligible; it represented the first classic venture of thought to think through to some intelligible order in experience free from and, as in the case of Lucretius, in direct opposition to the presumptions of theology and myth.

The generic characteristic of all theories of naturalism, whatever be the detailed version of nature that any one of them gives, is the assumption or the attempted demonstration that there is an order; that the appearances and disappearances of objects and the movements of events do constitute a system, the terms of which need not be referred to anything beyond that system or order itself. By virtue of its insistence on the self-sufficiency of nature naturalism sets itself in opposition to "supernaturalism," which it regards as a contradictory notion doubling the natural universe with a ghostlike and capricious imitation of this same universe. Naturalism seeks the explanation of the universe in some form of elements, in some regularity of motion: the regularity not dependent on any prevision or intention of a being beyond the system; the elements, particles or substances being something given, something ultimate and unpredictable. The regularities are what they are, the elements likewise. They are referred to no explanation beyond themselves and they constitute all the explanation that may be given of any object or event. The assumed regularity removes caprice and isolation from objects or events. The objects cohere and events connect in a system. The assumed ultimate elements change the world from an apparent phantasmagoria, from an evanescence of appearances, to a permanence of ultimate elements whose combinations and permutations constitute at once the being and the explanation of apparent and changing things. Such a conception of the universe yielded to the imagination of the Greek atomists and to Lucretius, as they yield to anyone who accepts it, numerous satisfactions not necessarily allied to one another. The cosmos becomes a cosmos, not a chaos. Unity is established amid variety, permanence amid change, an enduring and intelligible reality amid diverse and bewildering appearances. Order and recurrence are accounted for without resort to providential purpose or casual miracle. The universe becomes intelligible rather than puzzling, and out of the mist of appearances a daylight world of mechanism arises.

In ancient Greece naturalism took the form of a clear and simply formulated materialism. The ultimate elements were atoms, neutral and homogeneous in character; their motions were regular and in that sense absolute. The so-called billiard balls physics of the nineteenth century is a revival of that Greek type of naturalism which expresses itself in the form of materialism and mechanism—materialism from the point of view of the elements of which it is composed, mechanism from the point of view of the principles of its operation. But while materialistic mechanism is the most characteristic and familiar form of naturalism, it is only one form of it. Philosophic naturalism is not dependent on one theory of physics. The identification in many educated minds and in the popular imagination is largely due to the fact that Newtonian science and Cartesian philosophy managed to make a mathematical, mechanical, materialistic formulation so effective a principle of explanation and so effective a tool of intellectual and ultimately of practical control. But naturalism as a cosmology does not depend on its alliance to any particular formulation in simple materialism or in modern mathematical physics. If anything, it is more dependent on mechanism, or the assumption of some consecutive and regular order among events and regularity of conditions among objects, than on the assumption of any kind of stuff or palpable material. It is fundamentally a cosmology of a regular order, which order is identified with or as nature. From this point of view Spinoza is as much a naturalist as Democritus or Lucretius.

The conception of a necessity in the relations of things flowing from an ultimate uncaused cause, like any other naturalistic theme, excludes deliberate purpose or casual and interruptive miracle. On the other hand, the very regularity

of a mechanical scheme may be regarded (as by the deists) as both expressing divine reason and being intelligible to human reason. All materialistic systems of philosophy have naturalism as their matrix, but not all naturalisms are materialistic. Thus in the eighteenth century Baron von Holbach with his *Le système de la nature* and Lamettrie with his *L'homme machine* tried to extend the mechanistic hypothesis to the realm of biology and psychical or mental life as well as to the observable phenomena of the physical world. In the present age the attempt of behaviorists to reduce all explanations of conduct to elements ultimately material in their nature and mechanical in their relations is a modern version of the enterprise of mechanisms applied to all phenomena, including those less obviously or less easily reducible to mechanical and material terms. But once naturalism attempts to deal with life in a biological and in a psychical sense, it has to deal with problems which call for something other than the simple categories of a mechanistic materialism. Life is a process dynamic, creative and degenerative in character. The production and the presence of genuine novelty in the processes of life, the fact of creation or of creative adaptation and purpose, once it is included in the picture and in the analysis of nature, force naturalism to become less obviously, less crudely and less geometrically materialistic in character. Indeed the newer physics itself, with its resolving of matter into process and into the relations among "events," and the tendency among philosophical physicists to treat the physical universe in organic terms have introduced into naturalism categories that clearly demarcate it from materialism as to elements, from mechanism as to operation.

There are indeed certain types of naturalism that are even able to absorb idealistic elements, and there is nothing about philosophic naturalism that must of logical necessity exclude factors and categories and interests which often in the past have been set over by traditional materialists as mere appearance against the alleged reality of matter. Matter conceived dynamically is the locus and matrix of all objects, experiences, ideas and even ideals. A purely static mechanistic materialism excludes anything remotely resembling purposes, ends, fruitions. A dynamic naturalism that conceives of primary substance as in flux (Aristotle is a classic ancient and George Santayana a distinguished modern instance) thinks of nature not as moving according to prescribed ends laid down in advance but as coursing to ends immanent in those movements; it considers ideals and fulfilments the fruitions of natural processes. The acorn grows into an oak, the boy into a man, the bud into a flower, the tongue functions as speech, and the body realizes itself in the entelechy of the soul. Consciousness is a natural function of bodily life and flowers into dreams, ideals and purposes. There is no contradiction between the body and the spirit; the latter is the realization of the possibilities of the former. Art, religion, thought and imagination are functions of nature just as much as are breathing and digestion. "All ideals have a natural basis and all natural processes an ideal possibility or career." The opposition sometimes alleged to exist between the natural and the ideal depends usually on a restricted conception of nature in narrowly mechanical terms. Ideals in a dynamic naturalism are as natural as flowers or fruit, to which with reference to their conditions and origins in primary substance they may be very exactly compared.

While naturalism as thus far treated is largely a cosmology, the term nature and the term naturalistic have been used in somewhat different contexts. In ancient stoicism, especially in its Greek rather than its Roman formulators, nature was a name for a reasonable, or normative, order in the universe, which was not only a realm of being but a standard of action. The order of nature provided the basis for law and morals, and we owe to the stoic identification of nature and reason the notion of natural law (*q.v.*) and of a standard of goodness or virtue to be found by reference to the total order in the universe. In the eighteenth century, especially in Rousseau, nature came to be a normative term not so much in the sense of identification with reason as in the sense of identification with the alleged "nature of man" as uncorrupted by the arts and sciences of civilization. The natural man in Rousseau was set over against the artificial man of civilization, the goodness of natural man over against the corruption of the man perverted by civilization. In such a context nature is contrasted not with supernature but with art. All contrivance is a modification of or an interference with nature and all institutions, arts, crafts and sciences are "artificial." In morals this has led, as it led in Rousseau, to an assertion of the spontaneous as over against the merely customary and conventional; in the fine arts to an assertion of the "simple, passionate, sensuous" as over against

the complex, formal and intellectual. Late in the nineteenth century naturalism in aesthetic theory came to be used for a time as identical with "realism," especially in literature, the emphasis laid on the brutally real, "the facts of life," as over against fantasies, prettifications and escapes. In ancient Greece at least naturalism was not incompatible with classicism, in the sense of a disciplined and harmonious representation of existence in art—nature seen with a disciplined eye and rendered with a controlled hand.

Broadly speaking, in the modern period, whatever be the special technical formulations of differing naturalistic philosophies, they agree on the whole in a general belief in scientific realism, in the utilization of the broad principles of physics and biology for explaining the universe, without any very critical examination of the underlying metaphysical assumptions of the sciences themselves or any very close examination of the categories involved in the special sciences or the methodology of science in general. Naturalism, like any other general cosmological point of view, has had certain important moral consequences and imaginative results. With respect to morals it has pointed to the relativity of moral standards and aimed to treat morals not as the manifestation of categorical imperatives but as the relative expressions of life and of associated ways of life under given conditions and as the reflection of given environments. In religion it has pointed toward either out and out atheism or at the very least agnosticism. But from the point of view of a naturalism not too mechanistically conceived (and it is at the present time being less and less so conceived) the spiritual life is itself a natural fact and deity, as the expression of the synthesis of possible perfections, is not incompatible with a naturalistic outlook in morals and metaphysics.

IRWIN EDMAN

See: PHILOSOPHY; MECHANISM AND VITALISM; NATURAL LAW; RATIONALISM; IDEALISM; SCIENCE; EVOLUTION.

Consult: Biese, A., *Das Naturgefühl im Wandel der Zeiten* (Leipsic 1926); Dingler, Hugo, *Geschichte der Naturphilosophie*, Geschichte der Philosophie in Längsschnitten, vol. vii (Berlin 1932); Perry, R. B., *Present Philosophical Tendencies* (New York 1912); Ward, James, *Naturalism and Agnosticism* (4th ed. London 1915); Santayana, George, *The Life of Reason*, 5 vols. (2nd ed. New York 1922); Cohen, Morris R., *Reason and Nature* (New York 1931); Woodbridge, F. J. E., *The Realm of Mind* (New York 1926); Whitehead, A. N., *Science and the Modern World* (New York 1925); Sellars, Roy Wood, *The Philosophy of Physical Realism* (New York 1932); Sorley, W. R., *On the Ethics of Naturalism* (Edinburgh 1885); Zola, Émile, *Le roman expérimental*, ed. by Maurice Le Blond (Paris 1928), tr. by Belle M. Sherman (New York 1893); Lenoir, Paul, *Histoire du réalisme et du naturalisme dans la poésie et dans l'art* (Paris 1889); Shafer, Robert, *Christianity and Naturalism* (New Haven 1926); Krutch, J. W., *The Modern Temper* (New York 1929); Dewey, John, *Experience and Nature* (Chicago 1925).

NATURALIZATION denotes both the act of admitting an alien to the position and privileges of a native born citizen and the process of being so admitted. It has a governmental aspect in that it is usually considered an act of grace on the part of the sovereign; but it has also a personal aspect, for occasionally it is regarded as a natural right of man. In modern times it has generally been a right established by the sovereign, its exercise depending upon the fulfilment of certain conditions. The concept of a naturalized citizen acquired its present legal connotation during the reign of Elizabeth, when there existed only natural subjects of the crown. Their relation to the crown was interpreted in quasi-feudal terms, through the requirement of an oath of allegiance. The importance of land tenure in the feudal order was long reflected in the inability of an alien to acquire real property, and the importance of the personal element in his inability to inherit; the desire for naturalization was greatly enhanced by the obvious economic advantages of escaping from these restrictions. In time, particularly after the American colonies had become an independent republic, the individual citizen as the constituent element of the modern national state took the place of the subject bound by allegiance to his natural lord. Accordingly naturalization has come to designate the process by which an individual becomes the citizen of another country or, to broaden the concept still further, that by which an individual becomes a member of another citizenry. Only in the latter sense can the term naturalization be applied to the city-states of classical antiquity and mediaeval Europe or to Soviet Russia.

The concept of naturalization like all other concepts of public law is molded by the prevailing idea of the state and government. There are vestiges of very ancient tribal conditions in the earliest forms of naturalization in Rome. Essentially a person could become a citizen only by becoming a member of one of the patrician families (*gentes*). This was possible primarily through adoption, or *adrogatio*, the latter alone presupposing the consent of the public author-

ity, the *comitia curiata*; adoption, probably a rather late form, made the matter entirely dependent upon the adopting individual. In order to appreciate the full significance of this process it is necessary to recall that the citizenry of ancient Rome was very limited, comprising only the members of the families of a small aristocratic class whose power rested largely upon their military function. Whole families, like the Papirii or the Julii, may well have been naturalized in order to replenish this warrior class; at any rate, such naturalization presupposed communities which had an internal structure similar to that of Rome, like those belonging to the *nomen latinum*. Ordinarily the consent of the foreign community was necessary unless it had been dissolved, such as that of the Quirinal. According to Mommsen, only the community of the *curiae* could naturalize a foreign patrician family. Plebeian families, even of Roman origin, could not be naturalized. After the Roman citizenry had been extended to include the plebeians, the naturalization of foreign individuals commonly took the form of conferring the plebeian status upon them. This process required an act of the sovereign power, the formal consent of the Roman people in assembly (*comitia centuriata* or *comitia tributa*) or the resolution of the commons (*concilium plebis*). The exercise of this power was often delegated to some magistrate, and the person or group of persons to be naturalized was not obliged to accept citizenship. Until the time of Caesar citizenship was conferred upon whole communities only by direct vote of the sovereign people; later it became the prerogative of the emperor. In all these cases it was possible to place restrictions upon the naturalized citizen, such as limitation of his voting privileges. There existed, however, a group of foreigners whose position was much more privileged; these were citizens of communities belonging to the Latin League. Such persons, at least those of the older Latin communities, could acquire citizenship merely by establishing their residence in Rome; until finally the attempt to abolish this privilege led, after the social war, to the conferring of citizenship upon all Latins and other Italian communities.

This act is a significant landmark in the evolution from city-state to world empire, from republic to monarchy. Although a retention of the old forms suggests the idea that citizenship was still conceived essentially in terms of personal right and duty, the citizen became in fact the inhabitant of a territorial state, subject to an all powerful prince. Naturalization thus became a concomitant of residence within the particular territory. The ever widening grants of citizenship under the empire did not carry with them the extension of republican government as it had existed in Rome; these grants arose primarily from the financial needs of the emperor, for all citizens were subject to special taxes. The process was consummated when in 212 A.D. Caracalla naturalized all persons, except slaves, then resident in the Roman Empire. With this step the concept of subject citizenship which characterizes the territorial nation state of modern Europe was reached.

There is, however, another important root of the modern idea of citizenship and of the concept of naturalization consonant with it. The city-states of the later Middle Ages became in the course of their development the refuge for the free worker. Naturalization grew out of membership in a guild which carried with it the obligation to defend the town against any hostile acts of the feudal lords ruling the surrounding territory under the more or less nominal overlordship of a distant emperor or king. The German words *Burg* (fortified place) and *Bürger* indicate clearly the originally military significance of becoming a citizen. The provisions for acquiring citizenship varied greatly from city to city, as they were intimately bound up with the development of the various constitutions; but everywhere within the Holy Roman Empire the city emerged as the realm of freedom. This opportunity to become a member of a free citizenry was a most important factor in the growth of mediaeval cities and serves to explain centuries of extensive migrations in this direction.

Many of these independent cities were gradually destroyed with the rise of modern territorial states, like Austria, Bavaria and Prussia, which in the process naturalized their citizens; that is, transformed them into subjects of the respective princes. On the other hand, the United Netherlands, the Swiss Federation and the free cities of Frankfort, Hamburg, Bremen and Lübeck carried the mediaeval city tradition into the nineteenth century, despite the fact that their forms of government had become more or less oligarchical. Their readiness to naturalize any man who cherished their ideals and was willing to earn his living made these political communities important places of refuge. The predisposition of these communities to facilitate the acquisition of citizenship and the economic

advantages to be gained from the presence of skilled craftsmen combined to make the monarchs of the continental territorial states rather liberal in granting *Staatsangehörigkeit* (nationality). And when eventually the city-state ideal of civil liberty was molded by Rousseau into a philosophy which swept over Europe, the claim to naturalization acquired almost the position of a natural right of man. Indeed the use of the expression "rights of man" implies that every man has a fundamental right to be treated as an equal in the community to which he wishes to belong, provided he is prepared to support it with his life and his property. In the English speaking world this change was hastened by the rise of the United States, whose early history was characterized by a vigorous departure from the established English tradition. In England, as well as in France and Spain, the monarchs had been able to centralize feudal homage and fealty, the vassals becoming subjects of the crown bound by a common allegiance.

As early as 1295 there was in England a grant of the king's grace, whereby one Elyas Daubeny, who had been born in alien territory, became an Englishman; from that time on there followed isolated instances of these letters patent or of special acts of Parliament. In a great many cases the king made the reservation in his grant that the grantee should pay customs in the manner of aliens. The acts of Parliament, on the other hand, were usually unconditional. In the latter part of Elizabeth's reign a distinction developed between denization and naturalization. Thereafter a denizen was an alien who had obtained *ex donatione regis* a letter patent making him an English subject. His status was midway between that of an alien and that of a natural born subject: he could acquire land but could not inherit. By naturalization, which required a grant by Parliament, an alien was given the same status as a man born in the king's ligeance, until by an act of William III (12–13 Will. III, c. 2, sect. 3) he was barred from certain specified high political offices, notably membership in Parliament. The parliamentary act of naturalization had to be preceded by a religious ceremony: no person could be naturalized unless he had received the sacrament of the Lord's Supper within a month before the bringing in of the bill (7 James I, c. 2), and he must also take the oaths of allegiance and supremacy. Comparatively few, however, were granted the favor of naturalization. It was used ordinarily to attract traders, merchants and craftsmen or to reward loyal foreigners; from the point of view of the recipient the removal of the property disabilities was an obvious advantage. In France the power to naturalize was exercised largely by the king alone, save for registration by the Chambre des Comptes; and when letters of naturalization were granted, as, for example, to alien tapestry makers in Flanders, the reasons were more or less similar to those which prevailed in England.

In the American colonies, where land was the chief form of wealth, naturalization and the property rights it conferred became important issues. The earliest provisions for naturalization, which were indicated in the colonial charters, were that aliens could be naturalized in England before emigrating to the colonies. Such a method could prove satisfactory only in a limited number of cases. When the governor of New York asked the crown for a general naturalization act for colonial settlers, he was expressing the colonial need for stimulating immigration. Naturalization as a right acquired by residence was desired by the colonies, but Parliament for a long time defeated efforts to pass a general bill along these lines. Accordingly the colonial governors or the legislatures arrogated to themselves the power to naturalize aliens. At first the governors made grants by letters patent. Later legislative acts became the prevailing method. Naturalization by a colonial act was recognized only in the particular colony where it was granted and thus conferred only local citizenship. A general act, however, was finally passed by Parliament in 1740; it provided that all foreign Protestants and Jews, after residing seven years in any of the American colonies, without absences of more than two months at a time, could upon taking the oaths or in some cases upon making the declaration of fidelity become British subjects (13 Geo. II, c. 7). This act was supplemented by the statute of 1747 (20 Geo. II, c. 44) and of 1761 (2 Geo. III, c. 25). As soon as independence was achieved and a constitutional government organized, there was still less limitation; in fact the act of 1790 marks the transition from naturalization sparingly bestowed by grace to citizenship granted as a matter of right and from special grants to general laws stipulating only the conditions of acquisition. It set up a uniform law of naturalization granting to all free white aliens who had resided within the jurisdiction of the United States for two years the right to claim citizenship under specified conditions, including notably an oath of "allegiance" to the constitution.

With this act the United States came to occupy a position similar to that of the city-states during the Middle Ages. The period of residence required for naturalization was lengthened to five years in 1795 and to fourteen years in 1798; it was reduced to five years in 1802. Persons of African descent were admitted to naturalization by a law of 1870. The spirit of the United States naturalization acts spread to the British dominions and to South America. In some Spanish American republics, such as Venezuela, it even reached the extreme of forcing naturalization—an extension of the principle of Spanish constitutional law that all domiciled aliens were Spaniards. From the colonial sphere the idea of naturalization conceived of in terms of a right spread throughout Europe. Nevertheless, it was rarely recognized as a right in the formal sense. Even republican Germany, for example, granted such formal right only to former Germans and alien combatants (*Kriegsteilnehmer*). Many European countries, such as France and Germany, went farther than the United States, however, in removing all political restrictions upon naturalized citizens: even the presidency of these republics is open to a naturalized person. The different point of view of these countries is perhaps best illustrated by the fact that some of them, like Germany and Austria, provide for automatic naturalization of persons appointed to public service positions. This provision is important mainly in the case of the Catholic clergy and professors.

The procedure followed in naturalizing aliens varies greatly from state to state. Wherever general laws establish a right of the alien to be naturalized, its exercise involves proceedings essentially judicial in nature. Only a dozen nations, however, including the United States, vest the power to conduct these proceedings in the judicial branch of the government; that is, in the courts of general jurisdiction. Some countries, such as Belgium, have left this power to the legislature. France, Germany, Italy and Spain are among those which have entrusted it to the executive, particularly to the minister of the interior; but here the development of administrative law provides for a judicial check against injustices.

Almost equally diverse are the legal requirements for naturalization. The requisite period of residence varies from one year to ten, with an average of about five years. In the United States the more recent tendency to restrict immigration and thereby the possibilities of establishing legal residence operates in fact as a restriction upon naturalization and has resulted in an increasing severity of legal requirements for naturalization. The same tendency appears elsewhere; for example, in the British dominions and in Switzerland. The problems created by the special needs of colonial governments within the British Empire were in part settled by the law of 1847 which allowed the colonies to create a citizenship effective only within their own boundaries. Since the present status of British nationality in international law recognizes only one common category of citizenship for the empire, a naturalized subject of the crown will be acknowledged as such only if he has been naturalized according to the British "type" act, the British Nationality and Status of Aliens Act of 1914, which together with its amendments has been accepted in most of the dominions. Immigration legislation in the dominions, however, introduces by implication additional requirements. It has been argued that similar requirements will have to be set up by all other European nations in order to ward off the threatened invasion of Asiatic races not readily absorbed into the European tradition. Whatever the force of this argument, the social and economic factors behind immigration restrictions have undoubtedly tended to resuscitate the older idea that naturalization is an act of grace or at any rate a right created only by legislative enactment which can easily be revoked. Questions inquiring into the "fitness" of a person to be a citizen have acquired a new significance. The United States has by law denied the right of naturalization to the Chinese, and by judicial interpretation to the Japanese, as well as to persons believing in anarchism or polygamy irrespective of their actions. In United States *v.* Schwimmer [279 U. S. 644 (1929)] the Supreme Court of the United States held that where there is doubt on any essential matter of fact with reference to the conditions of citizenship the government is entitled to the benefit of that doubt. In certain European countries discriminatory laws against Jews have been advocated. Under these laws Jews could not be naturalized and they might even be deprived of their status as citizens.

Along with the growing restrictions upon naturalization everywhere there is a tendency, particularly in France and the United States, to expatriate naturalized citizens under certain conditions. During the World War naturalized Frenchmen of German and Austrian origin were

expatriated, or rather their naturalization was withdrawn (laws of April 7, 1915, and June 18, 1917). After the war it was further provided that naturalized Frenchmen committing certain treasonable acts should suffer loss of French citizenship (law of August 10, 1927). Expatriation had formerly been troublesome in connection with naturalization because governments refused for military reasons to recognize naturalization of their former citizens. These difficulties were gradually eliminated by the Bancroft treaties of 1868 and later treaties following their model. The United States and Prussia, for example, reciprocally recognized naturalization after five years' domicile; and if the naturalized citizen returned to the country of his origin, he was liable only for breaches of law which occurred during the period prior to emigration. The progress made along these lines has been halted by the Fascist government, which claims military service from its citizens whether or not they have been naturalized elsewhere. The Bancroft treaties presumably have lapsed; they would now be relatively unimportant since Germany no longer has compulsory military service.

In most European states women become naturalized automatically upon marrying a citizen, a procedure which results in involuntary expatriation. This form of naturalization prevailed until recently in the United States, but at present here as in Soviet Russia such acquisition of citizenship is no longer permitted. Thus an alien woman who marries an American becomes stateless; a lesser inconvenience is the dual citizenship which an American woman acquires upon marriage to an alien, for this cannot involve serious complications so long as women are not liable for military service.

No discussion of naturalization as of other concepts of public law would be complete without brief reference to the extraordinary regulations for naturalization in the Union of Soviet Socialist Republics. In its constitution (July 10, 1918: ch. v, sect. 20) provision is made for almost automatic naturalization of all aliens, provided they belong to the working class. This is elaborated in an ordinance of 1924, which authorizes the provincial and regional executive committees as well as the central executive committee to confer upon such aliens the rights of Russian citizenship without any formalities. This unrestrained liberality is characteristic of revolutionary bodies: it existed in the mediaeval city-states at the time when they challenged the feudal order, in the American colonies and in France after 1789. Revolution is expansive; it welcomes anyone who embraces its conceptions of life and government.

CARL JOACHIM FRIEDRICH

See: CITIZENSHIP; NATIONALITY; ALLEGIANCE; ALIEN; IMMIGRATION; DIPLOMATIC PROTECTION; EXPATRIATION; DUAL CITIZENSHIP; AMERICANIZATION; ORIENTAL IMMIGRATION; CITY-STATE; COMMUNE, MEDIAEVAL.

Consult: Billheimer, Albert, *Naturalization in Athenian Law and Practice* (Gettysburg, Pa. 1922); Mommsen, Theodor, *Römisches Staatsrecht*, Handbuch der römischen Alterthümer, 3 vols. (3rd ed. Leipsic 1887–88) vol. iii, pt. i, p. 29–33, 36–40, 129–38, 635–44; Gierke, Otto F. von, *Das deutsche Genossenschaftsrecht*, 4 vols. (Berlin 1868–1913) vol. i, p. 300–32; Bry, M. J., *L'édit de Caracalla de 212 d'après le papyrus 40 de Giessen* (Paris 1912); Rudorff, H., *Zur Rechtsstellung der Gäste im mittelalterlichen städtischen Prozess* (Breslau 1907) ch. i; Prause, F., *Die Reichs- und Staatsangehörigkeit der Frauen und Kinder nach geltendem Staatsrecht* (Oppeln 1926); Rouard de Card, Edgard, *La nationalité française* (2nd ed. Paris 1922); Tabacovici, G., *De la naturalisation en droit français, en droit comparé et en droit international* (Paris 1929); Sauser-Hall, Georges, *La nationalisation des étrangers en Suisse* (Neuchâtel 1914); González-Calderón, J. A., *Ciudadanía y naturalización* (Buenos Aires 1916); Kiefe, R., *La nationalité des personnes dans l'Empire britannique* (Paris 1926); Gey van Pittius, E. F. W., *Nationality within the British Commonwealth of Nations* (London 1930); Start, C., "Nationalization in the English Colonies of America" in American Historical Association, *Annual Report* (1893) 319–20; Franklin, F. G., *Legislative History of Naturalization in the United States from the Revolutionary War to 1861* (Chicago 1906); Van Dyne, F., *Treatise on the Law of Naturalization of the United States* (Washington 1907); Flournoy, R. W., Jr., "Naturalization and Expatriation" in *Yale Law Journal*, vol. xxxi (1921–22) 702–19, 848–68; Hazard, H. B., "The Trend toward Administrative Naturalization" in *American Political Science Review*, vol. xxi (1927) 342–49; Gray, H. A., "Willingness to Bear Arms as a Prerequisite to Naturalization" in *New York University Law Review*, vol. vii (1929–30) 723–27; Moore, J. B., *Digest of International Law*, 8 vols. (Washington 1906) vol. iii, p. 289–757; Ferrari, R., "Italo-American Conflict on Naturalization" in *Current History*, vol. xxxi (1929) 306–11; Hazard, H. B., and others, "International Problems in Respect to Nationality by Naturalization and of Married Women" in American Society of International Law, *Proceedings*, vol. xx (1926) 67–107; Wistrand, T. H., *La diplomatie et les conflits de nationalités* (Paris 1923); Williams, J. Fischer, "Denationalization" in *British Year Book of International Law*, vol. viii (1927) 45–61; *A Collection of Nationality Laws in Various Countries*, ed. by R. W. Flournoy, Jr. and M. O. Hudson, Carnegie Endowment for International Peace, Division of International Law, Publications (New York 1929). Articles and reports on particular laws and decisions are to be found in the *American Journal of International Law*, published quarterly in New York since 1907.

NAUMANN, FRIEDRICH (1860–1919), German political leader and social reformer. Naumann, the son of a Saxon clergyman, devoted himself to the study of theology. Under the influence of the social ideas of Wichern he entered the service of the home mission. For a time a follower of Adolph Stöcker, Naumann later became, however, the leader of the younger and more democratic elements in the movement. In 1896, as a result of differences with Stöcker, he organized the Nationalsozialer Verein. In the following year he retired from the ministry and as publicist and speaker worked for the reconciliation of proletarian socialism and German nationalism. When his organization failed to rally the masses, Naumann entered the ranks of political liberalism, seeking to establish active cooperation among all the liberal political factions.

With but a brief interruption in 1912–13 Naumann was a member of the Reichstag from 1907 until his death. During the World War he stirred up considerable discussion by his advocacy of the idea of Mitteleuropa. Anticipating that the outcome of the war would be unfavorable for Germany, he wanted to see the project of a united continental Europe assured for the future. After the war Naumann participated actively in the drafting of the Weimar constitution. He was concerned above all with the legal safeguarding of the rights of the church and gave the decisive impulse to the incorporation into the constitution of the "fundamental rights and duties." Shortly before his death he was elected leader of the Democratic party.

It was Naumann's historical achievement that he supplied a social content to middle class liberalism. At the same time he was the protagonist of the democratization of Germany, which, with the increase of the industrial population, appeared to him to be the prerequisite for a vital national spirit. He took his point of departure from Lutheran conservatism and he remained faithful to the religious principle even in his political activity; but by virtue of his serious preoccupation with Marxism he was receptive to new forms of social and spiritual life. His economic ideas were conditioned by the significance he attached to the growth of population; this emphasis led him to attack the tying up of large landed estates and to advocate land settlements, industrial education and social insurance. In opposition to revolutionary socialism he set forth a program of economic and political evolution based on a national adjustment of social tension in the spirit of liberal and democratic responsibility.

THEODOR HEUSS

Important works: *Arbeiter-Katechismus oder der wahre Sozialismus* (Kalw 1888); *Was heisst Christlich-Sozial?* 2 vols. (Leipsic 1894–96; vol. i, 2nd ed. 1896); *Demokratie und Kaisertum* (Berlin 1900, 4th ed. 1904); *Mitteleuropa* (Berlin 1915), tr. by C. M. Meredith (London 1916).

Consult: Meyer-Benfey, H., *Friedrich Naumann* (Göttingen 1904); Wenck, M., *Friedrich Naumann* (Berlin 1920); Goetz, W., in *Deutsches biographisches Jahrbuch, 1922* (Berlin 1929) p. 304–12; Schneider, J., *Friedrich Naumanns soziale Gedankenwelt* (Berlin 1929).

NAVAL BASES. *See* NAVY.

NAVIGATION LAWS. *See* ACTS OF TRADE, BRITISH.

NAVY. Navies have existed since man first learned the art of navigation. As soon as it was found possible to use the seas as a means of transport or communication the idea of sea power was born. Sea power involves the ability to control the seas or any part of them and to deny their use to an enemy, whether that enemy is a belligerent neighboring state, a pirate or a marauder. Navalism exists today for much the same reason that it existed in the days of the Phoenicians, the Carthaginians and the ancient Greeks. A tribe, city-state or nation without means of defense at sea was exposed to the attacks of marauders in search of loot and slaves. If the community carried on trade by sea—and oversea trade is of as ancient origin as overland trade—its ships and goods were liable to capture by pirates or hostile neighbors capable of exercising sea power. Conversely, the state exercising sea power could carry its troops in ships by water for purposes of invasion and could cut off the trade of a weaker state or community. A small community, weak in numbers and natural resources, was able by developing sea power to become rich and powerful.

The outstanding naval power of the early Mediterranean civilizations was the Phoenicians. These great traders monopolized the commerce of the middle seas, searching for wealth, particularly metals, wherever their galleys could penetrate. They carried the jewelry, cloth and pottery of Egypt to barter for the tin and lead of Cornwall and loaded into their ships the gold and ivory of the west coast of Africa. Their trading posts grew into colonies, such as Carthage, which in their turn became, through the

development of superior sea power, more powerful than the mother country.

The Athenians, confined in a narrow valley, surrounded by powerful neighbors, were able to exist, grow strong and found flourishing colonies solely because of the strength and efficiency of their fleet of galleys. The city of Athens was strongly fortified and connected with its port of Piraeus by a road flanked with walls on each side. The Acropolis and communicating walls were so high and strong as to be impregnable against the field armies of the time. So long as the galley fleet in Piraeus was sufficiently powerful, trade could be carried on and the citizens fed, even though enemies were drawn up outside the walls.

In Rome a navy was necessitated by the growth of the state. As the Roman Empire spread, navalism sprang up in response to two needs—conquest and defense of trade. Egypt, Palestine, north Africa, England herself, all were brought under the Roman sway. These countries could be conquered only through an ability to control the seas and therefore to transport soldiers. A navy had to be maintained to guard the line of communications by sea and to ward off the attacks of pirates. As the population of Italy increased and at the same time the production of foodstuffs decreased, because of less intensive methods of agriculture and the enrolment in the armies of an increasingly large number of free Romans whose places were taken by inefficient slave labor, it became necessary to import foodstuffs, principally grain, from more suitable and fertile and less thickly populated countries. At the height of its power Rome drew most of its grain from north Africa and the region beyond the Jordan in Asia Minor. A large portion of the tribute paid in gold was transported by sea and had to be guarded. Although the Roman Empire was founded on military power and was overthrown when the land ravaging barbarians made their incursions from the north and the east, nevertheless its navy was of great importance; for without it the population of Italy could not have been fed. At a later date Venice, mistress of the Adriatic, and Genoa, mistress of the western Mediterranean, maintained their colonies, trade, wealth and military prestige primarily through the development of their navalism and sea power. The power controlling the Mediterranean Sea, with its interior lines of communication by water, continued, until the commercial revolution of the sixteenth and seventeenth centuries, to control the world. Similarly the Hanseatic League of north Germany grew rich and powerful through the exercise of sea power and the protection of its trading ships.

With the decay of the city-states dependent upon sea power—and only those relying on this power became important—the maritime nation states took their place as the successful exponents of navalism. Portugal, Holland and Elizabethan England were comparatively weak states until they entered upon a program of vigorous naval expansion. The Portuguese built up an empire in the East around a few trading posts, such as Macao in China and Goa in India, and were in turn supplanted by the Dutch, who founded a permanent Asiatic empire. So also England in the seventeenth century founded colonies on the mainland of North America which have grown into the United States, more wealthy and powerful than the mother country. In Elizabethan times and later sea power meant to Great Britain trade, colonies and defense against invasion; in the Napoleonic wars it meant the possibility of conveying troops to the desired theaters of war and a guaranty against invasion by sea. But with the progress of the industrial revolution Great Britain became more dependent than ever on its navy for the safeguarding of its very means of life. As industries were developed, cheap food became a necessity in order that wages and other production costs might be kept down. This necessitated the abandonment of protective tariffs for agriculture and the decay of the farming industries. Until the third decade of the nineteenth century Great Britain could have lost its oversea trade and its colonies and the consequence would have been merely impoverishment, for its population could still have been self-supporting from the soil. But after the industrial revolution, with the attendant increase in population and decay of farming, the diminution in Great Britain's trade and the loss of the colonies would have meant not only impoverishment but starvation. Today Great Britain could be starved in two months if its oversea supplies of foodstuffs were cut off. Similarly, its industries would be ruined if deprived of their supplies of such raw materials as wool, cotton, wood pulp and oil. Just as Rome drew its grain at the height of its power from north Africa and Asia Minor, so Great Britain today draws its foodstuffs from the Argentine, the United States, Canada and Australia.

Other nations, however, such as Turkey in the fourteenth and fifteenth centuries, Spain in

the sixteenth, France in the seventeenth and Germany in the nineteenth century, had already attained positions of power before they developed navalism. By the sixteenth century the Turkish naval power had been developed to such a point that the whole of Christendom was threatened, but the Osmanli Empire had been founded first on military land power and only later embarked upon a program of navalism. Here, as in the case of Spain in the same century, the motive was partly religious, the desire to conquer the world for the glory of Islam; and the attempt nearly succeeded, being thwarted only by the combination of the navies of the Christian powers. When Spanish sailors began their navigation and conquest of the New World, Spain was already powerful and to a large extent self-sufficient. The Spanish conquistadores fought and won control of South and Central America partly for loot and partly to spread the Catholic religion. The immense wealth in silver and gold brought from the new lands not only enriched Spain but percolated through Europe and, by expanding the currency in circulation, led to a great increase in trade and industry. But Spain was not dependent on oversea supplies of food nor on oversea markets to absorb the products of its industries. Its principal industry was war and its chief trade consisted in the export of governors, fighting men and priests and the import of gold, silver and other riches.

By the middle of the seventeenth century the balance of naval power had shifted to the northern European nations; and France, witnessing the rapid strides of England and Holland, sought under Louis XIV and later, somewhat unrealistically and disastrously, under Napoleon to develop its navalism as an adjunct of its land forces in order to dominate foreign markets. India in the East, Canada in the West, were the objectives. Similarly, the twentieth century saw the rise of the German navy, also developed as an adjunct of military power. This more modern type of navalism had for its object the development of oversea trade and a colonial empire. The evolution of modern international finance needed sea power to support it, both for the collection of debts and for the carrying through of such enterprises as the Bagdad Railway and its extension to the Persian Gulf, thus opening the way to India. When the German navy was destroyed, all hope of regaining its colonies, except by the good graces of its victors, vanished, as did likewise its predominating economic position in Turkey with the valuable mining, mineral and oil concessions that went with it.

An even more modern type of navalism is to be found at the present day in the United States. The American demand for parity with England typifies the present day form of navalism. In the present state of the world a strong navy is a necessity for the United States, partly because it is a great creditor nation, partly because it must have influence in the councils of the world, partly because it has an important foreign trade and, lastly, because it has certain oversea possessions or protectorates, for example, the Philippines, for which it is responsible.

Modern navalism does not exist solely for the protection of sea borne commerce actually afloat. If Japan succeeds in winning a dominating position in China, as it has in Manchuria, it could, in the absence of an American navy strong enough to challenge it, stop all the trade of American manufacturers in the Chinese markets by arranging for the imposition of discriminatory duties and tariffs. But for the American navy nineteenth century European powers, notably Germany, might have attained a similar position of dominance in South America, in defiance of the Monroe Doctrine, and might have closed the doors to American merchants. The most modern development of navalism therefore is as a weapon of diplomacy, a lever to keep open the doors of trade.

Sea power through the ages, and especially in later centuries, has not only been a weapon for waging war, but by clearing the oceans of pirates it has enabled trade to develop and has thereby promoted cultural contacts and the exchange of ideas. It has also made possible the opening up and development of the American continents and Australasia and their settlement by men of European race. Russia could colonize overland through Siberia to the Pacific; the Moors could spread southward from the Mediterranean into tropical Africa without sea power; the invasions of India began with the Aryan migration; the settlement of the great peninsula by the Hindus was accomplished without sea power. But it was not possible for men of European race to settle in and develop North, Central and South America, south Africa and Australasia without navalism.

The slave trade was checked by sea power. Police duties are still carried on against pirates in many parts of the world, notably the China Sea, by men of war of the powers affected, just

as over a century ago American frigates quashed piracy and slave raiding on the African shores of the Mediterranean. Navalism plays its part also in succoring the victims of earthquakes and similar upheavals of nature, in charting the seas and in other peaceful and useful activities.

Although there has been considerable change in the motives of navalism, naval strategy itself has altered little. The strategy of the Trojan War differed little from the strategy of the Allies attacking the same straits of the Dardanelles in the World War. The real cause of the Trojan War was not the attempt to recapture the fair Helen. Achilles led the fleet and army of the Greek maritime states in federation to free the Hellespont from the strangle hold of their Trojan kinsmen, for the Trojans levied a heavy toll on shipping passing to and from the Levant and the Euxine, or Black, Sea. The Greeks fought for the freedom of the seas. The Allies attacking the German-Turkish land forces at the same Dardanelles sought to free a passage in order to establish communications with the south Russians. The strategy was the same, although the weapons and tactics had altered profoundly.

Naval tactics are the methods of handling fleets or single ships in battle. They altered little during the long galley period. There were minor modifications, such as the use by the Romans of special boarding bridges so that their superior infantry would prevail over the Carthaginian seamen once the opposing galleys had got to grips; but innovations such as boarding, ramming, the use of various types of artillery, from the large catapults of the Greeks and Romans to the cannon of the Turks and Venetians, had little effect on the basic tactics of the galley navies. The galley fleets propelled by their rowers could be manoeuvred as freely as a modern squadron of dreadnoughts or cruisers. The greatest although by no means the earliest sea battle of ancient times was that of Salamis in 480 B.C., when the Greeks under Themistocles with 366 triremes and some smaller vessels caught and defeated the Persian fleet of Xerxes in the narrow straits in such a position that the Persians could not deploy their enormous force of 1200 triremes and 3000 smaller vessels.

The galley was preeminently a Mediterranean war vessel and the sails were only an auxiliary to the oars. The first great change in naval development came with the improvements in seamanship and navigation introduced by the Norsemen, Danes and Normans. Their longboats were so constructed that they could undertake lengthy voyages under sail, the oars being used in battle but the sails providing the chief motive power. The swift sailing galleys of the Moors represented a similar, though later, development. Singly or in small squadrons the Norse or Moorish raiders accomplished tremendous voyages, sometimes for trade, sometimes for love of adventure and exploration, often for loot and slaves. Thus the Norwegian longboats crossed the Atlantic to Newfoundland, penetrated far down the coast of Africa and sailed through the Mediterranean and into the Black Sea. Both the Norwegian and Moorish raiders relied on surprise, the sudden descent on a defenseless coast; they did not fight sea actions if they could help it. It was to resist them that castles and fortified towns were constructed near the coasts in all parts of the then known world. But as always throughout naval history this form of passive defense was found to be ir effective; and as a defense against these raiders on their own element, where it was most effective, the mediaeval navies were constructed.

The British navy was founded by Alfred the Great in order to meet the marauders before they reached the shores of his realm or to pursue and destroy them after they had raided his territory. The great enemy of Alfred and his successors was the Danish sea pirates. The Saxon king Egbert had at his disposal 5000 galleys—the largest propelled by 60 oars—which were divided into three fleets for the defense of all the coasts of England. These northern European galleys and longboats were smaller and swifter than the Mediterranean galleys and were not fitted with beaks, or rams, as were the Roman and Greek war vessels; the principal tactic employed was boarding. Although seamanship had progressed, naval tactics and weapons had actually deteriorated since the fall of the Roman Empire; and the first mention of the use of artillery on board ship was in the English fleet of Edward III.

The first great change in naval practise and warfare since the beginning of the art of navigation was brought about in the sixteenth century by the improvement in the sailing ship. The Dutch, English and French led the way in building and rigging ships so that they could undertake the longest voyages, keep the seas for almost indefinite periods and, most important of all, thanks to the newly developed art of tacking, sail against the prevailing wind. Prior to this the boldest navigators had had to rely either on small sailing ships, with oars or sweeps as auxil-

iary means of locomotion and of such a size that they could in emergency be dragged ashore; or else on large rowing galleys, which were themselves fair weather craft. The new model sailing ships of the sixteenth and succeeding centuries could be built large enough and strong enough to go anywhere. The great trade routes were opened up; the migrations to the New World commenced; the sea route to India became more certain and convenient for merchandise than the old overland caravan routes, thus transforming the trading economics of the Old World. Great as were the changes brought about by the new model sailing ship in peaceful spheres, they were even greater in methods of warfare and in strategy.

The large sailing ship was a more powerful war vessel than the rowing galley. It was stouter and heavier and carried a more powerful armament of cannon. The galley was forced to mount its cannon in the bow and stern only. The sailing warship carried its guns on the broadside in three and even four tiers. The largest Venetian or Genoese galley carried four heavy guns in the bow and two or three in the stern. The sailing battleship mounted up to 140 guns. Moreover it could keep the seas in all weathers and for an indefinite period.

The balance of sea power shifted at once. It was the north European states, along with Portugal and Spain, which now became the predominant maritime states, taking the place of Turkey, Venice and Genoa. The greatest benefit from this change and development in the art of navigation accrued to England. In time it overthrew the naval might of its rivals, Spain, Holland and France; the vast colonies, dependencies and dominions in the New and Old Worlds which comprise the British Empire today were won by the successful exercise of sea power, based on the new model sailing ship. And this type of vessel changed little in essentials of construction and rig from the Elizabethan era until the middle of the nineteenth century. When the next great invention in navigation was made, the marine steam engine, the English, having learned the lesson of sea power, profited by it. The English mercantile marine, using steam cargo vessels, developed a great trade; and the English navy was transformed from a fleet of sailing to one of steam vessels. The change was gradual and in the teeth of Admiralty conservatism. But the tradition of seamanship remained, and on it was built the new navalism.

The use of iron and later of steel for the construction of the hulls of warships was the next revolutionary change in naval architecture. The sailing frigate with an auxiliary steam engine, protected by iron plating on the side of the hull near the water line, represented a transition type of warship. The obsolescence of this type was demonstrated to the world in the famous action in the American Civil War between the *Merrimac*, a hybrid armored frigate, and the *Monitor*, the first war vessel constructed on the principles of the present day superdreadnoughts and embodying all the advantages of the marine steam engine, steel hull, heavy guns and armored turrets. The defeat of the *Merrimac* had a profound effect not only on American history but on the navies of the world. The modern fleets of the principal naval powers, with their superdreadnought battleships, fast cruisers and destroyers, are in the direct line of descent from the original *Monitor*. They are larger, faster, more seaworthy, more powerfully armed; but the modern warship is of the same type or nature as the seventy-year old invention of Ericsson.

From the point of view of equipment and man power the evolution of navies may be divided into three distinct epochs. First came the rowing galleys devised for the special conditions obtaining in the Mediterranean during ancient and mediaeval times. The galley fleets depended upon slave power. Next came the ocean going sailing ships, whose efficiency depended upon seamanship, the heritage of free men. The sailing navies were perfected by the descendants of those superb seamen, the northern European marauders, pirates and explorers. The third, and present, naval epoch is based on engineering and metallurgical skill. The efficiency of the modern navy depends partly on seamanship, it is true; but also on the skill of scientists—marine engineers, naval architects, chemists. In other words, only an industrialized nation with great engineering resources, material and human, can maintain a modern fleet for the exercise of sea power.

As regards naval strategy and the broader problems of sea power the chief lessons of the World War were the menace of the torpedo and the effectiveness of the submarine. Engagements between surface ships tended, in deference to the torpedo, to be fought at longer range, but otherwise they did not differ significantly from engagements between similar, if less powerful, types in the Spanish-American and the Russo-Japanese wars. The airplane had not reached a

poin of development where it could assume the majc r role, which in the light of the steady progress it has made in the post-war period seems its unmistakable destiny in future naval strategy. The submarine, on the other hand, thanks to its power of evasion and concealment, introduced significant changes in the basic character, if not the immediate tactics, of naval warfare. If threatened with superior forces it could dive and escape. It was able to make extended voyages totally submerged and thus to appear where least expected. It is preeminently the weapon of the weaker power, offsetting the advantages of number and material. While it is difficult for submarines to cooperate with the surface ships in battle—partly because of their slow speed when submerged and partly because of the difficulty of distinguishing friend from foe if placed in tactical positions and submerged beforehand—they have enabled the weaker power without command of the sea to attack enemy ships and thereby frustrate an effective blockade. For to be effective a blockade must be complete; commerce must be prevented from entering or leaving any of the ports of the enemy. The most effective form is that known as the close blockade. Here naval forces, usually consisting of cruisers, are stationed so near the blockaded ports as to be practically certain of interrupting merchant vessels attempting to enter or leave. The cruisers are backed up by battleships, so as to overawe the enemy warships from attempting to raise the blockade. This entails long periods at sea, cruising at slow speed to economize in fuel. Such blockading vessels are an easy target for submarines. An example in the World War was the sinking of three armored cruisers, the *Cressy*, *Hogue* and *Aboukir*, by a single German submarine while they were on slow patrol for blockade purposes in the southern part of the North Sea. The close blockade had to be abandoned in the World War because of this menace of the submarine. The distant blockade took its place. This form depends upon the coercion or acquiescence of the neutrals. With half the world at war, as in 1914–18, neutral rights may be flouted—as they were. Nevertheless, grave friction was caused between Great Britain and the United States through the distant blockade of Germany.

If the submarine has made the task of the would be blockader difficult, so has it complicated the task of the commerce defender. Before the invention of the submarine the power with command of the sea could round up its enemy's cruisers and effectually guarantee its own sea borne commerce from all attacks, except on the part of sporadic raiders. Now, because of its powers of evasion, the submarine can operate on the trade routes in the face of overwhelming power in surface ships. The stronger power, to counter the submarine, must either undertake the hazardous operation of hemming in the enemy ports and bases with mines or other obstructions or submit to the inconvenience of herding its merchant shipping into heavily guarded convoys. For submarines are capable of very long voyages and can appear in distant seas—in the World War German submarines laid mines off Cape Town and operating from Bremen and Kiel attacked merchant ships off the Río de la Plata—and they can dodge enemy surface patrols and trade guarding cruisers.

It would seem incontestable therefore that the submarine and its weapon the torpedo have weakened sea power as exercised by a stronger fleet. The torpedo itself, whether launched from submarines, destroyers or airplanes, is a serious menace to the very large warship. In consequence a school of thought among naval students decries the value of the very large warship. And this school is growing in numbers and influence. Why, it is argued, build vessels costing $45,000,000 each when they may be disabled by one well aimed torpedo fired from a comparatively miniature vessel costing $500,000 or from an airplane costing at most $200,000?

Although France is the only one of the great powers to draw the full conclusions of this type of reasoning, the status of the different types of war vessels has materially altered, even in the United States, Great Britain and Japan. Before the perfection of the torpedo and the development of small vessels to carry and launch it, the great ship of the line was supreme. Only another vessel of similar type could hope to engage the large capital ship with any hope of success. But now the most powerful fleet of dreadnoughts afloat fears the night attack by torpedo armed destroyers or the day attack by torpedo armed airplanes or submarines. The torpedo indeed has democratized naval warfare as the invention of gunpowder democratized land warfare. Something more than mere weight of metal and efficient seamanship is required for the effective exercise of sea power. A combination of seamanship, airmanship and scientific skill will determine the fate of nations, if battle is ever again joined between first class powers.

The navies of antiquity were national in the modern sense of the word; that is, they were state navies owing allegiance to the tyrant, the princeps or the republic. After the downfall of the Roman Empire the navies were administered on a feudal basis, corresponding to the feudal system prevailing throughout most of Europe. The great fleets of Christendom gathered for the crusades were provided by the feudal nobles. One reason for the success of the Turkish marine at the height of the Ottoman power was that the fleet was national and therefore more homogeneous. As state organization gradually replaced feudalism, the navies became national again; but territorial fleets survived, as, for example, the ships provided by the Hanseatic League and those furnished by the Cinque Ports in the south of England to the Tudor and Stuart fleets. The lord high admiral of England had the duty of gathering and commanding the feudal warships, provided partly by the nobles, partly by certain ports of the realm. His office corresponded to that of the marshal of France, who commanded the feudal armies. This office survives in Britain today, although it has been in commission for three centuries. The lords of the Admiralty are still appointed by royal warrant on the recommendation of the prime minister to exercise the functions of the lord high admiral. The first lord is a member of the cabinet and has been of civilian status for the last seventy years.

In France and Italy the navy is administered by a Ministry of Marine, the head of which, whether a sailor or a civilian, is a member of the cabinet. In the United States the navy is administered by the Navy Department, the secretary of which is always a civilian and always a member of the cabinet. The American constitution provides for complete and absolute civilian control of the navy, and the service is completely subordinated to the political executive. The Japanese navy, built upon the antithetical principle of military control, is under the command, theoretically, of the emperor; and its professional head, always a member of one of the great feudal clans, has direct access at all times to the emperor. The minister of marine in Japan is not bound by cabinet responsibility and can, as in the case of the naval action at Shanghai in 1932, follow an independent policy.

The British system is halfway between the two. The king is commander in chief of the Royal Navy; but his cabinet, as a whole, is responsible for its upkeep, efficiency and employment. Nevertheless, the Admiralty in London has a status different from that of any other department of state, with the possible exception of the Foreign Office. The only real control of the Admiralty by Parliament is the right to withhold supplies of money—a right which could be exercised today only at the cost of overthrowing the government and precipitating a general election. In all matters of administration the Admiralty is supreme. And, with the British public's innate sense of dependence upon sea power, the position of the Admiralty is immensely strong. The professional members of the board, the sea lords, five in number out of eight, have the right to resign. A threat of resignation by the sea lords on three occasions during the present century has led to the surrender of the cabinet of the day. Nor is there a statutory or constitutional committee of Parliament exercising control over the Admiralty, as in the American Senate and House of Representatives and as in the French Senate and Chamber of Deputies. By comparison the positions as well as the influence of the War Office and Air Ministry in England are weak. Without an annual act of Parliament a standing army and air force cannot be maintained at all.

A modern fleet is costly, despite the varied attempts since 1918 to limit expenditure by international agreement. With the growth of taxation in the industrialized countries difficulty has been experienced in most large states in obtaining the necessary appropriations. This has led to an objectionable development of propaganda, aided and abetted by the armament firms, shipbuilders and armor plate manufacturers. The kaiser of Germany and his Ministry of Marine carried on a campaign to educate the German public to the desirability of a strong fleet and the need of paying for it. This agitation in its turn alarmed the French and English and was one of the underlying causes of the World War. After the war agitation was begun in the United States for shipbuilding as against the British and Japanese navies and in Great Britain and Japan as against the American navy. The French public was frightened about the Italian fleet and the Italians about the French navy in the Mediterranean.

The only fleets whose crews are voluntarily recruited today are the American, British and German, the last named because of the Treaty of Versailles, which forbids conscription in Germany. In order to attract recruits the rates of pay have to be higher in the voluntary navies

and more attention must be paid to living conditions on board ship—a fact which must be borne in mind when making comparisons of national expenditures. All the other navies are recruited by conscription, usually from the maritime populations. Service varies from two to four years, which is too short for the maximum efficiency but which has the advantage of building up a large reserve. In all the conscript navies a proportion of the crews are highly trained, well paid volunteers serving on long engagements. Naval reserves are an important element in the manning of a fleet and for this reason the nations with large mercantile marines and flourishing deep sea fishing populations are at an advantage.

The attempt of the predominant naval power to use its strength for the coercion or threatened coercion of the land powers has led to endless controversy. During the past three centuries the British, wielding the most powerful sea weapon, have claimed the right to intercept and seize the merchandise of an enemy on the high seas. The claim has been opposed by the doctrine of the freedom of the seas, espoused at various times by France, Germany, Russia, the northern neutrals in the Napoleonic wars and above all by the United States. The issue led to strained relations between Britain and the United States at the beginning of the World War because of the operations of the Royal Navy against neutral ships carrying articles useful for the armies of the Central Powers. But the doctrine led to war between Germany and the United States when the submarines of the Reich torpedoed neutral merchantmen, including American traders, for the "offense" of being at sea at all.

In the Fourteen Points of Woodrow Wilson, on the strength of which the German armies laid down their weapons, the freedom of the seas was incorporated to serve as a basis for future international maritime law. Blockades were not to be imposed in the future except by international action for the enforcement of international covenants. Great Britain and its allies made reservations at the time of the Armistice against this, the second of the Fourteen Points, and in the discussions at the Peace Conference succeeded in defeating the doctrine for the time being. Public opinion in Britain was stated to be unripe for the change, and Lloyd George threatened that he would be forced to resign if the point were pressed, warning that no British statesman could be found to espouse the doctrine. The controversy has continued, mostly behind the scenes at disarmament conferences, ever since; but no solution has been found The British Admiralty clings to the weapon of blockade in any future "private war"; and there are signs that the American Department of the Navy, now that parity of strength with Britain has been agreed to, is beginning in its turn to weaken on the doctrine of freedom of the seas.

The World War profoundly altered the balance of power at sea. The destruction of the German fleet raised the American navy to the second position. The heavy American programs of naval construction during the war and afterwards, together with the losses sustained in action by the British fleet, threatened the material supremacy of the once proud "mistress of the seas." France, having neglected her navy during the long struggle in order to concentrate on arming her soldiers, dropped into the fourth position, being displaced by the Japanese. There is incipient rivalry between the French and Italians for the fourth place in order of strength. Parity with Italy was accepted by France at the 1921 Washington Naval Conference. Since then the French fleet has been strengthened and the Italian demand for parity was strongly opposed by the French delegates at the 1930 Naval Conference in London.

At the Washington conference the principle of parity between the British and American navies was accepted for the heavy ships of the line, that is, the battleships and battle cruisers; and an agreed ratio for the Japanese strength in heavy ships was drawn up. No agreement, except on tonnage and the caliber of guns, could be reached with regard to cruisers, destroyers or submarines. This omission was made good at the London Naval Conference in 1931, parity in all classes as between the American and British fleets being accepted, with an agreed ratio for Japan. No agreement could be reached as between France and Italy. The Japanese, however, are now demanding the right to build up to parity with the Anglo-Saxon powers.

It should be noted that the parity agreed upon at the London Naval Conference is to be achieved by the United States building up to the strength of the existing British fleet, at a cost of $1,000,000,000. This conference for "disarmament" has led to an actual increase in naval shipbuilding. As yet no new agreement for naval disarmament or limitation has been arrived at by the World Conference at Geneva. Only five navies can today be reckoned as being in the

first rank—the British, American, Japanese, French and Italian, in order of strength. The German navy is strictly limited under the Treaty of Versailles, with certain prohibited items, such as submarines, aircraft carriers and naval airplanes. Under Chancellor Hitler Germany in 1933 strenuously demanded the removal of these prohibitions and limitations. The accompanying table of relative strength is from the official figures of February 1, 1933.

Dockyards, arsenals, fueling stations and fortified harbors of refuge are of the greatest importance to a fleet. The sailing navies could do without bases to a far greater extent than their modern successors. Wooden ships could have their bottoms cleaned by careening and their crews could make all but the heaviest repairs on hulls and rigging. Wind was the motive power, provisions lasted for many months and the necessary fresh water could be replenished from any stream. But a modern fleet needs dockyards for repairs, with dry docks, either of the graving or floating type, for making good damage under water and cleaning the bottoms; fueling stations not too far from the possible theaters of war or cruising stations; and harbors of refuge where ships may lie secure from submarine and air attacks. A naval base must possess one of the above features and should possess two or three of them. Boston in Massachusetts, Plymouth in England, Brest in France, are examples of national dockyards with all the facilities for repairs, docking and refueling and well fortified against any form of attack.

Naval bases can be improvised from any suitable landlocked harbor, as was demonstrated during the World War. The Rosyth dockyard on the Firth of Forth on the east coast of Scotland was unfinished. The existing dockyards, Chatham, Portsmouth and Plymouth, had been developed on the south coast during earlier wars with the Spaniards, Dutch and French. The Grand Fleet commenced the war without any suitable base prepared on the east coast facing the Helgoland Bight. Scapa Flow, a spacious, semi-enclosed area of water among the Orkney Islands off the north of Scotland, was used at first. But it was found that the enemy submarines had a larger radius of action than had been foreseen and the fleet took refuge in the sheltered Lough Swilly in the north of Ireland. Scapa Flow was hastily defended and prepared, and the Grand Fleet utilized it until in its turn the Firth of Forth was ready and safe against submarine attack.

Great Britain has, on the other hand, paid great attention to the question of oversea naval bases. Several of its colonies were established solely for this purpose, for example, the island of Perim, Bermuda and the Falkland Islands. After several attempts, as at Tangier and Minorca, a secure base, now converted into a first class dockyard, was obtained for its Mediterranean fleet at Malta. Holding Gibraltar in the west, Malta in the center and the Suez Canal ports in the east, Britain dominates the Mediterranean. Aden and Perim at the entrance to the Red Sea secure the Suez Canal route to India, and the Royal Navy is well served with bases on the Cape of Good Hope route to Asia. The increase in Japanese naval strength and the non-renewal of the Anglo-Japanese alliance

BUILT

	British Commonwealth	United States	Japan	France	Italy	Soviet Union	Germany
Battleships	12	15	9	9	4	3	5*
Battle cruisers	3	—	—	—	—	—	—
Cruisers	52	20	31	20	22	4	8
Aircraft carriers	8	3	3	2	1	—	—
Flotilla leaders	17	—	—	20	20	—	—
Destroyers	141	251	101	61	72	17	16
Submarines	55	82	63	84	50	16	—

BUILDING

	British Commonwealth	United States	Japan	France	Italy	Soviet Union	Germany
Battleships	—	—	—	1	—		3
Battle cruisers	—	—	—	—	—		—
Cruisers	10	6	2	7	6	not	—
Aircraft carriers	—	1	1	—	—	available	—
Flotilla leaders	3	—	—	12	—		—
Destroyers	16	8	4	1	6		—
Submarines	10	2	3	25	25		—

* These are small coast defense vessels.

Source: Great Britain, Admiralty, *Fleets* (*The British Commonwealth of Nations and Foreign Countries*), Cmd. 4253 (1933) p. 3-4.

have dictated the policy of expanding Singapore, on the strategically important Strait of Malacca, from a fueling and cruiser base with a small dock into a first class fortified dockyard and arsenal, although some strategists doubt the wisdom of the Singapore policy by reason of the fact that bases open to land attack have proved themselves dangerous. The Port Arthur base for the Russian fleet during the Russo-Japanese War is an example; the German base at Tsingtao, on the mainland of Shantung, wisely abandoned by Admiral Graf von Spee's squadron before its investment by the Japanese, is another.

The United States navy is not well served with oversea bases outside the Pacific Ocean. In this area, however, are Manila and the other harbors in the Philippines, Pearl Harbor, Guam and Honolulu. Naval considerations have undoubtedly influenced American policy toward the Philippines. Similarly Irish home rule would have been granted earlier by Britain but for fears as to the uses to which the magnificent harbors of Ireland, flanking Britain's most important trade routes, might be put in some future war. The lack of oversea bases influenced American naval policy in the direction of demanding large cruisers with a wide radius of action when England proposed a further limitation of size. It has likewise encouraged American seamen to cling to the battleship type of warship as being less vulnerable and therefore less dependent on dockyards for repairs and at the same time has led to the development of the "train" of repairing vessels, ammunition ships, fleet oil carriers, hospital ships and the like, with which any suitable harbor can be improvised as an advanced base.

J. M. KENWORTHY

See: NATIONAL DEFENSE; EMPIRE; IMPERIAL UNITY; IMPERIALISM; COMMERCE; WARFARE; MILITARISM; ARMAMENTS; LIMITATION OF ARMAMENTS; BLOCKADE; FREEDOM OF THE SEAS; MERCHANT MARINE; ARMED MERCHANTMEN; SHIPBUILDING; SUBSIDIES; MERCANTILISM; HANSEATIC LEAGUE; SEAMEN; IMPRESSMENT; MUTINY; PIRACY; PRIVATEERING; ARMED FORCES, CONTROL OF; ADMINISTRATION, PUBLIC; PORTS AND HARBORS.

Consult: Stenzel, Alfred, *Seekriegsgeschichte in ihren wichtigsten Abschnitten mit Berücksichtigung der Seetaktik*, 6 vols. (Hanover 1907–21); Shepard, A. M., *Sea Power in Ancient History* (Boston 1924); Köster, August, *Das antike Seewesen* (Berlin 1923); Tarn, W. W., *Hellenistic Military and Naval Developments* (Cambridge, Eng. 1930), and "The Roman Navy" in *A Companion to Latin Studies*, ed. by J. E. Sandys (3rd ed. Cambridge, Eng. 1921) p. 489–501; Stella, L. A., *Italia antica sul mare* (Milan 1930); Manfroni, Camillo, *Storia della marina italiana*, 4 vols. (Rome, Leghorn and Bologna 1897–1923); Fernández Duro, Cesáreo, *Armada española desde la unión de los reinos de Castilla y de Aragón*, 9 vols. (Madrid 1895–1903); Callender, Geoffrey, *The Naval Side of British History* (London 1924); Rose, J. Holland, *The Indecisiveness of Modern War* (London 1927); Richmond, H. W., *National Policy and Naval Strength, and Other Essays* (London 1928), and *Naval Warfare* (London 1930); Corbett, J. S., *Drake and the Tudor Navy*, 2 vols. (new ed. London 1899), and *The Successors of Drake* (London 1900); Albion, R. G., *Forests and Sea Power: the Timber Problem of the Royal Navy, 1652–1862*, Harvard Economic Studies, vol. xxix (Cambridge, Mass. 1926); Jonge, J. C. de, *Geschiedenis van het nederlandsche zeewezen*, 5 vols. (3rd ed. Zwolle 1869); Tramond, Joannès, *Manuel d'histoire maritime de la France* (2nd ed. Paris 1927); Castex, R. V. P., "L'expansion coloniale et la stratégie navale" in Académie de Marine, *Communications et mémoires*, vol. ix, pt. i (1930) 203–60; Chabaud-Arnault, Charles, *Histoire des flottes militaires* (Paris 1889); Mahan, A. T., *The Influence of Sea Power upon History, 1660–1783* (15th ed. Boston 1898), and *The Influence of Sea Power upon the French Revolution and Empire, 1793–1812*, 2 vols. (10th ed. Boston 1898); Chevalier, L. E., *Histoire de la marine française . . .*, 5 vols. (Paris 1877–1902); Maclay, E. S., *A History of the United States Navy*, 3 vols. (new ed. New York 1901); Ballard, G. A., *America and the Atlantic* (London 1923); Hurd, A. S., and Castle, Henry, *German Sea-power: Its Rise, Progress, and Economic Basis* (London 1913); Kehr, Eckart, *Schlachtflottenbau und Parteipolitik, 1894–1901*, Historische Studien, no. 197 (Berlin 1930); Ballard, G. A., *The Influence of the Sea on the Political History of Japan* (London 1921); Groos, Otto, *Seekriegslehren im Lichte des Weltkrieges* (Berlin 1929); Beard, Charles A., *The Navy: Defense or Portent?* (New York 1932); Kenworthy, J. M., *The Real Navy* (London 1932); Kenworthy, J. M., and Young, George, *Freedom of the Seas* (London 1928); Daniélou, Charles, *L'armée navale* (Paris 1931); Engely, Giovanni, "La politica del disarmo navale" in *Politica*, vol. xxxii (1930), tr. by H. V. Rhodes (London 1932).

NEALE, EDWARD VANSITTART (1810–92), British cooperator. Neale, whose father was a rector and a scion of the landowning aristocracy, was a lawyer by profession. His study of the utopian socialists influenced his aims but not his methods; in 1850 he joined the Maurice group of Christian Socialists and became the outstanding exponent of cooperation. Neale inaugurated the first cooperative stores in London, in 1869 founded the Cooperative Union, of which he became secretary, and helped to establish the Cooperative Wholesale Society in 1863, the Cooperative Insurance Society in 1867, the Cooperative Newspaper Society in 1871 and the International Cooperative Alliance in 1892. He was also instrumental in obtaining the legislation whereby cooperative societies acquired a legal status, and trained other cooperative leaders in the basic principles of voluntary association. Al-

though his interests were more practical than theoretical, Neale's literary contributions were of great importance and still merit close study; he wrote frequently for the *Christian Socialist*, the *Cooperator* and the *Cooperative News*.

While Neale was a pioneer in consumers' cooperation, he was primarily an advocate of cooperative workshops, which he considered complementary to combinations of consumers in effective social reconstruction. He insisted that employees be granted a share in the profits and direction of cooperative enterprises. A Tory in politics, Neale preached socialism "with a difference"; the alternative to state socialism and communism is voluntary cooperation, which aims, he said, "not to relieve the poor but to remove the causes of their poverty."

T. W. MERCER

Important works: *Co-operator's Hand-Book* (London 1861); *Manual for Cooperators*, in collaboration with T. Hughes (London 1881; new ed. by A. Stoddart and W. Clayton as *Foundations*, Manchester 1916); *The Characteristic Features of Some of the Principal Systems of Socialism* (London 1851); *The Analogy of Thought and Nature* (London 1863).

Consult: Pitman, H., *Memorial of Edward Vansittart Neale* (Manchester 1894); Ludlow, J. M., in *Economic Journal*, vol. ii (1892) 752–54; Webb, Beatrice, *The Cooperative Movement in Great Britain* (London 1891) ch. v; Sonnichsen, A., *Consumers' Cooperation* (New York 1919); Raven, C. E., *Christian Socialism, 1848–1854* (London 1920) chs. vii–viii. See also Cooperative Congress, *Reports, 1869–92* (Manchester 1869–92).

NEANDER, AUGUST (1789–1850), German church historian. Neander, born David Mendel of Jewish parents, was converted to Christianity in 1806. As professor of church history at the University of Berlin from 1813 to his death he exerted an enormous influence upon German intellectual life and in particular upon the development of studies of church history. His work bears the stamp of the romantic movement; like Chateaubriand in France he stimulated a renewed interest in religion, while lacking, however, the dilettantism, aestheticism or genius of the French romanticist. Neander's ideas contributed greatly toward undermining the influence of the rationalist church history of David Friedrich Strauss and the Tübingen school. Inspired by Schleiermacher and the Pietists, especially Spener and A. H. Francke, he pleaded for a treatment of ecclesiastical history which should be sympathetic and based on a feeling of inner piety. His work therefore often reveals a lyrical monotony. In his emphasis on the "sublime certainty beyond reflection" he anticipated the more modern views of Bergson and William James; he likewise prepared the ground for the revival of interest in Pascal. In the manner of Ranke, Neander looked upon the various epochs and forms of the Christian church as revelations of the divine spirit. History for him represented individuality, and he sought in the history of the Christian church the "freedom and manifoldness of Christianity." Since Christianity in the process of its development was constrained to adapt itself to the "course of human affairs" and since the institutional aspects of the church reflected the conditions of secular society, he considered the individual phases and forms of Christianity as only so many "ideas of God."

MICHAEL FREUND

Works: *Werke*, 14 vols. (Gotha 1862–75); *Ueber den Kayser Julianus und sein Zeitalter* (Hamburg 1812), tr. by G. V. Cox (London 1850); *Der heilige Bernhard und sein Zeitalter* (Berlin 1813, 3rd ed. Gotha 1865), tr. by M. Wrench (London 1843); *Genetische Entwicklung der vornehmsten gnostischen Systeme* (Berlin 1818); *Der heilige Johannes Chrysostomus und die Kirche, besonders des Orients, in dessen Zeitalter*, 2 vols. (Berlin 1821–22, 3rd ed. 1848), tr. by J. C. Stapleton (London 1838); *Denkwürdigkeiten aus der Geschichte des Christentums und des christlichen Lebens*, 3 vols. (Berlin 1823–24; 3rd ed., 2 vols., Hamburg 1845–46), tr. by J. E. Ryland (London 1852); *Allgemeine Geschichte der christlichen Religion und Kirche*, 6 vols. (Hamburg 1825–52; 4th ed., 9 vols., Gotha 1863–65), tr. from 2nd ed. by J. Torrey, 9 vols. (rev. ed. London 1850–58); *Das Leben Jesu* (Hamburg 1837, 7th ed. Gotha 1873), tr. from the 4th ed. by J. McClintock and C. E. Blumenthal (New York 1848); *Paskals Auffassung des eigenthümlich Christlichen* (Berlin 1847).

Consult: Baur, F. Ch., *Die Epochen der kirchlichen Geschichtsschreibung* (Tübingen 1852); Hagenbach, K. R., "Neanders Verdienste um die Kirchengeschichte" in *Theologische Studien und Kritiken*, vol. xxiv, pt. ii (1851) 543–94; Harnack, A., *Reden und Aufsätze*, 2 vols. (Giessen 1904) vol. i, p. 193–218; Krabbe, Otto, *August Neander* (Hamburg 1852); Schaff, Philipp, *August Neander* (Gotha 1886); Wiegand, Adelbert, *August Neanders Leben* (Erfurt 1889).

NEAR EASTERN PROBLEM. The near eastern problem had its origin in the decline and dissolution of the Ottoman Empire, which set in with the treaty of Kuchuk Kainarji between Turkey and Russia in 1774. According to its terms Russia arrogated to itself the right to protect the Orthodox Christian population in Turkey, which developed into the right to interfere in Turkey's internal policy. But it was not alone the desire to protect Orthodox Christians which made Russia Turkey's paramount enemy from 1774 till 1917. Historical, mythical, strategic and

economic motives combined to push Russia toward Constantinople, the possession of which would mean the realization of the historical mission of Russia as the true heir to the Byzantine Empire. At the same time domination of the Straits would give Russia access to the Mediterranean, open the Black Sea, upon which the trade routes of the rich provinces of southern Russia depended for free world traffic, and bring the country as a whole out of its seclusion into broad communication with Europe and the East.

Russia's designs, however, met with the powerful opposition of the British Empire. Constantinople guarded the ancient trade routes from Europe to southern Asia; the discovery of the sea route to India had diverted world trade from these ancient routes and had led to the decline of the Near East and the Mediterranean countries. It was Napoleon who recognized the importance of the land way to India, for by reopening this passage he might have dealt a death blow to the growing Indian Empire and British domination of the seas. But Napoleon's success in this direction was limited to drawing the attention of the world, especially of Great Britain, to the land road to India across the Near East. Once the French were eliminated, Great Britain determined not to allow any other power to dominate or endanger this route and by a policy of foresightedness and persistence acquired control of the two maritime approaches from the Near East to India. By the occupation of Aden, the islands of Perim and Sokotra in the south and later of Egypt with the Sinai peninsula in the north, England came to dominate the Red Sea, while it monopolized the Persian Gulf by imposing a British protectorate upon the Arab chiefs of the gulf coast and by strengthening British political and economic influence at Basra, the entrance port of Mesopotamia, and at Mohammerah and Bushire, the principal Persian ports in the south. By the 1840's England had conceived the bold scheme of tracing the road from the Mediterranean to the Persian Gulf. The all British railway from a Syrian port, presumably the Bay of Acre, to the Euphrates has since remained one of the chief designs of British imperial policy, especially following Disraeli's inauguration of the era of conscious imperialism by the coronation of Queen Victoria as empress of India in 1877. In 1882 the Suez Canal was brought under British control and the western approach through the Near East to India was now safe for England.

The eastern approach to India, however, seemed to be threatened by the steady march of Russian conquest in central Asia and in the Caucasus in the nineteenth century. Advancing relentlessly through the Balkans to Constantinople and the eastern Mediterranean, through the Caucasus to Armenia and Mesopotamia and through central Asia to Persia and Afghanistan, Russia's progress was a threat to British India and an even greater menace to the existence of Turkey and Persia. Great Britain, on the other hand, was interested in the maintenance of Turkey and Persia as buffer states between the Indian Empire and Russia and preferred to see the road to India in the hands of a weak nation like Turkey or Persia rather than in the control of a strong European power. British policy, which was responsible for supporting Turkey and Persia despite their weakness, disorganization and corruption, was aided in turn by the mutual jealousy of the European powers, which could not reconcile their antagonisms and reach an agreement concerning the participation of the Ottoman Empire. France had great financial interests in Turkey—probably more than half the foreign capital invested in Turkey was French; the railroads, ports and public utilities of Turkey were built by French capitalists and the largest part of the Ottoman public debt was in the hands of French bondholders. But greater even than its financial interests were France's cultural interests. The educated classes of all creeds throughout the Near East had been brought up on French culture: French ideals and ideas influenced their intellectual outlook, and political and judicial reforms were modeled after the French pattern. Since the crusades France, as the protector of Catholic Christendom in the East, had a historical and sentimental interest in Syria, including Palestine. The traditions of St. Louis lived on in France and were nourished by the numerous French Catholic institutions in the Levant. The jealousies of the European powers thus kept the Sick Man of Europe alive without, however, permitting him to recover. Every movement for consolidation and reform was blocked, in Turkey as well as in Persia; but as long as the powers could not agree on partition, Turkey remained as a weight in the balance of power, a ready victim to be sacrificed when occasion should arise.

In the Balkan Peninsula the chief antagonists were Russia and Austria-Hungary. After Austria's expulsion from the German Confederation in 1866 the Dual Monarchy inaugurated a policy of expansion in the southeast, looking upon the

lower basin of the Danube as its natural outlet. On the other hand, Russia pushed toward Constantinople through the Balkans, whose populations were of the same creed and often kindred in race and language. Russian territorial ambitions were strengthened by the mystical Slavophile desire to "liberate" the Slavic peoples from the rule of infidel aliens. These international jealousies and rivalries were, at the beginning of the twentieth century, intensified by the emergence of two competitors—Italy and Germany. The former, with its growing population and rising nationalism, revived the traditions of imperial Rome and of mediaeval Venice and Genoa, whereby the Adriatic Sea and its Balkan shores as well as the eastern basin of the Mediterranean with Morea, Cyprus and Rhodes had been looked upon as the domain of Italian influence and trade. Germany found in the undeveloped Near East a new outlet for its expanding industrialism. Germany's alliance with Austria pointed in the same direction. The kaiser romantically declared himself the friend and protector of the Turks and of all Moslems who wished to contribute to the economic and military development of Turkey. There was projected, as an expedient in binding the distant parts of the Ottoman Empire into a closer unity, a railway from Constantinople to Bagdad, which at the same time could become part of the new transcontinental trunk line, Berlin-Byzanz-Bagdad, pushing forward to the Persian Gulf and the Indian Ocean and opening up to German capital and enterprise districts potentially rich in oil. This scheme constituted a threat not only to British interests but also to Russian interests in Armenia and Kurdistan and to French interests in Syria and Cilicia. Thus on the eve of the World War all six European powers were probing the Near East; while Constantinople was seething with intrigues, hopes and despairs.

Behind this screen of diplomatic struggle were not only the imperialistic ambitions of the powers but also the national aspirations of the peoples of the Balkan Peninsula and of Asiatic Turkey. In the Balkans Greeks, Bulgarians, Serbs, Albanians, Rumanians and Wallachians; in Asiatic Turkey Greeks, Armenians, Kurds, Assyrians, Arabs, Maronites, Jews and Druses, lived under Turkish rule. Because of the loose, mediaeval form of government in the Ottoman Empire, which did not consider all its inhabitants as equal Ottoman citizens but recognized every religious sect as a social and administrative unit of public law, called *millet*, all these peoples were able to preserve their distinct ethnico-religious individuality. Each *millet* maintained its social and family relations according to its own law, administered and controlled its own schools and social institutions and had its own political chief and representative in the person of its religious head. The very broad autonomy of the *millet* was based not on territorial divisions but on personal allegiance to a church or creed. Since the character of the Ottoman Empire was a religious one based on Islam and Islamic law, the various Moslem races—Turks, Arabs, Albanians and Kurds—did not form any special *millet* but were the bearers of the empire, which was not racial or nationalistic in its formation but supraracial and religious in the sense of a very universalistic religion. For this reason the national awakening of the Moslem peoples came much later than that of the Christian races of the empire, which through the *millet* organization never lost the consciousness of their separate individuality.

The first nationalist movement in the Balkans developed among the Greeks. The unsuccessful rising of Alexander Ypsilanti in 1821 was the signal for the general rising in the Morea under the leadership of Greek clergymen and notable Greek brigands. In 1830 an independent Greek state was created and Serbia was made an autonomous province within the Ottoman Empire. In 1878 Serbia and Rumania became independent and Bulgaria attained an autonomous status. Finally, in 1908 Bulgaria proclaimed its independence. These national movements were preceded and accompanied by a literary renaissance in which the struggle against illiteracy and ignorance was joined with that for political freedom. In 1888, however, only 11 percent and in 1900 only 23.9 percent of the population in Bulgaria was literate and in 1910 only 17 percent of the population in Serbia was literate. Nevertheless, the Balkan states were well advanced in comparison with the Ottoman Empire, which under the rule of Abdul-Hamid II passed through a period of hostility to all forms of intellectual progress and westernization. In 1908 the despotic rule of Abdul-Hamid was overthrown by the Young Turks, who sought to launch a new era of reform and consolidation. But the nationalism of the Young Turks did not allow for a real consolidation of the multiracial empire; by a process of Turkification it provoked the rising nationalism even of the Moslem races of the empire—Arabs, Kurds and Albanians.

The acquisition of more or less racially homogeneous territories did not appease the nationalistic aspirations of the Balkan states. The Greeks dreamed of the restitution of the ancient Byzantine Empire with Constantinople as its capital and St. Sophia as its cathedral and of the "redemption" of the ancient Ionian colonies in Asia Minor and on the southern shore of the Black Sea. This "great idea" dominated all Greek political thought until 1922, when it was definitely routed by the Turkish victory. The Serbs, driven by their "great Serbian idea," looked toward the restoration of the Serb Empire, which under Stefan Dušan had united Macedonia with Serbia and Albania and had aimed at a union of Serbs, Bulgarians and Greeks. The Bulgarians, on the other hand, still remembered that their czar Ivan Asen II had once governed Albania, Macedonia, Epirus and Thrace from his capital at Trnovo. They had almost achieved their ambition by the peace of San Stefano (1878), which created a Bulgaria from the Danube to the Aegean and from the Black Sea to the river Drin in Albania, but the Congress of Berlin, which allowed only a much reduced Bulgaria, succeeded in blocking this union. Thus Macedonia, in which a predominantly Bulgarian population is mingled with Turks, Serbians, Greeks and partly Hellenized Wallachians, remained the goal of rival ambitions. The two Balkan Wars, one waged by a Balkan coalition against Turkey, the other by Greece and Serbia against Bulgaria, succeeded in reducing Turkish territories in the Balkans to a small strip of eastern Thrace, but they did not solve the Macedonian question; the Bulgarian population became subjected partly to Serbia, partly to Greece, whereas on the shores of the Adriatic the independent state of Albania was created. The World War, which had its immediate origin in the aspirations of Serbia to "liberate" the Serbians living in Austria-Hungary and in which Bulgaria fought on the side of Germany to regain Macedonia, ended with a further reduction of Bulgarian territory.

The post-war attempts to solve the Balkan problem have not led to satisfactory results. Traditions, ethnic considerations, economic interdependence, desires for access to the sea, still present a maze of conflicts. There are at the present time as many danger spots in the Balkans as there were in 1910 or in 1914, and the political unrest and financial chaos in Greece, Jugoslavia and Rumania are no less aggravated than they were in 1912. Although Austro-Hungarian and Russian empires no longer exist, the jealousy between France and Italy has continued to intensify the rivalries between the Balkan states.

Serbia has at last acquired an outlet to the Adriatic, but this has served only to bring it into conflict with Italy's aspirations. Torn internally by the violent dissensions between the primitive Orthodox Serbians and the more westernized Catholic Croats, the newly created kingdom of Jugoslavia presents a united front only against Italy. Jugoslavia and Rumania are both under French military and financial control, while Albania, on the other hand, is practically an Italian protectorate. Bulgaria continues to look toward acquisition of the Macedonian territories which Serbia holds, but which are or have been until very recently inhabited largely by Bulgarians. Greece has appropriated Bulgaria's outlet to the Aegean Sea and by the influx of Greek refugees after 1922 has completely Hellenized districts which were predominantly Bulgarian and Turkish. Traditional rancors are constantly being revived by the political and economic oppression meted out by each ruling state to some of its minorities. Expulsion, forcible assimilation and annihilation of large minority groups have sharpened the antagonisms of the various ethnic groups. These conflicts, strengthened by the international rivalries of the great powers, have thus far prevented the formation of a Balkan federation which alone, by some compromise, could reconcile opposing racial claims and keep the Balkan states from becoming pawns in the game of international politics. As long, however, as extreme nationalism holds sway over the Balkans and as long as Bulgaria's complaints are not heeded there seems no likelihood that a Balkan confederation will be created and a peaceful settlement reached.

Turkey is the only Balkan state which emerged with increased strength from the chaos of the Balkan Wars and the World War. Although it has lost almost all its territory in Europe and all the Arab provinces of the Ottoman Empire in Asia, the near eastern problem, which is still acute for the Balkans and even more so for the Arab lands, is apparently definitely closed for Turkey. The Sick Man no longer exists, for the new Turkey has practically nothing in common with the Ottoman Empire. Casting aside all old rancors, Turkey has become the protagonist of a Balkan federation; on October 30, 1930, it concluded a pact of friendship with its former enemy Greece. A long and fateful chapter of world history, which the great powers sought to

continue by the Treaty of Sèvres concluded immediately after the World War, was forever closed by the Treaty of Lausanne in 1923. Whereas Germans, Hungarians, Bulgarians and Arabs have had to chafe under what they consider to be gross and unjust humiliations imposed upon them by the treaties of Paris, Turkey has been left free to devote itself entirely to a policy of internal reconstruction and peaceful relations with all its neighbors and former enemies.

The Treaty of Sèvres aimed at maintaining the two methods by which the powers had gained control of the Ottoman Empire and had stultified all projected reforms—financial and economic domination and "protection" of minorities. Concession hunting in the old Turkish Empire had developed into a scandalous scramble for political and financial advantages, abetted by the Capitulations and a tariff imposed upon oriental countries by the powers, which by a rigid and uniform ad valorem duty opened the markets to an overwhelming flood of European articles and which removed from local industry or agriculture all protection or encouragement. Only more recently did Turkey, Persia and Egypt regain their tariff autonomy, so that they could distinguish between necessary and luxury imports and stimulate national industry and agriculture. The Treaty of Lausanne has liberated Turkey from all financial and economic control. Turkey, followed shortly by Persia, broke the fetters of the Capitulations and inaugurated a campaign for the cultural and social improvement of the masses and for the modernization of the whole economic structure. The oriental countries, which had previously been the victims of a Europeanization imposed from without, now began to engage in a much more effective campaign for Europeanization from within.

The Treaty of Sèvres was an attempt to perpetuate the right of foreign powers to interfere in Turkish administration on behalf of minorities. Such intervention was used to hinder every move of the near eastern countries for consolidation and progress. The powers lavished promises upon Armenians, Kurds, Maronites, Zionists and Arabs. Arab unity and freedom, a Jewish state, an independent Armenia within its ancient frontiers—all these enticements were offered, although often in ambiguous terms allowing for later reinterpretation and adaptation. The Treaty of Lausanne put a definite end to hopes for an Armenian state or an autonomous Kurdistan. The victorious Turks, allowed a free hand by the European powers, terminated the Armenian, Greek and Kurdish "questions" by the most primitive methods. The Treaty of Lausanne recognized the complete national independence of the Turks and their right to settle their minorities problems according to the doctrines of political sovereignty and patriotic nationalism. The minorities, which had placed their trust in the powers and had been led to an inflation of their nationalist hopes, now found themselves deserted and confronted by an adversary whom they had done their utmost to embitter.

In the years immediately following the World War British statesmen played with the idea of a middle eastern empire which would dominate all approaches from Europe to India and control the rich oil resources of the Caucasus, Kurdistan and Persia and the cotton areas of Egypt, Turkey and Iraq. The old rival, Russia, and the younger rival, Germany, seemed forever out of the way. British troops were in Constantinople, in the Caucasus, in Transcaspia, in northern and southern Persia, on both sides of the Suez Canal, in Bagdad and in Jerusalem. All roads to India which had been threatened by Russia and Germany were in British hands. In the Caucasus it was hoped with the help of native states to create a *cordon sanitaire* against the Bolshevist plague similar to that on the Baltic shores. But the new nationalist movements presented an unforeseen difficulty. The Anatolian Turks under Muṣṭafa Kemal drove Great Britain's allies the Greeks out of Anatolia into the sea and by 1923 there were no British or other foreign soldiers in any part of Turkey. The Persian coup d'état (February 21, 1921) under Riza Khan, who later became shah of Persia, wiped out the Anglo-Persian treaty of August 9, 1919, which had established what was virtually a British protectorate over Persia. The rising of the Arabs of Iraq in 1920 led the British government to replace the mandate by a bilateral treaty which recognized the autonomy of Iraq and helped it in the true Wilsonian spirit to become entirely independent within twelve years. In Syria and Palestine repeated revolts of the native Arab population against the substitution of French or British colonial rule for Turkish domination forced the mandatory powers to modify their policy at least superficially. In Egypt the nationalist movement under the able leadership of Sa'd Zaghlūl was rewarded in 1922 by the British declaration of Egyptian independence.

Thus by the end of 1922 the political picture was entirely different from that of 1919. England's hope of a middle eastern empire was shattered, and it had definitely lost prestige in the Near East; but by a farsighted policy of conciliatory readjustment, especially in 1929 and 1930 in Iraq and Egypt, it was able to fortify its position.

The success of the national movements in Turkey, Persia and Afghanistan was stimulated to a great extent by the attitude of Soviet Russia, which while reviving the czarist policy against British influence in Asia, proved far more formidable than old Russia had been. In the prewar period Turkey and Persia, although they considered both Great Britain and Russia as enemies, preferred liberal England to czarist Russia. Great Britain had brought with it to the East a message of freedom, of civilization, of democracy, although it did not live up to its own ideas and ideals. Now the Soviet government carried to the East, with its generous message of liberty and equality for all the oppressed colonial peoples, a genuine desire to adhere to these promises. In its treaties with Turkey, Persia and Afghanistan it proclaimed not only the complete independence, sovereignty and equality of these states but renounced all capitulations, concessions and privileges which czarist Russia had possessed. The new oriental states, supported by their pacts with the Soviet Union, were able to attain complete independence and equality.

Independent Turkey embarked on a policy of complete Europeanization and secularization, followed to a lesser degree and less consciously by the other near eastern states. Elementary and technical education were developed after 1922 in Turkey, Persia and Egypt. Students were sent to European universities to study science, engineering, education; the problem of illiteracy was attacked, sanitation was developed, agriculture was organized on a more rational basis, industries were created, machinery was introduced, communications were improved and religious domination gave way to a process of complete secularization. An economic, social and cultural order which had been rigid and unchanged for centuries was shaken by a new spirit and will to live.

The independent states of Turkey and Persia have maintained a policy of strict neutrality in their foreign affairs. Bound by friendship to the Soviet Union, the near and middle eastern states have been careful also to maintain cordial relations with all their neighbors and with the European powers. Under Soviet auspices treaties of friendship have been concluded between Turkey, Persia, Afghanistan and the Soviet Union, guaranteeing the independence of these states from external aggression and securing to them the possibility of economic, administrative and educational reform. The demilitarization of the Straits has put an end to this point of conflict.

While Turkey and Persia achieved their national aims after the World War, the Arabs remained dissatisfied. They had joined the Allies in the hope of attaining freedom and unity. After the war they remained disorganized, while some of the most fertile regions which they had considered their own were placed under foreign rule. The Treaty of Sèvres remained in force for the Arab portions of the former Ottoman Empire and the British and French mandatory administrations in Palestine and Syria preserved in an attenuated form the old Ottoman spirit in the territories entrusted to them. In Syria the French administration deprived the Moslem interior of its fertile access to the Mediterranean and created a state of Great Lebanon under the influence of the Catholic Maronites, who favored French rule and who by invoking French protection created a pretext for France to stay in Syria indefinitely as protector and mediator. Unlike Egypt, where the national movement bridged the gulf between the Moslems and the Copts, or Iraq, where a similar rapprochement was effected between Sunnites and Shiites, Syria under French administration became the scene of ever more bitter religious feuds and dissensions. In Palestine the Arabs found themselves just as deceived as were the Zionists, to whom Great Britain had promised help in the establishment of a Jewish national home. When the Jews arrived the small country was inhabited by 800,000 Arabs who themselves had but recently become race conscious and were longing for independence. The Zionists, who as a highly educated and gifted people have accomplished excellent results as colonizers and nation builders in Palestine, were confronted by the many arduous ethical, political and economic issues raised by the national awakening of the Arabs. Because of the bitter national struggle, in which both sides believe their national existence and development are at stake, Great Britain has been able to maintain, although Palestine is an A mandate, an autocratic colonial rule without any participation by the population in the ad-

ministration or legislation of the country. Palestine seems destined to become the chief British strategic point on the road to India. For the old importance of the Levant as the road from Europe to southern and eastern Asia has reappeared. The introduction into the deserts of Asia of new means of communication, the motor car and the airplane, has completely revolutionized all notions of time and space. Regularly the motor car crosses the Syrian desert from Damascus to Bagdad and the vast Arabian peninsula from the Red Sea to the Persian Gulf. Three points in the Near East, all under British control, have become important airplane junctions: Cairo, Palestine and Bagdad. The great Imperial Airways, the Asiatic from London via Bagdad to India and the African from London via Cairo to Cape Town, touching at Palestine. A British railway is to be built from Haifa to Bagdad and Basra and is perhaps to be continued to India; and Haifa is to be linked via the Suez Canal and Cairo to the projected British trans-African railway from Alexandria to the Cape of Good Hope. Palestine has contracted a loan guaranteed by England to construct with part of the money a modern port in Haifa which will become the great British maritime station in the eastern Mediterranean, protecting the entrance to the Suez Canal and forming the head point of the land and air route to India. Mosul oil is being conducted by pipe lines across the desert to Haifa to supply the British fleet. Thus the Asiatic Near East still retains its importance in world politics as one of the greatest roads of imperial intercourse. Great Britain is interested in protecting this road by extending the *pax britannica* to Arabia. On the other hand, the Arabs, led by two very able leaders—King ibn-Sa'ūd of Hejaz and Nejd, who has made of Wahhabi religious enthusiasm a corner stone of Arab nationalism, and King Faisal of Iraq, under whose guidance that country has entered the League of Nations as the first Arab state and has become the center of the aspirations for the union of Iraq, Syria and Palestine—still strive toward Arab unity, which they regard as the only guaranty of their independence and intellectual and material progress.

Two main problems in the Near East thus require solution in the not too distant future: the readjustment of national claims and conflicts in the Balkans and the reconciliation between Arab nationalism and British imperial interests. The former may be solved through a Balkan federation; while the second may well follow the pattern of British negotiations with Egypt and Iraq. But here as everywhere the crucial need is the moderation of nationalism to the end that it may, by veering away from imperialism, come eventually to serve the interests of humanity.

HANS KOHN

See: IMPERIALISM; NATIONALISM; MINORITIES, NATIONAL; PAN-MOVEMENTS; PAN-ISLAMISM; GOVERNMENT, sections on TURKEY, BALKAN STATES and SUCCESSION STATES; EGYPTIAN PROBLEM; COMITADJI; CALIPHATE; CAPITULATIONS; EUROPEANIZATION; MANDATES; ZIONISM.

Consult: Driault, Édouard, *La question d'Orient depuis ses origines* (8th ed. Paris 1921); Eversley, G. J. S., and Chirol, Valentine, *The Turkish Empire from 1288 to 1922* (2nd ed. London 1923); Miller, William, *The Ottoman Empire and Its Successors, 1801–1927* (rev. ed. Cambridge, Eng. 1927); Bérard, Victor, *Le sultan, l'islam et les puissances* (2nd ed. Paris 1916); Pinon, René, *L'Europe et l'Empire ottoman* (7th ed. Paris 1917), and *L'Europe et la jeune Turquie* (4th ed. Paris 1913); Toynbee, A. J., *The Western Question in Greece and Turkey* (2nd ed. London 1923); Mears, E. G., *Modern Turkey* (New York 1924); Kohn, Hans, *Geschichte der nationalen Bewegung im Orient* (Berlin 1928), tr. by M. M. Green (London 1929), and *Orient und Okzident* (Berlin 1931), tr. in *World Unity*, vol. ix (1931–32) 15–21, 101–07, 154–57, 227–30, 299–306, 392–97, vol. x (1932) 23–28, 91–95, 166–71, 241–47, 303–09, 409–16; Mandel'shtam, A. N., *Le sort de l'Empire ottoman* (Lausanne 1917); Marriott, J. A. R., *The Eastern Question* (3rd ed. Oxford 1924); Young, George, *Nationalism and War in the Near East*, ed. by L. H. Courtney, Carnegie Endowment for International Peace, Division of Economics and History, Publications (Oxford 1915).

FOR THE BALKANS: Gibbons, H. A., *The New Map of Europe (1911–1914)* (9th ed. New York 1918); Seton-Watson, R. W., *The Rise of Nationality in the Balkans* (London 1917); Schevill, Ferdinand, *The Balkan Peninsula and the Near East* (London 1922); Miller, William, *The Balkans*, The Story of the Nations, vol. xliv (3rd ed. London 1923), and *A History of the Greek People (1821–1921)* (London 1922); Leger, L. P. M., *Serbes, Croates et Bulgares* (Paris 1913); Wendel, Herrmann, *Der Kampf der Südslawen um Freiheit und Einheit* (Frankfort 1925); Woods, H. C., *The Danger Zone of Europe* (London 1911); Ancel, Jacques, *Peuples et nations des Balkans* (Paris 1926); Buxton, N. E., and Leese, C. L., *Balkan Problems and European Peace* (London 1919); Gentizon, Paul, *Le drame bulgare* (Paris 1924); Swire, Joseph, *Albania; the Rise of a Kingdom* (London 1929); Riker, T. W., *The Making of Roumania* (London 1931); Mears, E. G., *Greece Today* (Stanford University 1929); Driault, Édouard, and Lhéritier, Michel, *Histoire diplomatique de la Grèce*, 5 vols. (Paris 1925–26); Seyfullah, Ibrahim, *Italien im östlichen Mittelmeer*, Zeitschrift für Geopolitik, Beiheft 7 (Berlin 1930); Evtimoff, Simeon, "Die mazedonische Frage" in *Zeitschrift für Politik*, vol. xx (1930–31) 324–48.

FOR ASIATIC TURKEY, PERSIA AND EGYPT: Gibbons, H. A., *The New Map of Asia (1900–1919)* (New York 1919); Toynbee, A. J., *The Islamic World since the Peace Settlement*, Survey of International Affairs,

1925, vol. i (London 1927); Kohn, Hans, *Nationalismus und Imperialismus im vorderen Orient* (Frankfort 1931), tr. by M. M. Green (London 1932); Powell, E. A., *The Struggle for Power in Moslem Asia* (New York 1923); Earle, E. M., *Turkey, the Great Powers, and the Bagdad Railway* (New York 1923); Fraser, David, *The Short Cut to India* (Edinburgh 1909); Rohrbach, Paul, *Die Bagdadbahn* (2nd ed. Berlin 1911); Stuhlmann, Franz, *Der Kampf um Arabien zwischen der Türkei und England* (Brunswick 1916); Mandel'shtam, A. N., *La Société des Nations et les puissances devant le problème arménien* (Paris 1926); Nansen, Fridtjof, *Gjennem Armenia* (Oslo 1927), tr. as *Armenia and the Near East* (London 1928); Lybyer, A. H., *The Question of the Near East*, Institute of International Education, International Relations Clubs, Syllabus no. 8 (New York 1921); Hurwicz, Elias, *Die Orientpolitik der dritten Internationale* (Berlin 1922); Kohn, Hans, *Der Nationalismus in der Sowjetunion* (Frankfort 1932); Browne, E. G., *The Persian Revolution of 1905–1909* (Cambridge, Eng. 1910); Shuster, W. M., *The Strangling of Persia* (London 1912); Chirol, Valentine, *The Egyptian Problem* (London 1920); Young, George, *Egypt* (London 1927); Topf, Erich, *Die Staatenbildungen in den arabischen Teilen der Türkei seit dem Weltkriege nach Entstehung, Bedeutung und Lebensfähigkeit*, Hamburgische Universität, Abhandlungen aus dem Gebiet der Auslandskunde, vol. xxxi, ser. A, Rechts- und Staatswissenschaften, vol. iii (Hamburg 1929); Loder, John de Vere, *The Truth about Mesopotamia, Palestine and Syria* (London 1923); Reinhard, Ernst, *Kampf um Suez*, Die Weltpolitik, vol. i (Dresden 1930); Ziemke, Kurt, *Die neue Turkei* (Stuttgart 1930); Toynbee, A. J., and Kirkwood, K. P., *Turkey* (London 1926); Hoepli, H. U., *England im nahen Osten; das Königreich Irak und die Mossulfrage*, Erlanger Abhandlungen zur mittleren und neueren Geschichte, vol. x (Erlangen 1931); Rabbath, E., *L'évolution politique de la Syrie sous mandat* (Paris 1928); MacCallum, E. P., *The Nationalist Crusade in Syria* (New York 1928); Stein, L. J., *Zionism* (London 1925); Andrews, F. F. P., *The Holy Land under Mandate*, 2 vols. (Boston 1931); Philby, H. St. J. B., *Arabia* (London 1930); Rihani, A. F., *Ibn Sa'oud of Arabia* (London 1928).

NEBENIUS, KARL FRIEDRICH (1785–1857), German economist and administrator. Nebenius studied law and later served in the Baden ministry of finance as councilor and permanent secretary of the department. From 1838 to 1839 and again from 1845 to 1846 he was minister of the interior and from 1846 to 1849 president of the Baden privy council. He played a most decisive role in framing the constitution and in reforming the fiscal system of Baden. He attained distinction in economic literature with his *Der öffentliche Kredit* (Karlsruhe 1820; pt. i, 2nd ed. 1829), hailed by Roscher as the best economic monograph in German; in this work Nebenius analyzed the economic and social effects of public indebtedness and concluded that a large public debt is undesirable since it accentuates the inequality of distribution of wealth, fosters the rise of a rentier class and in general has a retarding effect upon the course of production. While he criticized some of the teachings of Smith and Say, particularly by pointing out the multiplicity of factors involved in the shaping of economic events and by stressing the role of demand in the process of price determination, in general economic theory Nebenius remained essentially a follower of the classical school. In economic policy, however, probably because of his intimate contact with concrete economic needs of his country, he rejected the conclusions of economic liberalism and became one of the outstanding champions of the Zollverein.

PAUL MOMBERT

Other works: *Betrachtungen über den nationalökonomischen Zustand Gross-britanniens* (Karlsruhe 1818); *Uber technische Lehranstalten in ihrem Zusammenhange mit dem gesamten Unterrichtswesen* (Karlsruhe 1833); *Denkschrift fur den Eintritt Badens zu dem zwischen Preussen, Bayern, Württemberg, den beiden Hessen und mehreren anderen deutschen Staaten abgeschlossenen Zollverein* (Karlsruhe 1833); *Der deutsche Zollverein, sein System und seine Zukunft* (Karlsruhe 1835); *Über die Herabsetzung der Zinsen der öffentlichen Schulden* (Stuttgart 1837); *Über die Zölle des deutschen Zollvereins zum Schutze der einheimischen Eisenproduktion* (Karlsruhe 1842).

Consult: Roscher, W., *Geschichte der National-Oekonomik in Deutschland*, Geschichte der Wissenschaften in Deutschland neuere Zeit, vol. xiv (Munich 1874) p. 953–68; Beck, J., *Karl Friedrich Nebenius, ein Lebensbild* (Mannheim 1866); Böhtlingk, A., *Carl Friedrich Nebenius* (Karlsruhe 1899).

NECKER, JACQUES (1732–1804), French minister of finance. Necker, who was born in Geneva, came of Germanic stock. After elementary schooling in Switzerland he was sent to Paris to complete his studies in banking. For twelve years he served as an employee in the Vernet bank and in 1762 he and the bankers Thellusson took over the institution, which became one of the most important in Paris. He was soon introduced into official circles and in 1769 gained repute upon his publication of a reply to Morellet on the Compagnie des Indes. In 1772, after successful negotiations designed to help the royal Treasury, he retired from business. The next year Necker published an *Éloge de Jean Baptiste Colbert* (Paris 1773), which attracted considerable attention; it was a defense of the celebrated minister, followed by notes in which he affirmed his neomercantilist faith in opposition to the reigning physiocratic doctrine. In 1775 his work *Sur la législation et le commerce*

des grains (Paris 1775, English translation London 1776) stated his position as clearly hostile to the free export of grain advocated by the physiocrats. It echoed Galiani and won wide acclaim, despite the decisive replies made to it by Morellet and Baudeau.

For some years Necker had represented the Republic of Geneva at the French court; in 1776 he was called to the post of director general of the royal Treasury, although he was a foreigner and a Protestant, and in the following year was made director general of finance. The title of minister was refused him as was admission to the Council of State, but in fact he directed the financial operations of the government until his first retirement in 1781. In his famous *Compte rendu présenté au roi* (Paris 1781) he left the not very brilliant balance sheet of his administration as well as a much too reassuring account of the innumerable difficulties which were besetting the government. His only important innovation was the establishment of provincial administrations in the various regions of France.

In 1784, during his retirement at Lausanne, he published his chief work, *De l'administration des finances de la France* (3 vols., Paris 1784; tr. by T. Mortimer, London 1785), which is still consulted today and in which he gives a primarily historical account of taxation, interspersed with observations on the grain trade, provincial assemblies, luxury and the like. He was recalled to power by public favor in 1788 with admission to the Council and dismissed on July 11, 1789, and it was his departure which provoked the uprising of July 14. Upon being recalled once more he saw his popularity decrease, and he handed in his resignation in September, 1790. He continued to work upon various essays, collected after his death in the fifteen-volume *Oeuvres complètes*, edited by the Baron de Staël (Paris 1820).

PAUL HARSIN

Consult: Sivers, F. von, "Necker als Nationalökonom" in *Jahrbücher für Nationalökonomie und Statistik*, vol. xxii (1874) 17–27; Vacher de Lapouge, C., *Necker économiste* (Paris 1914); Gontier, Emmanuel, *Les assemblées provinciales instituées par Necker et le mouvement réformateur* (Paris 1908).

NEGLIGENCE. In modern law liability for negligence, or fault, is more common in the civil than in the criminal law. The liability for criminal negligence has already been treated under intent (*see* INTENT, CRIMINAL). In early systems of law, however, little if any distinction is traceable between civil and criminal liability: the two forms of liability may be described as a viscous intermixture.

In the Roman law, as stated by Justinian, *dolus*, or intentional damage, was opposed to *culpa*, or unintentional damage. *Culpa* originally signified active conduct and was contrasted with *negligentia*, or negligent omission, the opposite of which was *diligentia*. Three degrees of *culpa* were recognized: *culpa levis*, or failure to exercise that degree of care which a *bonus pater familias* (a careful, circumspect, sound man of business) would use; *culpa levis in concreto* (the epithet *in concreto* is due to the moderns), or failure to show such care as a person would ordinarily use in his own affairs; *culpa lata*, or failure to show any reasonable care—lack of that degree of care "which any fool would take" —reckoned as equivalent to *dolus*. The first and third standards of care were therefore defined objectively, but the second was a subjective conception. The principles upon which these degrees of care were based in contractual and quasi-contractual liability are not clear. A rough test was that where a party benefited by a transaction he was liable for *culpa levis* and that where he did not benefit he was liable only for *dolus* and *culpa lata*; but there are puzzling exceptions and still greater difficulties with respect to liability for *culpa levis in concreto*. As regards delict the rule was much simpler. The typical delict involving *culpa* was unlawful damage, *damnum injuria*, under the *Lex aquilia*, and *culpa levis* was sufficient to raise liability. Contributory negligence of the aggrieved person was a defense if it was the true cause of the injury. There was no liability for mere omission. In contrast with modern Anglo-American law *culpa* was not itself an independent delict. For *casus*, or inevitable accident, no one was liable in delict or, in the absence of express agreement, in contract. Roman law recognized vicarious responsibility for so-called "quasi-delict"; for example, a shipowner, an innkeeper or a public stable keeper was liable for the theft or damage of his employees, and in "noxal liability" the owner of a slave had the option of handing over to the injured party the slave who had committed a delict or of paying damages. Otherwise an employer was not liable for the delicts of his servants unless he was *in culpa* himself.

Early Germanic law exhibits a very strict principle of liability. The person who injured another was in general civilly liable to compensate the other party merely on that ground, and quite irrespective of whether he committed the

act intentionally or negligently and of whether the obligation which had been broken was based on contract or on tort. Inattentiveness was not distinguished from intent. Even pure accident was not invariably a defense. Thus the property of irresponsible people, like lunatics and children, was amenable for injuries done by them, although their persons were free from liability. The theory was that as a man takes all his happiness whether deserved or undeserved from the environment of his individual life, so he must accept all misfortune, deserved or undeserved, due to that environment ("intrinsic accident"); and this was the reason also for vicarious responsibility of the house lord, the slave owner and the employer of labor for the wrongs of his dependents. But that environment marked the limit of a man's liability. For "extrinsic accident," or misfortune not associated with his individual environment, he was not responsible. In effect this exemption did not extend beyond sickness, imprisonment, service under the king and self-defense, although in the law of bailment somewhat wider exceptions from liability were admitted. Early French law had similar rough rules of justice—"The act judges the man, questions of intention are not examined." Mere negligence might lessen the composition payable for a crime, but it did not release the wrongdoer from payment of damages.

The reception of Roman law greatly modified the old rules of strict liability in Germanic law. There was a penetration of the refined idea of *culpa* with its threefold division (but *culpa levis* has been dropped in the current German code); the old distinction between external and internal accident disappeared, although it has survived in current German law with respect to railway carriers, innkeepers and the post office; and the Roman principle was adopted that nobody was liable for inevitable accident. In the law of tort the reception led also to a modification of liability, for there was no responsibility for mere omission under the *Lex aquilia*; local regional systems, however, often followed the ancient strict rules.

In England Anglo-Saxon law was as primitive as continental law. It is inaccurately said that "a man acted at his peril," but in fact there were many modifications of liability, although it was unquestionably strict in general. At any rate no distinction in civil liability was drawn between intent and negligence—it was true, however, that the less a man was in fault, the less would he have to pay—and for wrongs of mere omission there appears to have been scarcely any liability in private law. There is very little trace of liability for tortious negligence in the king's courts after the Norman Conquest, but possibly this gap was partially filled by the local courts. From the fourteenth century, however, the law of tort developed. Liability for trespass, or direct injury to person or property, was strict until comparatively modern times. There were, however, many exceptions; the most familiar were self-defense, necessity and perhaps the act of God. Inevitable accident as a ground of exemption can scarcely be said to have been completely recognized until the nineteenth century.

The origin of liability for negligence must be sought in the action of trespass upon the case or in the action upon the case. Very early instances of such liability are those of the innkeeper and the common carrier because they exercised a "common calling"; by the sixteenth century anyone who professed skill in his business was responsible for incompetence in its discharge. Other examples of liability for mere omission were very rare. It was difficult enough for the law to attempt to prevent positive wrongdoing. There was an exception in that a man was liable if he allowed the escape of such dangerous things as fire or cattle. Toward the end of the eighteenth century there was a steady tendency to isolate negligence as an independent tort, and after the first quarter of the nineteenth century this isolation was developed rapidly. The progress of invention in industrial machinery in general and of railways in particular was responsible for this trend, for they greatly increased the frequency of negligent accidents. Negligence in the law of tort thus acquired and still possesses a twofold meaning. First, it retains its old signification of inadvertence to legal duty, which is a possible mental element in some torts; thus it is possible to commit defamation either intentionally or negligently. Secondly, it signifies a separate tort, which consists in the breach of a legal duty to advert to the circumstances or the consequences (or both) of an act or omission which causes damage to another. The standard of this legal duty is that of a "reasonable" man, so far as advertence to the circumstances of the act or omission is concerned, and that of directness with respect to the chain of causation which connects the act or omission with the consequences. Whether a legal duty to take care exists or not is a question of law for the determination of the court in each case. A "reasonable" man is an abstract conception of what an ordinarily

careful person would do or refrain from doing in circumstances which are the same as those under consideration. A very common defense to an action for negligence is contributory negligence on the part of the plaintiff. But even this will not prevent the latter from recovering damages unless such contributory negligence is the decisive cause of the injury; the rules for determining whether a cause is decisive or not are intricate. Where it is decisive the defendant escapes all liability. As to vicarious responsibility for negligence the rule is the same as for other torts; an employer is liable for all negligence committed by his employees in the course of their employment.

Such are the main principles of the English common law with respect to the negligence in the law of tort. Broadly, American case law, despite divergence as to some particular situations, may be said to be similar. In the common law of both systems negligence in the performance of a contract is no more an excuse than is intentional breach. In the law of bailment the threefold division of *culpa* in Roman law still exists in theory, but in practise the tendency is to amalgamate this division under the one standard of "reasonable care in the circumstances."

On the continent the French *Code civil*, which has considerably influenced the law of many other countries, creates liability for *faute*. This may be defined as an act or (subject to certain qualifications) an omission effected without right against the right of another. The right violated may be contractual, delictal or quasi-delictal. By a verbal distinction of no practical importance *délit* includes intentional *faute* and *quasi-délit* includes *faute* due to imprudence or negligence. Theoretically there is no difference between contractual and delictal *faute*, but in practise there are at least two solid distinctions. In contract the creditor need not prove *faute*; the burden of proving inevitable accident is on the debtor. In delict the plaintiff must prove, where proof is necessary, *faute* on the part of the defendant. Again, in contract the debtor is liable only for foreseen and direct damages, while the author of delictal *faute* may be liable for unforeseen damages. Contributory negligence, provided that it is the exclusive cause of the damage, is a complete defense to all kinds of civil liability; but where it is not the exclusive cause, responsibility for the damage is shared by the parties in proportion to the gravity of their respective negligence. Finally, *faute* is presumed in the case of damage done by animals or inanimate objects, but for damage done by the defendant personally it must be proved. In general *cas fortuit* (inevitable accident; *force majeure* is practically the same thing) is a defense to civil liability.

In the current German Civil Code *Vorsatz* is distinguished from *Fahrlässigkeit*. *Vorsatz* means that a person acts or refrains from acting with the knowledge that his conduct will have or may have certain consequences. It is not exactly the same as intention. Nor is *Fahrlässigkeit* adequately translated by "negligence," for it means the omission to take that degree of care which it was the defendant's duty to take in "ordinary intercourse." As a rule the test is *diligentia boni patris familias*, which has come to mean liability not for *culpa levis*—this has been dropped by the present civil code—but only for *culpa levis in concreto*; but everything depends on circumstances. Thus, if a man professes any special qualifications, he is liable if he does not possess them. Gross negligence is not defined and is treated as a question of fact in each case. The German and the English law of negligence are basically the same, but the German test of diligence is more objective than is the English test of reasonableness; and strict liability, or liability irrespective of intention or negligence, is common in German law. The law as to contributory negligence is much like that in England; but there is a notable difference in that, even if the plaintiff's contributory negligence is the decisive cause of the damage, this does not in German law necessarily deprive him of his remedy. It is left to judicial discretion to determine whether the defendant's liability to compensate is totally destroyed or merely reduced.

The modern tendency in both the Anglo-American and the continental systems is to broaden civil liability. Social, scientific and economic developments of the last century have made this inevitable in any body of law which professes to keep in reasonable touch with the needs of the community. There is a marked trend in favor of creating responsibility for nervous shock and other non-corporal injury. Moreover the age is one of machinery and of corporate undertakings and trade, and the hidden dangers of machinery and the weakened sense of responsibility inherent in the impersonality of a corporation have broadened the law in two directions. First, the scope of liability for negligence has been enlarged by the constant action of the courts in inferring a duty to take

care in circumstances which could never have been presented in the older law. Secondly, both the courts and the legislatures have created strict liability in many instances, where it is useless for the defendant to prove that he was not negligent. He is not (as is loosely said) absolutely liable, however, for he is not in general responsible for the act of God or the unlawful act of a third party.

A conspicuous example of this strict liability in the Anglo-American law of tort is responsibility for the escape from land of dangerous things. This doctrine, which was laid down in England in 1868 in the celebrated case of Rylands *v.* Fletcher (L. R. 3 H. L. 330), was at first rejected by American courts but has now been recognized by some of them. Again, in American law and (since 1932) in English law a manufacturer of chattels which he knows or ought to know are dangerous may be liable for injury to an ultimate subpurchaser with whom he has no contract. Further, English statutes have set up strict liability with respect to private aircraft and to damage done by dogs to cattle. The Maritime Conventions Act, 1911, recognized with respect to collision of ships a rule of contributory negligence more like that prevailing in the continental systems and probably more equitable than the general English rule. It provided that in such collisions where both parties have been negligent each must bear a fair proportion of the loss.

On the continent there has been since 1890 a heated controversy among French lawyers as to the existence of responsibility without fault. Those of the older school, relying on the bare words of the *Code civil*, deny that there is any foundation for the doctrine. Their opponents urge that the true principle is that the courts have nothing to do with investigating any mental element in an injurious act and are concerned only with the causal connection of the act with the damage. Probably the better view is that this latter principle does not extend beyond undertakings creating extraordinary risks, such as the great industries and the activities of the state in declaring war, administering justice and controlling the police.

Modern German law exhibits instances of strict liability in making persons in charge of railways or other similar public works responsible for death or bodily injury except where the accident is due to *vis major* or contributory negligence. The burden of proving these defenses is on the defendant. The German Automobile Law of 1909 puts owners and drivers of motor vehicles in much the same position.

PERCY H. WINFIELD

See: LIABILITY; TORT; INTENT, CRIMINAL; HOMICIDE; EMPLOYERS' LIABILITY; CONTRACT; INSANITY; MAJORITY, AGE OF; DAMAGES; COMPENSATION AND LIABILITY INSURANCE.

Consult: ANGLO-AMERICAN LAW: Pollock, Frederick, *The Law of Torts* (13th ed. London 1929) ch. xi; Salmond, J. W., *Law of Torts* (7th ed. by W. T. S. Stallybrass, London 1928) p. 21–58; Beven, Thomas, *Negligence in Law*, 2 vols. (4th ed. by W. J. Byrne and A. D. Gibb, London 1928); Burdick, F. M., *The Law of Torts* (4th ed. by C. K. Burdick, Albany 1926) ch. xiv; Cooley, T. M., *A Treatise on the Law of Torts*, 3 vols. (4th ed. by D. A. Haggard, Chicago 1932) vol. iii, ch. xxi; Winfield, P. H., "The Myth of Absolute Liability" and "The History of Negligence in the Law of Torts" in *Law Quarterly Review*, vol. xlii (1926) 37–51, 184–201, and *The Province of the Law of Tort* (Cambridge, Eng. 1931) ch. x; Wigmore, J. H., Smith, Jeremiah, Isaacs, Nathan, Terry, H. T., and Throckmorton, A. H., in *Selected Essays on the Law of Torts* (Cambridge, Mass. 1924) p. 18–86, 176–275, 303–613; American Law Institute, *Restatement of the Law of Torts*, Tentative Drafts, nos. 4, 5 and 6 (Philadelphia 1929–30); Bohlen, F. H., *Studies in the Law of Torts* (Indianapolis 1926) chs. i, v, ix, and "Liability of Manufacturers to Persons Other Than Their Immediate Vendees" in *Law Quarterly Review*, vol. xlv (1929) 343–69, and "Should Negligent Misrepresentations be Treated as Negligence or Fraud?" in *Virginia Law Review*, vol. xviii (1931–32) 703–20; Bohlen, F. H., and Polikoff, Harry, "Liability in New York for the Physical Consequences of Emotional Disturbance" in *Columbia Law Review*, vol. xxxii (1932) 409–19, and "Liability in Pennsylvania for Physical Effects of Fright" in *University of Pennsylvania Law Review*, vol. lxxx (1931–32) 627–38; Green, Leon, "Are Negligence and 'Proximate' Cause Determinable by the Same Test?" in *Texas Law Review*, vol. i (1922–23) 243–60, 423–45, "Contributory Negligence and Proximate Cause" in *North Carolina Law Review*, vol. vi (1927–28) 3–33, and "The Duty Problem in Negligence Cases" in *Columbia Law Review*, vol. xxviii (1928) 1014–45, and vol. xxix (1929) 255–84; Edgerton, H. W., "Legal Cause" in *University of Pennsylvania Law Review*, vol. lxxii (1923–24) 211–44, and 343–75, and "Negligence, Inadvertence, and Indifference; the Relation of Mental States to Negligence" in *Harvard Law Review*, vol. xxxix (1925–26) 849–70; McLaughlin, J. A., "Proximate Cause" in *Harvard Law Review*, vol. xxxix (1925–26) 149–99; Seavey, W. A., "Negligence—Subjective or Objective?" in *Harvard Law Review*, vol. xli (1927–28) 1–28; Myers, M. P., "The Last Clear Chance Doctrine" in *North Carolina Law Review*, vol. v (1926–27) 58–64; Goodhart, A. L., "The Unforeseeable Consequences of a Negligent Act" in *Yale Law Journal*, vol. xxxix (1929–30) 449–67; Gregory, C. O., "Vicarious Responsibility and Contributory Negligence" in *Yale Law Journal*, vol. xli (1931–32) 831–52; Mole, A. C., and Wilson, L. P., "A Study of Comparative Negligence" in *Cornell Law Quarterly*, vol. xvii (1931–32) 333–66, 604–55; Harding, B. E.,

"Torts: Negligence: Recovery for Physical Injuries Resulting from Fright and Nervous Shock" in *Cornell Law Quarterly*, vol. xvii (1931–32) 309–16; Smith, Y. B., "Frolic and Detour" in *Columbia Law Review*, vol. xxiii (1923) 444–63 and 716–31; Israelite, Joseph, "The Guest of the Careless Driver" in *Boston University Law Review*, vol. vi (1926) 234–40; Peppen, J. C., and Hill, A. W., Jr., "Torts: Automobiles: Duty of Driver to Guest . . . " in *California Law Review*, vol. xviii (1929–30) 184–95; Mechem, F. L., "The Contributory Negligence of Automobile Passengers" in *University of Pennsylvania Law Review*, vol. lxxviii (1929–30) 736–52; Rollison, W. D., and Hessmer, E. L., "Automobiles—Duty of Driver to Guest—Guest Statutes" in *Notre Dame Lawyer*, vol. vii (1931–32) 87–119; Clark, C. E., "Pleading Negligence" in *Yale Law Journal*, vol. xxxii (1922–23) 483–90; Niles, R. D., "Pleading Res Ipsa Loquitur" in *New York University Law Review*, vol. vii (1929–30) 415–33.

ROMAN AND CONTINENTAL LAW: Girard, P. F., *Manuel élémentaire de droit romain* (8th ed. by Félix Senn, Paris 1929) p. 692–704; Buckland, W. W., *The Main Institutions of Roman Private Law* (Cambridge, Eng. 1931) p. 299–305, and *A Text-book of Roman Law from Augustus to Justinian* (2nd ed. Cambridge, Eng. 1932) p. 556–59, 599–602; Sertorio, Luigi, *La "culpa in concreto" nel diritto romano e nel diritto odierno* (Turin 1914); Schuster, E. J., *The Principles of German Civil Law* (Oxford 1907) 151–54; Hübner, Rudolf, *Grundzüge des deutschen Privatrechts* (4th ed. Leipsic 1922), tr. by F. S. Philbrick as *A History of Germanic Private Law*, Continental Legal History series, vol. iv (Boston 1918) p. 527–33, 576–82; Enneccerus, Ludwig, Kipp, Theodor, and Wolff, Martin, *Lehrbuch des bürgerlichen Rechts*, 5 vols. (7th–13th eds. Marburg 1929–32) "Fahrlässigkeit" in index; Kessler, Friedrich, *Die Fahrlässigkeit im nordamerikanischen Deliktsrecht unter vergleichender Berücksichtigung des englischen und des deutschen Rechts*, Beiträge zum ausländischen und internationalen Privatrecht, vol. vi (Berlin 1932); Mazeaud, Henri and Léon, *Traité théorique et pratique de la responsabilité civile délictuelle et contractuelle*, 2 vols. (Paris 1931) vol. i, ch. iv; *The Progress of Continental Law in the Nineteenth Century*, Continental Legal History series, vol. xi (Boston 1918) p. 59–61, 124–28; Takayanagi, K., "Liability without Fault in the Modern Civil and Common Law" in *Illinois Law Review*, vol. xvi (1921–22) 163–73, 268–303, and vol. xvii (1922–23) 187–210, 416–39; Demogue, René, "Fault, Risk, and Apportionment of Loss in Responsibility" (in French) in *Illinois Law Review*, vol. xiii (1918–19) 297–311.

NEGOTIABLE INSTRUMENTS are documents representing legal claims which are regarded in law as transferable and which give to a purchaser in the ordinary course of business a good title even though that of the seller may have been defective. The idea of negotiability thus represents a departure from the older legal traditions of the common law of England and of the Roman law in at least three respects; for such traditions pay little heed to unsealed writing, they are averse to assignability of choses in action, and they deny the possibility of the seller's transferring a better title than he has. In this departure from legal tradition there can be seen a triumph of the business demand for security in regular transactions even at the cost of insecurity in vested rights and defenses.

Elements of negotiability are discernible in most systems of law. Accordingly the Babylonians, Egyptians, Greeks and Romans in the ancient world and the Arabians, Jews and Italians, particularly in the cities of northern Italy, in the mediaeval world have been looked upon by various writers either as the inventors or as the bearers or the revivers of the idea. In England negotiability is first encountered as an importation by foreign merchants from the continent of Europe—a part of the law merchant. Its applicability was limited strictly to foreign bills of exchange; that is, orders drawn on a merchant in one country to pay the money of that country to the holder, in exchange for his foreign money which he had paid or was to pay to a correspondent of the merchant in that foreign country. The documents were intended for one purpose only: to facilitate money changing and incidentally the transfer of money credits from country to country, in days when the shipment of gold and silver was attended by great dangers and considerable state intervention.

While the continental negotiable bill of exchange grew without departing radically from this early type, the same institution transplanted into English and American jurisprudence not only flourished more vigorously but gave rise to a variety of documents with altogether new functions. The expansion of the Anglo-American law of negotiable instruments can be traced by studying the classes to which it became applicable; the types of instruments included; their external form, which passed from indefinite custom to common law and eventually to codification; and, finally, their practical uses in business life. A survey of these developments will make possible an understanding of the present substantive law of the subject in England and America and the difficulties inherent in the task of making uniform once more the negotiable instruments law of the civilized world.

Until the opening of the seventeenth century the customs or laws of merchants were applied in England in merchants' courts. In 1622 Gerard de Malynes insisted that none but a trader could draw a bill. A "gentleman" could not. By the end of the century the plea that the alleged drawer was a gentleman was rejected as a de-

fense on actions on bills of exchange, which became commonplace in the royal courts. Behind this change there were several concurrent movements: the onslaught of the king's courts from the days of Lord Coke against all kinds of special jurisdictions and the decay of these jurisdictions especially during the Commonwealth; the transfer of trade from foreign hands into English hands and not infrequently into the control of gentlemen; the development of the idea of equality before the law; and, most important of all, the development out of *assumpsit* of a form of action for enforcing simple contracts.

The negotiable instruments thus recognized in English law were essentially our modern foreign bills of exchange, although it was still common to introduce four persons on the face of the bill instead of three as is done at present. These are described by Beawes (*Lex mercatoria rediviva*, London 1752) as the deliverer, drawer, acceptant and possessor (payee). The reduction to three was subsequently accomplished by various combinations; for example, of the deliverer and acceptor. The transaction was usually recited or alluded to by such a phrase as "value received"; but the defense of no consideration, even between the parties, could not be used (Bl. *Comm.* II, 446) until the crystallization of the English law of contracts at the end of the eighteenth century. English merchants began early to extend the customs pertaining to foreign bills both to inland bills and to promissory notes. After a series of altercations with Lord Holt the merchants of Lombard Street were victorious, for Parliament declared promissory notes to be negotiable. The practise of drawing checks, by legal definition "bills of exchange drawn on a bank payable on demand," originated in England in the seventeenth century, spread rapidly and came to be followed by all classes, especially in America. Banknotes payable to bearer have become the most familiar form of currency. Elaborate notes issued by corporations and public bodies have become the bonds of investment banking. Statutes have adapted the idea of negotiability to a greater or less degree to the law of other business instruments—bills of lading, warehouse receipts, stock certificates. It has been advocated for interim certificates and stock warrants, and in the meantime lawyers have taxed their ingenuity to incorporate the effect of negotiability by direct stipulation. The difficulty is that such stipulations are not binding, as are the corresponding rules of law, on those who have not assumed them by contract.

On the other hand, the likelihood of developing new types of negotiable instruments otherwise than by statute has dwindled, as the external form of the law has passed from that of custom provable as fact through that of custom standardized and cognizable in court to that of common law and codified statute. The names which stand out in the history of this development are those of Lord Mansfield, chief justice of the King's Bench from 1756 to 1788, who referred doubtful questions to a special jury of merchants and crystallized their verdicts into law; Justice Story, whose *Commentaries on the Law of Promissory Notes* (1845) and *Commentaries on the Law of Bills of Exchange* (1843) were accepted as classics on both sides of the Atlantic; and Sir Mackenzie D. Chalmers, who drafted the English Bills of Exchange Act (1882); the latter became the model for the act proposed by the Commissioners on Uniform State Laws in the United States in 1896, which was adopted not only in every jurisdiction in the United States but in Alaska, Porto Rico and the Philippine Islands. The commissioners have since proposed a few modifications calculated to remove doubts as to the applicability of the act to bonds and to some other instruments and to restore uniformity where the supervention of a generation of case law has once more created or revealed discrepancies.

What was originally a means for facilitating money changing and money transfer has thus become useful in many business situations: the negotiable instrument serves as a primary credit instrument and lends itself readily to the introduction of secondary liability of various degrees and on various contingencies; it shades off into an investment device, as in long term notes and bonds, both corporate and governmental; in the form of checks it becomes a substitute for money and the very essence of the present banking system; in the form of banknotes and treasury notes it serves as money; in the form of trade acceptances it tends to remold large sections of the whole credit system; and when the acceptance is sundered from the document it gives rise to the letter of credit.

The substantive law of bills and notes did not survive all these modifications in form, applicability and tribunals without itself undergoing great changes. Indeed it is doubtful whether fourteenth century promises to merchants that their cases would be handled *secundum legem mercatoriam* (*Carta mercatoria*, 1303; Statute of the Staple, 1353) had reference to any sub

stantive law at all. Such principles as existed were probably all procedural, and substantive rules were precipitated only very gradually. Before Mansfield's day special customs for London and other localities were recognized. Story described the implications of these documents dogmatically and at great length. He frowned on the suggestion that in the absence of statute there might be a peculiar New York law of negotiable instruments [Swift *v.* Tyson, 41 U. S. 1 (1842)]. Yet great divergences did develop in the states and, because of the ready passage of negotiable documents across state lines, soon caused considerable confusion. Dogmatic clarity was the very thing called for in the uniform law, and that is its outstanding attribute. The opening sections of the act describe the external indicia of negotiability, so that a document can be recognized as negotiable or non-negotiable on its face. The operative words are "order" or "bearer," and there must be no additional promises in the document, the purport of which must be an order or promise to pay a sum certain in money at a fixed or ascertainable future time. The processes by which an instrument may be negotiated are clearly set forth: the instrument payable to bearer or already endorsed in blank is negotiable by delivery; all others require endorsement. The effects of endorsement may be qualified and limited in various ways, but all true negotiations have one feature in common: they cut off "equities"; that is, they give the "holder in due course," i.e. the *bona fide* purchaser for value without notice who obtained the instrument before its maturity, a title freed from many of the defects to which it was subject in the hands of the previous owner. There are to be sure a few so-called real defenses, such as forgery, against which even the holder in due course cannot prevail. Two types of liability on an instrument are recognized: first, the unqualified liability of the persons primarily liable, namely, the maker of a note and the acceptor of a bill; and, second, the conditional liability of a drawer or endorser, which attaches only if the instrument has been dishonored by the person addressed or primarily liable and the customary steps have been taken to record that fact (protest) in the case of a foreign bill or a bill of another state and in all cases, if notice, except where waived, has been given to the person secondarily liable.

When efforts were made at the Hague International Conference on Bills of Exchange meeting in 1910 and 1912 and at the Geneva conferences of 1930 and 1931 to unify the negotiable instruments laws of all countries, the chief difficulties which made it impossible for the Anglo-American representatives to come to terms with those of continental Europe were precisely those features of the law which have made its newer functions possible. Two great systems—the French and the German—prevail on the continent. The former is based on the *Ordonnance du commerce* of Colbert (1673) and serves in turn as the basis of the law of Greece, the Netherlands and Serbia. It has likewise been influential in Haiti, Santo Domingo, Argentina and Egypt. The German system is the result of an attempt made in the middle of the nineteenth century to render uniform the negotiable instruments laws of the fifty-six jurisdictions of Germany. It has served in turn as the basis of the law in Bulgaria, Hungary, Italy, the Scandinavian countries, Portugal and Russia and has been adopted in Japan, Peru, San Salvador and Venezuela. Combinations of the French and German systems exist in Belgium, Spain, Cuba, Porto Rico, Honduras and Malta and are exemplified in the drafts of the International Conference.

The outstanding characteristic of the French system is the fact that because of its early codification it has crystallized the law as represented in early English practise, and its content is similar to that administered by Lord Holt before the Statute of Anne (3, 4 Anne, c. 9, 1704). Thus for a long time there was insistence upon a *distantia loci* involving a crossing of state lines and a diversity of money systems. The document had to be closely related to a single concrete mercantile transaction. The idea of payability to bearer was resisted. Great stress was laid upon the necessity that the drawer make "provision" as the basis for his expectation that the drawee would honor the document. Endorsement was cumbersome, and the number of endorsements allowed was limited. The time within which a sight bill had to be presented was set for various places, depending upon distance, as from three months to one year, with a doubling of the permitted period for foreign bills in case of maritime war. Proceedings against drawers and endorsers had to be commenced soon after presentment or payment by a particular endorser, or the right of recourse was lost to such endorsers or drawers as had made "provision." There has been a tendency, both in practise and in legislation, to approach the English customs. Thus the consideration for the transaction need no longer be stated, and since

the law of 1922 a mere signature has been held sufficient endorsement. Promissory notes have been assimilated to bills of exchange in such matters as maturity, endorsement and the rights and duties of the holder. Checks were introduced late on the basis of English analogies but without ever being recognized as a variety of bill of exchange. Both can be drawn on persons other than banks. There is no provision for their acceptance or certification. As in England, they can be "crossed"; that is, so marked as to be not further negotiable to anyone other than a bank or agency for collection.

The German system of the *Wechselordnung* contrasts with the French in that it stresses the abstract nature of the negotiable instrument by divorcing the document from the transaction which gives rise to it. Bills payable to bearer or in blank are, it is true, not bills of exchange, but endorsement in blank results in the creation of bearer paper. Checks, which are treated separately, as in France, are generally made "payable to bearer," under the requirements of the banks. As in France, the right of recourse to persons secondarily liable is barred in very short periods, ranging from three to eighteen months, according to distance. The *Wechselordnung* requires that bills of exchange, notes and checks must contain words aptly describing them as belonging to one of the three classes of negotiable paper. When these words of identification are used, it is unnecessary to state that the document is payable to the order of anyone, as that is understood, unless it is specifically stated that it is not so payable. The law of checks is in general more like that of France than that of England and America, but it differs in two respects. Instead of the crossed check, German practise has developed the check marked *nur zur Verrechnung*, which can be used only for deposit to the account of the payee. Great care has been taken, both in the law and in the bankers' forms, to relieve banks from liability where a check is paid on a forged endorsement. The use of checks is accordingly more limited in Germany than in France or England.

Considerable progress has been made toward the development of a single continental system through the attempted unification of the law of bills of exchange and promissory notes by the Geneva Conference of 1930 and of the law of checks by the session of 1931. This logical step in unification was preceded by local unifications, such as that of Germany and that of the English speaking world. Although the movement for international unification began in the latter part of the nineteenth century, it is only with the increase of communication and better understanding of the several systems by merchants in various parts of the world that a unification in practise and a desire for a unification in law can eventually be brought about. The original unity of the negotiable instruments law was in like manner the creation of an international mercantile class.

NATHAN ISAACS

See: BILL OF EXCHANGE; CHECK; ACCEPTANCE; CREDIT; FOREIGN EXCHANGE; BANKING, COMMERCIAL; COMMERCIAL LAW; LAW MERCHANT.

Consult: Goldschmidt, L., *Universalgeschichte des Handelsrechts* (3rd ed. Stuttgart 1891); Bewes, W. A., *The Romance of the Law Merchant* (London 1923) p. 44–56; Schultze von Lasaulx, H. A., *Beiträge zur Geschichte des Wertpapierrechts*, Arbeiten zum Handelsgewerbe und Landwirtschaft, no. 63 (Marburg 1931); Holdsworth, W. S., *A History of English Law*, 10 vols. (London 1922–32) vol. viii, p. 113–77; Chalmers, M. D., *A Digest of the Law of Bills of Exchange* (9th ed. London 1927); Larré, J., *Les "negotiable instruments" en droit anglais et anglo-américain* (Paris 1929); Brannan, J. D., *The Negotiable Instruments Law Annotated* (5th ed. by F. K. Beutel, Cincinnati 1932); Kent, A. H., "Some Further Necessary Amendments to the Uniform Negotiable Instruments Law" in *Illinois Law Review*, vol. xxii (1927–28) 833–51; "The Proposed Amendments to the Uniform Negotiable Instruments Law" in *Columbia Law Review*, vol. xxviii (1928) 648–58; Jacobi, E., *Grundriss des Rechts der Wertpapiere* (2nd ed. Leipsic 1925); Potu, E., *L'unification du droit relatif à la lettre de change* (Paris 1916); Böttger, H., *Wechsel und Scheck in Europa und Übersee* (Berlin 1931); Lorenzen, E. G., *Conflict of Laws Relating to Bills and Notes* (New Haven 1919); Hudson, M. O., and Feller, A. H., "The International Unification of Laws concerning Bills of Exchange" in *Harvard Law Review*, vol. xliv (1930–31) 333–77; Feller, A. H., "The International Unification of Laws concerning Checks" in *Harvard Law Review*, vol. xlv (1931–32) 668–96.

NEGRO PROBLEM. The introduction of African blacks into the western hemisphere was a by-product of the fifteenth and the sixteenth century economic expansion of western Europe known as the commercial revolution. First employed in mines appropriated by the Spaniards in their quest for gold and silver, African slave labor became the basis of the agricultural systems in the British West Indies and in other American colonies engaged in the production of sugar, tobacco, cotton, rice and rum. The traffic in these products, together with the purchase and sale of African labor itself, became a very profitable enterprise, enriching the colonies and increasing the revenue to the British crown; it

led to the accumulation of capital and the expansion of markets and provided the foundation for industrial capitalism. The importance of the role of the Negro in the development of the New World and of modern capitalism is usually overlooked because of the fact that he enacted it unconsciously and as a slave. Even today the position of the Negro in the United States, and to some degree in the rest of the western hemisphere, is conditioned by the fact that his ancestors were enslaved. The habits and attitudes crystallized in the former relationship of master and slave, which find expression in the doctrine of the Negro's racial and social inferiority, in the antagonism between black and white working classes, in the aloof and condescending paternalism of southern gentlefolk as well as in the missionary spirit of northern philanthropy, still influence the relations of white and black men.

But if the enslavement of their ancestors is considered the sole conditioning factor in the American Negro problem, the question still remains as to why there is no problem of equal dimensions in other countries of the western hemisphere where the Negro has also been enslaved. By applying the method of enumeration used in the United States, according to which any person with a drop of Negro blood is classed as Negro, the total for these countries in 1932 according to one estimate would be 22,541,000 Negroes, or almost 20.2 percent of their entire populations. In comparison with 11,891,000 Negroes in the United States, comprising 9.7 of its total population, there would be in Brazil 11,700,000 Negroes, representing 30 percent of the population, and in the West Indies 7,471,000, or almost 70 percent. These countries, however, in view of the high degree of admixture, make no such general classification. Moreover in all but one or two comparatively unimportant centers of Negro population collective emancipation took place at about the same time as or later than in the United States. If enslavement with comparatively recent emancipation does not in itself constitute a satisfactory explanation, neither does the degree of intermarriage between Negroes, whites and the indigenous Indian population. It is true that data as to race mixture in the various countries are by no means reliable and are based on widely differing standards which make comparisons impossible. But both the estimate for 1910 of the Bureau of the Census, according to which 20.9 of the total Negro population was mulatto (i.e. with any proportion of white blood), and the conclusion of Melville J. Herskovitz (*The American Negro*, New York 1928), based, it is true, on a small sample, that 80 percent of the Negroes in the United States represent a mixture of Negro, white and Indian indicate that the degree of race mixture is sufficiently high to render confusing and inexplicable the uncompromising color line. Color lines are drawn also in other countries of the western hemisphere, but there they have a more definitely class character and are rooted in economic differentiations which developed within the Negro population on the basis of distinctions made by ruling whites as far back as two centuries ago.

This phenomenon itself was the result of differences in methods of colonization and type of control as practised by the various governing European nations. French and Spanish colonists were for the most part unmarried traders and officials who intermixed freely with natives and blacks, so that as a result color lines could not be maintained. In countries like Cuba, Porto Rico and Brazil the number of those already freed through favor, redemption or miscegenation prior to emancipation was as great as the number of black slaves. Emancipation therefore involved no such serious problem as in the United States and moreover was not an outcome of civil war. The British colonists in North America, on the other hand, came with their families and set out to found permanent settlements and to establish a control in which the natives and after them the slaves could not participate. An exception to this rule was the West Indies, where the large proportion of holdings were in the hands of absentee European landlords and where domination was maintained by a small white settlement.

It is clear at any rate that the special features of the Negro problem in the United States are traceable to the peculiar culture of the country, and particularly of the southern states, in which the bulk of the Negro population has been concentrated. At the outbreak of the Civil War 92.2 percent, or about 4,100,000 Negroes, lived in the south. Of the 500,000 free Negroes in the country there were only 260,000 in the south as compared with over 4,000,000 Negro slaves and 7,000,000 whites.

The extent to which miscegenation was responsible for the free Negro population before the emancipation is indicated by the fact that in 1860 of the free Negro population 36.2 percent was mulatto in contrast to a mere 10 per-

cent of the slave population. But since the number of free blacks outnumbered the free mulattoes in all regions but in the east south central states, where blacks constituted only 48 percent of the free Negro population, a proportion of white blood did not always imply freedom. Although some free Negroes in the south in the pre-emancipation period had accumulated considerable wealth, often inherited from white relatives, and were educating their children in European universities, these were on the whole exceptional cases.

By refusing to absorb the free mulatto the white population of the United States, unlike that of the Latin and South American countries, thwarted the development of a psychology which might have served as the basis of a color caste within the Negro population after emancipation. The closest approximation to such a system was the tendency of numerous small groups of octoroons and quadroons to withdraw from black society in Richmond, Charleston and New Orleans in the twenty or thirty years following emancipation. The free Negro as a rule was only a step removed from the status of the slave; for although he enjoyed a de jure freedom, his economic opportunities, political rights and social prerogatives were in fact abridged by tradition and statute.

One possible explanation of the failure to permit a large number of Negroes, particularly mulattoes, to gain individual freedom before the Civil War and of the refusal of southern society to absorb the free mulatto lies in the composition of the white population. For the bulk of this population was composed not of slaveholding whites and owners of large plantations as in other countries, but of "poor whites," small farmers, artisans, laborers and tradesmen. The slave owning group in 1860 included about 350,000 families, representing approximately 1,750,000 individuals, while the poor whites numbered more than 5,250,000. The desire of the ruling class to perpetuate a doctrine of racial inferiority was made possible by the antagonism of the numerically preponderant poor whites both before and after emancipation. This antagonism, arising from the necessity of economic competition with blacks, both slave and free, and reenforced by fear of the political and social power of a large black population, furnished the driving power for the enactment into law and the perpetuation in custom of the sharply drawn color line.

This situation was of course aggravated by methods of emancipation forced on the South. The slave system, which had been a going concern, was overthrown by the drastic method of civil war and by the reconstruction measures imposed on a defeated population and a ruined economy through the medium of a large Negro population whose long bondage made the transition to free labor difficult. It is not surprising therefore that every effort of the federal government to assure political and economic rights to the Negro was thwarted by countermeasures of the southern communities.

The principal effort of the federal government to bridge the gap from slavery to freedom was made by the Bureau of Refugees, Freedmen and Abandoned Lands, which under congressional act of March 3, 1865, was given supervision and management of all abandoned lands and the control of all matters relating to refugees and freedmen. Upon the organization of the bureau agents of the federal Treasury and army officers turned over to it all land abandoned by or confiscated from southern landowners. Such lands aggregated about 800,000 acres; they consisted mainly of farms but also included 1500 pieces of town property. When the bureau was created, the original plan was to return the estates only to persons who could prove past and present loyalty to the Union. The balance was to be allotted to the refugees and freedmen as homesteads. This policy could not be carried out for three reasons: in the first place, much of the property had already been leased by the Treasury agents, and these leases had to be respected; secondly, the amount of land held by the bureau was small, amounting to only .2 percent of all land in the insurrectionary states; thirdly, a change in the land policy was effected by President Andrew Johnson's order of 1868, restoring to all but certain specified groups lands formerly held by them

The failure to carry out the original land policy caused much disappointment among the freedmen, who had pinned their faith on "forty acres and a mule." This and the loss of over two million dollars of the freedmen's savings by the failure in 1874 of the Freedmen's Savings and Trust Company, a government chartered institution, which was felt to be "morally and practically part of the Freedmen's Bureau, although it had no legal connection with it," led in after years to much adverse criticism of the bureau. But the accomplishments of the bureau were undeniable. It set going a system of free labor and small holdings among the freedmen by aid-

ing them in the purchase of public lands made available by the act of Congress of June, 1866; by supervising the terms under which Negroes were employed on land leased to former planters and northern whites; by allotting small parcels of land to Negroes and later by leasing lands for management and cultivation; and by organizing destitute and vagrant freedmen into self-supporting colonies, for which purpose lands ranging from one to ten thousand acres were used in each state. Moreover it secured the recognition of the black man before courts of law and opened the free public school to him and to the south generally. The attempts on the part of the southern states to adjust the freedman to his new status were embodied in the legislative enactments of the provisional southern governments of 1865–66. These measures, generally known as black codes, gave Negroes the right to sue and to be sued, to testify in court concerning Negroes and to marry according to law. But Negroes could not serve on juries or in the militia and could not vote or hold public office. The legislation officially proposed to curb widespread vagrancy among the newly emancipated blacks was actually designed to maintain a dependable labor supply. Negroes were compelled to sign work contracts, and white magistrates were given wide discretion in adjudging them vagrants. If a Negro left his employer without what was considered reasonable cause, he could be arrested and forced to work. If the employer did not care to reemploy him, he could be hired out by the county or confined to jail. The provisions of the black codes were not the same in all states. In some they were extraordinary measures which aimed to inculcate in a mass of migratory and idle labor the habits of free labor. But in other states, notably Louisiana, South Carolina and Mississippi, where every Negro had to be in the employment of some white person, the measures were so severe that they virtually reintroduced slavery in legal guise.

The enactment of these black codes, the flogging of Negroes who attempted to assert their right to social equality and numerous murders and large scale race riots at New Orleans and Memphis in the autumn of 1866 convinced northern politicians that the South was still unregenerate. Under these conditions, Congress, dominated by the radical wing of the Republican party under the leadership of Thaddeus Stevens and Charles Sumner, passed over presidential veto certain measures which reestablished military rule in the South and set up new governments in the southern states based upon universal Negro suffrage. The ratification of the Fourteenth Amendment (1868) by these new state legislatures disqualified certain classes of former Confederates from voting and officeholding, gave to the Negro equality of citizenship and denied the right of any state to abridge the privileges and immunities thus conferred upon the Negro. Two years later the Fifteenth Amendment, providing that no person was to be deprived of the franchise because of race, color or previous condition of servitude, went into effect. In 1875 a second civil rights bill gave to Negroes equality of treatment in theaters, railways, hotels and public places.

The effect of this reconstruction legislation was twofold. The Negro leaders hailed it as a triumph of democracy made possible by the Republican party's determination to crush every remnant of slavery and to establish the equality of Negroes with whites. The appearance of Negroes in the capacity of lawmakers and as holders of public offices appeared to confirm this view. In the subsequent twenty years two Negroes were sent to the United States Senate and thirteen to the House of Representatives. Negroes sat in both houses of all the southern legislatures and for a time constituted a majority in some. Thus to the Negro the Republican party became "the ship, while all else the sea"—a dictum which continued to rule Negro political sentiment sixty years after emancipation. But later events showed that the radical character of reconstruction legislation issued from no idyllic contemplation on the abstract rights of man by the Republican party and its supporters. Despite the almost fanatical devotion of Stevens and several other radicals to racial equality, the legislation was designed to effect the supremacy of the rising middle class of the North in the affairs of the nation. This was to be achieved by subjecting the South to the control of the Republican party, the political expression of northern finance and industry. Thus with the aid of the Negro politician and voter the old slaveholding class, which had thwarted the economic expansion of the North, was reduced to political impotence.

This period was, however, of short duration. In the latter part of the 1870's there was a relaxation of federal control signalized by the withdrawal of the military. The reconstruction governments declined and were succeeded by new governments created by the rising class of southern bankers, lawyers and merchants sup-

ported by the white masses. The decision of the Supreme Court in 1883 that the second civil rights bill was unconstitutional resulted in the passage by practically every southern state of Jim Crow laws enforcing the segregation which that legislation had prohibited. The white South had no longer to express surreptitiously its fear of Negro "domination" through the intimidations of a Ku Klux Klan. It was free to handle Negro political aspirations according to its standards. The course it pursued was that of eliminating the Negro by the enactment of laws setting up such qualifications for suffrage as the property and the literacy tests and the "grandfather clause," the last of which was not declared unconstitutional until 1915. Even more important was the "white primary" election of the Democratic party. Either by state law, until such laws were declared to be in conflict with the Fourteenth Amendment, or by the state party committee the Negro has been denied the privilege of participation in the Democratic primaries in most states of the South; and since primary elections are tantamount to election to office, this exclusion renders his vote valueless. From the 1890's on therefore the Negro vote has played an insignificant part in southern politics.

In close conformity with the policy of excluding Negroes from politics other types of discrimination became fixed in the customs and laws of the South; among these were residential segregation, separation of the races in public conveyances and places of amusement, exclusion of Negroes from public institutions and educational discrimination. Mob violence expressed in the form of lynching (*q.v.*) became more and more prevalent and did not begin to decline perceptibly until the beginning of the twentieth century.

Disfranchisement and social discrimination had their economic counterpart in all branches of industry except agriculture and domestic and personal service, occupations to which Negroes had been habituated under the slave regime. The entrance of the Negro into the labor market as a free man and a direct competitor of white workers, made legally possible by emancipation, was in practise thwarted by several factors, not the least of which was the hostility of white workers, expressed in exclusion from trade unions and apprenticeship. This was true not only in occupations and industries which were new to the Negro but even in the handicrafts for which as slaves they had been extensively trained. It has been estimated that at the close of the Civil War as compared with 20,000 white mechanics there were 100,000 Negroes engaged as blacksmiths, gunsmiths, cabinetmakers, plasterers, painters, shipbuilders, stone and brick masons, pilots and engineers. But in 1890 the percentages of Negroes in seven of the leading crafts in the south were as follows: carpenters 16.1, masons 28.2, painters 10.9, plasterers 33.2, blacksmiths 20.3, machinists 2.5, printers 2.7. When the Negroes were emancipated, the number employed in factories was quite small, not only because these occupations were new to them but because the total factory employment was negligible as the south was predominantly agricultural and the industries stimulated by the war had been destroyed by the Union army. Some black semiskilled and unskilled laborers were employed in the flour mills and tobacco factories of Virginia and North Carolina and in the phosphate industry of South Carolina. They were engaged also in the heavy industries as dock workers and longshoremen, and they helped to rebuild the southern railroads. In the period from 1880 to 1890 southern industry began to play an important role; the cotton textile industry was making noticeable headway and the rich coal and iron deposits of Tennessee and Alabama were being exploited. Blast furnaces, iron and steel mills, fertilizer plants and lumber, saw, planing and cottonseed mills were being built. The jobs, at least the higher and more remunerative ones thus created by the South's industrial awakening, were looked upon by white labor as its monopoly, and either through "gentlemen's agreements" with the employers or through strikes the white workers successfully opposed the employment of Negroes. Employers were more or less ready to acquiesce in the demands of the white workers because of their growing conviction that the black workman was lazy, shiftless and unreliable in the higher industrial occupations. This opposition did not prevent the employment of a considerable number of Negroes in the heavy unskilled and essentially poorer paying occupations, which became known as Negro jobs. These included a few thousand jobs in and about the cotton mills as pickers, scrubbers, washers, firemen or teamsters, some ten to twelve thousand in the brick and tile industry and in the marble and stone quarries. In the tobacco industry Negroes were employed in almost every phase except cigar making in the 1890's, but after 1900 with the introduction of

cigarette machines there was a decided decline in skilled jobs. Large employers of Negro labor were the lumber industry and the steel industry; in 1907 the Immigration Commission reported that 39.1 percent of all southern steelworkers were Negroes. The largest single employer was the Tennessee Coal and Iron Company, which prior to 1907 employed about 4000 Negroes in its manufacturing plants, constituting 25 to 30 percent of the total force. An additional 5000 were in the company's mines. Nearly all of the Negroes employed by the company were common laborers drawn from the surrounding farms. Other types of work requiring common labor went almost exclusively to Negroes—street cleaning and repairing, scavenging, sewer cleaning and digging and railroad building. The wages paid the southern Negro, whether in the skilled or unskilled occupations, were lower than those paid to the white.

Nor was there much opportunity for the Negro wage earner in the north. The small proportion of Negroes in northern industry prior to 1900 is indicated by the fact that in 1890 out of 172,970 Negro industrial workers in manufacturing and mechanical industries, 82.6 percent were employed in the south. At the outset of emancipation, northern capitalists looked upon the new supply of Negro labor which the disorders of reconstruction had set moving to the southern cities as a reserve which could be tapped at will. On the eve of emancipation the secretary of the Interior had proposed that 200,000 southern Negroes be apprenticed for five years under congressional regulations to the constructors of the Union Pacific Railway, which at the time (1863) was already employing 300 Negroes, in a total force of 1500 workers. While nothing came of this proposal, other attempts were made in this period to introduce the Negro into northern industry, frequently in the capacity of strike breaker. In almost every labor disturbance in the steel industry between 1878 and the middle 1880's, in the slaughtering and packing industries and among the coal miners of the middle and southwest between 1890 and 1900, Negro strike breakers were used. A precedent for this practise had been established as early as 1855 and later in 1863, when Negroes were used to break the strikes of white longshoremen in New York, Buffalo and other eastern cities. Similarly in 1867 colored ship calkers were imported from Portsmouth, Virginia, to Boston to defeat the white workers' struggle for the eight-hour day. Negroes first entered the steel industry in the north in 1875, when colored puddlers were brought from Richmond, Virginia, to Pittsburgh to take the place of white strikers. In the main, however, the steady flow of immigrants furnished northern capitalists with a constant supply of cheap labor enabling them to forego the employment of Negroes except in emergencies. Unskilled as well as skilled occupations were manned by white workers. The opposition of the white workers in the north to the employment of Negroes was no less intense than that of the southerners. Between 1880 and 1890 fifty strikes against the employment of Negroes were reported.

The trade unions, dominated by a skilled craft ideology and viewing the Negroes as an industrial reserve of unskilled workers with no roots in industry, made no serious effort to allay the mutual hostility of the white and the black workers. The three tendencies characterizing the relations of the Negro worker to the labor movement as a whole, which became apparent immediately after the abolition of slavery, have continued to this day: first, craft unionism dominated by a policy of Negro exclusion or subordination; second, labor organization of an inclusive character whose very nature required the admission of all workers; third, an independent Negro labor movement divided to some extent over the issue of race separatism and class unity but inevitably seeking the cooperation of the rest of the labor world.

Immediately following emancipation Negro craftsmen knocked in vain at the doors of the trade unions. Because the craft unions of this period were extremely and consciously decentralized, when attempts were made at national conventions to bring about the admission of all workers regardless of color, the majority of the delegates would fall back on the principle of local autonomy and insist that any attempt by a central body to foist the idealism of a national minority upon apathetic and intolerant local majorities would wreck the future of the craft union movement.

The situation in the National Labor Union formed in 1866 was somewhat more encouraging; under the leadership of William H. Sylvis the union sought an alliance of all workers, white and black, against the "non-producing aristocracy." These years also witnessed the first attempt at the independent organization of the Negro workers. Local movements demanding the enactment of the reconstruction program of equal educational opportunities, equal citizen-

ship and land led to a series of national conventions of black workers, where the issue of race separatism versus class solidarity was fought out. Class unity won and the Negro Labor Congress founded in 1869 sent a delegation in 1870 to the National Labor Union, which the latter enthusiastically admitted. But despite the good will of the National Labor Union, the growing influence of the exclusive crafts in its councils soon aroused the suspicions of the Negro workers and put an end to the attempts at class unity. Meanwhile the Negro Labor Congress under the domination of Negro Republican politicians was turned into a party tool, losing every vestige of its working class character.

The Knights of Labor, which succeeded the National Labor Union, made special efforts to organize all workers regardless of skill or race. At the height of its power in 1886 the Knights claimed 60,000 Negro members. With the decline of general and industrial unionism and the ascendancy of craft unionism Negro union membership again began to fall off. In 1900 the American Federation of Labor included no more than 32,619 Negro workers. Even this figure seems greatly exaggerated. It includes 20,000 miners and 6000 longshoremen and while the latter figure is probably correct, the former is undoubtedly much too high.

The opposition of white workers in the north as well as in the south, the reluctance of employers to hire Negroes except in the unskilled branches of industry or as strike breakers and the differential wage policy affecting white and black labor increased the Negro's dependence upon agriculture and domestic service. The Civil War had left the South weak and prostrate. Shorn of its chief form of wealth, human chattels, it continued to rely upon cotton farming as its principal economic activity and looked for its labor supply to the freed Negro, long habituated to the system. Cotton culture thus maintained its traditional hold on the labor of black men. Of the total of 1,728,325 Negroes in agriculture in 1890 and the 2,881,454 in 1910 the number in branches other than cotton culture, such as dairying, stock raising and mixed farming, constituted less than 0.5 percent.

In most cases these Negro cotton farmers became tenants renting land according to the share system. A small number rose to the landowning class by settling abandoned lands, buying land auctioned by the government for taxes and by purchasing the small parcels into which the great estates were divided by impoverished planters at the close of the war. For the most part, however, they were employed as laborers by their former masters and were thus maintained as a rural proletariat whose migration to the centers of industry was forestalled by lack of industrial opportunity and by their own habituation to a rather easy going existence under southern paternalism as well as by the gradual spread of peonage.

Thus the 1,106,728 Negro farm laborers constituted 64 percent of the total number of Negroes employed in agriculture in 1890. Between 1890 and 1910 there was a numerical increase of 837,027 Negro farm laborers, or a percentage increase of 75.6, and they now amounted to 67 percent of the total. But after 1910 the number began to decrease, showing a phenomenal decline after the World War.

On the other hand, many Negroes between 1890 and 1910 had risen to a position of independent proprietorship, while others were tenants paying a fixed rent either in money or in crops. In this period the number of Negro farm owners rose from 120,738 to 218,972 and that of tenants from 469,928 to 672,964. The overwhelming majority of these were in the south. By 1910 Negroes owned or were in the process of owning 12,847,348 acres of land valued at $620,587,241. This appraisal was chiefly on the basis of land, since the capital equipment was on the average meager. In spite of this admitted rapid progress in landownership the Negro farmer stood in an inferior position to his white neighbor with respect to productive efficiency, financial resources and credit facilities. Low yields, lack of self-financing, which further strengthened the crop lien system, and higher interest charges made the problem of the Negro farmer even more serious than that of the white cotton producer. The tenant farmer, on the other hand, was beset with the evils of the share crop system, under which the landowner supplied the tenant with tools, seeds, farm equipment and sometimes clothing in return for a stipulated share of the crop; the books were usually kept by the landlord, who also marketed the crop. On the whole the system kept the tenant in a state of perpetual debt. Since he could not leave the land until this debt was paid he was virtually a peon. Yet during the decade 1890–1900 many tenants rose to the status of owners. But in the next twenty years the situation changed. After 1900 the proportion of Negro tenant farmers increased in practically every southern state, while the percentage of

owners decreased. This was true also of the white farmers, but the proportion was greater among the blacks. In 1925 it was estimated that 42 percent of the white farmers and 76.5 percent of the Negro farmers in the south were tenants. Between 1910 and 1925 there was a decrease in four southern states of 88,023 farms, of which 83,780 were Negro farms. The peak of farm acreage held by Negroes was reached in 1920 with 41,432,182 acres, mostly in the south; by 1930 this had been reduced by 4,000,000 acres. This change was partly the result of the increased price of land and the consolidation of farms under capitalist management which left actual cultivation in the hands of tenants and laborers and partly the result of the migration of whites and Negroes to the cities.

The next largest occupational group was in domestic and personal service. In 1890, 956,754, or 31.1 percent of gainfully employed Negroes, were domestics; by 1900 the number had risen to 1,317,859, or 33 percent. The percentage for 1910 and 1920 was far lower, 21.6 and 22.1 respectively, and the absolute numbers had decreased also. Probably as a result of the depression the number thus occupied rose in 1930 to a high point of 1,576,205, or 28.6 percent. Whereas in 1890 probably four fifths of all Negro workers in domestic and personal service were to be found in the south, the subsequent periods of migration undoubtedly changed this ratio considerably. Finally, while prior to 1910 the number of men employed was almost equal to that of women, after that year it dwindled to about one third. In the census years 1910, 1920 and 1930 male Negroes in domestic service accounted for 8.4, 8.4 and 11.6 percent of the total number of male Negroes employed and the percentage for women was 42.4, 50.3 and 62.6 respectively. An examination of the figures shows that in domestic service itself and in the power laundries the ratio of women to men was four or five to one. The economic position of the Negro woman is probably the lowest in the entire working population.

The hold of agriculture and domestic service on the economic life of the Negro was broken by the great migrations to the northern cities which reached their peak between 1916 and 1924. Discontent with the system of farm tenancy and revolt against Jim Crowism and the denial of civil rights and educational privileges played a part in stimulating the urban and particularly the northward migration. But the factor of preponderant importance was the opening up of new opportunities for employment caused by wartime expansion of industry and the stoppage of immigration. As early as the 1880's Negro farm hands showed a tendency to drift to the cities of the south, forsaking farm labor for work in the mines, lumber camps and sawmills. Beginning with 1900 the movement to these cities increased perceptibly, including not only farm laborers but also tenants and some owners. Since 1900 over a million Negroes have migrated to southern cities. By 1930 the number of Negroes living in southern cities exceeded the number in northern cities. The migrations to the north, because of their greater social and economic significance, justly commanded more attention. This movement cityward was part of a general movement away from the land common to all industrial countries. The Negroes, who at first lagged behind other population groups in this tendency, have been catching up during the last generation.

The movement to the north began at about the same time as the urban shift in the south; although the numbers were small for each year, the drift was steady and by 1910 the number of Negroes in the north began to reach significant totals. The two great waves of Negro migration occurred between 1916 and 1919 and between 1921 and 1924. From 1890 to 1910 the number of southern born Negroes in the north and west increased at an average of about 67,000 in each decade. Between 1910 and 1920 the net increase of the southern born Negroes in these sections was 321,890, or about 45 percent. Between 1920 and 1930 the number rose to almost 1,000,000, or 63 percent of the total. The approximate volume of these waves can be gauged by an examination of the changed distribution of Negro population from 1860 to 1930, the proportions which it formed of populations in the various sections of the country and the increase in the Negro population of ten leading industrial centers in the north since 1910, as shown by Tables I, II and III.

Although discontent with southern conditions played a part in stimulating this northward migration, far more important were the new opportunities arising out of the conditions mentioned above and the promise of freedom from social discrimination. Thousands of the Negroes who migrated to the industrial centers to meet the shortage of labor did not wander north spontaneously but were brought there by the labor agents of large employers. So great was this drain upon the labor resources of the

TABLE I

GEOGRAPHIC DISTRIBUTION OF NEGRO POPULATION IN THE UNITED STATES, 1860–1930*

	1860	1870	1880	1890	1900	1910	1920	1930
South								
Number	4,097,111	4,420,811	5,953,903	6,760,577	7,922,969	8,749,427	8,912,231	9,361,577
Percentage	92.2	90.6	90.5	90.3	89.7	89.0	85.2	78.7
North								
Number	340,240	452,818	615,038	701,018	880,771	1,027,674	1,472,309	2,409,219
Percentage	7.7	9.3	9.3	9.4	10.0	10.5	14.0	20.2
West								
Number	4,479	6,380	11,852	27,081	30,254	50,662	78,591	120,347
Percentage	0.1	0.1	0.2	0.4	0.3	0.5	0.8	1.1
Total	4,441,830	4,880,009	6,580,793	7,488,676	8,883,994	9,827,763	10,463,131	11,891,143

* In terms of the geographic divisions of the Bureau of the Census, south comprises south Atlantic, east south central and west south central divisions; north comprises New England, middle Atlantic, east north central and west north central divisions; west comprises mountain and Pacific divisions.

Source: For 1860–1910: United States, Bureau of the Census, *Negro Population, 1790–1915* (1918) p. 32–33. For 1920–30: United States, Bureau of the Census, *Fifteenth Census of the United States, 1930*, vol. iii, pt. 1 (1932) p. 24.

TABLE II

PERCENTAGE OF NEGROES TO TOTAL POPULATION BY GEOGRAPHIC DIVISIONS, UNITED STATES, 1860–1930

	1860	1870	1880	1890	1900	1910	1920	1930
New England	0.8	0.9	1.0	0.9	1.1	1.0	1.1	1.2
Middle Atlantic	0.8	1.7	1.8	1.8	2.1	2.2	2.7	4.0
East north central	0.9	1.4	1.6	1.6	1.6	1.6	2.4	3.7
West north central	5.6	3.7	3.3	2.5	2.3	2.1	2.2	2.5
South Atlantic	38.4	37.9	38.7	36.8	35.7	33.7	30.9	28.0
East south central	34.7	33.2	34.5	33.0	33.1	31.5	28.4	26.9
West south central	36.9	36.4	32.6	29.1	25.9	22.6	20.1	18.7
Mountain	0.1	0.5	0.8	1.1	0.9	0.8	0.9	0.8
Pacific	1.0	0.7	0.6	0.7	0.6	0.7	0.9	1.1
United States	14.1	12.7	13.1	11.9	11.6	10.7	9.9	9.7

Sources: For 1860–1910: United States, Bureau of the Census, *Negro Population 1790–1915* (1918) p. 51. For 1920–30: United States, Bureau of Foreign and Domestic Commerce, *Statistical Abstract of the United States, 1932* (1932) p. 20

TABLE III

INCREASE IN NEGRO POPULATION IN TEN LEADING INDUSTRIAL CENTERS, 1910–30

CITY	1910	1920	PERCENTAGE INCREASE 1910–20	1930	PERCENTAGE INCREASE 1920–30
New York	91,709	152,467	66.3	327,706	114.9
Chicago	44,103	109,458	148.2	233,903	113.7
Philadelphia	84,459	134,229	58.9	219,599	63.6
Detroit	5,741	40,838	611.3	120,066	194.0
Cleveland	8,448	34,451	307.8	71,899	108.7
St. Louis	43,960	69,854	58.9	93,580	34.0
Pittsburgh	25,623	37,725	47.2	54,983	45.7
Cincinnati	19,639	30,079	53.2	47,818	59.0
Indianapolis	21,816	34,678	59.0	43,967	26.8
Kansas City	23,566	30,719	30.4	38,574	25.6

Source: For 1910: *Negro Population 1790–1915* (1918) p. 95–105. For 1920: *Abstract of the Fourteenth Census* . . . (1923) p. 108, 111 For 1930 and all percentage figures: United States, Bureau of the Census, *Abstract of the Fifteenth Census of the United States* (1933) p. 104.

south that many southern states and local communities passed laws designed to stop it. But neither legal measures nor a definite propaganda on the part of the south could stay the trend.

The urbanization of the Negro meant a shift from agriculture to industry. Table IV shows

TABLE IV

NEGROES TEN YEARS AND OVER IN OCCUPATIONS, UNITED STATES, 1910, 1920 AND 1930

OCCUPATION	1910			1920			1930		
	NUMBER OF NEGROES	PERCENTAGE DISTRIBUTION OF TOTAL NEGROES	PERCENTAGE OF NEGROES TO TOTAL IN OCCUPATION	NUMBER OF NEGROES	PERCENTAGE DISTRIBUTION OF TOTAL NEGROES	PERCENTAGE OF NEGROES TO TOTAL IN OCCUPATION	NUMBER OF NEGROES	PERCENTAGE DISTRIBUTION OF TOTAL NEGROES	PERCENTAGE OF NEGROES TO TOTAL IN OCCUPATION
Agriculture	2,834,969	54.6	22.9	2,133,135	44.2	19.9	1,987,839	36.1	19.9
Forestry and fishing	33,776	0.7	14.0	31,375	0.7	11.2	31,732	0.6	12.8
Extraction of minerals	61,129	1.2	6.3	73,229	1.5	6.9	74,972	1.4	7.6
Manufacturing and mechanical industries	655,906	12.6	6.1	901,181	18.7	7.0	1,024,656	18.6	7.3
Transportation and communication	256,098	4.9	9.6	312,538	6.5	10.1	397,645	7.2	10.3
Trade	119,975	2.3	3.3	141,119	2.9	3.3	183,809	3.3	3.0
Public service	22,229	0.4	5.1	50,436	1.0	6.8	50,203	0.9	5.9
Professional service	68,350	1.3	4.0	81,771	1.7	3.7	135,925	2.5	4.2
Domestic and personal service	1,121,251	21.6	29.9	1,063,008	22.0	31.4	1,576,205	28.6	31.8
Clerical occupations	19,052	0.4	1.1	36,359	0.8	1.1	40,549	0.7	1.0
Total	5,192,535	100.	15.65	4,824,151	100.	11.58	5,503,535	100.	11.3

Source: United States, Bureau of the Census, 15th Census, 1930. *Occupational Statistics; Color and Nativity of Gainful Workers* (Washington 1933) p. 4–5. The figures for Negro percentage of total persons in each occupation 1910 and 1920 have been computed by the authors.

the changing occupational distribution of Negro workers and the proportion which they constitute of the total employed. The lower economic status of the Negro is shown by the fact that although in 1930 Negroes constituted only 9.4 percent of the total population of ten years and over, they accounted for 11.3 percent of the gainfully employed; in the east south central states these percentages were 27.2 and 33.5. Of the total Negro population 59.2 percent were gainfully employed as against 56.1 percent of the foreign born and 47 percent of the native whites; the higher proportion of Negro working women and children accounts in part for the difference.

The migrations profoundly altered the relation of the Negro to industry. While prior to the World War Negroes constituted an industrial reserve upon which employers could draw in times of labor shortage or strikes, they had become by 1929 an integral part of the labor force in practically every important industry. For the most part they were recruited for work in heavy industry, being assigned the jobs which native Americans or Americanized foreign born workers did not want or from which they were rapidly passing. Within a few years the percentage of Negroes engaged in heavy work which required little skill or experience, in the steel mills and blast furnaces, the foundries, the automobile and car plants, the packing houses and the unskilled branches of the building and construction industries, showed a striking increase. In 1930 Negroes constituted 22.7 percent of the building laborers, 16.2 percent of the unskilled workers in the steel industry and 25 percent of the unskilled in the meat packing industry. They comprised 60 percent of the tobacco workers, 89.5 percent of unskilled hands in saw and planing mills and 31.7 percent of the longshoremen in 1920. Although the figures are not strictly comparable, it may be stated that whereas in 1890 Negroes accounted for 3.4 percent of the total number of employees in manufacturing and mechanical industry, by 1930 the proportion had risen to 7.3 percent.

The migrations also changed the ratio of rural and urban Negroes, as is indicated in Table v, showing comparisons with white rural population. Although the Negro is still predominantly rural the rate of his urbanization in the past fifty years has been far more rapid than that of the whites, and outside the south the degree of urbanization is greater among Negroes than among whites.

TABLE V

PERCENTAGE OF RURAL POPULATION TO TOTAL, NEGRO AND WHITE, 1890–1930*

	TOTAL	SOUTH	NORTH	WEST
1890				
Negro	80.2	84.7	38.2	46.0
White	61.6			
1900				
Negro	77.3	82.8	29.5	32.6
White	57.0			
1910				
Negro	72.6	78.8	22.6	21.4
White	51.3	76.8	41.7	50.8
1920				
Negro	65.9	74.6	15.2	26.1
White	46.6	70.9	37.4	47.5
1930				
Negro	56.4			
White	42.3			

* Rural population is by census definition that outside incorporated settlements with a population of 2500 or more. For definition of regions see Table I.

Source: For all figures 1890–1910: United States, Bureau of the Census, *Negro Population 1790–1915* (1918) p. 88 and 92. For geographic divisions 1920: Truesdell, L. E., *Farm Population of the United States*, United States, Bureau of the Census, Census Monographs, no. 6 (1926) p. 100. For 1930 figures: United States, Bureau of the Census, *Abstract of the Fifteenth Census of the United States* (1933) p. 83.

The readjustment of these southern peasants to urban and industrial life was not easy. Even those who came from southern factories had to meet the greater exactions and faster pace of northern industry. Employers complained that the black worker was unsteady, that he would leave after pay day and not return to work until his money was spent, that he ran heavily into debt so that garnishments on his wages were frequent. Many of those who hired Negro labor when no other was available looked upon these failings as racial traits and replaced their black workers with white as quickly as they could. But as the Negro migrant adapted himself to his new environment, the complaints of employers diminished. Labor turnover declined and the black men, particularly when they decided to remain in the north and brought their families up with them, became as steady and reliable as any other new group of workers.

Even more difficult were the social adjustments. The sudden influx of thousands of members of a race which the white American was wont to regard as inferior caused all sorts of complications. Negroes underbidding for jobs tended to depress wages. Competition for housing in the sections into which Negroes moved aggravated an already acute housing shortage caused by wartime suspension of building and contributed heavily to the raising of rents to fantastic figures for both whites and blacks. Residential segregation, practised in the north no less than in the south, added further complications. All available housing space in the Negro sections was quickly taken and the newcomers were obliged to seek homes in sections monopolized by whites. The prospect of having Negro neighbors caused whites to abandon these blocks and to seek homes in other crowded areas, where the cost of housing quickly rose in response to the new demand. Meanwhile landlords in sections into which Negroes were moving attempted to stop the black influx, which they believed doomed their property to rapid deterioration, by boosting rents to black tenants far above the sums they charged whites. In some places white home owners' and tenants' leagues compelled landlords to refuse to rent to Negroes. In other sections, where such pressure failed, resort was had to threats and actual physical violence. Very serious race riots, in which 39 Negroes and 8 whites were killed, occurred in East St. Louis, Illinois, in 1917; and in 1919 there were 26 riots, the most serious of which were in Washington, D. C., and in Chicago. Yet it is surprising that the violence and bloodshed accompanying so huge a mass movement was not far greater. Perhaps the remarkable degree of solidarity shown by the Negroes and their readiness to fight back when threatened made the whites hesitate to challenge them and were responsible for the comparatively peaceful adjustment.

One of the immediate social results of the migration was the rousing of the Negro to a high degree of race consciousness, which was further augmented by the militant spirit of discharged black soldiers after the World War who remained in New York and other northern centers instead of returning home. These ex-soldiers protested bitterly at the official segregation policy to which they had been subjected in the army while the government was arousing the country to fight to "make the world safe for democracy." Now that they had become civilians again in the comparatively tolerant north they were determined to get their full rights as American free men.

This militant race consciousness was at once reflected in and stimulated by a group of rising Negro poets and novelists, the most notable of whom was Claude McKay; and journalists like

Chandler Owen, A. Philip Randolph, W. A. Domingo and others, editors of such radical publications as the *Messenger*, the *Crusader*, the *Emancipator* and the *Challenge*.

The discontent expressed by much of this writing was economic as well as social. Not only did it voice objection to barriers which the northern no less than the southern white world placed in the way of equal treatment of the races but it protested against economic exploitation by the owning classes, frequently mistaken for racial discrimination but in reality fundamentally the same sort of exploitation from which the whole working class suffered.

Some five or six years after the war the race consciousness which had expressed itself in economic radicalism and social protest began to be voiced through literary channels. Claude McKay, Langston Hughes, Countee Cullen, Rudolph Fisher and James Weldon Johnson are but a few of the poets and novelists of high talent whose writings received wide acclaim. The work of these writers together with the sudden manner in which the Negro was injected into northern life aroused white interest in Negro revues and in the spirituals, while the general restlessness of the time was expressed through jazz, a musical dance idiom whose creation is credited to the Negro, but in whose development members of both races have participated equally. This artistic expression, the so-called New Negro movement, was hailed by some as a distinctive Negro art while others maintained that it was merely a reflection of general American conditions with no distinct racial characteristics.

In the new northern environment all of the clashing social philosophies and schools of thought which had been agitating the Negro people since emancipation took on new and revitalized meaning. These tendencies may be divided into four broad classes: first, interracial conciliation, which attempts to cultivate the good will of the white upper classes; second, civil libertarianism, which seeks to remove all discrimination against Negroes and to guarantee to them full social and political equality and economic opportunity, through legislation, court action and a propaganda of enlightenment; third, militant race consciousness, which holds that the interests of the two races are inevitably divergent; fourth, class consciousness and class unity, which are postulated upon the theory that the interests of the two races are identical and can be served only by united action on the part of both against the capitalist system which exploits them. Few leaders or organizations represent any one tendency to the exclusion of all others. Elements of all can be found in almost every platform.

The leaders of the emancipation period, particularly Frederick Douglass, while recognizing the need for unity of the working classes, both black and white, stressed the second program. They looked for the attainment of equal citizenship and education by political means and with the help of the Republican party.

The reaction of the 1880's and 1890's resulted in a retreat from this position and an emphasis on interracial conciliation. This view has its roots in what has come to be called the Uncle Tom psychology of the period of slavery. Since under slavery the black worker had to be properly cared for in order to remain an asset to his master, it happened that on some of the plantations he was better off than the vast majority of the poor whites, whose bare subsistence came out of the undesirable marginal lands left to them. In the towns the slave artisan with the power of the master class behind him outnumbered by five to one the white artisan, who could not compete with him. The antagonism was further intensified by the fact that it was from the poor white class that the overseers and slave catchers were drawn. Slaves thus came to look to "good masters" for support; and when it became apparent that emancipation had changed their legal status but had left their economic relation to their masters largely intact, they continued in this dependence. The reliance upon "good white men" became intensified when northern philanthropists began to build institutions for the relief, education and moral and material improvement of the freed slaves. Since these missionaries who came south imbued with the abolitionist zeal found no cooperation among the southern whites and were themselves barred from all "good society" because of their association with Negroes, they set up separate Negro schools and churches, which later became the basis of the dual educational and welfare systems characteristic of the southern states.

Later when the big foundations—the Peabody, Slater, and Rosenwald funds and the Rockefeller Foundation—set out systematically to improve the condition of the Negro, they felt the need for the cooperation of the southern upper classes. These classes were now glad to cooperate if northern philanthropy would keep its hands off the southern social structure. The

new South welcomed the establishment of Negro churches, schools, colleges and welfare agencies, provided they were separate and distinct from those of the white world. Philanthropy, thus confronted by the wall of race separation, accepted the dictates of the South's ruling class and proceeded to set up separate Negro institutions. Its action was not merely a resigned acquiescence in a necessary evil but was grounded in a positive philosophy of interracial conciliation within the framework of established arrangements.

In their efforts to help the Negro some of the foundations are attempting to bestow upon him social and educational agencies duplicating those of the white world. They seek to expand southern Negro colleges into universities engaging in research and professional training and granting master's and doctor's degrees. They want to set up separate Negro hospitals in northern cities. The net result of this would be to encourage segregation on the part of the northern hospitals and universities, and since it would be generations before Negro institutions could compete with the white, the black man would be condemned to lower standards of service and education. Thus northern philanthropy, already a powerful instrument for fortifying white supremacy, threatens to become an even more effective tool for "keeping the Negro in his place."

The outstanding Negro spokesman of northern philanthropy was Booker T. Washington. Washington was educated at Hampton Institute in Virginia, one of the first important institutions for Negroes set up by northern philanthropy; and in establishing Tuskegee Institute in 1881 in the depths of the Alabama black belt he followed the program of the former. Hampton and Tuskegee aimed to teach the Negroes skilled trades, agriculture and household arts and to train teachers to go out among their people. Such institutions would replace the training formerly given to the black slave by his master, compensate the freedman for his weak position in competing with the white artisan who barred him from apprenticeship and trade unions, and help to overcome the handicap involved in the introduction of new machinery, which rendered much of the Negro's previous skill and training obsolete. The very crafts and trades which they were teaching were fast disappearing, if not entirely outdated. This fact was recently recognized by the Tuskegee and Hampton authorities when they changed their curriculum, greatly modifying their emphasis on industrial instruction and concentrating instead on agriculture and teacher training.

For the most part the enormous influence of Washington and Tuskegee lay in the philosophy which they taught. "The wisest of my race," declared Washington, "understand that the agitation of questions of social equality is the extremest folly. . . . No race that has anything to contribute to the markets of the world is long in any degree ostracized." He urged the Negro to accept the position in which he found himself, to ask no privileges which were not freely granted him, to work hard and acquire such economic independence as he could. His salvation rested upon the good will of the white upper classes. Appealing to this good will, Washington declared: "Casting down your bucket among my people, helping and encouraging them . . . to education of head, hand and heart, you will find that they will buy your surplus land, make blossom the waste places in your fields, and run your factories. While doing this you can be sure in the future, as in the past, that you will be surrounded by the most patient, faithful, law-abiding, and unresentful people the world has ever seen. As we have proved our loyalty to you in the past . . . we shall stand by you with a devotion that no foreigner can approach, ready to lay down our lives, if need be, in defense of yours, interlacing our industrial, commercial, civil, and religious life with yours in a way that shall make the interests of both races one. In all things that are purely social we shall be as separate as the fingers, yet one as the hand in all things essential to mutual progress."

On the question of labor organization, the central problem of the modern wage earner, Washington did what he could to discourage the black worker from putting his trust in working class unity. As he saw it, "the average Negro who comes to town . . . does not understand the necessity or advantage of a labor organization which stands between him and his employer. . . . [He] is more accustomed to work for persons than for wages. When he gets a job, therefore, he is inclined to consider the source from which it comes. . . ." He "does not like an organization which seems to be founded on a sort of personal enmity to the man by whom he is employed. . . ."

Negro leaders, taking their cue from Washington, have preached even more directly and explicitly the doctrine of avoiding the white worker's union and relying instead upon the

"good" white man. "I believe that the interest of my people lies with the wealth of the nation and with the class of white people who control it," declared Bishop Carey in Chicago in 1924. "The black people at large should align themselves as far as possible with the wealthier classes in America," wrote the editor of the Negro paper, the Chicago *Whip*, opposing an attempt to form a union of Negro sleeping car porters in 1926.

The Washingtonian distrust of the labor movement stems partly from the traditional hostility of the black and white working classes and partly from Negro dependence on the white master class and later upon northern philanthropy. But there is also another and equally important factor: an abiding faith in the good American notion that the way to get on in the world is to begin at the bottom and through hard work, enterprise, thrift and efficiency work one's way up to the top of the scale. The Negro should not fight his employer but should learn to be an "efficient," reliable and loyal workman. Ultimately by practising the great middle class virtues of thrift, enterprise and efficiency, the worker could himself become a business man. In order to encourage this attitude Washington in 1900 established the National Negro Business League.

It was not until the period of the migrations that the National Negro Business League under the leadership of Major Robert R. Moton, Washington's successor, became a really important organization, making the ideal of an independent black economy within the confines of white society a potent force in every Negro community in the United States. As a matter of fact the idea of an independent Negro economy antedated the Business League by half a century. It was first put forward in the 1850's, while the Negro masses were still enslaved, by Martin Delany and McCune Smith as a means of economic salvation for the free Negro.

Negro businesses are chiefly a product of segregation; they are "defensive enterprises." It is estimated that there are at present about 70,000 Negro business undertakings. The largest number of successful ventures—restaurants, beauty parlors, barber shops and funeral parlors—are in the field of personal service, where racial discrimination is general. The most highly capitalized of the Negro financial undertakings are the insurance companies. These developed from the burial and mutual aid societies and secured their foothold as a result of the policy of large white companies of excluding Negroes or charging them higher premium rates. The Negro banks, although faced with a restricted investment and typically subject to poor management, owe their origin to the refusal of white banks to extend credit to Negro home owners and business men. In 1930 there were 50 insurance companies owned and operated by Negroes; 13 of these were legal reserve and the others were assessment associations. Twenty-five of the largest companies reported current insurance amounting to $205,335,433 in 1930. In 1927 there were 33 savings and commercial banks; between 30 and 50 building and loan, mutual saving and loan or investment associations. The total assets of the 33 banks were $15,292,820; capital was $2,086,369; total surplus was $485,911; and total deposits were $11,900,250. The development of these and similar institutions is advocated as the basis of a Negro middle class economy. That such an economy has serious limitations seems to be evidenced by the failure of Negro banks and the difficulties of several of the largest insurance companies. From 1880 to 1930 no fewer than 130 Negro banks had been organized, whereas today there are no more than 25. The greatest limitation upon the development of Negro business enterprise arises from the fact that basic industry, essential raw materials, transportation and finance are all controlled by white capital.

Because of these serious obstacles Negro business affords no real foundation for the growth of a black middle class. Such a class has its only substantial basis among the professional and white collar workers, whose development is conditioned upon certain economic needs of a growing industrial proletariat. Not only was the movement of the Negro to the northern centers of industry not marked by a decline of segregation and social discrimination, but, on the contrary, northern whites were as pronounced in their distaste for serving Negroes in personal capacities as their southern brethren. This has resulted in the increase of personal service enterprises with a corresponding increase in the number of Negroes in the white collar class. In 1920 there were 34,434 Negro stenographers, bookkeepers, advertising and insurance agents, salesmen and clerks in stores, floorwalkers and inspectors. In 1930 the number had increased to 59,301. There was also an increase in the size of the Negro business and professional classes. In the business class bankers, brokers, real estate agents, retail and wholesale dealers and under-

takers numbered 26,822 in 1920 and 35,833 in 1933. In the professional class clergymen, college presidents, professors, teachers, dentists, lawyers, trained nurses, social workers and physicians numbered 65,472 in 1920 and 95,454 in 1930.

Advocacy of racial separatism and ruling class conciliation is represented by a number of institutions in addition to the industrial schools. Most important of these are the evangelical churches, the Young Men's Christian Association, the Interracial Commission at Atlanta, Georgia, and its various local committees and the Urban League. Of these the most important, despite a recent decline in influence, is the church. The role of the Negro church is unique; for it is not merely a place of religious worship but the very center of Negro social life. This influence is another instance of the heritage of slavery. The church won its hold over the slaves by giving them an emotional release and substituting heavenly for earthly hopes. But the present day importance of the Negro church lies in the fact that it is the one large institution where the black man can find avenues of self-expression and enterprise free from the white man's direct intrusion and control.

The Interracial Commission is the organized expression of the liberalism of the "New South" in race relations. Functioning through interracial committees in various cities, it tries to combat race prejudice and to promote interracial good will through lectures, discussion groups and forums, and courses in the southern colleges for whites. In the northern industrial centers the commission has its counterpart in the National Urban League and its various locals. These are social welfare agencies administered by Negroes, directed by boards of white and Negro trustees and financed largely by white employers and philanthropic agencies and to a small extent by contributions from the local Negro communities. The leagues engage in a large variety of activities: they carry on many functions of social relief agencies and operate free employment bureaus. During the migrations they played a very important role in procuring jobs for Negroes, acquainting employers with their desirable qualities as workers and helping the migrants to adjust themselves to their new environment. In their eagerness to find jobs for Negroes local leagues frequently furnished labor to break strikes. The National Urban League, however, saw the importance of trade union membership for placement in skilled jobs and waged a campaign to induce the unions to open their doors to black workers.

The teachings of Booker T. Washington were opposed almost at the start by Dr. W. E. B. Du Bois, who in his famous book, *The Souls of Black Folk* (Chicago 1903), demanded full social and political equality for the Negro. He attacked Washington's emphasis upon industrial education and demanded equal educational opportunities for Negroes. In answer to Washington's advice that the Negro eschew politics and concentrate on learning how to be a good workman Du Bois has recently declared that "a disfranchised working class in modern industrial civilization is worse than helpless. It is a menace not simply to itself but to every other group in the community. It will be diseased; it will be criminal; it will be ignorant; it will be the plaything of mobs, and it will be insulted by caste restrictions." His position stems directly from that of Frederick Douglass and the other Negro leaders of the reconstruction period. The Washington philosophy, which many think was an advanced position for its day, was reactionary from its inception and represented a step backward from the Negro leadership of the preceding generation.

Du Bois and the National Association for the Advancement of Colored People, which he helped to found in 1909, have for a generation demanded the elimination of all social and legal restrictions distinguishing the black citizen from the white. The central tenet of their philosophy is that each individual Negro is entitled to the same rights as each individual white person: the right to enter public places, the same accommodations on public conveyances, equal expenditure of public funds for education, the right to live wherever he chooses, the right to work without discrimination and the right to vote. By confining its activities to the field of civil liberties the association has neglected to adopt an economic program. Even when it has interested itself in economic issues, as in its struggle against trade union discrimination, its campaign has always been based on the issue of civil liberties rather than on the principle of labor solidarity.

Both the Washington and Du Bois philosophies postulate the ability of Negroes and white men to live together in fundamental harmony in spite of their antagonisms. The intensification of competition growing out of the migrations, however, led thousands of Negroes to believe that the barriers of race were too high to be

hurdled. This attitude culminated in the "back to Africa movement" of Marcus Garvey, originating about 1914 and later developing into an international pan-African movement. The black man, Garvey insisted, could never find a really decent home in America, a white man's country. For the time being of course he had to get along as best he could. His worst enemy was the white worker, his greatest competitor and rival. Since the white employer was selfish, he would employ anyone who would do his work. The black worker should therefore align himself with the capitalist against the white worker and should work for less than the white worker's standard wage in order to be secure in his job. Meanwhile the Negro should also build up his own racial enterprises to strengthen his economic position and further consolidate his independence.

The more practical activities in which Garvey was engaged were the organization of several cooperative grocery stores and the founding of the Black Star Steamship Company for trade between Negroes in the United States and those in Africa and the West Indies. After accumulating at least $1,000,000, which he expended upon unseaworthy vessels, extravagant living and uneconomic ventures, Garvey's bubble burst and he was deported to his native country, Jamaica, in 1927.

Although Garveyism was able to gain a tremendous hold upon Negroes in all parts of the country, its principal influence was among the new migrants in northern cities immediately following the World War. These simple people, fresh from the fields and unaccustomed to their strange surroundings, turned to this emotionally satisfying movement, which offered them an escape from their troubles to a promised land of their own. Garvey's propaganda was as glamorous and theatrical as he could make it. He formed organizations with elaborate names—the Universal Negro Improvement Association, the African Communities (Imperial) League—while the officers took long and imposing titles and wore gaudy uniforms. Still the movement made little headway among the older and more sophisticated industrial workers. They attended Garvey's meetings and cheered the speeches with the rest, but they refused to follow his industrial advice. This was particularly true of Negroes who gained admission to the unions and became convinced of the advantages of working class unity.

The outstanding examples of working class unity in the official labor movement were the miners' and longshoremen's organizations. With the exception of these and a few other unions the organized labor movement made little effort to bring Negroes into its ranks. On the contrary, many organizations barred Negroes from membership. The Industrial Workers of the World, industrial in structure and revolutionary in objective, has no color discrimination; it has organized blacks and whites in a single organization even in the darkest south and has led them together in successful strikes, particularly in the lumber industry.

Although the American Federation of Labor, through its Executive Council, has declared that no union drawing the color line could affiliate with it, it has never taken any steps to compel those of its internationals which openly bar Negroes to change their policy. There are nine such organizations in the federation today. In addition there are eleven important unions outside the federation which follow a similar course. When the migrations were bringing thousands of Negroes into industry each year, the A. F. of L. firmly reiterated its old compromise policy, under which Negroes who could not enter the regular craft unions were to be organized in separate locals directly affiliated with the federation. But no really determined attempt was made to organize the Negro even in this unsatisfactory fashion. The American Federation of Labor is the creature of the craft internationals, whose purpose is to keep their membership as small as possible in order to raise the value of the craftsman's services. If whole classes of workers, like Negroes, can be automatically excluded, the problem becomes so much the simpler. The attitude of the miners' and other industrial unions arises out of the fact that they must organize whole industries from top to bottom. Moreover these unions, especially the needle trade organizations, are socialistic in outlook and have welcomed Negroes into their ranks. In 1928 the total Negro membership in the federation was only 44,416. This included 5000 miners, about 5400 longshoremen, 3000 Negro musicians, 10,000 maintenance of way employees, over 5000 hodcarriers, building and common laborers and 2000 federal employees, while the operating engineers, hotel and restaurant employees and brick and clay workers were represented by over 1000 each. Negro locals directly affiliated with the American Federation of Labor comprised more than 3000. The highly fluctuating and unstable membership of independent unaffiliated Negro unions was reported as

11,730 and consisted mainly of railroad workers.

The theory of the class unity of black and white workers, while it achieved practical expression in those trade unions which admitted the Negro freely, has perhaps received most attention from the radical political groups. The Socialist party has always preached equality for the Negro. But it has never outlined a distinct policy for dealing with the problems involved. The Communist movement, however, brings the Negro issue into the forefront. Every manifestation in its ranks of race prejudice, or "white chauvinism," as the party calls it, has been severely punished. It has played an outstanding role in the Scottsboro case and has carried on some agitation among Negro share croppers. Yet despite its truly heroic efforts the Communist party has been no more successful in its appeal to the Negro than in its appeal to the white worker. While this failure must be ascribed largely to general causes, among which must be cited the unity of the Negro population of all classes, a unity for which white policy is responsible, there are specific features of Communist policy which in part explain its lack of success. The party position fluctuates between the assumption that the American Negro question is a colonial problem involving the necessity of freeing the black belt from white "imperialist" domination and the view that it is fundamentally the same as the problem of national minorities in other countries and should be settled according to the Soviet method. At the same time it recognizes the likelihood of prolonged capitalistic government in the United States. The solution is sought in nationalistic terms, through self-determination. The party would set up a Negro republic composed of several hundred contiguous counties in which the majority of the population is black. But this area is an integral part of the economy of the south and is surrounded by sections in which the black population tapers from one half to one quarter or less of the total population. It is this whole region in which the colored population is concentrated in such varying degrees, which is actually the black belt. The Communist "republic" would include the important cities of Richmond, Memphis, Vicksburg, New Orleans, Savannah and Norfolk with an aggregate population in 1930 of about 754,000 whites and 374,000 blacks. The scheme is so fantastic and remote that it has failed completely to catch the imagination of the Negroes, who want full social and economic equality with the whites in their common country, not a Jim Crow republic established by statistical manipulation which would encompass huge white cities and a huge white minority and would cut a swath through the unified economy of the south. Moreover there is every indication that in the future the Negro population will become more and more dispersed. Recent mechanical contrivances which promise to change the whole technique of cotton culture will hasten this process.

The party recognizes the fact that the 2,500,000 Negroes in the north and west (who cannot be classed as a "colonial minority") have no direct interest in the proposed republic and that their problems are to be solved by equal rights rather than self-determination. But it holds the southern republic is necessary to the welfare of the northern Negro, who will remain "an oppressed national minority" until the Negroes of the south are freed.

The official party view has been strongly criticized by the so-called right opposition, which holds that there is no basis for Negro nationalism in this country and insists that the Negro, although occupying the status of a distinct and oppressed caste, is an integral part of the American people.

However absurd the black belt republic may be, the Communist party has done more than any other group in recent years to dramatize racial discrimination. This it has accomplished by assuming a leading role in the so-called Scottsboro case, in which eight of the nine Negro boys charged with rape on flimsy evidence were sentenced to death by a hostile Alabama jury in 1931. The party, operating through its affiliate, the International Labor Defense, carried the case to the United States Supreme Court and obtained a reversal in 1932 of the Alabama verdict on the ground that the defendants were not allowed adequate counsel. The second trial, held in the light of world wide publicity, focused attention on the fact that it was the custom of the southern states to deny Negroes the right to sit on juries although the practise had been declared illegal prior to the reversal of the Scottsboro decision by the Maryland Court of Appeals in setting aside a conviction. In carrying the case to the Negro masses in the northern industrial centers the party was able to arouse an unprecedentedly articulate protest among them without, however, winning them to the party or its program.

It should not be assumed that the discrimination practised against the Negro has completely

blocked his progress in the south. The scope and limitations of this progress in the field of education are illustrated by statistics as to illiteracy and educational opportunities. In 1860 it was estimated that 97 percent of the total Negro population was illiterate; this was reduced by 1870 to 80 percent, by 1890 to 57.1, by 1900 to 44.5, by 1910 to 30.4, by 1920 to 22.9 and by 1930 to 16.3. White illiteracy had been diminished by one half from 1880 to 1920, whereas Negro illiteracy had been cut by two thirds; but the Negroes who in 1920 constituted only 9.9 percent of the population accounted for 37.3 percent of the number of illiterates. The urban Negro population shows a far lower proportion of illiterates than does the rural, and for the age group from 10 to 15 years urban Negro illiteracy is one fifth that of rural. For the south alone in 1930 Negroes were 19.7 percent illiterate in comparison with a percentage of 3.7 for native and 9.8 for foreign born whites. Negro illiteracy in the north was cut down from 7 percent in 1920 to 4.7 percent in 1930 as compared with 0.6 percent for native born and 10.5 percent for foreign born whites.

In the schools maintained for Negroes salaries of teachers are lower (an average in rural schools in 1929–30 of $388 as compared with $945 for white teachers), the school term is shorter by about one fifth and there is a higher proportion of pupils per teacher than in the white schools. These differences arise from the unequal distribution of state funds for the education of Negroes and whites and from the limited opportunities for Negro secondary education, as shown by Table VI. It is generally held, however, that even if the funds were administered equitably it would be impossible, especially in view of the low per capita wealth of the south, to maintain two separate systems providing first class facilities for both races. The inequitable distribution of the state funds has thrown a large degree of the responsibility for the education of the Negro upon the federal government. Through the land grant act of 1862 and the Morrill-Nelson Fund Act of 1890 special contributions were made with the provision that no state maintaining a biracial school system is eligible to receive a share of the grant unless it is divided equitably between the races. The increased support given by the federal government to Howard University, which is on the way to becoming a sort of national university for Negroes, and the contributions of the wealthy foundations to some of the small Negro colleges founded after the Civil War by northern philanthropy make possible the chief opportunities for the higher education of Negroes. While these provisions may be far from satisfactory, higher education is without doubt better provided for than the

TABLE VI

STATE EDUCATIONAL FUNDS FOR NEGROES AND NEGRO HIGH SCHOOLS IN THE SOUTH, 1925–28

STATE	PERCENTAGE OF NEGROES TO TOTAL POPULATION		PERCENTAGE OF STATE EDUCATIONAL FUNDS FOR NEGROES 1928	NUMBER OF STATE ACCREDITED FOUR-YEAR HIGH SCHOOLS, 1925–26					
				NEGRO			WHITE		
	1920	1930		PUBLIC	PRIVATE	TOTAL	PUBLIC	PRIVATE	TOTAL
Mississippi	52.2	50.2	10.51	7	8	15			290
South Carolina	51.4	45.6	10.66	–	–	–			
Louisiana	38.9	36.9	9.98	3	1	4	340	53	393
Georgia	41.7	36.8	13.33	3	9	12			309
Alabama	38.4	35.7	8.40	–	–	–	247	36	283
Florida	34.0	29.4	7.91	2	–	2	138	3	141
North Carolina	29.8	29.0	12.13	25	24	49	453	41	494
Virginia	29.9	26.8	11.09	8	11	19	369	60	429
Arkansas	27.0	25.8	15.99	3	3	6	194	26	220
Tennessee	19.3	18.3	11.93	12	–	12	304	12	316
Maryland	16.9	16.9	9.67	10	2	12	125	–	125
Texas	15.9	14.7	12.00	15	10	25			548
Delaware	13.6	13.7	13.78						
Kentucky	9.8	8.6	8.02	14	–	14	342	73	415
Oklahoma	7.4	7.2	4.73	8	–	8			420
West Virginia	5.9	6.6	4.65	15	1	16	188	5	193
Missouri	5.2	6.2	3.15	7	3	10	562		562

Source: Adapted from Robinson, W. A., "Four Years State Accredited High Schools for Negroes in Seventeen Southern States" in National Association of Teachers in Colored Schools, *Bulletin*, vol. vii (1926–27) no. 8, p. 5–11.

Negro elementary and high schools. In Alabama and South Carolina a state supported high school offering a four-year course for Negroes is unknown. In other states Negro high schools are of a lower standard than those for whites. It has been estimated that in fifteen southern states only 9.5 percent of Negro children of high school age are enrolled.

It has been held, particularly by W. E. B. Du Bois, that educational discrimination against the Negro in the South is due to his political impotence. On the other hand, the white South insists that his elimination from politics is made necessary by his inadequate education. This elimination, successfully consummated by the 1890's, has not, however, prevented the Negro question from dominating southern politics. The Democratic one-party system exists for one reason only: the fear that bipartisanism would give the Negro the balance of political power, which in turn would mean the end of white supremacy. It is significant that when the "solid South" was broken by opposition to Smith in the presidential election of 1928, four of the six states which remained Democratic despite their hostility to the views of the candidate were those which had the largest proportion of Negroes in their population.

In recent years, when there have been pronounced factional differences within the Democratic party in certain southern communities, local politicians have wooed the Negro vote. But on the whole the principal objective of southern Democratic politicians has been to keep the Negro from voting. The few Negroes who actually do vote have been Republicans; in fact they constitute the backbone of such Republican organization as exists in the southern states. Recently Republican leaders desirous of building up the party in the south have been confronted with the fact that if this were to be accomplished the party would have to depend upon white votes, and that this in turn would involve stamping out the influence of the Negro. This "lily white" policy might have made headway had it not been that the northward migrations, which overnight made the Negro a potential force in politics in the great Republican stronghold of the east and middle west, forced the party to be cautious lest it antagonize these new voters.

When the migrants first went north, those who bothered about politics at all carried their Republican loyalties with them. In time, however, they were won over by local Democratic machines, like Tammany Hall, working among these newcomers as they do among all population groups. Today thousands of Negroes in northern cities vote the Democratic ticket where they think it will do them most good. In general the Negro voters in the north act in much the same way as the white voters and align themselves with the dominant machine in their locality. The usual rewards—public offices, municipal, state and government jobs and political favors—have followed. In Chicago Negro voters have twice sent a Negro to Congress. Since 1917 Negroes have sat in the legislatures of many states including New York, Pennsylvania, Kansas, Michigan, Illinois, Missouri, New Jersey, Ohio and West Virginia and in the municipal councils of New York, Chicago and Baltimore. They have served on the bench in New York, Washington, D. C., and Chicago. It is impossible to determine the exact numerical strength of the black vote. Negroes of voting age constitute 9 percent of the total population of voting age in the United States. They constitute 26 percent of such population in the south and border states, 4 percent in the north and east and 5 percent in New York, Pennsylvania and Illinois.

The new power of the Negro in national politics was dramatically demonstrated by their part in the rejection by the United States Senate of John J. Parker for a seat in the Supreme Court of the United States. The Negro fight against Parker was led by the National Association for the Advancement of Colored People and helped considerably in arousing the Negro to a realization of his power as a political minority. Yet this victory was won not by a solid Negro vote but by the politicians' fear of such a vote, which in communities with the usual biparty system is more likely than a similar bloc among other racial minorities.

This unity of the Negro group is primarily the result of the insistence of the white world upon race separatism as the instrument through which white supremacy is to be maintained. The force of this demand weakens those caste or class distinctions which exist among the Negro population. Moreover the overwhelming majority of the Negroes are members of the working class; its middle class is small in number, weak in resources, only a few steps removed from the black wage earner and has almost no contacts with the white bourgeoisie.

The insistence upon white supremacy is based upon the doctrine of Negro inferiority, in sup-

port of which the white world adduces not only a host of stories and other homely illustrations but also cites the results of mental tests, measurements of various kinds and other "scientific" data. About fifty years ago some investigators went so far as to question whether the Negro could truly be considered a member of the human species. In various mental tests (*q.v.*) Negro groups have scored lower than whites. But detailed and careful analyses of army alpha and numerous other intelligence tests indicate that whatever the causes of divergence in mental scores—and education and economic opportunity seem to be important factors—race offers no clear cut explanation for them.

In addition to test data many other illustrations of the inferiority of Negroes are cited, such as the miserable character of their southern hovels, the crowded and unsanitary condition of the black city slums, the low state of the Negroes' health, their high death rate and the disproportionately high percentage of crime and delinquency among them. It should be apparent, however, that all these ills are the fruits of discrimination and lack of opportunity. In the field of public health, for instance, it has been estimated that there is 1 hospital bed for every 1941 Negroes as contrasted with 1 for every 139 whites. How large a role is played by unfavorable sanitary conditions and low economic status is shown by the extent to which tuberculosis is a cause of Negro mortality. In 1920 the death rate among Negroes from this disease was 202 per 100,000 as contrasted with 85.7 for whites. Yet in 1926 the facilities for sanitarium care for tuberculous Negroes amounted to only 4 percent of those available to white patients. Nevertheless, tuberculosis, which accounted for one fifth of Negro mortality in 1910, caused only one tenth of Negro deaths in 1920. Similarly Negro infant mortality, which has declined very rapidly in northern cities, is still almost double the rate for whites and eliminates about 10 percent of Negro children in the first year. The decline in the death rates from these two causes has been attributed to improved knowledge and care of health and to advancing economic status and increased leisure. In spite of such progress, however, the death rate of the Negro in 1930 was 15.6 per 1000 as contrasted with the white death rate of 10.8 and the general death rate of 11.3. According to Louis I. Dublin, "Negro death rates are higher in the city than in the country and hence, higher in the North than in the South," although the rate for southern cities is higher than that for northern cities. This high death rate is not balanced by a proportionally higher birth rate. In 1930 the general birth rate was 18.9, the white 18.7 and the Negro 20.7.

The slower rate of increase of the Negro population, together with the influence of immigration, has tended to make the proportion of Negroes to the total population of the United States a declining one. In 1860 Negroes constituted 14.1 percent of the total population, in 1930 no more than 9.7 percent. On the basis of present population trends it has been estimated that in 1950 the Negro would account for 9.8 percent of the total population, which indicates that this declining proportion is not likely to continue. But whether the Negro population continues to decline or remains constant, the Negro problem in the United States will constitute an outstanding social question for some time to come.

In other parts of the western hemisphere modified forms of white rule have led to distinctions within the colored group, and the position of the Negro therefore assumes a more definitely class character than it does in the United States. In the British West Indies the ruling whites made such distinctions more than two centuries ago, and they have become deeply rooted in the social life of the islands. Mulattoes were granted special privileges, which were subsequently recognized in law by the Brown Privilege Act. Many mulattoes who were educated in England returned to play an important role in the local legislative bodies and formed the nucleus of a successful middle class of merchants, clerks, planters, ministers and, to some degree, other professionals. By custom such callings were closed to the black skinned man, who was consigned to mechanical and agricultural labor. West Indian society has thus become stratified in three layers: the whites, who constitute the governing and landowning class; the mulattoes, who constitute a middle class engaged in activities requiring no manual labor; and the blacks, who form the working class and peasantry.

While the West Indian black man is too far removed from the main streams of revolutionary thought to have acquired much proletarian consciousness, the West Indian mulatto has become a complete middle class individualist. The absence of racial barriers makes it possible for him to attain any reward which ability, energy, chance and the practise of the middle class virtues can bring. The more he looks out for him-

self and the less he identifies himself with the Negro masses, the greater are his chances of success. The West Indian mulattoes who have been outstanding in the leadership of the Negro people have been those who have emigrated to the United States and settled in New York and other large northern cities, where they have played a prominent role in all Negro movements of both a racial and a class character.

Prior to the emancipation of the slaves in 1834 the British West Indies were practically self-governing colonies. It was white fear of the power of Negro franchise, on the one hand, and the fear of London, on the other, that the local governments still in the hands of the old slaveholding classes might introduce a system of labor legally free but practically akin to slavery that led to the reorganization of the islands as crown colonies.

In Brazil also color lines tend to follow class lines, but with even fewer race distinctions. All colored groups, including Indians and a few pure Negroes, are represented in high political posts and are admitted to the most exclusive social circles. Intermarriage was encouraged during the colonial regime as the only way in which Portugal could develop its Brazilian colonies. Members of the white slaveholding families, however, whose whiteness was a mark of their aristocratic status, refused to marry persons of darker skin. Although there is an attempt to maintain this position even today, economic stress has frequently caused exclusive families to ignore the color bar; and the average Brazilian is today a mixture of white, Indian and Negro strains. But the darker a person's skin the less likely he is to marry into a white family. The black man still constitutes the lowest class in Brazilian society, for he not only bears the mark of slavery but also continues to do the hardest and most unpleasant work of society. Certain individuals with black skins may climb out of their class to the highest positions in the land, but the mass of black skinned Brazilians continues as the most submerged element. They are only a minority of the population, however, and will continue to decrease, since the white element, including the so-called would be whites, is constantly adding to its numbers by European immigration.

Haiti is the one country in which the Negroes themselves overthrew their slave masters and founded a state of their own. Yet caste differences within Haitian black society are quite as pronounced as the caste differences between Negroes and whites in the southern states of the United States. The Haitian élite—a wealthy and highly cultured group in the cities accounting for less than 5 percent of the population—looks down on the indescribably poor hill peasants.

Negroes and "dark mulattoes" form about a third of the Cuban population, constituting the lowest social caste. "Light mulattoes" are considered white. Differences between darker and lighter skinned persons affect only home and personal social relations, and such segregation as prevails in the United States is unknown. Negroes live and work where they please and occasionally hold high government and military posts. American companies, which have recently come to the island, have been attempting to import American segregation along with their capital. The United Fruit Company, in one of its sugar towns, has introduced a triple segregation under which American whites, Cubans and Negroes are compelled to live in different areas and are permitted to enter only those streets which are occupied by members of their own race. Recently the sugar companies, unable to get Cubans to work for the low wages they offered, began to import Negroes from Haiti and Jamaica. These French and English speaking black men form a group apart from the Cubans representing an influx of some 63,000 foreign Negroes in a population of less than 3,000,000. Many Cubans who had hoped that continued intermarriage would eventually weld all islanders into one group without race distinctions now fear that as a result of the activities of the sugar companies and the growing influence of Americans Cuba will have to face a real race problem.

ABRAM L. HARRIS
STERLING D. SPERO

See: SLAVERY; ABOLITION; EMANCIPATION; RECONSTRUCTION; NATIVE POLICY; PAN-MOVEMENTS; MISCEGENATION; ETHNIC COMMUNITIES; RACE; RACE MIXTURE; RACE CONFLICT; AMALGAMATION; SEGREGATION; CIVIL RIGHTS; SUFFRAGE; KU KLUX KLAN; LYNCHING; FORCED LABOR; PRISON LABOR; PEONAGE; PLANTATION; AGRICULTURE, section on AGRICULTURE IN THE UNITED STATES; DOMESTIC SERVICE; LABOR MOVEMENT; MIGRATIONS, section on MODERN; CHILD, section on CHILD MORTALITY; MATERNITY WELFARE; MILK SUPPLY; MENTAL TESTS; LITERACY AND ILLITERACY.

Consult: FOR BIBLIOGRAPHY: *A Bibliography of the Negro in Africa and America*, compiled by Monroe N. Work (New York 1928).

FOR THE UNITED STATES: Historical and General: Phillips, Ulrich B., *American Negro Slavery: a Survey of the Supply, Employment and Control of Negro Labor as Determined by Plantation Régime* (New York 1918);

Pierce, Paul S., *The Freedman's Bureau*, State University of Iowa, Studies in Sociology, Economics, Politics and History, vol. iii, no. i (Iowa City 1904); Hacker, Louis M., and Kendrick, B. B., *The United States since 1865* (New York 1932); Simkins, Francis B., and Woody, Robert H., *South Carolina during Reconstruction* (Chapel Hill, N. C. 1932); Douglass, Frederick, *Life and Times of Frederick Douglass, Written by Himself* (new ed. Boston 1892); Washington, Booker T., *Up from Slavery* (New York 1901), and *The Story of the Negro*, 2 vols. (New York 1909); Brawley, Benjamin, *A Social History of the American Negro* (New York 1921); Woodson, Carter G., *The Negro in Our History* (5th ed. Washington 1928); "The American Negro" in American Academy of Political and Social Science, *Annals*, vol. cxxxx (1928); Johnson, Charles S., *The Negro in American Civilization* (New York 1930); Nearing, Scott, *Black America* (New York 1929); Embree, Edwin R., *Brown America* (New York 1931); Reuter, E. B., *The American Race Problem* (New York 1927). See also the files of: *Negro Year Book*, ed. by M. N. Work, published in Nashville and Tuskegee Institute, Ala. since 1912; *Crisis*, published monthly in New York since 1910; *Messenger*, published monthly in New York from 1917 to 1928; *Opportunity*, published monthly in New York since 1923; *The Journal of Negro History*, published quarterly in Washington since 1916; *The Journal of Negro Education*, published quarterly in Lancaster, Pa. since 1932. ECONOMIC AND SOCIAL STATUS: Atlanta University, *Publications*, ed. by W. E. B. Du Bois, and others, nos. 1–20 (Atlanta 1896–1916); National Association for the Advancement of Colored People, *Annual Reports*, published in New York since 1910; Raper, A. F., *The Tragedy of Lynching*, University of North Carolina, Social Study series (Chapel Hill, N. C. 1933); Chicago Commission on Race Relations, *The Negro in Chicago* (Chicago 1922); Mays, Benjamin E., and Nicholson, Joseph W., *The Negro Church* (New York 1933); Frazier, F. F., *The Negro Family in Chicago* (Chicago 1932); Foreman, C., *Environmental Factors in Negro Elementary Education* (New York 1932); Graham, J. L., "A Quantitative Comparison of Rational Responses in Negro and White College Students" in *Journal of Social Psychology*, vol. i (1930) 97–121, 267–85; Woodson, Carter G., *The Rural Negro* (Washington 1930); United States, Bureau of the Census, Fifteenth Census, 1930, Census of Agriculture, *The Negro Farmer in the United States* (1933); Spero, Sterling D., and Harris, Abram L., *The Black Worker* (New York 1931); Wesley, Charles H., *Negro Labor in the United States: 1850 to 1925* (New York 1927); National Urban League, *Negro Membership in American Labor Unions*, by Ira De A. Reid (New York 1930); Greene, L. J., and Woodson, Carter G., *The Negro Wage Earner* (Washington 1930); Lewis, Edward E., "The Southern Negro and the American Labor Supply" in *Political Science Quarterly*, vol. xlviii (1933) 172–83; Woofter, T. J., Jr., *Negro Problems in Cities* (New York 1928); Kiser, C. V., *Sea Island to City: a Study of St. Helena Islanders in Harlem and Other Urban Centers*, Columbia University, Studies in History, Economics and Public Law, no. 368 (New York 1932); Kennedy, Louise V., *The Negro Peasant Turns Cityward*, Columbia University, Studies in History, Economics and Public Law, no. 329 (New York 1930); Ross, F. A., "Urbanization and the Negro" in American Sociological Society, *Social Process: Papers Presented at the Twenty-sixth Annual Meeting* (Chicago 1933) p. 115–28; Lewis, Edward E., *The Mobility of the Negro: a Study in the American Labor Supply*, Columbia University, Studies in History, Economics and Public Law, no. 342 (New York 1932); Woodson, Carter G., *A Century of Negro Migration* (Washington 1918); Woofter, T. J., Jr., *Races and Ethnic Groups in American Life*, Recent Social Trends in the United States (New York 1933). POLITICAL AND LEGAL: Stephenson, G. T., *Race Distinctions in American Law* (New York 1910); Storey, Moorfield, *The Negro Question* (New York 1918); White, Walter, "The Negro and the Supreme Court" in *Harper's Magazine*, vol. clxii (1931) 238–46; Lewinson, Paul, *Race, Class and Party* (London 1932); Allen, James S., *The American Negro* (2nd ed. New York 1932); Browder, Earl, and others, *The Communist Position on the Negro Problem* (New York 1932). CULTURAL CONTRIBUTIONS: *The New Negro*, ed. by Alain L. Locke (New York 1925); *Anthology of American Negro Literature*, ed. by V. F. Calverton (New York 1929); Schuyler, George S., "Negro-Art Hokum," and Hughes, Langston, "The Negro Artist and the Racial Mountain" in *Nation*, vol. cxxii (1926) 662–63 and 692–94.

FOR OTHER AMERICAN COUNTRIES: Jones, Samuel B., "British West Indian Negro" in *Southern Workman*, vol. xl (1911) 201–05, 330–35, 580–89; Thorp, William, "How Jamaica Solves the Negro Problem" in *World's Work*, vol. viii (1904) 4908–13; Bilden, Rudiger, "Brazil, Laboratory of Civilization" in *Nation*, vol. cxxviii (1929) 71–74; Bullard, Robert L., "The Cuban Negro" in *North American Review*, vol. clxxxiv (1907) 623–30; Roller, Arnold, "Black Ivory and White Gold in Cuba" in *Nation*, vol. cxxviii (1929) 55–56.

NEIGHBORHOOD. The most distinctive characteristics of a neighborhood are its relation with a local area sufficiently compact to permit frequent and intimate association and the emergence out of such association of sufficient homogeneity and unity to permit a primary or face to face social grouping endowed with a strong sense of self-consciousness and capable of influencing the behavior of its several constituents. The neighborhood, which in early times was virtually identical with the village community, is in modern times also practically synonymous with crossroad and open country population groupings that have not yet attained the status of villages. The neighborhood is also to be found in towns and in cities, especially in residential areas which are not overdensely settled and which possess a population for the most part homogeneous and exhibiting a low rate of mobility. The characteristic processes of urbanization are, however, hostile to the preservation of neighborhood life in that they promote a high degree of population density, a low rate of per-

manency of residence and considerable heterogeneity of population. The existence in the city of an intricate network of secondary group associations also tends to break down the primary group spirit, which is the fulcrum of neighborhood life; as does also the ease with which the urban dweller may wrap himself in the cloak of anonymity and thus escape from the surveillance upon which primary group control depends.

With the breakdown of the neighborhood in cities there have grown up pseudo-neighborhoods that may be broadly defined as residential areas. Such areas exhibit some similarity to true neighborhoods in that they may show a considerable degree of homogeneity, especially when identified with particular racial or other ethnic groups, and also in that they operate in a large measure to condition the behavior of their residents. On the other hand, they are far too numerously populated to present anything remotely resembling the close knit primary group community life characteristic of the generic neighborhood; such uniformities of conduct and attitudes as they display may more accurately be described as products of sectionalized culture patterns. Another type of pseudo-neighborhood is that associated with the settlement houses or community centers to be found in many contemporary American and European cities. Such social structures represent deliberate attempts to preserve or restore some of the features of neighborhood life. Where ably led, long established and fortunately situated such enterprises achieve a degree of cohesion and social significance. They fall short of being true neighborhoods, however, not only in that their leadership and financial support are usually exogenous to the areas that they serve but also in that their constituencies are not inclusive or even representative vicinage groups but are rather selected special interest groups or clusters of such groups. A close approach to the redintegration of the neighborhood often arises in the modern city when organization takes place on the basis of locality plus special interest: for example, business men's associations; health councils, as in the Cincinnati Social Unit plan; and local improvement associations, as in Washington, D. C. A short lived recrudescence of neighborliness may also attend a sudden crisis or emergency, such as a conflagration or the invasion of an established residential area by an institution or ethnic group regarded as undesirable.

Residential areas situated in suburbs or in the quasi-suburbs of the urban fringe approach even closer to the generic neighborhood type in that their populations are relatively homogeneous and permanent and are sufficiently sparsely settled to make possible a considerable range of personal acquaintance. The absence of most of their employed population during the greater part of the day, however, together with the ease of escape from the restrictions of primary group control prevents such areas from functioning as well integrated neighborhoods. Intermediate between the suburban and rural neighborhoods are those associated with the week end and holiday residences maintained in the outer periphery of the larger metropolitan areas of the United States and Europe by an increasingly large number of individuals.

Although shorn of much of their exclusive self-sufficiency by modern instrumentalities of transportation and communication the rural and small town neighborhoods continue to exhibit all the essentials of the generic type. The economic and biological impoverishment of many rural areas, however, often leaves such neighborhoods without much of the vitality and effectiveness which they formerly possessed.

NILES CARPENTER

See: COMMUNITY; RURAL SOCIETY; URBANIZATION; SOCIAL SETTLEMENTS; COMMUNITY CENTERS; VILLAGE COMMUNITY; ETHNIC COMMUNITIES; MOBILITY, SOCIAL.

Consult: Anderson, N., and Lindeman, E. C., *Urban Sociology* (New York 1928) chs. ix and xii; Carpenter, N., *Sociology of City Life* (New York 1931) ch. iii and p. 240–46; Cooley, C. H., *Social Organization* (New York 1909) ch. iii; Davie, M. R., *Problems of City Life* (New York 1932) p. 654–61; Douglass, H. P., *The Suburban Trend* (New York 1925); Follett, M. P., *The New State* (New York 1918) chs. xxii–xxvi; MacIver, R. M., *Society, Its Structure and Changes* (New York 1931) chs. i, iv and ix; Steiner, J. F., *Community Organization* (rev. ed. New York 1930) chs. iii and xv, and *The American Community in Action* (New York 1928) ch. v.

NELSON, LEONARD (1882–1927), German philosopher. Nelson was the son of a Berlin lawyer. During his early student days he became an enthusiast for the philosophy of Fries and retained this enthusiasm throughout his philosophic career. At Göttingen, where he began to teach in 1909, he revived the Friesian version of Kantianism, according to which the fundamental a priori condition of knowledge is the self-confidence of reason in sound human understanding. Every man has an immediate, if obscure, knowledge of first principles and constantly uses this knowledge in practise. The function of critical philosophy is to clarify these

psychologically immanent principles by self-observation. Nelson attacked the transcendentalist Kantians for seeking a logically impossible guaranty of knowledge in transcendental principles which themselves can have no greater validity than the sciences from which they are inferred. The neo-Friesian, psychological view of the a priori has influenced not only Nelson's immediate school but relatively independent thinkers like Rudolf Otto and Wilhelm Bousset in the study of religion and O. Meyerhof and A. Kronfeld in psychiatry.

Nelson's own initial interest lay chiefly in mathematics and natural science, but the World War drew his attention to the problems of ethics, jurisprudence and political education, to which he henceforth devoted all his energies. A rational ethics involved for him a calculation of interests in accordance with the immanent first principle of the equal moral worth of every person. In other words, interests were to be compared objectively, irrespective of whose interests they were. Rational jurisprudence was the science of justice, that is to say, of those social conditions which will provide every person with equal external opportunities for attaining self-determination, cultivation and spiritual freedom. Nelson assailed all jurisprudence which bases itself on the special rights established in the social status quo as a *Rechtswissenschaft ohne Recht*, and in his last main work elaborated an alternative system predicated on radical political and social reforms. His interest finally centered upon a political education to prepare men for this work of reform.

He established the Internationaler Jugend-Bund and a small international school at Walkemühle near Cassel, where his principles of pacifism, social justice and personal integrity were the guiding inspiration. In 1923 the members of the Bund decided to cooperate with the Social Democratic party, but a break came in 1925 as Nelson disapproved of the party's alliance with the Catholic Centrists, of its condoning cooperation between employers and workers and of its reliance on parliamentary majorities instead of on leaders trained in the science of social justice. The Bund became the Internationaler Sozialistischer Kampf-Bund and Nelson moved further to the proletarian left without, however, identifying himself with the Communists. His economic views he shared in large measure with Franz Oppenheimer, but on the whole he was in his practical efforts an isolated figure, evoking intense loyalty in a small group of followers by his self-consistency, self-discipline and radical reforming zeal.

HORACE L. FRIESS

Chief works: *Die Unmöglichkeit der Erkenntnistheorie* (Göttingen 1911); *Kritik der praktischen Vernunft*, *System der philosophischen Ethik und Pädagogik*, ed. by Grete Hermann and Minna Specht, and *System der philosophischen Rechtslehre und Politik*, Vorlesungen über die Grundlagen der Ethik, vol. i (Leipsic 1917), vol. ii (Göttingen 1931), and vol. iii (Leipsic 1924); *Die Rechtswissenschaft ohne Recht* (Leipsic 1917); *Die Reformation der Gesinnung durch Erziehung zum Selbstvertrauen*, and *Die Reformation der Philosophie durch die Kritik der Vernunft*, Die neue Reformation, vol. i (Leipsic 1918, 2nd ed. 1922), and vol. ii (Leipsic 1918) *Politics and Education*, essays and lectures tr. by W. Lansdell (London 1928).

Consult: *Abhandlungen der fries'schen Schule*, n.s., 4 vols. (Göttingen 1904–18); Falkenfeld, Hellmuth, "Leonard Nelson" in *Kantstudien*, vol. xxxiii (1928) 247–55; Gysin, Arnold, *Die Lehre vom Naturrecht bei Leonard Nelson*, Archiv für Rechts- und Wirtschaftsphilosophie, Beiheft no. 17 (Berlin 1924); Marck, Siegfried, "Die philosophische Politik Leonard Nelsons" in *Gesellschaft*, vol. ii (1925) 126–40; Hauer, Eugen, *Person und Handlung in der Ethik Leonard Nelsons* (Bonn 1928).

NEO-MALTHUSIANISM. *See* BIRTH CONTROL.

NEOMERCANTILISM. *See* PROTECTION.

NEPOTISM. *See* SPOILS SYSTEM.

NERI, SAINT PHILIP (1515–95), founder of the Congregation of the Oratory. Philip, the son of a notary, spent his early years among the youth of Renaissance Florence; to their spirit his characteristic gaiety is largely due. From Florence and especially from Savonarola's convent of San Marco he inherited also his democratic principles and his dread of absolute government. In 1532 or 1533 he went to Rome, where he associated himself with the reform movement then beginning to manifest itself, particularly in work and preaching among the masses. In 1548 he took the first step toward community life by helping to form a society of twelve, the Trinità de' Pellegrini, established primarily for prayer, secondarily for the needs of pilgrims and the poor. His apostolate really began with his ordination as priest in 1551, when he took up quarters in the great charitable institute of San Girolamo della Carità.

The original nucleus of the Congregation of the Oratory was the group of penitents, chiefly young Tuscans, who gathered around Philip and who about 1554 began to hold discussions

in a room of San Girolamo known as the Oratory. As it gradually developed into a center for artists and professional men and courtiers, the Oratory came to stand for a method of spiritualization, fulfilling a function similar to the *Spiritual Exercises* of St. Ignatius of Loyola but differing from them in that it was a spontaneous discipline working through social contagion rather than a logically planned system for individual regeneration. The informality of the meetings, which were at first conducted chiefly through lay preachers, met with some disapproval under Paul IV and Pius V; but under Pius IV the Oratory became recognized as "the outstanding instrument for the regeneration of Rome." In the slow process of consolidation marked first by the emergence of an inner circle of devotees sharing the charitable activities of Philip's life, then by the formation of a community associated with the Church of St. John of the Florentines and later removed to the Vallicella, Philip consistently labored to protect the independence of his followers, as in all his acts he zealously guarded his own. When the Congregation was finally established by a papal bull in 1575, it represented an institutional innovation, having no vows and no other status than that of the secular clergy; for such an organization the only precedent was a community of women established more than a century before by St. Frances of Rome. Although nominally governed by a provost—an office which Philip assumed in 1577—the Congregation, in sharp contrast to the Jesuit organization was extremely democratic and all proposed laws were not only freely discussed by the entire membership but required the sanction of the majority. The definitive constitutions, the promulgation of which was delayed until 1612, largely because of the demands of the Neapolitan house for a more conventional status, sealed these empirical developments, preserving the freedom from vows and the complete autonomy of each house.

The work of Philip Neri was one of the main forces in the Counter-Reformation. His part in the internal reform of the Catholic church was unplanned: it came as the inevitable result of his influence and of the instrument—the Oratory—which he almost unintentionally fashioned. Beginning with the Curia in Rome the reform, aided by the rapid rise of oratories in various countries in Europe, spread to the clergy and thence to the church as a whole. The Christian people were given a piety that was simple, accessible and unpretentious, thus preparing the way for the work of a great kindred spirit of St. Philip—St. Francis of Sales.

A. MANSON

Consult: Ponnelle, Louis, and Bordet, Louis, *Saint Philippe Néri et la société de son temps* (Paris 1929), tr. by R. F. Kerr (London 1932), with bibliography; Pastor, Ludwig von, *Charakterbilder katholischer Reformatoren des XVI. Jahrhunderts* (Freiburg i. Br. 1924) p. 79–104.

NERI, POMPEO (1706–76), Tuscan economist and statesman. After receiving his degree in jurisprudence Neri became a professor of public law first at the University of Pisa and later at the Studio Fiorentino. In 1735 he entered the Tuscan public service and became interested in projects designed to aid agriculture; to this end he reclaimed marshlands and drafted a law limiting entails. In addition he helped formulate legislation intended to reduce the inalienable and badly cultivated lands of the church. Neri was engaged in the preparation of a unique Tuscan code to be based upon the norms of laws scattered in ancient texts when he was appointed in 1749 to complete the land register of Lombardy. The chief merit of this census, which was later used as a model, was the establishment of the principles that taxes should be based upon land value, that future improvements of land should be tax exempt, that many exemptions should be abolished and that administration should be organized rationally. Many of these rules had already been stated, however, by Charles VI's commission.

In 1757 Neri returned to Tuscany, where he became a councilor and subsequently president of the Council of the Regency. He had previously interested Grand Duke Francis II in Bandini's proposal for free trade in grain, until that time considered chimerical. During the famine years 1763–64 he induced Francis, against the opposition of all the vested interests, to permit the unlimited import of grain, duty free. This was a step toward the establishment of permanent free trade in foodstuffs, concerning which Neri wrote his famous *Memoria sopra la materia frumentaria* (Milan 1767; reprinted in the Custodi collection, parte moderna, vol. xlix, 1803); he argued that Tuscany's future lay not in its manufactures but in its agricultural resources and that unrestricted commerce in grain would furnish the greatest impetus to their development, while regulation would limit the value of agricultural produce and lead to decreased production. Neri finally

achieved his purpose in 1767 when all internal and external restrictions on the grain trade were abolished and Tuscany became the first country in Europe to experience the advantages of the new system. In the projects for the reclamation of the Siennese Maremma, Neri again urged that agriculture be freed of all fetters. His name is connected also with the administrative reform of the municipalities.

SALVATORE PUGLIESE

Consult: Rocchi, Gaetano, "Pompeo Neri" in *Archivio storico italiano*, 3rd ser., vol. xxiv (1876) 47–69, 255–69, 441–51 contains a bibliography of Neri's works; Masetti-Bencini, "Notizie su Pompeo Neri" in *Miscellanea storica della Valdelsa*, vol. xxii (1915) fasc. 3; Stuart, J. M., *The History of Free Trade in Tuscany* (London 1876) p. 20–22, 38–60.

NEUMANN, FRIEDRICH JULIUS (1835–1910), German economist. Neumann was at first active in the Prussian civil service but soon turned to an academic career, which took him from Königsberg to Basel, then to Freiburg and in 1876 to Tübingen. He belonged to the group of economists who, although fully aware of the significance of historical data, insisted nevertheless that the essence of economic inquiry lay in systematic interpretation rather than in mere accumulation of factual material. His penchant for abstract thinking was inherited from his father, Franz Neumann, the founder of mathematical physics, while his preference for problems of terminology is traceable to his excellent legal training. In his works, which are distinguished for acute analysis of fundamental principles in economic theory, he was particularly concerned with the clarification of economic concepts and problems of methodology. He distinguished sharply between natural and socio-economic phenomena and pointed to the intimate connection between economics and other social disciplines, particularly public law.

Of greater significance was his work in public finance, to which he devoted several monographs. With Adolf Wagner he elaborated the social approach to fiscal science in that he made public interest the basis of public finance. No other scholar influenced tax legislation as much as did Neumann; Germany's transition from the system of taxes in rem to the modern system of personal taxation is directly traceable to the influence of his works.

WILHELM GERLOFF

Works: "Die Gestaltung des Preises" in *Handbuch der politischen Oekonomie*, 3 vols. (4th ed. Tübingen 1896–98) vol. i, p. 253–316; *Zur Reform deutscher Fabrikgesetzgebung* (Leipsic 1874); *Die progressive Einkommensteuer im Staats- und Gemeinde-Haushalt*, Verein für Socialpolitik, Schriften, vol. viii (Leipsic 1874); *Ertragssteuern oder persönliche Steuern vom Einkommen und Vermögen?* (Freiburg i. Br. 1876); *Die Steuer und das öffentliche Interesse* (Leipsic 1887); *Grundlagen der Volkswirtschaftslehre* (Tübingen 1889); *Die persönlichen Steuern vom Einkommen, verbunden mit Ertrags- oder mit Vermögenssteuern* (Tübingen 1896). Neumann also edited the *Beiträge zur Geschichte der Bevölkerung in Deutschland seit dem Anfange des XIX. Jahrhunderts*, 7 vols. (Tübingen 1883–1903).

NEUTRALITY. The modern legal status of neutrality implies the impartiality of one state toward two or more belligerent states. During the early Middle Ages this status of neutrality was unknown; feudal obligations, ties of the empire and theories of the solidarity of Christendom militated against the adoption of such a concept. As the bonds of the empire dissolved and strong national states emerged, states found themselves free to refrain from interfering in their neighbors' quarrels and at times found it advantageous to do so. By the sixteenth century the word *neutre* was in use to describe territory accorded a position of immunity from attack and also to characterize an impartial prince who might hold territory in pledge. Well into the eighteenth century, however, "friend" was used interchangeably with "neuter" or "neutral."

In the sixteenth and seventeenth centuries the idea of impartiality was not pressed to extremes. A neuter was merely a state not participating fully in the conflict on either side. At the same time the neuter might aid one side or the other by permitting passage of troops, by allowing mercenaries to be recruited within its borders or more actively by supplying men, money or other tangible forms of assistance. As the concept developed, it came to be understood that unless such assistance were furnished in fulfilment of a prior treaty obligation, the neuter might forfeit his position. Nevertheless, levying of troops in neutral countries and furnishing money and arms were common down through the seventeenth century and the practise survived even to later times.

Neutrality in land warfare necessarily differed from neutrality in maritime warfare. Although the underlying principles were the same, the particular rules which developed had little in common. Undoubtedly the law of neutrality developed chiefly in the maritime field, as a result of the rapid increase in European sea borne trade after the end of the fifteenth century. There were, as there are today, detailed

problems of neutrality on land; but far more important were those which always arise in the field of the great maritime trade. A clash of interests was inevitable: the neutral desired to continue trade unhampered by belligerent activities; the belligerent wished to interfere with the enemy's commerce, even at the expense of the neutral. Both groups frequently sought to take advantage of the war to increase their own trade. As a result of practical necessity therefore rules were gradually developed to compromise between these conflicting claims. Belligerents agreed that neutrals might in general continue to trade, even with the other belligerent; neutrals agreed to certain interferences or restrictions.

Probably the earliest accepted restriction on neutral trade related to enemy property. The *Consolato del mare* as early as 1494 registered a well developed practise on this subject. Nevertheless, conflicting interests led to diverse national attitudes, not finally reconciled until the signature of the Declaration of Paris in 1856, which embodied the rules, free ships free goods and free goods free even in enemy ships.

As early as the twelfth century belligerent states endeavored to enforce sweeping bans upon all commerce with an enemy, but neutrals did not acquiesce in such claims. The claims gradually simmered down, on the one hand, to the law of contraband of war—prohibition against trading in certain commodities—and, on the other hand, to the law of blockade—prohibition against trading with certain places which were besieged, invested or blocked up. There also gradually developed a category of acts described as unneutral service, which includes the carrying of military persons, dispatches and the like. This category is the basis for such rules as the Rule of the War of 1756, which forbade a neutral in time of war to engage in commerce that might prove helpful to a belligerent and that would be closed to the neutral in time of peace, as, for example, the colonial trade. The neutral which carried contraband, ran a blockade or performed unneutral service ran the risk of losing ship and cargo if captured by a belligerent and found guilty by a prize court. There was general agreement upon such detailed rules as these but not upon the broad principle that a belligerent might shut off anything possibly useful to the enemy in the war.

Although as early as the sixteenth century the customary law of nations was invoked in diplomatic correspondence, the law of neutrality was formed chiefly by treaties of the seventeenth and eighteenth centuries. Since the legal rights and obligations of a neutral were but vaguely understood, governments sought precision in written undertakings. Through the middle of the seventeenth century these conventional obligations of neutrality took three forms: undertakings that the state when neutral would not itself aid the enemy of either party, except perhaps in pursuance of a prior treaty obligation; undertakings that the state would not permit its citizens or inhabitants to aid the enemy of either party; undertakings which merely note that a citizen who aids a belligerent must take the consequences and will not be protected by his own government from the penalties which the aggrieved belligerent may inflict. The conventional rights of neutrality obtained were the rather nebulous agreement to respect neutrality and stipulations regarding freedom of neutral trade at sea.

Prize courts, which were functioning in the principal maritime countries under clearly established rules of procedure as early as the middle of the sixteenth century, demonstrated how much reliance was placed upon treaties but at the same time contributed to the development of a body of customary law.

Although it is easy to exaggerate the influence of writers upon a subject like neutrality, the significance of their contribution must not be overlooked. Their books tended to strengthen infant practises and at times may have adumbrated the course of future progress. Grotius was cited in a brief before a French prize court as early as 1653, and other pleadings of the seventeenth and eighteenth centuries as well as state papers show familiarity with and reliance upon him and upon other writers. Grotius had little to say on neutrality. He calls neutrals *in bello medii* and says that although the neutral should favor the just side, in doubtful cases he should treat both sides alike—not necessarily to abstain from all aid to either, but if giving aid, to give it to both impartially. Gentili, who had practical experience in defending Spanish interests in prize cases in the early seventeenth century, had a clear notion of the territorial rights of neutrals and dealt in highly modern fashion with neutral rights at sea. One hundred years after Grotius, Bynkershoek still maintained that the neutral state (*non hostis*) fulfils its duties if it serves both sides with impartiality. Vattel was the first clearly to describe in detail the modern concept of neutrality. He expressly rejected the idea of equal aid to both sides, assert-

ing the modern duty to refrain from aid to either. Vattel recognized, however, that aid might be furnished to one side in compliance with a prior treaty obligation. Hübner vigorously defended the rights of neutral trade against belligerent interferences.

During this early formative period the emphasis was chiefly upon neutral rights rather than upon neutral duties, except as the latter were specifically imposed by particular treaty stipulations. There are numerous instances in the seventeenth century which show a consciousness of the idea that neutral territory must be respected by a belligerent, but little suggestion that a neutral was obliged to enforce such respect. As early as 1562 Elizabeth stated on this subject that "the territory of an indifferent and meane prince is sauf conducte in lawe." Thus the neutrality policy of the United States under Washington marks a highly significant landmark in the history of neutrality. The United States insisted that the European nations should respect its neutrality while in return it would fulfil the duties of neutrality. By this it meant that it would accept responsibility to an aggrieved belligerent for damage inflicted by its enemy within American territory. In view particularly of the activities of Citizen Genet during this period in commissioning privateers and setting up prize courts within the jurisdiction of the United States, this was no light undertaking. Embargo and non-intercourse acts were passed by the United States to bring pressure upon the European belligerents to respect its neutral rights. After the wars the United States settled claims with both England and France. To England under one of the Jay Treaty arbitrations the United States paid a little less than $150,000 in satisfaction of damages caused by breaches of neutral duties, while England paid to the United States over $11,500,000 for damages caused by infringements upon neutral rights. This American payment was a precedent for the famous Geneva arbitration of the *Alabama* claims after the Civil War, under which Great Britain paid the United States $15,500,000.

In Europe under the leadership of Russia the northern neutrals banded together in the armed neutralities of 1780 and 1800, for which there was an early precedent in the treaty of 1613 between the Dutch States General and Lübeck, accepted by Sweden in 1614. These armed neutralities were important because they added weight to certain specific rules, but their influence was short lived. As a precedent for joint action by neutrals in defense of their rights they were singularly ineffective.

The Napoleonic wars demonstrated that in any vast and vital conflict rights of neutrals would suffer. This was not a new lesson; it had been taught frequently in the seventeenth century, notably in the Anglo-Dutch wars against France. All such struggles are also contests for economic mastery. Economic weapons are employed with the post-war economic situation kept definitely in mind. Belligerent rights are utilized in an endeavor to prevent neutrals from capturing new markets or more of the world's carrying trade, while neutrals have their own strategy for protecting and improving their positions. With the usual excuse of each that its actions were justified by the illegal acts of the enemy, the British government and Napoleon issued a series of orders and decrees, which were highly injurious to neutral trade. The slowly developed laws of blockade and contraband were swept aside in a return to the ancient pretensions of a right to ban all commerce with the enemy. Neutral protests were not very successful, nor were such retaliatory measures as those adopted by the United States. As a logical argument, however, nothing excelled Jefferson's defense of neutral rights which centered on the theme that although England might have a right to starve France, she had no right to make the United States the instrument to effect her purpose.

In the Napoleonic wars as in other wars before and since belligerents have had to consider that if established neutral rights were too flagrantly violated, the neutral might be drawn into the conflict on the enemy's side.

During the century following the Napoleonic wars neutrality had a less eventful career because of the absence of major conflicts. Each war, however, added its store of precedents to build up the legal structure. The Crimean War resulted in the Declaration of Paris of 1856, which among other achievements crystallized the law of blockade and declared privateering abolished. The Civil War contributed the rules of the Treaty of Washington of 1871, which stipulated that a neutral must use due diligence to prevent evasion of its laws for enforcing neutral duties. This standard of "due diligence" was altered at the Second Hague Conference to require the neutral to use "the means at its disposal." In the prize decisions of the United States Supreme Court the foundations were elaborated for the doctrine of "continuous voy-

age," which was to be pressed in the World War to the point of practical extinction of neutral rights. The Boer War led to Lord Salisbury's famous definition of goods conditionally contraband and thus supported the neutral cause. Since the neutrals were strong in the Russo-Japanese War, neutral rights were vigorously maintained during that struggle.

In the First and the Second Hague Peace Conference of 1899 and 1907 respectively neutral rights and duties in their modern form received elaborate formulation, although crucial matters such as contraband and blockade were untouched. The attempt at the Second Hague Conference to create an international prize court led to the London conference of 1909, at which all the important points of prize law were codified in the Declaration of London. Although it was never ratified by its signatories, its influence as a statement of rules and principles was great.

When the World War broke out, the law of neutrality was based upon some three centuries of practise, upon hundreds of decisions of prize courts and upon important international instruments. But more significant were the essentially conflicting political and economic realities of which the law of neutrality registered the adjustment. Under the modern law of neutrality, in general a neutral is under a double duty: not itself to aid either belligerent and to prevent its citizens from performing certain but not all acts in aid of a belligerent. More specifically, according to the 1907 Hague Convention respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land and other recognized principles concerning land warfare the rules which follow are generally accepted. Neutral territory, including the air space above, is inviolable. Belligerents may not move troops or war supplies in transit across neutral territory. They may not set up or use for military purposes wireless stations on neutral territory. Combatant forces cannot be recruited on neutral territory. Neutrals are under a duty to prevent activities forbidden to a belligerent. The neutral is not required to restrain private individuals from crossing the frontier to serve a belligerent, from shipping arms, munitions and other contraband goods or from utilizing private telegraph and wireless facilities on behalf of belligerents. If belligerent troops enter neutral territory, they must be interned for the duration of the war. If sick and wounded are brought in, the neutral must insure their not participating again in military operations.

In regard to maritime warfare the 1907 Hague Convention concerning the Rights and Duties of Neutral Powers in Naval War is applicable. No belligerent act is to be performed in neutral territory or in neutral waters. A prize captured in neutral waters must be released by the neutral if it has the power, otherwise by the captor on demand of the neutral. Prize courts may not be established in neutral territory nor may belligerents use such territory as a base of naval operations. The neutral government may not supply a belligerent with warships, ammunition or war material but need not prevent private exports of munitions; it must use the means at its disposal to prevent the departure, fitting out or arming within its jurisdiction of any vessel destined for hostile operations. Belligerent war vessels and prizes may pass through territorial waters, but warships may not remain in port more than twenty-four hours except in special cases. They may take on in case of need a limited amount of provisions but may not increase their armament or fighting force; nevertheless, they may make repairs sufficient to render them seaworthy. The Hague convention allows neutrals to choose between allowing warships sufficient fuel to reach the nearest port of their own country and permitting them to fill their ordinary bunkers, but no warship may refuel in a port of the same neutral within three months. Belligerents may not store prizes in neutral ports; the neutral must release those which do not leave when ordered. A neutral may, however, allow prizes to be sequestrated in its ports pending decision of a prize court; this article of the Hague convention was not accepted by the United States, Great Britain, Japan and Siam. When warships of two belligerents are in the same neutral port, twenty-four hours must intervene between their departures. Warships which do not leave when required are interned by the neutral together with their officers and crews.

In each state neutral duties are enforced through the appropriate form of local control. On the outbreak of war it is customary for neutrals to issue proclamations of neutrality. These usually warn the nationals of their state against unneutral acts. When nationals are guilty of unneutral acts they will not be assisted by their governments if the belligerent penalizes them. If the act is one that the neutral state is bound to prevent, it usually punishes the offender. The neutrality laws of the United States, which with various amendments date from 1794, cover in general the international obligations of

the United States as a neutral and also go further in dealing with aid to insurrectionists in countries with which the United States is at peace. The president may declare an embargo on arms and war material addressed to any American country with which the United States is at peace when it appears that the export of such materials is encouraging insurrection.

The World War again put neutrality to the test. Until the United States became a belligerent, the weight of neutral influence was a powerful factor. The United States government, however, did not defend its position as vigorously as it had in the Napoleonic period. European neutrals made their bargains with each side as best they could and with varying success. Almost from the outset, with one obvious purpose but with varying justifications, the belligerents made nugatory the legal freedom of neutral trade. Nevertheless, the economic necessities of the situation demanded neutral commerce. Both Allied and Central Powers proceeded to control the situation by extralegal means. In addition to exercising their naval power to intercept neutral ships at sea both sides used economic and financial pressure to secure desired action by the neutrals. The British government refused bunker supplies to neutral ships which would not accept sailing orders or which traded with firms on the "blacklist." In some cases tonnage was requisitioned. Embargoes, specific and general, were placed on the European neutrals until those governments yielded to belligerent demands. A striking example is the British action in cutting Holland off from all oversea telegraph and cable services until it agreed to stop the transit of Belgian gravel bound for Germany. In most of the neutral countries trade organizations were set up to handle in a manner satisfactory to the Allies consignments of oversea shipments; some of these trade organizations were under government auspices or control, others privately operated. The best known was the Netherlands Overseas Trust. The Central Powers made similar bargains and commodities were bartered with the neutrals under the system known as "Kompensationsverkehr." After the United States entered the war, the allied control of the neutrals was practically complete. Many of them were rationed and compelled to adapt their economy completely to allied convenience.

It was commonly asserted that conditions had so changed that the old rules had also changed These wartime utterances, however, do not represent views now advanced by the governments of the world. Their soundness has been convincingly challenged by John Bassett Moore (*International Law and Some Current Illusions*, New York 1924), but other writers have argued regarding the extent to which the old rules have survived the conflict. It is notable, however, that the changes are alleged to have taken place more in the field of neutral rights than in the field of neutral duties. On the whole neutral duties were strictly enforced during the war, and the violations of neutral rights were chiefly those which occurred on the high seas.

The post-war situation which has developed as a result of the creation of the League of Nations and more recently because of the general acceptance of the Pact of Paris has led to much discussion as to whether neutrality has any place in the modern world. Tangible evidence of its survival is found in the elaborate Convention on Maritime Neutrality adopted at the Sixth International Conference of American States at Havana in 1928 and since ratified by five states, and in the "neutrality treaties" concluded by several members of the League of Nations and expressly referred to in the negotiations leading up to the signature of the Pact of Paris. It seems evident also that because of the famous gap in the Covenant it is legally possible even for members of the League to be neutral in some wars. It may well be argued that in the present or future condition of world solidarity, neutrality is an antisocial status. It remains true, however, that no international agreement has definitely put an end to the law of neutrality and except for specific treaty provisions, such as those in the Covenant of the League, states may in time of war still claim neutral rights and be called upon to fulfil neutral duties.

PHILIP C. JESSUP

See: WAR; INTERNATIONAL LAW; DECLARATION OF PARIS; DECLARATION OF LONDON; HAGUE CONFERENCES; FREEDOM OF THE SEAS; BLOCKADE; CONTRABAND OF WAR; CONTINUOUS VOYAGE; MERCHANTMEN, STATUS OF; PRIZE; ANGARY; ALABAMA CLAIMS; FILIBUSTERING; INTERVENTION; ARMED NEUTRALITY.

Consult: Nys, Ernest, *Le droit international*, 3 vols. (new ed. Brussels 1912) vol. iii, sect. xv; Kleen, Richard, *Lois et usages de la neutralité*, 2 vols. (Paris 1898–1900); Hammarskjöld, K. H. L., *La neutralité en général*, Bibliotheca Visseriana Dissertationum Ius Internationale Illustrantium, vol. iii, no. viii (Leyden 1924); Westlake, John, *International Law*, 2 vols. (2nd ed. Cambridge, Eng. 1910–13) vol. ii, chs. vii–x; Hyde, C. C., *International Law*, 2 vols. (Boston 1922) vol. ii, pt. vii, titles H–K; Crichton, V. M. S., "The Pre-war Theory of Neutrality" in *The British Year*

Book of International Law, vol. ix (London 1928) p. 101–11; Fenwick, C. G., *The Neutrality Laws of the United States*, Carnegie Endowment for International Peace, Division of International Law (Washington 1913); Jessup, P. C., *American Neutrality and International Police*, World Peace Foundation Pamphlets, vol. xi, no. 3 (Boston 1928); Frank, Reinhard, *Ueber Neutralitätsgesetze*, Recht und Staat in Geschichte und Gegenwart, no. 20 (Tubingen 1921); Wright, Quincy, *The Future of Neutrality*, International Conciliation, Document no. 242 (Worcester, Mass. 1928).

NEUTRALIZATION signifies a regime in which a state or area is "of neither party to a war"; the term has been applied loosely to states, international waterways, canals, etc. The development of the idea of neutralization followed the more general acceptance of the principles of neutrality. Such qualifying words as positive or negative, permanent or temporary, guaranteed or not guaranteed, voluntary or imposed, limited or unlimited, show the range of use of the concept of neutralization. The phrase "perpetual neutrality" as an equivalent to neutralization came to mean in practise merely neutralization undetermined as to time. Neutralization has been used sometimes to imply obligations on the part of the neutralized state to maintain neutrality and sometimes to imply obligations on the part of the other parties to the agreement to defend the neutralization. Neutralized states, unless demilitarized, are accorded the right to arm or to make alliances for defense. When territory is added to a neutralized state, the status of neutralization does not ipso facto extend to that area.

Neutralization, or the establishment of perpetual neutrality, is to be differentiated from neutrality policies as evidenced in a unilateral declaration or in the usual attitude of a given state in time of war; the United States, for example, has usually been neutral in periods of war, although there has been no neutralization or legal obligation to follow such a policy. Neutralization should also be distinguished from demilitarization, either partial or complete. Demilitarization, although it may be related to neutralization, implies only an absence of or limitation on the means of war, while neutralization would bar a state of war. Thus demilitarization is the status of the archipelago of Spitsbergen, which under the general treaty of 1920, acknowledging Norwegian sovereignty, "may never be used for warlike purposes" (art. 9). Demilitarization may be qualified, as in the Washington treaty of 1922 limiting the "fortifications and naval bases" in certain areas of the Pacific Ocean to the status quo at the time of the signing of the treaty (art. XIX); this does not necessarily imply, however, that these areas will be neutral in time of war in which any of the parties may be engaged. The status of demilitarization of the Åland Islands, under the convention of March 30, 1856, was reaffirmed by article 3 of the convention of October 20, 1921, relative to the non-fortification and neutralization of the islands. The signatories may on recommendation of the Council of the League of Nations act to secure respect for the neutrality of the islands. Neutralization should also be distinguished from internationalization. Canals have been subject to international agreements; for example, the Suez Canal "shall always be free and open, in time of war as in time of peace, to every vessel of commerce or of war without distinction of flag." While the status of the Suez, Panama and Kiel canals is not identical, they are all regarded as in a sense internationalized.

The most frequently mentioned example of neutralization is Switzerland. After the treaty of 1291 there was a gradual building up of the union of Swiss states, aiming at freedom and independence, often shrewdly maintained by neutrality during European wars. Switzerland's independence and neutrality were recognized in the Peace of Westphalia (1648), and European alliances and the balance of power system during the eighteenth century inclined leading states to favor Swiss neutrality. Foreign troops, however, entered Switzerland after the battle of Leipsic in 1813 without opposition on the part of Swiss forces and for a time Switzerland, unable to defend its neutrality, was a football in European politics. The declaration of Austria, Spain, France, Great Britain, Portugal, Prussia, Russia and Sweden, March 20, 1815, stated "that the general interest demands that the Helvetic states should enjoy the benefit of a perpetual neutrality" and arranged for the guaranty of this status upon the acceptance of certain stipulations by the Helvetic Diet. The diet acceded to the stipulations and the declaration was confirmed by the Treaty of Vienna, June 9, 1815. In the act of November 20, 1815, "The powers who signed the declaration of Vienna of March 20 declare, by this present act, their formal and authentic acknowledgment of the perpetual neutrality of Switzerland; and they guarantee to that country the integrity and inviolability of its territory in its new limits." At the same time a similar status was accorded to parts of Savoy.

The guaranty of neutrality by the act of November 20, 1815, has been denied by some on the ground that perpetual neutrality was only acknowledged, while the integrity and the inviolability of Swiss territory were guaranteed. Some political leaders did not consider the guaranty as imposing positive obligations; Lord Stanley said, "We should hardly feel bound to go to war with all the world for the protection of Switzerland." While undoubtedly treaty provisions in regard to perpetual neutrality have given a degree of security to areas under such treaties, events have shown the wisdom of insuring physical support for the agreements. This Switzerland has had and has threatened to use, as in the declaration of neutrality in 1859, which was subsequently reaffirmed, even in 1914. In 1871 after the siege of Belfort the French army retreating into Switzerland was interned there and not allowed to cross. On the other hand, the mere verbal guaranty as provided in the treaty of 1815 which declared Cracow and its territory "forever a free, independent and strictly neutral city, under the protection of Austria, Russia and Prussia," was found inadequate when, in spite of protests from Great Britain and France, Cracow was absorbed by Austria in 1846.

That Belgium should form "an independent and perpetually neutral state" was provided for in article 7 of the treaty of November 15, 1831, between Austria, France, Great Britain, Prussia, Russia and Belgium, relative to the separation of Belgium from Holland. A protocol of December 20, 1830, referring to Belgium had mentioned as one of the reasons for the policy of the powers "the maintenance of the balance of Europe." As early as January, 1832, however, it was officially stated "that neutrality did not give to Belgium any more than to any other state a right to fall short in the obligations which flow from treaties," and it was not at all certain that its neutrality would be respected. That this doubt existed became evident in the Franco-Prussian War (1870–71), when by the treaty of August 9, 1870, Great Britain promised armed cooperation to Prussia in case of violation of the neutrality of Belgium by France, while a similar treaty of August 11, 1870, provided for cooperation with France in case Prussia violated Belgian neutrality. The neutrality of Belgium was respected, however, by both parties during this conflict and remained secure until 1914, when Belgian territory was invaded by Germany and the neutralization treaty was on August 4 termed by Bethmann Hollweg a "scrap of paper." Later he explained that he had meant that for England the Belgian treaty had "only the value of a scrap of paper."

The neutralized status of other territories was also disregarded during the World War. The Grand Duchy of Luxemburg had in 1815 been allocated to Holland, and the king as grand duke had placed Luxemburg under the protection of a number of the powers. Later agreements reaffirmed its status. By a treaty of May 11, 1867, the neutrality of Luxemburg was "placed under the sanction of the collective guarantee of the powers, signing parties to the present treaty, with the exception of Belgium, which is itself a neutral state." By article III the city of Luxemburg was to "cease to be a fortified city" and by article V the fortress was to be demolished. In reply to questions in the House of Commons Lord Stanley, who had negotiated the treaty, said, "Such a guarantee has obviously rather the character of a moral sanction to the arrangements which it defends than that of a contingent liability to make war. It would, no doubt, give a right to make war, but it would not necessarily impose the obligation." In 1914 armed forces entered Luxemburg. It was supposed that the General Act of the Conference of Berlin, 1885, would secure perpetual neutrality to the Congo region, but in the World War the belligerents under reciprocal recriminations held the clauses invalid. Corfu and Paxo and their dependencies were by the treaty of March, 1864, to "enjoy the advantages of perpetual neutrality." Nevertheless, in 1915 Corfu was occupied by the Allies, Serbian troops being placed there.

Following the World War the status of some of the neutralized territories was changed by treaty. In 1919 the provisions of the General Act of Berlin relative to the neutrality of the Congo were abrogated (Convention of Saint-Germain-en-Laye, art. 13). By the Treaty of Versailles, which became operative in 1920, Germany recognized that as to Belgium the treaties of 1839 "no longer conform to the requirements of the situation" and were to be replaced (art. 31); and as to Luxemburg, Germany adhered "to the termination of the regime of neutrality" (art. 40). The neutralized sections of upper Savoy were also deneutralized (art. 435 and Annex).

There have been other less famous instances of neutralization. Thus the lighthouse of Cape Spartel in 1865 was placed under an international agreement for its security for renewable periods of ten years by convention between

Morocco and the principal naval powers. Morocco was to furnish a guard "of a Kaid and four soldiers" and "the contracting Powers bind themselves, each so far as concerned, to respect the neutrality of the lighthouse," even in case of war (14 U. S. Stat., 1865–67, p. 680). Later, in 1892, an agreement provided for the erection and maintenance of a semaphore.

Treaties have provided for various degrees of neutrality in differing phraseology open to differing interpretation. Under article xxxv of the treaty of 1846 relating in part to the Isthmus of Panama " . . . the United States guarantee, positively and efficaciously, to New Granada (Colombia), by the present stipulation, the perfect neutrality of the before-mentioned isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists; and, in consequence, the United States also guarantee, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory." Nevertheless, the United States recognized the Republic of Panama in 1903, and by treaty with Panama acquired in perpetuity within a ten-mile canal zone the exercise of sovereign rights.

The term neutralized has also been employed from time to time as a "euphemism," as Thomas Erskine Holland described its use in connection with the Peace of Paris of 1856, which provided that "the Black Sea is neutralized." The employment of this expression was presumed to make more palatable to Russia the restriction upon the exercise of its sovereign rights. By the treaty of March, 1871, this article was specifically abrogated.

During the nineteenth century neutralization treaties aimed to set up conditions which would bring about results similar to those sought in the eighteenth century by balance of power arrangements. The Covenant of the League of Nations, 1919, if effective, would by article 10 and other articles make many of the nineteenth century neutralization agreements unnecessary. Article 10 declares: "The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League."

GEORGE GRAFTON WILSON

See: NEUTRALITY; GUARANTIES, INTERNATIONAL; INTERNATIONAL WATERWAYS; BUFFER STATE; LEAGUE OF NATIONS.

Consult: Littell, C. F., *The Neutralization of States* (Meadville, Pa. 1920); Descamps, Émanuel, *L'état neutre à titre permanent* (Paris 1912); Wicker, C. F., *Neutralization* (London 1911); Piccioni, C. V. E., *Essai sur la neutralité perpetuelle* (2nd ed. Paris 1902); Schweizer, P., *Geschichte der schweizerischen Neutralität*, 2 vols. (Frauenfeld 1893–95); Descamps, Édouard, *La neutralité de la Belgique* (Brussels 1902); Great Britain, Foreign Office, Historical section, *Neutrality of Belgium*, Peace Handbooks, no. xxix (1920); Roussel le Roy, A., *L'abrogation de la neutralité de la Belgique* (Paris 1923); Wampach, G., *Le Luxembourg neutre* (Paris 1900); Eyschen, P., *Das Staatsrecht des Grossherzogtums Luxemburg*, Das öffentliche Recht der Gegenwart, vol. xi (Tübingen 1910); Söderhjelm, J. O., *Démilitarisation et neutralisation des Iles d'Aland en 1856 et 1921* (Helsingfors 1928); Holland, T. E., *Studies in International Law* (Oxford 1898) ch. xiv; Oppenheim, L., *Panama Canal Conflict between Great Britain and the United States* (Cambridge, Eng. 1913); Wilson, G. G., "Neutralization in Theory and Practice" in *Yale Review*, vol. iv (1915) 474–86; Graham, M. W., "Neutralization as a Movement in International Law" in *American Journal of International Law*, vol. xxi (1927) 79–94.

NEW ECONOMIC POLICY. *See* GOSPLAN.

NEW HARMONY. *See* COMMUNISTIC SETTLEMENTS; OWEN AND OWENISM.

NEWMAN, CARDINAL JOHN HENRY (1801–90), English theologian. Newman was born in London and was graduated from Trinity College, Oxford, in 1820. From then until shortly after he renounced Anglicanism in 1845 for adherence to the church of Rome, Newman was connected with that university, first as fellow at Oriel, then as tutor and for almost twenty years as vicar of St. Mary's. After his ordination at Rome as a priest of the Catholic church Newman returned with a commission from Pius IX to introduce in England the institute of the Oratory, and eventually he founded oratories at Birmingham and London. He spent the four years from 1854 to 1858 as rector of the newly established Catholic University of Ireland at Dublin and the remainder of his long life in religious and educational activities in England. In 1879 he was created a cardinal by Leo XIII.

It is doubtful if any individual had more influence upon the religious life of nineteenth century England than Newman. With John Keble, R. H. Froude and others he originated the Oxford movement and Newman himself wrote the first of the *Tracts for the Times*. An aggressive and stirring protest against Low Church and Broad Church Anglicanism, the Oxford movement sought to instil a new spirit

in the High Church group and to give that party a platform and an objective. In its broader significance the movement was symbolic of the antidemocratic reaction precipitated by the radical movements of the reform era, particularly as they had affected the English church through the Catholic Emancipation Bill and other legislation. Newman was essentially a theologian and spiritual leader; he had slight interest in political, social or economic questions and his influence upon the political world was very indirect. Nevertheless, the Oxford movement has a close affinity with Disraeli's Young England as well as with other reactionary or romantic trends in Europe which looked sympathetically upon a rejuvenation of ancient institutions.

The Oxford movement did not destroy either the Low Church or the Broad Church group, but it did infuse fresh lifeblood into the Anglican church as a whole and thus helped to restore its waning prestige. The saintliness of Newman's life and the utter sincerity of his confessional writings were important to English Catholicism, for they did much to modify the intolerance of the English people toward Catholicism and to reconcile them to its renewed and active presence in England. Although Newman was a religious reactionary, he was far from being an ultramontanist. Some have even claimed for him the fathership of the Catholic modernist movement, pointing to his unmistakable dislike of the doctrine of papal infallibility and his willingness to face the higher criticism and also to the fact that in his *Essay on the Development of Christian Doctrine* (London 1845) he formulated an evolutionary thesis which validates the modernist conception of the progressive unfolding of religious principles and institutions. In addition to his spiritual autobiography, *Apologia pro vita sua* (London 1864, new ed. 1913), Newman wrote voluminously in the fields of religious history and controversy. His most significant historical works are *The Arians of the Fourth Century* (London 1833, new ed. 1895) and *Lectures on the History of the Turks in Its Relation to Christianity* (Dublin 1854).

HAROLD U. FAULKNER

Consult: Rickaby, Joseph, *Index to the Works of John Henry, Cardinal Newman* (London 1914); Ward, W. P., *The Life of John Henry, Cardinal Newman*, 2 vols. (London 1912); Abbott, E. A., *The Anglican Career of Cardinal Newman*, 2 vols. (London 1892); *The Letters and Correspondence of John Henry Newman*, ed. by Anne Mosley, 2 vols. (London 1891); Sarolea, C., *Cardinal Newman and His Influence on Religious Life and Thought* (Edinburgh 1908); Mathieson, W. L., *English Church Reform, 1815–1840* (London 1923) p. 86–91, 98–100, 116–18; Webb, C. C. J., *Religious Thought in the Oxford Movement* (London 1928); Chevalier, Jacques, *Trois conférences d'Oxford* (Paris 1928) ch. iii; Reilly, J. J., *Newman as a Man of Letters* (New York 1925).

NEWMARCH, WILLIAM (1820–82), British statistician and economist. Newmarch was a leading critic of Peel's Bank Act of 1844. He collaborated with Thomas Tooke (*q.v.*) in completing the latter's *History of Prices* (vols. v and vi, London 1857; republished in 1928 with introduction by T. E. Gregory). These final volumes, for which Newmarch was mainly responsible, covered the years 1847 to 1856 and were designed not merely to give an objective statistical analysis of the period but also to refute the theories of the currency school on which Peel's act had been based. Newmarch held that the influence of monetary factors on price fluctuations had been greatly exaggerated. If the monetary circulation of a country were increased as a result of additions to its gold and silver stocks, the result would be a stimulus to industry and production rather than a rise in prices. If it were increased by the overissue of bank money, the extra issues would speedily be returned to the banks and prices would again be unaffected. This argument failed to observe that the redundant paper would flow back only in return for gold; prices would then be prevented from rising only if the gold were withdrawn from circulation or exported, in which case the country's reserves would be correspondingly depleted. Nor is it clear why an increase in paper money should have less stimulating effects upon industry than an increase in gold or silver. On the other hand, Newmarch was right in denying the distinction, implicit in Peel's act, between the monetary status of banknotes and of deposits. In his evidence before the Parliamentary Committee of 1857 he argued that as a result of the separation of the issue and banking departments of the Bank of England the gold in the former had been immobilized, while the latter, although equally important as a guardian of the nation's reserves, was being run on narrow commercial lines, with injurious effects upon the stability of the bank rate.

Newmarch was a leading member of the Royal Statistical Society and its president from 1869 to 1871. In 1863 he inaugurated the *Econ-*

omist's annual "Commercial History," with its index number of general prices.

LINDLEY M. FRASER

Important works: *The New Supplies of Gold* (London 1853); *On the Loans Raised by Mr. Pitt during the First French War, 1793–1801* (London 1855); Great Britain, Parliament, Select Committee on Bank Acts, *Proceedings, Minutes of Evidence*, Parliamentary Papers (1857) 2nd sess., vol. x, pt. i, p. 116–76.

Consult: *Select Statutes, Documents and Reports Relating to British Banking*, ed. by T. E. Gregory, 2 vols. (London 1929) vol. i, p. xix–xxxvi, vol. ii, p. 60–72; Pierson, Nikolaas, *Leerboek der staathuishoudkunde*, 2 vols. (2nd ed. Haarlem 1896–1902), tr. by A. A. Wotzel, 2 vols. (London 1902–12).

NEWSPAPERS. *See* PRESS.

NEWTON, SIR ISAAC (1642–1727), English physicist and natural philosopher. As the promulgator of the first great physical synthesis, marking an epoch not only in physical science but in the cultural history of the western world, Newton has obvious sociological significance. He was born in the county of Lincoln, the posthumous son of a yeoman farmer. Educated through the assistance of an uncle, he matriculated at Trinity College, Cambridge, on a poor man's scholarship (1661). He remained at Trinity for more than thirty years, first as student, then as fellow and from 1669 as successor to the mathematical chair of his teacher Isaac Barrow. His genius flowered early, and all his great discoveries—his work in optics, the invention of fluxions or the infinitesimal calculus, and the law of gravitation—were made before he was twenty-five. But except for his optical experiments, they were not perfected or announced to the world until twenty years later on the publication of the immortal *Philosophiae naturalis principia mathematica* (1687). Exhausted by the strain of this work, Newton sought an occasion to retire from Cambridge and in 1694 accepted the post of warden of the mint, later being promoted to the mastership. Although both of these appointments were in the nature of a reward for his scientific labors, Newton was a conscientious administrator and his work in connection with recoinage and his official reports on coinage occupy an important place in the special history of that subject.

The cultural importance of Newton's *Principia* lies first of all in the fact that it consolidated and brought to a climax the work of the seventeenth century philosophers and scientists toward building up an exact interpretation of physical phenomena along mathematical and mechanical lines. With the *Principia* the foundation efforts were complete: there was presented a finished system of physical principles, whose power and grip on reality, as evidenced particularly by the solution of the problem of planetary motions, struck Newton's contemporaries as little short of marvelous. This first revelation of the power of scientific method provoked at once a wave of application to other fields of natural phenomena and, not least, to social and political problems. Science was henceforth a cultural force of the first order.

But in addition to presenting the impersonal power of modern science the *Principia* is important because it set forth Newton's own characteristic approach on the disputed problems of scientific method, and many of the cultural repercussions of modern science are directly traceable to the particular emphasis which Newton thus incorporated into science at the very moment when its permanent character was being molded. The Newtonian approach may best be understood by contrast with the approach of Descartes, which it largely replaced. The great French philosopher, although responsible for very few of the empirical discoveries of seventeenth century science, performed a remarkable service by laying down with full philosophic clarity the ideas of mechanism and mathematical analysis as the twin guideposts of the new scientific effort and then by generalizing, on the basis of his method, all the scattered mechanical principles into a coherent system. It is significant that this system, which had a tremendous vogue for more than thirty years, omitted all reference to Galileo's laws of the acceleration of falling bodies, whose importance Descartes underestimated precisely because he could not fit them into the framework of his system. It is also noteworthy that, despite his professed recognition of the testing of rational principles in experience, Descartes' love of system led him to fill out the gaps of verified science with plausible a priori speculation, such as the vortex theory of planetary movements, which Newton was to demolish at one blow by subjecting it to rigorous mathematical analysis.

The Newtonian approach, which seemed to contemporaries to be the diametrical opposite of the Cartesian conception, differed not so much in formal statement of methodological principles as in the emphasis which was given to those principles in scientific practise—but this difference of emphasis was indeed crucial. Newton

was far from being an empiricist in the Baconian sense, for he recognized the importance of rational analysis in addition to experience, just as Descartes acknowledged the importance of experience in addition to reason. The all important fact was that in scientific practise the English thinker was ready to sacrifice more remote philosophical questions to the ability to provide a mathematical correlation of observed phenomena. Thus the specific Newtonian contribution—the doctrine of gravitational attraction as providing both an interpretation of Galileo's empirical laws and a mechanical solution of the heavenly motions—seemed to many of the leading scientists and philosophers to mark a return to the occult entities of the scholastics. The fundamental idea of action at a distance, which gravitation involved, was not only attacked as irrational, but the subsidiary notions of force as an explanation of certain kinds of motion and empty space and time as absolute realities were regarded as barbarously antiphilosophic. That these contemporary objections were not without foundation is abundantly demonstrated by the Einsteinian revolution of our own day. But in the seventeenth century it was a question of choosing between sounder philosophical conceptions, which would have handicapped temporarily the empirical progress of science, and conceptions which were obscure but which provided a highly potent mathematical law for tracing the course of physical phenomena. Newton chose the latter. Indeed he was not even conscious of making a deliberate choice between philosophic clarity and pragmatic serviceability, for every step in the development of his theory presented itself to his mind as the direct and naked revelation of experience. In this too he may be said to have set the style for future scientists. For scientists, in constructing a scientific representation of the universe, have not only always sacrificed all other possible approaches to the interests of empirical prediction of physical phenomena according to the tools at hand, but they have refused even to recognize the existence of other approaches which might be useful either from the point of view of other interests or even from that of the future needs of empirical science.

In the eighteenth century the victory of the Newtonian doctrine and the object lesson afforded by the contrast between the Cartesian theory of vortices and the accuracy of the Newtonian law of gravitation produced that empiricalization of rationalism which was so characteristic of the Enlightenment. Philosophic thought became more and more preoccupied with empirical problems, and this tendency was reflected in turn in the creation of the sciences of politics and economics as well as in much materialistic psychologizing which passed for science. The materialism of Helvétius, Holbach and Diderot and the utilitarian doctrine of Bentham are traceable directly to the victory of Newtonianism. Even Kantian criticism, which was to reestablish the older methods of philosophizing on a new basis, reflects the Newtonian influence: no longer is the attempt made to integrate natural science and moral philosophy into a common and homogeneous system; philosophy must rather accept the formulations of science as a fixed fact and from this starting point inquire both as to the epistemological presuppositions of scientific thought and as to the place, if any, which remains for moral and religious ideas.

BENJAMIN GINZBURG

Works: *Isaaci Newtoni opera qua extant omnia*, ed. by Samuel Horsley, 5 vols. (London 1779–85). For English edition of the *Principia*, see translation by A. Motte, 3 vols. (new ed. London 1803); for his reports on coinage see his *A Short Essay on Coin* (London 1737).

Consult: Brewster, David, *Memoirs of the Life, Writings and Discoveries of Sir Isaac Newton*, 2 vols. (Edinburgh 1855); Rosenberger, Ferdinand, *Isaac Newton und seine physikalischen Principien* (Leipsic 1895); Mach, Ernst, *Die Mechanik in ihrer Entwicklung* (9th ed. Leipsic 1933), tr. by T. J. McCormack as *The Science of Mechanics* (4th ed. Chicago 1919) p. 187–269; Bloch, Léon, *La philosophie de Newton* (Paris 1908); Burtt, E. A., *The Metaphysical Foundations of Modern Physical Science* (London 1925) ch. vii; Cassirer, Ernst, *Die Philosophie der Aufklärung*, Grundriss der philosophischen Wissenschaften (Tübingen 1932) chs. i–ii.

NICHOLAS OF CUSA (1401–64), German philosopher. Nicholas was born in Germany at Cues on the Moselle and received his first training in the humanities and in philosophy from the Brethren of the Common Life at Deventer. Later he studied jurisprudence at Heidelberg and Padua and theology at Cologne. He played an important role in the so-called conciliar movement in the Catholic church. At the Council of Basel (1431–48) he drew up the conciliar declarations against the pope. Later, however, he went over to the side of Pope Eugene IV and took an active part in the "union" Council of Florence. He was named cardinal in 1448 and in 1450 was appointed bishop of Brixen—the latter post embroiling him in a long conflict

with Archduke Sigismund. He was a leader in the cause of church reform which he promoted both as bishop in his own district and as envoy on a general mission for the pope in Germany and the Netherlands.

Nicholas was the greatest German thinker of the fifteenth century. His universal genius embraced natural science, mathematics, theology and state and church politics. In all these fields he was able to make constructive and original contributions in which he combined a respect for tradition and a fresh and vital approach to new problems. In his philosophical outlook, which is expressed in his writings *De docta ignorantia* and *De possest*, he followed Plato more than Aristotle; and although he was well versed in scholasticism, he preferred to strike out on the new paths of modern thought—the paths which lead through Giordano Bruno to German idealism and to Schelling particularly. As against the rationalizing theology of late scholasticism Nicholas emphasized the limitations of natural knowledge and championed works of mysticism. In the field of science the same skeptical attitude was instrumental in breaking up Aristotelianism and preparing the way for an experimental science on a mathematical basis.

Nicholas' views on social theory and organization are contained in his treatise *De concordantia catholica*, composed during the first years of the Council of Basel. He regarded human society as a richly differentiated organism with its many members regulated by the life of the whole, and he put forward on this basis a reform program for church and state. In contrast to his later position Nicholas was here a champion of conciliar supremacy. He believed also in the holy mission of the mediaeval imperium and developed detailed plans for its revival—the last grand attempt to reconcile mediaeval universalism and the trends of the dawning modern age and to unite in a higher synthesis tradition and natural law. In respect to church and state as in his philosophy Nicholas stood on the threshold between the Middle Ages and modern times. His powerful spirit spanned the two epochs. In his feeling for historical thought and criticism he was a forerunner of the Renaissance. He was the first to raise doubts concerning the Donation of Constantine and the Decretals of the pseudo-Isidor. He recognized the importance of the study of historical sources and natural science. He thus epitomized an important phase of the spiritual history of western Europe and he exercised an enduring influence on the periods that followed.

ANDREAS POSCH

Works: *Opera omnia*, ed. by Ernst Hoffmann and others, vols. i–ii (Leipsic 1932–); *Nicolai de Cusa Opera*, 3 vols. (4th ed. by Heinrich Petri, Basel 1565); *Wichtigste Schriften*, tr. into German by F. A. Scharpff (Freiburg i. Br. 1862).

Consult: Düx, J. M., *Der deutsche Cardinal Nicolaus von Cusa und die Kirche seiner Zeit*, 2 vols. (Regensburg 1847); Vansteenberghe, Edmond, *Le cardinal Nicolas de Cues* (Paris 1920); Rotta, P., *Il cardinale Nicolo di Cusa*, Università Cattolica del Sacro Cuore, Milan, Pubblicazioni, 1st ser., vol. xii (Milan 1928); Stumpf, Theodor, *Die politischen Ideen des Nicolaus von Cusa* (Cologne 1865); Übinger, J., *Die Philosophie des Nicolaus Cusanus* (Würzburg 1880); Rossi, G., *Niccolò di Cusa e la direzione monistica della filosofia nel rinascimento* (Pisa 1893); Hommes, J., *Die philosophischen Grundlagen des Nikolaus Kusanus* (Augsburg 1926); Posch, Andreas, *Die "Concordantia catholica" des Nikolaus von Cusa*, Görres Gesellschaft, Sektion für Rechts- und Staatswissenschaft, Veröffentlichungen, vol. liv (Paderborn 1930); Bett, Henry, *Nicholas of Cusa* (London 1932); Jacob, E. F., in *The Social and Political Ideas of Some Great Thinkers of the Renaissance and Reformation*, ed. by F. J. C. Hearnshaw (London 1925) ch. ii.

NICOLSON, SIR ARTHUR, FIRST LORD CARNOCK (1849–1928), British diplomatist. Educated at Wimbledon, Rugby and Oxford, Nicolson entered the British Foreign Office in 1870 and served it for nearly half a century, at home or abroad, until his retirement because of delicate health in 1916. After holding various subordinate posts in Peking, Constantinople, Teheran and Sofia, he was appointed British minister at Tangier in 1895 and ambassador at Madrid in 1905. He was the British representative at the Algeçiras Conference, where he handled the delicate questions with great skill and firmness, supporting the French views on the Morocco question and helping to consolidate the newly formed Anglo-French entente. Incidentally he acquired a suspicion and dislike of German diplomatic methods which remained with him ever after.

As ambassador to Russia from 1906 to 1910 he achieved another notable diplomatic success in negotiating the Anglo-Russian convention of 1907 concerning Tibet, Afghanistan and Persia. At St. Petersburg also he was antagonized by what he regarded as Austrian duplicity and German threats in the Bosnian crisis and this antagonism found expression in his reports. His information, however, was based largely on the deceptive statements and bitter complaints

which Izvolsky, the Russian foreign minister, poured endlessly into his ear.

Nicolson loved the Russians and only reluctantly gave up St. Petersburg to become permanent undersecretary at the Foreign Office in London during the following six years. As adviser to Sir Edward Grey he used his influence to draw England, France and Russia more closely together and in 1914 to bring Great Britain into the World War. After his resignation he urged a moderate and just peace settlement; he regarded the Versailles peace negotiations with apprehension and condemned the "war guilt" clause as undignified and meaningless.

SIDNEY B. FAY

Consult: Great Britain, Foreign Office, *British Documents on the Origins of the War, 1898–1914*, ed. by G. P. Gooch and Harold Temperley, vols. i–viii, xi (London 1926–32), which contain Nicolson's more important diplomatic dispatches, minutes, and some private letters; Nicolson, Harold, *Sir Arthur Nicolson, Bart., First Lord Carnock* (London 1930).

NIEBOER, HERMAN JEREMIAS (1873–1920), Dutch social anthropologist. Prior to the appearance of his classic work, *Slavery as an Industrial System* (The Hague 1900, 2nd ed. 1910), Nieboer was a student of law at the University of Utrecht. Making skilful use of the inductive method of Tylor and Steinmetz he collected a vast amount of descriptive material from all parts of the world; he then classified according to economic stages the instances where slavery has been found and where it has been non-existent and finally formulated from these comparative data the reasons for its presence or absence. He concluded that slaves were not of much use to hunters, their presence in this stage being practically confined to the Indians of the north Pacific coast of North America, where fishing supplied an abundance and variety of food, where the tribes had the advantages of fixed habitation, trade, property and wealth and where the condition of the women and the methods of warfare furthered the development of slavery. He found slavery to be of very little economic importance among pastoral peoples, who as a rule had little wealth; its occasional presence among them he attributed to secondary causes. The development of agriculture he regarded as creating social conditions conducive to the spread of slavery, which in this stage depends largely on the existence of free land. His general conclusion was that where subsistence depends upon "closed resources," that is, where there is a limited supply of capital or land resources, the use of slaves cannot be permanent; while among people with "open resources," on the other hand, where labor is the principal factor in production, slaves are economically profitable when their subsistence is easily acquired. In his discussion of the transition from serfdom to freedom in western Europe he revealed the inaccuracy of Hildebrand's theory that natural economy leads to serfdom and money economy to freedom. Nieboer also wrote on population problems among primitive peoples.

S. R. STEINMETZ

Consult: Seligman, E. R. A., in *Political Science Quarterly*, vol. xvi (1901) 534–38; Tönnies, Ferdinand, in *Schmollers Jahrbuch*, vol. xxv (Leipsic 1901) p. 1135–39; Vierkandt, A., "Die Verbreitung der Sklaverei und ihre Ursachen" in *Zeitschrift für Sozialwissenschaft*, vol. iv (1901) 13–27; Westermarck, E. A., *The Origin and Development of the Moral Ideas*, 2 vols. (2nd ed. London 1912–17) vol. i, p. 670–78.

NIEBUHR, BARTHOLD GEORG (1776–1831), German historian and statesman. Niebuhr was born in Copenhagen, of German parents, but was brought up in the province of Holstein. He studied at the universities of Kiel and Edinburgh and in 1800 he entered the service of the Danish government. In 1806 he was invited by Baron vom Stein to come to Prussia, where he was particularly active in the administration of currency problems. He participated in the establishment of the University of Berlin in 1810–11 and was ambassador to Rome from 1816 to 1823. From 1823 to his death he lectured at the University of Bonn.

Niebuhr's chief significance is in his contributions to the development of modern historiography. His works on the history of ancient Rome mark the beginning of modern historical method based on the critical investigation of sources. He went beyond the methods of the eighteenth century philologists, whose textual criticism was concerned merely with the discrepancies between the various ancient authors. Niebuhr inquired into the historical and logical possibilities of the reported facts and legends and sought to reconstruct, out of these materials, a picture of Roman political and social development.

Niebuhr's historical thought presents a mixture of elements of systematic rationalism and historical organicism. He started with the institutions and sought to provide an explanation for them in logically recognizable relationships. He

was particularly fond of the use of analogies and compared history, with its reconstruction of a whole out of incomplete and traditionally transmitted parts, to mathematics. The combination of practical political activity with scientific work, which was characteristic of Niebuhr's whole career, is evident also in his historical works. There is an ethical tone that pervades all of his writings. He aimed to produce a history in which the relations of the individual and the political and social institutions in the past should be as clearly revealed as they are in contemporary life to the politician. The early period of Roman history was to him the realization, in a most exemplary fashion, of the healthy and proper structure of the state. The fundamentally agrarian character of early Roman history was a condition which he considered indispensable for the healthy life of any people. He considered the incorporation and absorption, during the first centuries of Roman history, of newly formed social classes and conquered peoples into the life of the people as having been carried out in an ideal fashion. It was for this reason that he focused his presentation around the great legal and constitutional reforms. His work also reveals the antirevolutionary character of his political thought which had, from his youth, developed as a reaction to the French Revolution. Since he was more the investigator and original discoverer of an ancient world than the calm observer, his works are cumbersome for the present day reader. The concrete results of his researches have long since been superseded, but only through the utilization of the methods which he inaugurated.

In the development of German intellectual life Niebuhr's influence extends in three other directions. In the movement of renewed preoccupation with classical antiquity he provided the stimulus through which Roman studies assumed their place beside the Greek studies of the neohumanists. In the new historical approach introduced by the romantic movement he called attention to the political institutions of a people. His attention to the life of the people as a whole tied him up with the members of the historical school, but he is not to be identified with the adherents of the doctrine of an unconscious and all pervading folk spirit (*Volksgeist*). By centering his emphasis on the state and the political life of the citizens he impressed on German historiography a political consciousness, which, enforced by other influences, is evident in the works of Dahlmann and Treitschke. He also may be said to be a sort of precursor of the Prussian school of historians. He was a passionate adherent of Prussia and published many articles in which he called upon Prussia to assume the leadership in the political education of the German people. Niebuhr's economic ideas were scattered in various memoranda and letters and through his historical works, and therefore proved of no decided influence on the history of economic science. They were, however, important in influencing the financial and agrarian policy of the Prussian government, especially during the period of the reforms.

DIETRICH GERHARD

Important works: *Römische Geschichte*, 3 vols. (Berlin 1811–32; new ed. by M. Isler, 1873–74), tr. by J. C. Hare and C. Thirlwall (new ed. London 1855–60); *Vorträge über die römische Geschichte*, ed. by M. Isler, 3 vols. (Berlin 1846–48); *Vorträge über römische Alterthümer*, ed. by M. Isler (Berlin 1858); *Vorträge über alte Geschichte*, ed. by M. Niebuhr, 3 vols. (Berlin 1847–51); *Geschichte des Zeitalters der Revolution*, 2 vols. (Hamburg 1845); *Nachgelassene Schriften nichtphilologischen Inhalts* (Hamburg 1842); *Forschungen zur internationalen Finanz- und Bankgeschichte; B. G. Niebuhr als Finanz- und Bankmann*, ed. by A. Trende (Berlin 1929). Most of Niebuhr's lectures on history have been translated and edited by Leonhard Schmitz in *Collected Lectures*, 8 vols. (London 1852–53). The old collection of his letters, which was translated by S. Winkworth (New York 1852), has now been superseded by the new definitive edition, *Die Briefe B. G. Niebuhrs*, ed. by D. Gerhard and W. Norvin, vols. i–ii (Berlin 1926–29), with a long introduction by Gerhard.

Consult: Eyssenhardt, F., *B. G. Niebuhr* (Gotha 1886); Schnabel, F., *Niebuhr* (Heidelberg 1931); Wilcken, U., *Eine Gedächtnisrede auf B. G. Niebuhr*, Bonner akademische Reden, vol. x (Bonn 1931); Körnemann, E., "Niebuhr und der Aufbau der altrömischen Geschichte" in *Historische Zeitschrift*, vol. cxlv (1931) 277–300; Küntzel, G., in *Festschrift für F. C. Ebrard* (Frankfort 1920); Fowler, W. W., *Roman Essays and Interpretations* (Oxford 1920) p. 229–50; Gooch, G. P., *History and Historians in the Nineteenth Century* (2nd ed. London 1913) ch. i; Meinecke, F., *Weltbürgertum und Nationalstaat* (7th ed. Munich 1928).

NIETZSCHE, FRIEDRICH WILHELM (1844–1900), German philosopher. The son of a Protestant pastor, Nietzsche derived from his clerical upbringing a certain religious seriousness which is apparent even in his most vigorous attacks on religion. Under the guidance of the Hellenist Friedrich Ritschl at Leipsic and later at Bonn he succeeded in emancipating himself from Lutheran orthodoxy and from the Prussian political romanticism in vogue during the epoch of Frederick William IV. As professor of Greek at the University of Basel from 1869 to 1879

Nietzsche came into contact with three outstanding men—the historian Jacob Burckhardt; Franz Overbeck, a specialist in the history of Christianity; and the palaeontologist Rütimeyer, who initiated him into neo-Lamarckian doctrines. His greatest good fortune, however, was the intimacy which he formed with Richard Wagner, whom he used to visit at Triebschen, near Lucerne. After 1879 he led a wandering life, passing his summers in the Engadine and his winters at the Riviera of Genoa or Nice. He became insane in January, 1889, while he was at Turin.

Although Nietzsche's professional interest was philology, it soon became evident that the dominating preoccupation of his life was the analysis and criticism of cultural values. Both in his literary method and in his psychological approach he was influenced by the great French "moralists"—Montaigne, La Rochefoucauld, Pascal, Fontenelle, Chamfort and Stendhal. In his positive ethics, however, he was inspired chiefly by Gobineau and Emerson. There has been much dispute concerning the manner of growth of Nietzsche's philosophy. Although Nietzsche's thought develops with a continuous sweep, psychologically it may be described as always starting out with a great mystical intuition, which illumines for him all reality and upon which he then brings to bear a process of reflection up to the point of disintegrating his original intuition. Nietzsche's written work reveals two mystical periods, each followed by its period of analysis. There are thus four systems all told.

In his "period of the Wagnerian revelation" (1869–76) Nietzsche declared that the greatest century of Greece—that which witnessed the rise of the tragedy from the primitive dithyramb and which created the great Ionian philosophies—had been reborn in Germany through the work of Richard Wagner and Schopenhauer. The great symphonic music of Germany, he said, fills us with the same ecstasy which in Greece stirred the masses whenever Dionysus, the god of death and resurrection, made his appearance. In the Wagnerian drama this emotion evokes dream images which are Apollonian in purity. There were thus for Nietzsche at this period three types of human greatness revealed in culture: the philosopher, the saint and the creative artist. Since neither science nor the state has thus far taken any steps toward developing this greatness through selection, it will be necessary, said Nietzsche, to establish a new institute of culture, an ideal Bayreuth.

The "period of intellectualistic evolutionism" which followed (1876–81) was brought about by Nietzsche's reflections as to the means whereby the new culture could be achieved. Here Nietzsche gradually emancipated himself from Wagner and Schopenhauer. He saw that the methods of science had dealt a fatal blow to the belief in geniuses, heroes and saints and that the new evolutionism had shown that both individual and social morality were governed by morphology and evolution. The root of both was the "will to power." None the less, the greatest force lay in knowledge and the highest value to which humanity could attain was the "freedom of the spirit." The true work of art to be created was a society of free spirits where the state would be deprived of its functions of force (justice and war) and where the present bourgeois order with its multiplicity of national cultures would give way to a pan-European society.

Nietzsche developed a new period of "lyrical affirmation" between 1882 and 1885 in *Also sprach Zarathustra* and in the fragments belonging to this period. In a gospel written in poetic prose the prophet Zarathustra teaches two mysteries, that of the "eternal recurrence" and that of the "superman." In the name of these two mysteries he announces a new era, a new morality more generous than the ethical doctrines advocated in the past, the downfall of the present conventional values and the advent of unsuspected forms of human greatness.

A new critical reflection on the "values of decadence and renaissance" which Nietzsche had thus affirmed constituted his fourth philosophy and occupied his last active years (1885–88). This time the reflection did not disintegrate the results of the mystic intuition but confirmed them. He believed that the notions of the "eternal recurrence" and the "superman" could be proved scientifically. The primitive social fact in every civilization was for him the act of a horde of blond beasts who installed themselves as masters over weaker populations and reduced them to slavery. There have always been and always will be masters and slaves. Each of these classes has its ethics and its gods.The masters create a warlike ethics, out of which there develops by a process of selection the true nobility, the grand courtesy and the chivalrous bravery of the aristocratic ages. Those who are obliged to serve invent a morality of humility and later, rising in resentment, invent a morality of equality. Among the Greeks the god of superabundant force was called Dionysus. On the other

hand, among the plebeian masses of Asia Minor there developed the cult of the crucified god. Through miscegenation and preaching of the gospel this ethics of humility and equalitarian revolt has spread over the whole world. It ruined the Renaissance through the Reformation and the French aristocracy through the revolution; it is still propagated today by socialism. It corrupted the aristocratic philosophy of Descartes with the Jewish poison of Spinoza and Pascal, the great art with neo-Christian romanticism. Thus also was Richard Wagner corrupted.

But a renaissance is possible through a new enlightenment, through a science which will emancipate us both from time and from gravitation. A biological selection consciously organized will produce an aristocracy of a purer and more vigorous blood. This new class of masters, which will live by the subjection of an immense class of slaves, must not be regarded as a new species; rather are the two regenerated classes, the masters and the slaves, destined to produce by symbiosis a great social organism, an immense collective soul, in which they will commune with one another in a lyrical ecstasy: it is this collective state of mind propagated by mutual suggestion that Nietzsche calls the "superhuman life."

A new synthesis is to be realized in this superhuman life: not the synthesis of Dionysus and Apollo, which was that of Greece and which remains an acquired heritage, but the synthesis of Dionysus and the crucified god, for which the whole classical philosophy of Germany since the days of Goethe and Hegel has striven in vain.

Although Nietzsche left no school of disciples—the aesthetic character of his philosophy made a conventional academic school impossible—the influence of his doctrines has been tremendous and has been felt in the most diverse branches and levels of cultural life. It is possibly in German literature that the most authentic Nietzschean inspiration is to be found. The works of such lyrical poets as Hermann Conradi, Julius Hart, Johannes Schlaf, Richard Dehmel, Alfred Mombert and Stefan George continue the Nietzschean striving for a synthesis of Dionysus and the crucified Christ. In philosophy, while no systems have been erected on a purely Nietzschean base, the contemporary preoccupation with the problem of values and the refusal to accept the traditional values as they have come down from Christianity and post-Kantian idealism reflect the success of Nietzsche's polemics. In Germany those philosophers who seek to trace the phenomenology of ethical values and types, as, for example, Max Scheler, Nicolai Hartmann and Friedrich Würzbach, consciously follow in Nietzsche's footsteps. In Anglo-Saxon countries, on the other hand, the philosophers of pragmatism and instrumentalism, if they do not retain Nietzsche's method, rely on his devastating criticism of absolute values to bring home their plea for an experimental and humanistic ethics.

In politics the repercussion of Nietzschean ideas has been complicated by confusions based on misunderstandings and caricatures of the doctrine of the superman. For a long time in popular circles Nietzsche's doctrine was both condemned and praised as an apology for conservative pan-Germanism and militarism. Democrats and socialists particularly resented his attacks on the democratic ideal and the "slave morality" of the plebs. Yet there have not been wanting philosophies of democratic socialism which trace their kinship to the Nietzschean ideal of the superman. One may mention in this connection Mutzschler in Switzerland and David Koigen and Gustav Landauer in Germany. Socialist philosophies of direct action also claim a Nietzschean inspiration, as, for example, the Spartacist movement of 1918 and now, on the opposite side, Hitler's National Socialist party.

CHARLES ANDLER

Works: *Gesammelte Werke, Musarionausgabe*, 23 vols. (Munich 1920–29); *Nietzsches Werke*, 19 vols. (Leipsic 1895–1913); *Complete Works*, ed. by Oscar Levy, tr. by W. A. Haussmann and others, 18 vols. (Edinburgh (1909–14).

Consult: Förster-Nietzsche, Elisabeth, *Das Leben Friedrich Nietzsches*, 2 vols. (Leipsic 1895–1904), *Der junge Nietzsche* (Leipsic 1912), tr. by Anthony M. Ludovici (London 1912), and *Der einsame Nietzsche* (Leipsic 1914), tr. by Paul V. Cohn (London 1915); Bernoulli, C. A., *Franz Overbeck und Friedrich Nietzsche*, 2 vols. (Jena 1908); Salter, William M., *Nietzsche the Thinker* (New York 1917); Bertram, Ernst, *Nietzsche, Versuch einer Mythologie* (Berlin 1919); Andler, Charles, *Nietzsche, sa vie et sa pensée*, 6 vols. (Paris 1920–31).

NIEUWENHUIS, FERDINAND DOMELA (1846–1919), Dutch revolutionary labor leader. Nieuwenhuis, a clergyman and the son of a clergyman, was the founder of the Dutch socialist movement. Impressed by the misery of the working class and the need for social change, he abandoned the church and in 1878 started the first socialist labor paper in Holland, *Recht voor*

allen. For years Nieuwenhuis, with indomitable energy, courage and self-sacrifice, carried on the struggle for socialism practically unaided. The economic crisis of the 1880's strengthened the socialist movement and there followed many prosecutions of radicals. In 1886 Nieuwenhuis was convicted of lese majesty; the harsh treatment he received during his seven months' imprisonment aroused mass protest and greatly increased his influence among the workers. Two years later he was elected to parliament, where he served until 1891, engaging in sharp polemical contests with his colleagues and stressing uncompromisingly the revolutionary aspects of socialism. Nieuwenhuis was a prominent delegate to the congress of 1889 which organized the Second Socialist International; at the subsequent congresses of 1891, 1893 and 1896 he led the movement for a firm antimilitarist policy and the use of the general strike against war but met defeat despite the support of the majority of the French and English delegates. He was one of those who opposed the exclusion of the anarchists from the International. Meanwhile his experiences in parliament and his disapproval of the reformism of the German Social Democratic party led Nieuwenhuis to condemn parliamentarism. His attitude produced a split in the movement he had practically created; the moderate party formed in 1894 received the support of the German Social Democracy. He now became an avowed anarchist, declaring that socialism meant only half the salvation of humanity. His influence declined but it revived in 1903, when the workers turned to more militant action. Through his antimilitarist campaign in Holland and throughout Europe he became as influential as Gustave Hervé; but unlike the latter Nieuwenhuis did not abandon his principles. During the World War he combined under his leadership a number of organizations to the left of the Social Democratic party and carried on an intensive antiwar campaign which had a profound effect upon the European peace movement. Nieuwenhuis' funeral was a unique demonstration of the love of the Dutch masses for their first great leader.

Nieuwenhuis was essentially an agitator; he never thoroughly mastered Marxist theory and practise, and his writings with the exception of some propaganda pamphlets were not of high quality. But he was virtually the sole creator of the Dutch socialist movement, one of the first socialist leaders to warn of the dangers of parliamentarism and reformism and an opponent of war whose influence is still powerful in the labor movement of northern Europe.

HENRIETTE ROLAND HOLST

Important works: *Van christen tot anarchist* (Amsterdam 1910); *De Bijbel, zijn ontstaan en zijn geschiedenis. Eene historisch-kritische verhandeling ter ontwikkeling van het arbeidende volk* (Amsterdam 1893), tr. into German by H. Harders and F. Diederich (Bielefeld 1893); *De normale arbeidsdag: Historisch-ekonomische studie* (The Hague 1888); *Les divers courants de la démocratie socialiste allemande* (Brussels 1892); *Le socialisme en danger* (Paris 1897).

Consult: Michels, Roberto, "Ferdinand Domela Nieuwenhuis, Van Christen tot Anarchist," and Gargas, S., "Der religiöse Sozialismus in den Niederlanden" in *Archiv für die Geschichte des Sozialismus und der Arbeiterbewegung*, vol. i (1910–11) 518–21, and vol. xv (1930) 388–415.

NIGHT WORK. *See* HOURS OF LABOR.

NIGHTINGALE, FLORENCE (1820–1910), founder of modern nursing, came of a wealthy family and was brought up to enjoy the most cultured society of Victorian England. From childhood she felt called to help those who were sick and oppressed; but it was only after a long struggle that she persuaded her family to let her leave home, first for short periods of training with German deaconesses at Kaiserswerth, and Sisters of Mercy in Paris, then to superintend a charitable nursing home in London.

In 1854 her friend Sidney Herbert, member of the British government, asked her to take a party of nurses to assist the English army fighting in the Crimea. Female nurses were unknown in British military hospitals; but Florence Nightingale's work at the Scutari base hospitals, and, later, in the Crimea caused them to be recognized as a necessary part of every army. She not only showed what nursing could be, but organized a vast system of relief for the troops, then suffering severely from lack of shelter, sanitation and adequate commissariat. She had to wage a hard fight against ignorant, jealous, routine-bound officials, and, as the result of anxiety and excessive toil, she returned to England in broken health.

From the retirement which this necessitated, she accomplished her most important work. She initiated and guided the movement for training nurses which substituted the modern nursing sister for Dickens' "Sairey Gamp"; planned the modern system of hospital building and administration; and, by her advice to British statesmen in India, saved millions of lives. She was, for many years, a source of inspiration and prac-

tical help to all who were working for social causes in every part of the world. She showed what a woman could do in practical statesmanship and thus helped forward the cause of women's freedom everywhere.

IDA BEATRICE O'MALLEY

Consult: Cook, Edward T., *The Life of Florence Nightingale*, 2 vols. (London 1913); O'Malley, I. B., *Florence Nightingale, 1820–1856* (London 1931); Hall, E. F., *Florence Nightingale* (London 1920); Adams, E. C., and Foster, W. D., *Heroines of Modern Progress* (New York 1913) p. 120–46; Nutting, M. A., and Dock, L. L., *A History of Nursing*, 4 vols. (New York 1907–12) vol. ii, chs. iii–v.

NIHILISM is an intellectual movement which flourished in Russia in the 1860's, and which expressed itself in a revulsion against the tyranny of authority, a rejection of the obligations of traditional morality and the questioning of every general principle and ideal value, all in the name of the freedom of the sovereign individual. The term owed its popularity to Turgenev, who described the hero of his *Fathers and Children* (1862) as a nihilist. This word was seized upon by the public, especially the conservatives, who used it indiscriminately as an abusive epithet; the nihilists preferred to speak of themselves as "new men" or "thinking realists." Outside of Russia nihilism, properly an episode in the development of Russian positivist and radical thought, erroneously came to connote the terrorist activities which culminated in the assassination of Alexander II and indeed the Russian social revolutionary movement generally.

The type that was to be recognized and labeled nihilist made its appearance around 1860. It was representative of a generation in revolt against the ancestral order, soon to be shaken by the emancipation of the serfs and the lesser reforms initiated by the government of Alexander II. Nihilism was in a sense a youth movement, appealing chiefly to the young men and women of the new intellectual class—largely educated commoners—whose ranks were being swollen by the growth of the schools, the development of the press, the rise of the professions. These tough minded, irreverent young people were in violent conflict with the older generation of intellectuals. At their best the "fathers" were gentlemen of delicate sentiments and polished manners, with a taste for art and letters and an appreciation of religious experience and speculative thought. In their rebellion the "children" affected rudeness of speech and behavior, were contemptuous of whatever smacked of refinement and beauty, pinned their faith to science and, observing that the professed idealism of their elders had compromised with serfdom, adopted a ferociously materialistic, utilitarian, positivistic, agnostic viewpoint.

Some of these brash iconoclasts took an interest in political and social questions and indeed talked revolution. Others, and they may properly be considered nihilists, were chiefly concerned with the cultivation of their own personalities, to the end of freeing themselves from the dead hand of the past. Their numbers increased when disillusionment with political action set in, as it became clear that the masses would remain inert and that the government was capable only of paltering half measures. In the years immediately preceding the emancipation, the moderate Herzen had been supplanted as the intellectual leader of the radicals by Chernishevsky and Dobrolubov. In the latter the nihilists appreciated, however, less the enthusiastic democrat than the impassioned essayist who struck blow after blow at the domestic despotism, the blind prejudices and the slothful habits which held over from a slave owning society. As for Chernishevsky, they pored over his prolix articles and his politico-philosophical novel, *What Is to Be Done?* (1863); but what impressed them was not the great populist's faith in Fourierism and in the virtues of the repartitional peasant commune so much as his consistent materialism (to be admired by Lenin), his sober rationalism, his emphasis on the value of science, his tireless championship of Benthamism, his advocacy of the emancipation of woman, above all, the shattering attack upon the theory of pure art which he made by applying to aesthetics the ideas of his master, Feuerbach. Nevertheless, neither Dobrolubov nor Chernishevsky was fully representative of the movement. The clue to the nihilist ideology is contained primarily in the work of several men grouped around the St. Petersburg review, *Russkoe slovo* (Russian word). Chief among them was Pisarev, who burst upon the literary scene about 1860 at the age of twenty.

"Here is the ultimatum of our camp," he wrote in one of his first essays, "what can be smashed must be smashed; whatever will stand the blow is sound, what flies into smithereens is rubbish; at any rate, hit out right and left, no harm will or can come of it." Pisarev's aim was to free the individual from every prejudice, every piety, every obligation, every allegiance to an ideal purpose. He attacked parental au-

thority, preached sex equality and insisted that in intimate relations the claims of duty must yield to the dictates of the heart. Yet he held emotion suspect, an attitude which probably accounts for his animus against the fine arts. Going a step beyond Chernishevsky and Dobrolubov, who regarded the arts from the utilitarian standpoint, Pisarev saw in them merely a futile diversion, although he excepted from this charge the work of a few masters. He noted with satisfaction that poetry was practically extinct and imaginative prose declining (this when Turgenev was at the height of his powers and Tolstoy and Dostoevsky were climbing to the peak of theirs). He wrote that he would rather be a cobbler or a baker than achieve the canvases of a Raphael or the scholarly tomes of a Grimm. His fellow contributor Zaitzev found art actually harmful, since it distracted people from the study of the natural sciences. Of these Pisarev made a cult, chiefly because he saw them as superlatively effective in clearing away the cobwebs of superstition, mysticism and metaphysics. He dismissed all speculative thought as the barren exercise of the schoolmen, and he assumed that the educated man must be a materialist, regulating his conduct by the light of rational egoism. Unlike Chernishevsky, Pisarev was neither a socialist nor a populist; anticipating the inevitable rise of capitalist industry in Russia, he expected progress not from the masses but from the efforts of the civilized minority. Although he admitted on at least one occasion that all decent men should strive for the solution of the problem of "the hungry and the naked," he looked for the settlement of the social question not through changes in institutions but through the increasing enlightenment of the individual.

Nihilism owed its vogue to the fact that it satisfied the urge toward freedom of an age essentially adolescent. To young people who had foresworn the traditional sanctions it offered the allurement of an oversimplified solution of problems of thought and behavior. Naturally it met with strong opposition from the outset. Its followers were a butt for publicists of various shades of opinion as well as for such novelists as Goncharov, Pisemsky, Leskov. Indirectly, Tolstoy's fiction was a denial of the nihilist attitude, and in a sense all of Dostoevsky's mature work combated it as a danger to what he felt to be the real needs and aspirations of the human soul. It was not, however, the efforts of its enemies but its inadequacy as a philosophy of life which put a speedy end to the movement. The review which was its organ was suppressed in 1866, and two years later Pisarev was drowned; but it is doubtful whether, even without these casualties, it would have survived the 1860's. It reduced life to a meaningless process, intolerable even to its followers, since under their surface cynicism ran a strong current of idealism. They adopted the gospel of materialism with religious enthusiasm and were ready to lay down their lives for Moleschott or Darwin. Further, nihilism failed to satisfy the sense of social solidarity which was alive in the radical youth, despite the lip service paid to egoism. In the next decade men ceased to blaspheme against art and philosophy; if they did not become respectable citizens, they adopted the populist faith in the masses and, fired by a zeal for social justice, turned to various forms of revolutionary activity.

Nihilism did not fail to leave an imprint upon the ideas and manners of the intellectuals. Such traits of Russian life and mentality as easy comradeship between the sexes, frankness in social intercourse, hostility toward aestheticism, all seem to reveal its influence. It is certain that Pisarev, although himself without political interests, rendered his readers receptive to revolutionary ideas, particularly to Marxism, and that with other radical leaders of the period he helped to establish the alliance between revolutionary thought on the one hand and the complex of atheism, materialism, positivism, on the other. It is significant that Communist scholars, while classifying nihilism as a manifestation of petty bourgeois ideology, nevertheless study it carefully and claim its chief exponents as the remote precursors of those who are building the new order.

AVRAHM YARMOLINSKY

See: ANARCHISM; LIBERTY; AUTHORITY; MATERIALISM; RUSSIAN REVOLUTION.

Consult: Pisarev, D. I., *Sochineniya* (Collected works), 6 vols. (5th ed. St. Petersburg 1909–13), and a supplementary volume containing his suppressed articles (3rd ed. St. Petersburg 1913); Recent literature on Pisarev is cited in *Malaya sovetskaya entsiklopediya* (Lesser Soviet encyclopaedia), vol. vi (Moscow 1930) col. 542; Kornilov, A. A., *Obshchestvennoe dvizhenie pri Alexandre II* (Social movements under Alexander II) (Moscow 1909), particularly ch. xiv; Ivanov-Razumnik, R. V., "Obshchestvenniya i umstvenniya techeniya 60-kh godov" (Social and intellectual currents of the 1860's) in *Istoriya russkoi literaturi XIX v.*, ed. by D. N. Ovsyaniko-Kulikovsky, 5 vols. (Moscow 1910–11) vol. iii, p. 45–69; Shelgunov, N. V., *Vospominaniya* (Recollections) (new ed. Moscow 1923),

Kravchinski, S. M. (Stepniak), *Underground Russia* (2nd ed. London 1883); Tikhomirov, L., *La Russie, politique et sociale* (Paris 1886), tr. by Edward Aveling, 2 vols. (2nd ed. London 1892) vol. ii, appendix B; Masaryk, T. G., *Zur russischen Geschichts- und Religions-Philosophie*, 2 vols. (Jena 1913), tr. by E. and C. Paul as *The Spirit of Russia* (London 1916), especially vol. ii, ch. xiv; Yarmolinsky, Avrahm, *Turgenev* (New York 1926) ch. xxii.

NILES, HEZEKIAH (1777–1839), American editor and publisher. Niles was born in Pennsylvania and apprenticed in boyhood to a printer. After various journalistic enterprises he began in 1811 to publish in Baltimore the *Weekly Register* (after 1814 *Niles' Weekly Register*). Although he withdrew from its editorship in 1836, the paper was continued by others for over a decade. The large octavo pages of the *Register* were devoted to politics, geography, biography, notices of the arts and manufactures and news of the day, Niles taking particular pains to publish the activities of Congress, public documents and statistical information. The *Register* is a much used repository of information for the student of America's past. Part of its value is derived from the carefulness with which it was edited, part from the fact that in an era of bitter partisanship Niles announced that his paper was "not intended for electioneering purposes." The editor also avoided religious controversies. Although his columns were written with unusual moderation, Niles expressed his convictions. From the beginning the paper represented the rising spirit of nationalism which had appeared in the United States just before the War of 1812; characteristically, therefore, its anti-British tone was pronounced. Niles was also the spokesman of the new industrial class of the nation. A powerful advocate of tariff protection for American industry, he admired manufacturing even when it involved child labor; and he was an enthusiastic supporter of the demand for internal improvements. But on the question of the Second Bank of the United States he exhibited an unexpected sympathy for Jackson's position, despite his belief that the bank was both constitutional and expedient. Slavery seemed to him a great evil and likely to cause "the most horrible catastrophe," but as a citizen of a border state he could sense that an attempted incorporation of the freed Negro into American society must encounter almost insurmountable barriers.

EDWARD C. KIRKLAND

Consult: Mott, F. L., *A History of American Magazines, 1741–1850* (New York 1930) p. 268–70.

NITRATES. Nitrogen, chemical symbol N, is one of the most widespread and indispensable elements. While its uses in the chemical laboratory and industry are manifold, its major importance to modern civilization lies in its life giving qualities as an essential plant food and its death dealing properties as an explosive. Since nitrogen is a constituent of all animal manures, its use for soil fertilization is as old as systematic agriculture; its value received scientific recognition as a result of the chemical research and field experimentation of Liebig, Lawes and Gilbert, and by the middle of the nineteenth century its fundamental importance to any scientific program of fertilization had become permanently established.

The invention of gunpowder in the western world is generally accredited to the research of Friar Roger Bacon during the latter half of the thirteenth century. By purifying a salt through crystallization from aqueous solutions Bacon obtained potassium nitrate and is believed to have produced the first artificial explosive. Certainly by the middle of the fourteenth century the use of gunpowder was well known. However, although gunpowder became an indispensable instrument of military combat, until the time of the World War the commercial nitrate industry owed its importance primarily to the rapidly expanding demand for agricultural fertilizer.

Although organic nitrogen secured from waste animal and vegetable materials fulfilled a portion of this demand, the South American deposits of sodium nitrate, the only known workable deposits in the world, constituted the major source of supply during this period. Discovered in the first decade of the nineteenth century, these deposits were soon exploited commercially and by 1830 sodium nitrate was being exported. Production remained on a limited scale for almost a half century, but with the acquisition by Chile of complete control of the deposits as a result of the war against Peru and Bolivia in 1879–81 active steps were taken by the Chilean government to encourage intensive utilization of the natural monopoly which had come into its possession. A commission was established to survey and prospect the nitrate fields. On a basis of the quantity and quality of nitrate they contained, particular lands were appraised by the government and disposed of periodically at auction under a special legislative enactment. The industrialization of Europe and America with the accompanying population increase, more

intensive agriculture and consequent more widespread resort to fertilization programs caused capital in large amounts to flow promptly into the Chilean nitrate fields. English capital, first on the ground, was followed rapidly by that of German and other foreign interests and more tardily by Chilean capital in steadily increasing amounts, until by 1913 the last had become the largest single factor in the industry.

Chilean nitrates occur as natural deposits of so-called *caliche*, a mixture primarily of sodium nitrate and sodium chloride, extensive and accessible in character. As the mining and refining processes are relatively simple, despite government ownership of nitrate lands and a policy intended to prevent overproduction, the industry has been almost continuously plagued with overcapacity. The result has been a resort by the industry to control of the cartel type for restriction of output, regulation of prices and allocation of total production among the several producers. Such control has been encouraged by the government. The thirty-year period of exploitation preceding the World War was marked by a succession of such combinations, six in all and each short lived, primarily because of the difficulty of establishing unanimity of interest among the competitive exploiters of a natural monopoly.

While the producers of nitrates, both domestic and foreign, experienced recurring feast and famine at the hands of the industry, the Chilean government as host for long enjoyed an almost continuous banquet. From 1880 until 1930 an export tax ranging from one third to one half the export value of Chilean sodium nitrate, exclusive of duty, and remaining unchanged after 1897 at 3.38 gold pesos of the value of eighteen English pence per hundred kilos ($12.34 per metric ton with sterling at par), was collected by the Chilean government. This represented the major source of government income, in some years accounting for as much as 80 percent of the total. The economic significance of the industry to Chile, however, transcends its fiscal importance. Nitrate production has been by far the most important single Chilean industry. In 1927 nitrate, including its by-product iodine, accounted for $72,225,000 of the total value of products of the mines in Chile, amounting to $153,585,000, which may be further compared with a total value of manufactured products of $173,218,000. Of far greater importance moreover is its role in Chilean exports. In the decade after the World War the nitrate industry provided approximately one half (by value) of all exports.

The industry has inevitably been a special object of political concern, particularly since the World War and the resultant increased competition which Chilean nitrate has encountered from by-product and synthetic nitrogen. While in 1913 Chilean natural nitrate represented 47.7 percent of the total nitrogen produced in the world, by 1917 its percentage had fallen to 35.8 percent, according to data published by the United States Department of Agriculture. More important, although production of the Chilean nitrate remained almost unchanged when measured in absolute figures, that of by-product and synthetic nitrogen increased from 470,800 metric tons (nitrogen content) in 1913 to 774,400 metric tons in 1917. This shift in the reliance of the world upon Chile for its nitrogen supply has been even more sharply pronounced in the post-war years, the percentage of the total world production represented by the Chilean product having declined to 14.8 percent by 1930–31. Its absolute volume likewise showed a decrease to 250,000 tons from a total of 431,200 tons in 1917. Meanwhile world consumption of by-product and synthetic nitrogen increased to 1,444,000 tons.

Government solicitude in the immediate post-war period took the form of approval of the organization of the Asociación de Productores de Salitre de Chile (Chilean Nitrate Producers' Association), a selling monopoly organized in 1919 and reorganized in 1924 and 1928, designed to bring about stabilization of output and uniformity in price policy. The government not only brought pressure to bear on the producers to enter this combine but also participated in its administration through the appointment by the president of Chile of four of the eighteen directors of the association. The government further assisted the industry by granting favors, for example, special railroad rates on nitrates, petroleum and coal, bonuses to Chilean producers to compensate for price reductions in the world market, and similar aids. Despite governmental assistance, in fact partly by reason of the monopolistic prices which combination made possible, the competitive position of the Chilean nitrate industry has grown more precarious as world output of by-product and synthetic nitrogen has continued its upward trend.

By 1930 the situation had become so distressing that a reorganization of the Chilean nitrate industry was deemed essential. The reorganiza-

tion involved a concentration of control of forty of the forty-five companies then producing nitrate under the newly organized Compañía de Salitre de Chile, or Cosach, as it has become generally known. Cosach represents a partnership of private and governmental interests. Of its total authorized capital stock of 3,000,000,000 pesos (par value of the peso, $12.165), 1,500,000,000 pesos, representing common stock, was allocated to the government in exchange for nitrate deposits estimated to contain 150,000,000 tons of recoverable nitrate. The balance of authorized stock, 1,500,000,000 pesos, including 500,000,000 pesos preferred stock, was distributed as payment for the properties of the merged companies, chief of which was the Anglo-Chilean Consolidated Nitrate Corporation, controlled by the Guggenheim interests. Despite the government's ownership of a majority of the common stock, control—subject to governmental veto where national interests were at stake—remained with private holders of stock, who elected eight of the twelve members of the board of directors. Under the terms of the agreement government export taxes were abolished, in lieu of which the government was given bonds to insure it for the years 1930–33 an annual income approximately equal to that currently yielded by the export tax. After 1933 export taxes were to have been compensated for by profits, if realized, on stock held by the government. In addition to the advantages which it was expected that the industry would derive from consolidation of properties and concentration of control, it was anticipated that costs of production would be greatly lessened through substitution of the more completely mechanized and fuel saving Guggenheim process in the mining and refining of sodium nitrate for the Shanks process then generally utilized by the industry except in the plants controlled by the Guggenheim interests. Despite this reorganization, with the intensification of the world depression affairs have gone badly with the Chilean nitrate industry, and they have had serious repercussions on the economic and political life of the entire country. Mechanization has created a grave unemployment problem and participation by the government in a "nitrate trust" dominated by foreign capital has been the target for political attack by dissatisfied elements. Affairs of Cosach reached a critical stage in the closing months of 1932, when it defaulted on its bonded interest. On January 2, 1933, a decree was signed by the president of Chile calling for the liquidation of Cosach This is expected to require two years. A liquidating committee of three members was created to administer the affairs of the company, to assure an orderly conduct of the business and to aid in the formulation of plans for the continued concentration of control in private hands. The new arrangement apparently represents a return to the status quo ante; nitrate lands will revert to government ownership and an export tax will be imposed upon the outgoing stocks.

Before the war the second most important commercial nitrogen carrier was sulphate of ammonia, obtained primarily as a by-product in the destructive distillation of bituminous coal in the manufacture of coke and artificial gas. By-product ammonia in 1913 is estimated to have furnished 41.9 percent of the world's total nitrogen output of 899,800 tons. According to the United States Federal Trade Commission, Germany led the world in both production and consumption of by-product ammonia with an output of 550,000 metric tons of sulphate of ammonia, 500,000 tons of which were domestically consumed. The United Kingdom ranked second with an output of 431,618 tons, only 108,564 tons of which were consumed by the home market. The United States, although ranking only third in domestic production with 87,162 tons, stood second in world consumption, importing 41.2 percent of its total consumption. France ranked fourth in both production and consumption, being a net consumer of sulphate of ammonia.

The World War magnified tremendously the importance of nitrogen. Hitherto, although its uses in industrial and experimental chemistry had been important and varied, its chief practical significance derived from its life giving qualities as an essential plant food. Although the war accentuated the importance of nitrogen in this respect, its death dealing attributes usurped the stellar role. Not only did the World War call for greater quantities of explosives than did any previous military conflict, but with the introduction of modern high explosives the art of war had so developed as to necessitate fixed nitrogen in quantities far beyond all previous requirements. The Central Powers, in particular Germany, cut off from the Chilean nitrate supply, were forced at the risk of impending defeat to expand greatly their domestic output of nitrogen. In 1913 Germany was the largest single consumer of Chilean nitrate. Despite this fact—in truth, partly by reason of it—Germany

led the world in the production of by-product ammonium sulphate and likewise made greater progress in the industrial fixation of atmospheric nitrogen than any other country. Thrown on its own resources for an adequate supply of nitrogen for both military and agricultural purposes, by the close of the war Germany had greatly accentuated its lead in this field. The German output of nitrogen by the cyanamide process, according to data published by the United States Department of Commerce, increased from 5000 metric tons for the year ending April 30, 1913, to 66,000 metric tons in 1918, and the output of direct synthetic ammonia from 7000 tons to 105,000 tons during the same period. Basic to the tremendous expansion in the production of synthetic ammonia was the pre-war research of Fritz Haber of Berlin, whose name has since become associated with the direct synthetic ammonia process, characterized as one of the most difficult chemical engineering feats yet accomplished in industry. This tremendous increase in the production of synthetic nitrogen could not have been attained without governmental assistance, which for the most part took the form of liberal capital advances to private enterprise.

Developments in the allied countries were likewise accelerated by aid from national governments anxious to obtain self-sufficiency in the production of this essential war material. The French Lannemezan cyanamide plant, for example, was a government wartime project, which, however, remained incomplete with the signing of the Armistice. It was later completed and placed in operation under a contract between the French government and the Société des Produits Azotés, a private concern manufacturing cyanamide. Likewise in Great Britain construction was begun by the government on a commercial nitrogen fixation plant during the war and discontinued after the Armistice; the property and designs were subsequently sold to private interests, which completed the plant and put it into operation.

In the United States, although there existed at the beginning of the war a by-product ammonia industry with an annual capacity of about 40,000 tons of nitrogen, the country was entirely dependent on Chile for nitrates: there were no plants for the oxidization of ammonia, and Chile saltpeter was the only source of nitric acid. Before the entrance of the United States into the war provision was made under the National Defense Act of June 3, 1916, for the establishment of plants for the purpose of extracting nitrogen from the air to be used in the manufacture of munitions in time of war and of fertilizers in time of peace. Under authority of this act there were completed by the signing of the Armistice United States Nitrate Plant No. 1 at Sheffield, Alabama, and the nearby Nitrate Plant No. 2 at Muscle Shoals, Alabama. Although neither plant was placed in operation—No. 1 was not a success—these properties together with hydroelectric facilities subsequently completed, collectively referred to as Muscle Shoals, represent an original cost of approximately $127,000,000. After the Armistice various private concerns offered to modernize and operate these facilities, but such overtures were rejected by Congress. In addition two bills providing for government operation of the properties received presidential vetoes. They remained in 1933 in a "standby" although somewhat obsolescent condition with their future disposition a matter of conjecture.

Meanwhile facilities for the production of nitrogen were greatly expanded in the United States by private commercial firms. This achievement was made possible in part by the utilization of German patents seized as enemy property by the alien property custodian in 1918 and sold to the Chemical Foundation, Inc., organized in February, 1919. The patents were utilized under licenses granted by the Chemical Foundation on a royalty basis. The synthetic ammonia process as practised in the United States is based on the original Haber process; the modifications are so extensive in character, however, that it has come to be known as the American process. The total annual capacity of synthetic nitrogen plants in 1932 was 318,600 tons of nitrogen. Simultaneously the by-product ammonia capacity reached 200,000 tons of nitrogen. Total capacity from these two sources (there is no production by the cyanamide process in the United States although Muscle Shoals Plant No. 2 is a cyanamide plant) is said to represent an excess of 148,600 tons over normal peacetime requirements.

Expansion in capacity for the production of synthetic nitrogen has been similarly marked in the other major industrial countries of the world. Germany, however, has retained the leading position, having a total capacity in 1932 of 860,000 tons, according to data published by the Chemical Foundation, Inc., New York; the Leuna plant at Merseburg, the largest single plant in the world, boasts a capacity of 600,000

tons. France follows the United States with a capacity of 191,000 tons, and England is next with a capacity of 170,000 tons. Holland, Belgium, Japan, Norway, Poland, Italy, Russia, Canada, Jugoslavia, Czechoslovakia, Spain, Switzerland and Sweden follow in the order named with a total capacity of 661,700 tons, making a combined world total for synthetic nitrogen of 2,201,300 tons. Germany likewise leads in plant capacity for the fixing of nitrogen by the formation of calcium cyanamide with an annual capacity of 114,000 tons of nitrogen. Canada, Japan, the United States, France, Poland, Italy, Norway, Jugoslavia, Sweden, Czechoslovakia, Rumania and Switzerland have a combined total capacity of 322,000 tons, making a total world capacity of 436,000 tons. Total annual world capacity for the production of synthetic and by-product nitrogen is estimated to be 3,300,000 tons. Consumption from these sources in 1930–31 is estimated by the United States Department of Commerce to have been only 1,377,000 tons. Although increasing production has been stimulated by desire for national self-sufficiency in war time, the peacetime importance of the nitrogen producing industry still rests largely upon the use of nitrogen in agriculture, which accounted for approximately 90 percent of the total consumption from 1926 through 1932.

Control of the distribution of nitrates has remained fairly concentrated in most countries. Chilean nitrates have customarily been marketed through shipping and trading companies —a few of which have also engaged in production—to manufacturers or distributors of fertilizers. In the United States by-product ammonia has been marketed largely through a single selling agency, the American Coal Products Company and its successor, the Barrett Company, now a constituent of the Allied Chemical and Dye Corporation; and in England, through the British Sulphate of Ammonia Federation, Ltd. The production of synthetic nitrogen has grown up as a branch of the chemical industry; more than half the total American output is under the control of a single concern, the Atmospheric Nitrogen Corporation. The I. G. Farbenindustrie dominates production in Germany. The several German producers moreover are associated for the sale of their product in the Stickstoff-Syndikat, a body which allocates quotas and fixes prices. Imperial Chemical Industries, Ltd., dominates production in England. French production is less concentrated.

As world capacity for the production of synthetic nitrogen has increased, the price trend has been sharply downward. Demoralized markets have inevitably led to organized attempts at curtailment of production, allocation of markets and fixing of prices on a world wide basis. In the summer of 1929 a tripartite agreement regarding prices and cooperative marketing endeavors was consummated between the Chilean producers of sodium nitrate and the German and British producers of synthetic nitrogenous products. In the summer of 1930 a second agreement involving allocation of markets and quotas, restriction of output and a common price policy was entered into, including in addition to the producers of Chile, Great Britain and Germany the other major European producers and controlling in the aggregate 98 percent of the European production of nitrogen and 80 percent of the world output. This pact, which expired in 1931, was not renewed despite prolonged and earnest negotiations. Failure to renew it is said not to have affected the "close cooperation" which had already been established between Imperial Chemical Industries, Ltd., and the German synthetic nitrogen producers. The world competitive situation has grown progressively more intense, however, as consumption has continued to shrink and capacity to expand.

Failure to renew the cartel agreement has been followed in many countries by numerous governmental restrictions on the nitrogen trade in the form of prohibitive import duties and requirement of import licenses for specified nitrogenous products. Meanwhile, despite ubiquitous demoralization in the industry with low prices, large stocks, high overhead and unutilized capacity, a heightened sentiment of nationalism is contributing toward further expansion; programs for the development of a domestic supply are under way in Latvia, Hungary, Bulgaria and Greece.

In 1898 at a time when Chilean output of commercial nitrogen represented an almost complete world monopoly Sir William Crookes, estimating that Chilean supplies would be exhausted within less than a quarter of a century, forecast a world shortage of nitrogen. Present total annual world capacity for the production of nitrogen from all sources is estimated to be in the neighborhood of 4,000,000 tons, while world consumption of pure nitrogen in the peak year, 1929–30, was estimated at 1,950,800 tons. By 1930–31 consumption had fallen to 1,621,000

tons, but capacity is still on the upswing. The supplies of Chilean nitrate, which have been greatly extended, are now regarded as adequate for more than a hundred years, and synthetic nitrogen from the atmosphere is inexhaustible. The world nitrate outlook is no brighter today, however, than it was in 1898; the plague of overcapacity is no less disturbing than the fear of future shortage. Prosperity in the nitrogen industry, dependent though it is on a return of world prosperity, would seem in addition to demand far reaching and difficult internal readjustments. Nitrogen repeats the challenge of the social control of industry.

GEORGE WARD STOCKING

See: FERTILIZER INDUSTRY; MUNITIONS INDUSTRY; CHEMICAL INDUSTRIES; POTASH; EXPORT DUTIES; COMBINATIONS, INDUSTRIAL; CARTEL.

Consult: *Fixed Nitrogen*, ed. by H. A. Curtis, American Chemical Society, Monograph series, no. 59 (New York 1932); Ernst, F. A., *Fixation of Atmospheric Nitrogen* (New York 1928); Wallace, B. B., and Edminster, L. R., *International Control of Raw Materials* (Washington 1930); Waller, Peter, *Probleme der deutschen chemischen Industrie* (Halberstadt 1928); Germany, Ausschuss zur Untersuchung der Erzeugungs- und Absatzbedingungen der deutschen Wirtschaft, Unterausschuss für Gewerbe, *Die deutsche chemische Industrie* (Berlin 1930); United States, Ordnance Office, Nitrate Division, *Report on the Fixation and Utilization of Nitrogen* (1922); Muscle Shoals Commission, *Muscle Shoals: a Plan for the Use of the United States Properties on the Tennessee River by Private Industry . . . 1931* (Washington 1931); United States, Bureau of Foreign and Domestic Commerce, *Trade Information Bulletins* as follows: Nitrogen Survey, pt. i, "The Cost of Chilean Nitrate," by H. F. Bain and H. S. Mulliken, no. 170 (1924); pt. ii, "General Review of the Nitrogen Situation in the United States," by H. A. Curtis, no. 226 (1924); pt. iii, "The Air Nitrogen Processes," by J. M. Braham, no. 240 (1924); pt. iv, "The Nitrogen Situation in European Countries," by H. A. Curtis and F. A. Ernst, no. 270 (1924); "French Chemical Industry and Trade in 1930," by E. C. Taylor, no. 781 (1931); "German Chemical Developments in 1931," by W. L. Lowrie, no. 795 (1932); "British Chemical Developments in 1930," by R. R. Townsend, no. 750 (1931); United States, Bureau of Foreign and Domestic Commerce, "The American Chemical Industry," by A. H. Swift, *Trade Promotion Series*, no. 78 (1929); LeClercq, D. R., "Competition in the Nitrate Field" in *Commerce Monthly*, vol. x (1929) 3–10, 28–30.

NITZSCH, KARL WILHELM (1818–80), German historian. Nitzsch, who was the son of the philologist Gregor Wilhelm Nitzsch, was born in Zerbst. He studied first in Kiel and then at Berlin under Niebuhr and Ranke. He taught at the universities of Kiel, Königsberg and Berlin. Nitzsch early became interested in the study of economic history, and his first work *Die Gracchen und ihre nächsten Vorgänger* (Berlin 1847) dealt with the economic conditions in Rome during the period of the Gracchi. He combined with his interest in economic history a preoccupation also with problems of legal and constitutional history, which led him to a study of the Hohenstaufen period. In his *Ministerialität und Bürgertum im 11. und 12. Jahrhundert* (Leipsic 1859) he investigated the relations of the bourgeoisie and the class of functionaries in the Middle Ages. He set up the hypothesis that the free bourgeoisie class was essentially an outgrowth of the functionary class and that the town constitutions were derived from the *Hofrecht* of this class. This thesis was later successfully attacked by Georg von Below; but if the problem is viewed in its broader social and cultural aspects rather than from a purely legal standpoint, it must be recognized even today that Nitzsch was right in many respects. Nitzsch also contributed many valuable monographs on the history of the upper Rhine region, on the extension of the Truce of God and on the old merchant guilds. His most important works are his two posthumously published studies, *Geschichte der römischen Republik* (ed. by G. Thouret, 2 vols., Leipsic 1884–85) and *Geschichte des deutschen Volkes bis zum Augsburger Religionsfrieden* (ed. by G. Matthäi, 3 vols., Leipsic 1883–85). The latter work is particularly important for its penetrating treatment of the interconnection between cultural, political, social and economic problems as well as of problems of religion and art. Nitzsch thus played a prominent role as an influence on the development of new trends in intellectual history, without, however, losing sight of the significance of political developments. He preserved a balanced harmony in his general historical surveys, stressing the general forces of historical development but at the same time allowing for the influence of leading personalities.

RUDOLF KÖTZSCHKE

Consult: Jastrow, J., "Karl Wilhelm Nitzsch und die deutsche Wirtschaftsgeschichte" in *Schmollers Jahrbuch*, vol. viii (1884) 873–97; Merzdorf, H., *Karl Wilhelm Nitzsch* (Leipsic 1913), and a critique of the same by Georg von Below in *Historische Zeitschrift*, vol. cxiii (1914) 559–66.

NOBEL, ALFRED BERNHARD (1833–96), Swedish inventor and industrialist. Nobel was the founder of the modern explosives industry. In 1863 he found a means for the practical use of nitroglycerin, discovered by Sobrero in 1846

and forgotten; several years later he eliminated the characteristics which made its common use dangerous and named the new substance dynamite. Dynamite at first was significant as a powerful explosive in mining and as the classic means of political assault until stringent explosives laws curbed this use. In 1887 Nobel discovered a process of combining nitroglycerin and guncotton (similar to the Vieille process) for the production from guncotton of a powder which was comparatively smokeless and slow burning and, consequently, capable of developing great motive power. The new powder led to the rearming of infantry with quick loading guns and to the introduction of cannon with recoiling carriages, thus completing the revolution in military technique initiated by the inventions of Dreyse, Armstrong and Krupp and creating the prerequisites for the mass rapid firing of the World War.

Nobel himself exploited these and other inventions by establishing fifteen factories in a number of European countries and in the United States. He also acquired large interests in the Baku oil business of his brothers, Robert and Ludwig, who played an important part in developing the Russian oil industry. Nobel was a pioneer of industrial combination in Europe; in 1886 he combined his English and German dynamite corporations by means of an English holding company, the Nobel Dynamite Trust Company, Ltd., the oldest European trust operating on an international scale, with the primary purpose of eliminating competition in the export trade. The trust was dissolved during the World War; in later years the English companies were acquired by the Imperial Chemical Industries, Ltd., and the German companies by the I. G. Farbenindustrie. Nobel's plan to combine the production of artillery, explosives and powder—in 1894 he took over the Bofors cannon works—was frustrated by his death.

Although he did not favor disarmament or unconditional arbitration, believing that the progress of science would make war impossible, Nobel supported the peace movement financially and through his personal influence. Of the five annual prizes of the Nobel Foundation (which received about $8,000,000, the bulk of his fortune after minor settlements) one is to be awarded to the individual outstanding in promoting international good will and in organizing peace conferences. Of the other prizes three are for the most significant discoveries or advances in physics, chemistry and physiology or medicine, and the remaining one is for the most eminent literary work of an idealistic character.

ECKART KEHR

Consult: Schück, Henrik, and Sohlman, Ragnar, *Nobel; Dynamit, Petroleum, Pazifismus* (Leipsic 1928), tr. by Brian and Beatrix Lunn as *The Life of Alfred Nobel* (London 1929); Mosenthal, Henry de, "The Inventor of Dynamite" in *Nineteenth Century*, vol. xliv (1898) 567–81; Hennig, Richard, *Alfred Nobel* (Stuttgart 1912); Rziha, Franz von, *Das Dynamit und seine kulturhistorische und technische Bedeutung* (Vienna 1896); Junk, Victor, *Die Nobelpreisträger; dreissig Jahre Nobelstiftung* (Vienna 1930); Moe, Ragnvald, *Le prix Nobel de la paix*, vol. i– (Oslo 1932–).

NOBILITY. The term *nobilitas* came into use in the later Roman Republic as the designation of the group of influential families which supplied most of the senators and were qualified to hold the higher magistracies. A mixed body consisting of both patrician and plebeian families, the Roman nobility was not restricted exclusively to the proprietors of large landed estates, although on the other hand it was differentiated from the purely moneyed aristocracy composing the equites. It retained a large part of its influence under the principate and formed the social caste out of which the imperial dynasties were for centuries accustomed to be chosen.

In mediaeval and modern Europe the concept of nobility, like so many other concepts relating to occidental government and society, developed in close accord with the Roman pattern. In the early tribes and kingdoms of the Germano-Romanic world, however, the term was even more inclusive than in late antiquity. The early charters and codifications of Germanic folk law often interchange the terms nobleman and freeman with an indifference which seems startling, until it is remembered that the role generally played by these tribes as conquerors of the Roman provinces must frequently have elevated even the common warrior and tribesman to the position of lord over the land of provincial subjects. In regions outside the Roman Empire also the Teutonic freeman often formed part of an original noble caste (*uradel*), the members of which, through their status as patriarchal heads of sibs and clans, dominated, in addition to Celtic and other foreign serfs and dependents, large numbers of landholders of their own race.

Thus from the outset the European nobility was divided into two distinct groups according to the basis of the hereditary privileges differentiating them from the lower orders of the population. The first and more restricted group derived its position from its descent from a limited

number of ruling or dynastic families which, despite considerable differences in economic and political power, adhered rigidly to standards of social exclusiveness and endogamy; the second group developed out of the social functions performed and social status achieved by the first men or families (*primates, principes*) to settle in a community, district or some larger political unit. Something of a conflict between these two principles of origin can be observed down to the break up of mediaeval institutions at the time of the Renaissance. By proof of ancient lineage and freedom the upper nobility based upon the first principle strove to maintain distance from the lesser nobles, who had generally risen in the service of kings and other great officeholders and were very often of servile origin. Particularly durable was the tradition of the freedom of the higher nobility in such institutions as certain great land courts or in ecclesiastical bodies like cathedral chapters and the older monastic orders, which, according to their records, succeeded in preserving intact the standard of noble membership. Alongside the line of demarcation based on origin there existed the more material barriers dividing those nobles who, whatever their ancestry, had managed to retain or achieve political positions of first rate importance from the smaller fry of landholders, like the English gentry and the German junkers, who had to content themselves with economic or at best with inferior administrative functions. Originally purely social in character, the latter distinction also crystallized in the course of centuries into one of blood inheritance and conubium; thus down to the present time only the upper European nobility have enjoyed peerage with the houses of sovereign monarchs and have possessed, for example, the right to intermarry with the rulers of Great Britain and Austria-Hungary.

Two major spheres of activity, corresponding to the two distinct types of lineage and of social privilege, were open to the European nobility, that of local chieftain and landholder and that of officeholder in the households or courts of secular or ecclesiastical princes. In point of fact the two spheres as a rule overlapped, since the local nobility might serve in the central courts and councils in some such capacity as the *Räte von Haus aus* of the German territorial states, while the nobility of office were, even after the introduction of salaries in money or kind, long indemnified for their services by land grants making them the peers of the original landed aristocracy. Nevertheless, the distinction was of permanent significance in the field of local administration, the development of which was marked for centuries by the rivalry between indigenous magnates and royal agents, often inferior in rank but having the central authority at their disposal to buttress their pretensions. In more modern times the implications of the distinction may be discerned in the tendency of noble estates to insist on their peculiar native privileges as the basis of a parliamentary limitation on monarchic or other centralizing powers and influences.

As in all systems of social stratification the position of the nobles as a ruling class was cemented by special advantages or privileges, relating to both the military and civil spheres. Through his command of more advanced techniques of armament and warfare, particularly of the art of fighting on horseback, the mediaeval European noble, like the Asiatic, the Greek and the Roman, was able to sustain or acquire an ascendancy resting on landed or other forms of wealth. Long after the typical feudal army consisting of mounted knights together with retinues on foot had been supplanted by the modern professional army organized and paid by the central authority, the nobles were enabled by their social position to claim all the more important posts of military command. In the civil sphere the special privileges of the nobles developed along similar lines; centuries prior to the conferment of such offices upon them by the central government they were, merely by reason of their social experience and prominence, the natural arbiters, judges and administrators, spontaneously sought out by the surrounding neighborhood, as they still are in the Orient where primitive conditions prevail. When the growing technical complexity of administrative and judicial problems outstripped the capacities of a military and somewhat rustic aristocracy and demanded the employment either of ecclesiastics or of educated members of the bourgeoisie, the only result was the emergence of a new nobility, the *noblesse de robe* of France and the *Briefadel* of Germany.

Certain modern writers have laid stress upon what they regarded as fundamental contradictions in the status and functions of a noble class, particularly upon the inconsistency seemingly involved in the residence of social responsibility in an exclusive caste, whose jealously guarded hereditary privileges and superiority inevitably tended to isolate them from the lower orders of

the population. But such a view does scant justice to the essential nature of a corporative society. In contrast to modern society, which has increasingly tended to dissolve human groups into individuals and only as a second stage to recombine them in classes, the mediaeval or more generally speaking the premodern society was a hierarchy of graduated estates, whose inequality not only failed to hinder their social cooperation but on the contrary was its fundamental presupposition. Each individual found pride and satisfaction in his own place as well as in the place of his superiors and inferiors. A vestige of this attitude may be detected in the famous dictum that "every Englishman loves a lord" and in those American Negroes who "liked your white folks to be superior."

It is a unique feature of the function performed by the nobility and gentry in European civilization that for centuries they bridged the great gulf between country life and the more advanced culture of town life. For this reason it is possible to exaggerate the changes wrought in the structure of society by the rise of the mediaeval city. Despite all the economic, social and political struggles which marked the relations of the landlords with the merchants and craftsmen of the towns, the city of the early Middle Ages, like that of antiquity and of the Orient, was influenced by the nobility no less than the nobility was by it. Modern research has everywhere brought to light the intimate interconnection between the patrician families of the towns and those of the surrounding country; in the lonely and extensively cultivated countryside of eastern Europe as well as in the more densely populated west any nobleman with sufficient means was pleased to spend at least a part of the winter in a town residence, which he usually maintained as his private property.

The social significance of the European nobility was further conditioned by its relation to the modern centralized and national monarchy. Although the tendency common in popular democratic rhetoric to associate the monarchic and the aristocratic principles is by no means founded on error, it is far from containing the whole truth. The relations of monarchy and aristocracy, as of monarchy and church, were characterized by a community of interest based on a common stake in the preservation of the mediaeval corporative society but accompanied by a keen, if sometimes clandestine, rivalry. The modern monarchy must therefore be viewed not only as the predecessor and adversary of modern democratic and parliamentary forms of government but also as the successor and equally strong adversary of older aristocratic forms of limited government. Surrounded by his peers who were entitled to remain covered in his presence, the old Germanic king could not escape the influence of an aristocracy whose will, whether expressed through an English legislative parliament or a French judicial *parlement*, might at any time intrude between him and the masses. It was therefore his natural policy to assert his sovereignty by cultivating the favor of estates and classes beneath the highest nobility, such as the representative knights and burgesses who were convened in the English House of Commons. Among the causes for the failure of the old German Empire to develop into a national monarchy it is important that its emperors were unable to prevent the electors and other territorial lords from attaining independent sovereignty; but it was at least equally decisive that they could not win the definite support of any of the leading estates—church, gentry or towns—beneath the territorial sovereigns.

The ultimate tendency of the sovereign monarchy of Europe was to reduce all the constituent estates of the realm to a position of equal dependence upon the crown and to assume for itself the function of maintaining a delicate equilibrium between them. By different means and with different degrees of success the English Tudors and Stuarts, the French Bourbons, the Prussian Hohenzollerns and the Russian czars therefore made it one of their principal objectives to bridle the nobles of their respective countries, a process which consisted essentially in converting them, by more or less violent methods, into obedient courtiers, landholders and local administrators. Hence the policy of the monarch had a dual aspect, since on the one hand it manifested distrust of the aristocracy and a corresponding inclination to favor the bourgeoisie and the peasants, while on the other hand it used the same aristocracy to fill most of the important military and bureaucratic posts and to perform all the minor administrative functions by which discipline was maintained among the masses. Richelieu's jealousy of the French nobles, Frederick the Great's vigilance against the junkers, the determined insistence of the last Rurik and early Romanov czars on replacing the old boyar class by a hierarchy of submissive landlords—the *pomeshchiki*—pledged to military and civil service, all point in the same direction. The fact that the rigid and exclusive systems of

hereditary privilege which derived their original sanction from mediaeval feudal law survived into the nineteenth century was due not only to the interest of the nobles themselves in preserving their social position but quite as much to the interest of the monarchs in requiting the latter for their services by some tangible form of compensation. Thus at the same time that the monarch abolished feudal tenures and privileges wherever they obstructed the development of a money economy in military and civil institutions he connived with the nobility to reaffirm its most important legal privilege, the right of undivided inheritance of real estate, which was the foundation of its economic power, whether it took the form of the English law of entail or the more rigid continental form of fideicommissum as it spread from Spain with the rise of the Hapsburg empire. These devices may be viewed as the analogues both of the law of primogeniture which the monarchs developed on their own behalf and of the ancient custom of undivided inheritance for peasant holdings.

In the modern period the role of the European nobility has in general developed according to two distinct, although not discordant, patterns. One of these has been based upon what may be called the survival value of their original social status and function, the memory of which is kept alive even in such romantic customs as the conferment of nobility as a reward for political and social service, a tradition still honored not only in monarchic countries like pre-war Germany, Russia and Austria and present day England and Italy but also in republican France, where the title continues to distinguish old noble families in the diplomatic service. Even in international law the bestowal of titles of nobility, for example, by the papacy, is not quite extinct. And if it is true that a certain natural connection exists between the holding of titles and that of land, the preservation of a class of great landlords in England must seem related to the power of the aristocracy in English society. A second pattern of life has grown out of the various processes by which the aristocracy has modified the mediaeval feudal tradition and adapted itself to modern social activities and pursuits. Thus in England the great nobles have customarily served as members and chairmen of royal commissions and parliamentary committees, in addition to holding honorary offices on the staffs of charitable and other public institutions; and there is hardly a continental country where this practise is unknown. An especially fortunate solution to the problem of the *circulation des élites*, as it has been called by Vilfredo Pareto, has been made possible in England by the entail system, which has facilitated the absorption of the younger sons of the nobility into lower social strata, while on the other hand the tendency of the larger English commercial and industrial fortunes to flow into land investment has laid the foundations for a steady infusion of new blood into the ranks of the older nobility. Whereas the English system has generally elicited favorable comment, it has not always been recognized that a substantially similar phenomenon existed in pre-war Germany. In those regions of Germany preeminent in mineral resources, such as Silesia and the Ruhr district, the landed aristocracy joined the bourgeois entrepreneurs in the exploitation of this wealth; and in turn the leading families of the industrial bourgeoisie, by acquiring titles and purchasing landed estates, elevated themselves to the social plane of the aristocracy. In addition to the relative modesty of its fortunes this pre-war German aristocracy differed from the English chiefly in the fact that it remained in direct contact with economic production, whether agricultural or industrial, rather than playing the merely passive role of landlordism like the overwhelming majority of the English nobility.

The rationale of the processes by which the European nobility has been metamorphosed or destroyed has varied all the way from the simple formulations of the mediaeval burgesses, who sought to uphold their right to peaceful commerce against the rule of might, to the imposing systems of natural law and natural right which in modern times have constituted the main arsenal for the attack upon the concepts of a privileged aristocracy and of a hierarchical order of society. But in essential motivation as well as in the pith of their argument the protagonists of the struggle against the nobility have from first to last revealed a basic similarity. Almost invariably they have used the ideas of justice, freedom and equality as weapons, and quite as invariably their success has ultimately signified merely the accession of a new group to the ruling classes and the more or less prompt and open negotiation of a compromise between the newcomers and their previous rivals. Far reaching as the attending changes in methods of social control and in economic techniques have undoubtedly been, it cannot be said that in general principle the administration of rural property, which has always represented the economic mainstay

of the nobility, has been modified by any of the new and more commercial elements which have acquired possession of this property since the Renaissance. Even the ruthless extermination and expropriation of the Russian landed aristocracy by the Bolshevist revolution have formed only a brief interlude between the old system of large aristocratic estates and a new system of equally large or larger government or cooperative estates.

In contrast to the anti-aristocratic ideas and sentiments characteristic of the advance of modern liberalism and democracy, the nobility have continued to find apologists in quarters favoring those conservative and traditional forces of which they are the preeminent symbols. A certain rhythm may be discerned in the recurring accentuation of pro-aristocratic feeling, which appears to coincide with the periods of reaction inevitably ensuing upon great social revolutions and characterized by the reconciliation of victors and vanquished. The supreme example of a government stabilized on the basis of conservative and aristocratic principles was the English constitution during the interval between the glorious Revolution of 1688 and the French Revolution, and it is not surprising that as reflected in contemporary thought from Montesquieu to Burke, who were in fundamental accord in their antipathy to French centralization and bureaucratic étatism, such a condition should have generated a chain of political and social ideas as far removed from democratic despotism as from liberal laissez faire. As represented by thinkers so different as de Maistre in France and Karl vom Stein in Germany, the recrudescence of these ideas in the Restoration following the Napoleonic wars was by no means a mere fleeting phase of the romanticism so loudly anathematized by nineteenth century liberals. Deeply bound up with such organic conceptions of society as underlay the doctrines of Saint-Simon and Lamennais, the seemingly atavistic notion of a Christian social hierarchy lingered on in the form of an undercurrent, until it became reincarnated in the syndicalism of Sorel and the corporation state of Fascism.

CARL BRINKMANN

See: ARISTOCRACY; STATUS; CLASS; LANDED ESTATES; ENTAIL; PRIMOGENITURE; INHERITANCE; FEUDALISM; ROYAL COURT; MONARCHY; CONSERVATISM; CHIVALRY; GENTLEMAN, THEORY OF THE.

Consult: Fahlbeck, P. E. A., *Die Klassen und die Gesellschaft* (Jena 1922); Pöhlmann, Robert, *Geschichte der sozialen Frage und des Sozialismus in der antiken Welt*, 2 vols. (3rd ed. Munich 1925); Gelzer, Matthias, *Die Nobilität der römischen Republik* (Leipsic 1912); Muenzer, Friedrich, *Römische Adelsparteien und Adelsfamilien* (Stuttgart 1920); Schumpeter, Joseph, "Die sozialen Klassen im ethnisch-homogenen Milieu" in *Archiv für Sozialwissenschaft und Sozialpolitik*, vol. lvii (1927) 1–67; Schulte, A., *Der Adel und die deutsche Kirche im Mittelalter* (2nd ed. Stuttgart 1922); Ernst, Viktor, *Die Entstehung des deutschen Grundeigentums* (Stuttgart 1926); Mayer, Ernst, *Vom Adel*, Pädagogisches Magazin, no. 914 (Langensalza 1922); Fahlbeck, P. E. A., *Der Adel Schwedens und Finnlands* (Jena 1903); Merores, M., "Der venezianische Adel" in *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte*, vol. xix (1926) p. 193–239; Ganshof, François Louis, *Étude sur les ministériales en Flandre et en Lotharingie*, Académie Royale des Sciences, des Lettres et des Beaux Arts, Mémoires, vol. xx, pt. i (Brussels 1926); Pavlov-Silvansky, N. P., *Feodalism v drevnei Rusi* (Feudalism in ancient Russia) (St. Petersburg 1907); Stenton, F. M., *The First Century of English Feudalism, 1066–1166*, Ford Lectures, 1929 (Oxford 1932); Guilhiermoz, P., *Essai sur l'origine de la noblesse en France au moyen âge* (Paris 1902); Langlois, C. V., "Les origines de la noblesse en France" in *Revue de Paris*, vol. v (1902) 818–51; Avenel, Georges d', *La noblesse française sous Richelieu* (Paris 1901); Carré, Henri, *La noblesse de France et l'opinion publique au XVIIIe siècle* (Paris 1920); Turberville, A. S., *The House of Lords in the XVIIIth Century* (Oxford 1927); Carcassone, E., *Montesquieu et le problème de la constitution française au XVIIIe siècle* (Paris 1927); Poisson, G., "L'oeuvre ethnologique de Gobineau" in *Revue anthropologique*, vol. xliii (1933) 131–41; Muller, Heinrich, *Der letzte Kampf der Reichsritterschaft um ihre Selbständigkeit (1790–1815)*, Historische Studien, no. 77 (Berlin 1910); Brinkmann, Carl, "Die Aristokratie im kapitalistischen Zeitalter" in *Grundriss der Sozialökonomik*, vol. ix, pt. i (Tübingen 1926) p. 22–34, with bibliography.

NÖLDEKE, THEODOR (1836–1930), German orientalist. Nöldeke studied at the University of Göttingen, to which he returned as instructor after devoting several years to research on oriental manuscripts in Vienna, Leyden, Gotha and Berlin. Subsequently he taught at the University of Kiel and later at Strassburg, which became the center of oriental studies during his professorship there. He was the leading figure in this field in Germany during the latter part of the nineteenth century and the first two decades of the twentieth. Most of the German orientalists and many foreigners, especially English and Americans, were his pupils.

Nöldeke's work, comprising almost seven hundred books, pamphlets and articles, is distinguished by an unusually profound and extensive knowledge of languages and of history and by a sound critical point of view which often approaches skepticism. It was his aim to lay solid foundations for western knowledge of all

periods in the history, culture, literature and languages of the Near East. He refused to accept unauthenticated material, but his mind was always open to new developments and he hoped that future investigations would add to the store of definitely established facts. With the *Geschichte des Qorâns* (Göttingen 1860; 2nd. ed. vols. i-iii, Leipsic 1909–29) he inaugurated the modern critical study of the sacred book of the Moslems; together with *Das Leben Muhammeds* (Hanover 1863) it constitutes a valuable contribution to Islamic studies. His Syriac, modern Syriac and Mandaean grammars are the corner stones of Aramaic philology. In *Geschichte der Perser und Araber zur Zeit der Sasaniden* (Leyden 1879) he translated and profusely annotated parts of Ṭabari's chronicle, which gives a vivid picture of the last centuries of ancient Persia; while *Das iranische Nationalepos* (Strasbourg 1896, 2nd ed. Berlin 1920; tr. by L. Bogdanov in K. R. Cama Oriental Institute, Bombay, *Journal*, no. vi, 1925, p. 1–161) is the standard work on Firdausi's *Shahnameh*. His *Orientalische Skizzen* (Berlin 1892; tr. by J. S. Black, London 1892) includes a brief survey of Islam and a description of a slave rebellion in the East. His article "Semitic Languages" (in *Encyclopaedia Britannica*, vol. xxiv, 11th ed. 1911, p. 617–30; enlarged German ed. as *Die semitischen Sprachen* 2nd ed. Leipsic 1899) is a masterpiece of popular philology.

ENNO LITTMANN

Consult: Snouck Hurgronje, C., in Deutsche Morgenländische Gesellschaft, *Zeitschrift*, n.s., vol. x (1931) 239–81; Littmann, E., in Gesellschaft der Wissenschaften zu Göttingen, *Nachrichten: Geschäftliche Mitteilungen* (1930–31) 48–57; Becker, C. H., in *Islam*, vol. xx (1932) 43–48; Kuhn, Ernst, *Übersicht der Schriften Theodor Nöldekes* (Giessen 1907), with a bibliography of works published by Nöldeke before 1907.

NOMADS. Nomadism involves the repeated shifting of the habitat of a people in its search for subsistence. It does not consist in unrestricted and undirected wandering but is focused around temporary centers of operation, the stability of which is dependent upon the food supply available and the state of technical advance, which determines the extent to which the resources can be utilized. It assumes different forms according to the method of obtaining food and according to climatic and topographic conditions; there are hunting and collecting nomads, pastoral nomads and, in a few instances, agricultural nomads.

Nomadic hunters and collectors are as a rule organized into small related bands, parts of which live or operate in adjacent areas and assemble and function from time to time as a unit either in economic or in ceremonial activity. The number of families aggregated in one camp is determined largely by the game available and changes from season to season and from year to year. For example, if herds of musk oxen or a large number of seals are found in a certain vicinity by the Eskimo, scores of families dwell together temporarily and disperse when the season is ended; the following year the same place may be almost deserted and the families concentrated at another locality because of exhaustion of the food supply or migration of the animals. Australian aborigines have wandered long distances from the interior of Victoria to the coast and returned to take advantage of the season's best crops, fish or game. The Bushmen on the steppes of south Africa organize their temporary settlements around water holes. American Indian hunters and the prehistoric inhabitants of Europe and Asia led a nomadic existence which involved shifting of residence because of the changing food supply.

Hunting and collecting necessarily require extensive areas of land, since available plant and animal life can be utilized only in a most superficial manner. The food supply is rarely regular; periods of plenty are followed by periods of prolonged dearth. Hunting nomads usually have little opportunity to acquire surpluses, since repeated shifting of settlement precludes the maintenance and accumulation of wealth. Political life is basically democratic; leadership is generally invested in heads of families. Individuals can in exceptional instances leave their group to affiliate with related groups. The inability of the small political units of hunting nomads to resist the better equipped, more aggressive and more numerous tribes has led to their retreat into remote forest, steppe or polar regions. Several groups of hunting nomads, the Siberian reindeer nomads, for example, have recently adopted pastoral life. Many hunting peoples, such as the Algonquin of North America and some Australian tribes, recognized family ownership privileges over territories upon which the families were regularly accustomed to seek their food; as a rule, among hunters these rights belong to all members of the political unit.

Among pastoral nomads periodic return to particular areas is more systematic than among most hunting nomads; territories regularly ex-

ploited are claimed as tribal property. The practises of pastoral peoples vary according to the nature of their herds or flocks. The Bedouins move with relative speed with their camels and horses over a vast territory from their winter settlements in Yemen almost to the slopes of the Caucasus in the summer. The Masai cattle breeders of east Africa wander long distances over the enormous steppes, moving their kraal every few months to obtain fresh pasturage; the length of their stay is determined by the accumulation of refuse in the camp. The Mongol and Turkish cattle breeding tribes of central Asia likewise travel extensively but return periodically to the same grazing grounds. The herders of sheep and goats in Arabia, on the other hand, merely wander to the boundaries of the desert for grazing grounds and return to their villages. Pastoral nomads retain their herds as wealth, while they live on milk or on some of the young animals or on food derived through exchange. They are therefore relatively more secure in their livelihood than are the hunting nomads; their nomadism lends itself to the accumulation of wealth in herds and flocks, but less in products of handicraft. The status of women among homogeneous clans of pastoral nomads is almost equal to that of men, because of a strict division of labor between the sexes. The care of the herds has remained a masculine occupation among herdsmen who have not been affected by contact with agricultural tribes. The women prepare hides, care for the milk containers and build the houses of the camp. Only in tribes which have acquired women and cattle from other herdsmen do women milk and tend stock. As in the case of the hunters, political life is democratic and social organization is dominated by a council of elders. Occasional large gatherings bring neighboring groups together and friendly relations are cemented by a system of lending and pawning cattle—often paralleled by the education of children by foster parents—a practise especially characteristic of the African herdsmen. These gatherings facilitate interchange of knowledge and experiences between the various tribes. Contact among herdsmen led some to adopt the domesticated animals of other pastoral people; horse breeders, for instance, began to domesticate cattle with the implication of private ownership of the new animals. In other instances the exertion required in times of famine and the vast stretches of barren land which often divide the area of one tribe from that of another tend to prevent communication. One of the chief means whereby culture is diffused is through marriage with persons belonging to other tribes.

Agricultural peoples may sometimes be regarded as nomadic in the sense that they change their habitat in order to look for new patches for raising their crops. This is particularly true of tribes in which agriculture has been but recently introduced, as, for example, among the Baining of New Britain and other Papuan tribes. Agriculture is carried on primarily by women, while the men remain hunters and trappers. Prior to European contact with Africa unstable residences were common among the Bantu tribes in which the men became cattle breeders: in this and other instances it is difficult clearly to distinguish between nomadism and migration.

Among pastoral nomads exhaustion of pasture land and increase of population may lead to the branching off of a number of families or to the movement of the main stock. If the migration is directed to uninhabited areas, social organizations are not exposed to change. Contact with other peoples, especially between herdsmen and agriculturists, has led, however, to a clash of cultures; the resultant situation depends largely upon the relative number of migrants, the nature of the culture of both groups and whether the contact is peaceful or through conflict.

When the clash of peoples is marked by hostility and the herdsmen slay the men of the agriculturists and spare their wives, as has occurred, for example, among south African tribes, the invaders occupy the land and the women continue the agricultural work; a particularly rigid division of labor between the sexes ensues, the men remaining shepherds. When small families of herdsmen branch off and associate peacefully with agriculturists, as has frequently been the case, for example, in east Africa, they become settlers, sometimes preserve part of their traditions and become political leaders of clusters of families or of clans of agriculturists. When large groups of nomad herdsmen seeking land for grazing purposes come into contact with agriculturists, without its being necessary to deprive the latter of their land, peaceful relations may be maintained and surpluses bartered among initially independent clans. In such instances, however, the herdsmen eventually succeed in exercising domination over the agriculturists by virtue of their possession of cattle. In this way families of the pastoral nomads acquire political leadership, as was done, for example, by the Bahema in central Africa.

The primary consequence is an ethnical stratification of society with several castes, as in the Toro country or among the Banyankole of Uganda. The economic and political power acquired by families of nomadic herdsmen has sometimes led them to adopt a more or less sedentary existence; they have in such cases become attached to and even dependent on the agriculturists, with whom they at first did not intermarry. When later intermarriage became frequent, ethnical stratification turned into social stratification, as in Buganda. Here, during the process of superimposition of nomadic herdsmen upon peasant agriculturists, the original social organization of both was gradually replaced by an aristocratic and despotic administration based on a ranking officialdom, slavery and economic exploitation; in this way the foundation of a state is laid. Hunting nomads have also attached themselves to agricultural peoples and have intermarried with them, giving rise to another type of sedentary people. These mergings of peoples have stimulated increase and diffusion of culture. The buying of wives introduced in the lapse of time during these processes, particularly the acquisition of female slaves, contributed to at least a formal degradation of the position of women and to the rise of patriarchal institutions.

Certain pastoral people have built up military organizations formed on democratic lines, without slaves or social stratification but with rigorous discipline exercised by the elders. In this manner there emerged pastoral brigands, such as the Zulu, Hehe and the Masai of east Africa; the last named extended their raids over hundreds of miles from the Indian Ocean to the shores of Lake Victoria in central Africa, relying on their superior weapons, military training and tactics. The Manchus, Turks and Mongols not only dominated central Asia in this way but also invaded surrounding regions. In some cases these military nomads merged with agricultural groups and formed stratified societies, as in the case of the Manchu conquerors and the Chinese peasants. European influences recently have been responsible for introducing agriculture among the Hehe and to some extent among the Masai, with the result that they have adopted a more sedentary life. In this way the old nomadism is being replaced by other forms of habitation.

R. THURNWALD

See: MOBILITY, SOCIAL; MIGRATIONS; HUNTING; AGRICULTURE, section on PRIMITIVE AGRICULTURE; LAND TENURE, section on PRIMITIVE SOCIETIES; DOMESTICATION; CONQUEST; GYPSIES; MIGRATORY LABOR; FOOD SUPPLY.

Consult: Thurnwald, Richard, *Die menschliche Gesellschaft in ihren ethno-soziologischen Grundlagen*, 3 vols. (Berlin 1931–32), and *Economics in Primitive Communities* (London 1932); Ratzel, Friedrich, *Völkerkunde*, 3 vols. (Leipsic 1885–88), tr. by A. J. Butler as *The History of Mankind* (London 1896–98) vol. iii, p. 166–79; Sumner, W. G., and Keller, A. G., *The Science of Society*, 4 vols. (New Haven 1927–28) vol. iv, p. 9–14, 66–69; Hatt, Gudmund, "Notes on Reindeer Nomadism" in American Anthropological Association, *Memoirs*, vol. vi (1919) 75–133; Eylmann, Erhard, *Die Eingeborenen der Kolonie Südaustralien* (Berlin 1908); Spencer, Baldwin, and Gillen, F. J., *The Arunta*, 2 vols. (London 1927) vol. i, p. 14; Wheeler, G. C., *The Tribe, and Intertribal Relations in Australia* (London 1910) p. 13; Radcliffe-Brown, A. R., *The Andaman Islanders* (Cambridge, Eng. 1922) p. 30–31; Driberg, J. H., "Gala Colonists and the Lake Regions of Africa" in *Ethnologische Studien*, vol. i (1929–31) 191–213, and *The East African Problem* (London 1930) p. 23–34; Herskovits, M. J., *The Cattle Complex in East Africa* (Menasha, Wis. 1926); Vedder, Heinrich, *Die Bergdama*, Hamburgische Universität, Abhandlungen aus dem Gebiet der Auslandskunde, vols. xi, xiv, 2 vols. (Hamburg 1923); Hahn, Eduard, "Die Hirtenvölker in Asien und in Africa" in *Geographische Zeitschrift*, vol. xix (1913) 305–19, 369–82; Nouvel, Suzanne, *Nomades et sédentaires au Maroc* (Paris 1919); Shirokogorov, S. M., *Social Organization of the Manchus*, Royal Asiatic Society, North China Branch, Publications, extra vol. iii (Shanghai 1924); Sirelius, U. T., "Über die Art und Zeit der Zähmung des Renntiers" in Suomalais-Ugrilainen Seura, *Suomalais-Ugrilaisen Seuran Aikakauskirja: Journal de la Société Finno-Ougrienne*, vol. xxxiii (1916–20) pt. ii; Schakir-zade, Tahir, *Grundzüge der Nomadenwirtschaft. Betrachtung des Wirtschaftlebens der sibirisch-centralasiat. Nomadenvölker* (Heidelberg 1931); Peisker, Johann, "The Asiatic Background" in *Cambridge Medieval History*, vol. i (Cambridge, Eng. 1924) p. 323–59; Frödin, John, "Quelques traits de la végétation et de l'habitat pastoral de la Turquie du nord" in *Geografiska annaler*, vol. xiv (1932) 209–43; Carrier, E. H., *Water and Grass; a Study in the Pastoral Economy of Southern Europe* (London 1932).

NOMINALISM AND REALISM. *See* SCHOLASTICISM.

NOMINATIONS, POLITICAL.

The nomination of several candidates for an office may be said to be a prerequisite in any election in which a number of people vote. The nominations serve to concentrate the attention of the electorate upon relatively few persons, so that the victor will represent the choice of more than a very small proportion of the electorate. Even in assemblies in which all the electors are present in person, as in a legislature, nomination of

candidates, whether from the floor or in advance by some caucus (*q.v.*), has generally been found necessary. Under modern democratic government, with its wide franchise, the conduct of elections without some preliminary process of nomination would be practically impossible.

Unless the number of candidates is greater than the number of offices to be filled, nomination and election become practically the same process. Such is frequently the situation in England, where certain parliamentary seats are "uncontested." The Italian system of submitting to the electorate a single full roster of candidates for the Chamber of Deputies, to be accepted or rejected in toto, is unique in the extent to which it equates nomination to election. Substantially the same effect is obtained where control by a particular party is very strong; nomination by the Democratic party in the ten states of the "solid South" in the United States or by the Republican party in certain northern and western states is tantamount to election. Recognition of this fact has led to increased state regulation of the nominating process in some states in which this situation prevails. In order to make certain that the ultimate choice shall represent more than a very small proportion of the entire electorate, these states have provided for a double, or "run-off," primary or for the use of preferential voting in the primary.

In most countries the choice of the voters at the election is confined to those who have previously acquired the legal status of candidates by the appropriate method. In the United States, however, as in a few other countries any qualified person may be elected, even though he has not been nominated and his name has not been printed on the ballot. In all but about six states the voter is expressly permitted to "write in" the name of his choice. This right of election without nomination is, however, more theoretical than real. Especially in the larger communities cases of election of persons whose names were not on the ballot are almost unknown.

Outside the United States legislative bodies have given little attention to the subject of nominations. They have ignored the process by which parties and other political groups concentrate their strength behind particular candidates and have confined themselves to laying down formal and rudimentary requirements. The French law says nothing whatever about candidacy for election to the various local councils—communal, district and departmental; with respect to the Chamber of Deputies, the law provides merely that the candidate may run in only one constituency, which must be specified in advance. This limitation was adopted in 1889 to prevent the recurrence of such a situation as that which arose when General Boulanger won large majorities in various constituencies.

The system of self-announcement, still in use in France, was employed in England until 1872, when it was replaced by nomination by petition. The petition, signed by ten registered voters of the constituency, must be filed on the eighth day following the proclamation summoning a new Parliament. It must be accompanied by a deposit of £150, which is forfeited if the candidate fails to poll more than one eighth of the total vote. This requirement, intended to discourage frivolous candidacies, applies only to parliamentary elections. The dominions follow the British practise with some variation.

Nomination by petition prevails in those countries of continental Europe which have adopted the list system of proportional representation. When the party lists are filed, some time in advance of the election, they must be supported by a specified number of signatures, which is generally relatively small—one hundred in Belgium and Austria, five hundred in Germany. Attempts by some of the German states, such as Hesse in 1927, to increase considerably the number of signatures and to require a large deposit which would be forfeited if no candidate on the list were elected have been held unconstitutional by the Staatsgerichtshof. Candidates for the German presidency are likewise nominated by petition, but the discrimination in favor of existing parties through the requirement of a large number of signatures for new parties tends to reduce the number of presidential candidates. This tendency is furthered by the fact that there is a single indivisible office to be filled. As a result the individual party usually enters a coalition backing a single nominee instead of running its own candidate. This becomes especially apparent where a second ballot is required. Thus in the German presidential election of 1925 there were seven candidates in the first election and only three in the second. In the 1932 election there were five on the first ballot and only three on the second.

In colonial America the system of self-announcement was taken over from England by some of the colonies, including Georgia and Virginia. Other colonies experimented with various methods of nomination. For a time East Jersey, like Greece and some of the mediaeval

communes, used the lot as an important element in the nominating system. Some of the New England colonies at one time employed a rudimentary form of direct primary. One of the methods developed in Massachusetts was the caucus, which gradually spread until it became the predominant way of making nominations in the United States, being applied even to the presidency through 1824. Efforts to democratize and broaden the nominating process led to the introduction of the delegate convention system, whereby conventions were called in the various units of the governmental hierarchy for the purpose of setting up slates of candidates and determining the party platform. With the development of abuses in this system and under the impetus of the movement for more democracy to cure the ills of democracy, it was replaced to an increasing extent by the direct primary system (*see* CONVENTION, POLITICAL; PRIMARIES, POLITICAL). The nomination of the president continued, however, to be made by national conventions called especially for this purpose, although there was at one time a movement to substitute presidential primaries.

The problem of nominations in the United States is the subject of perpetual controversy and of elaborate statutory regulation. In New Jersey and South Dakota, for example, the direct primary law is as elaborate as the law governing the general election. Statutes in the United States distinguish between party nominations and independent nominations. The latter take the familiar European form—the filing of a petition—but usually burden the candidate with the necessity of securing hundreds or thousands of signatures. In many states certain offices are termed non-partisan; no party designations are permitted on the ballot and all nominations must be by petition.

It is in the matter of party nominations that the peculiar character of American practise is revealed. Party candidates take their place on the election ballot as of right and without the formality of a petition. They do so because the law, having deprived the party of its original status as a voluntary association, now orders all its most intimate and significant concerns, determining how candidates shall be nominated and platforms framed, even who shall belong to the party and who shall lead it. The method of making nominations is prescribed in great detail. When the members of a party attend a primary and either nominate candidates or else choose convention delegates who will nominate them, the proceedings are conducted precisely as in the case of public elections. The party has been integrated with the government as an acknowledged official agency. This momentous change came in most states at the turn of the present century.

The institution of legislative control has generally been considered a consequence of the corruption of American parties in the decades following the Civil War. It may be argued, however, that even without such control the people would in the long run secure the type of candidate they desire. Candidates are nominated in order to be elected; they are manufactured, like industrial commodities, in order to be sold, the Republican brand competing with the Democratic brand in a common market and facing, like its rival, the competition of independent producers. Under such circumstances a discriminating electorate can impose its own standards. Certainly European experience has not yet suggested the need or even the desirability of statutory regulation. Nor can it be said that regulation has altogether justified itself in the United States. So small a percentage of the electorate takes part in the primaries that as a rule the "organization" or "machine," whose adherents always do vote, not only finds its position little impaired but thus escapes responsibility for nominations which in theory proceed from the people.

The reasons for legislative control must therefore be sought in more fundamental influences than the desire to purify party politics. In the first place, the United States differs from other countries in that it extends the principle of election to a multitude of offices, so that the voters are confronted with the so-called long ballot, which may list as many as thirty or forty offices to be filled on election day. Incapable of making a choice of their own, the voters fall back on the party ticket. They are not in a position to discriminate between individual candidates and thus hold the party to a high standard in making nominations. While the obvious remedy is a drastic reduction in the number of elective offices, the reformers chose instead to subject the primaries to public supervision. A second factor is the nature of the two chief American parties. For a generation the divergence between them has been less clear perhaps than that between progressive and conservative factions within each. Moreover in certain areas one party has enjoyed such predominance that nomination has been the equivalent of election. Great im-

portance has attached therefore to the outcome of the primaries. Finally, the statutory control of parties may mark an inevitable stage in the development of democratic political institutions. A comparative time chart would show how far in advance of England and France, for example, the United States established manhood suffrage and set up the powerful party organizations which are necessary to regiment a vast electorate. The direct bearing of these party organizations upon the character of the government and their capacity to work great injury to the general welfare first became manifest in the United States. The countries of western Europe are perhaps moving toward a similar stage of statutory regulation.

A survey of the methods by which the political parties in England or in Germany select their candidates before complying with the simple formal requirements reveals a similarity to the American procedure more striking than the contrast, notwithstanding differences in national character, in political institutions and in length of experience with democratic self-government. In theory control over nominations rests, in Europe as in America, with the mass of party members. German parties, for example, are organized very much as American parties were before the advent of the direct primary: a hierarchy of conventions and committees corresponding with political units and depending ultimately upon the rank and file. The annual convention elects a party council (*Parteiausschuss*) and a much smaller executive committee (*Parteivorstand*), the latter being sometimes chosen instead by the council. In each of the thirty-five election districts the list of candidates is prepared sometimes by the convention but more often by the executive committee, which may or may not submit it to the convention for approval. In practise, however, the central, or national, committee exerts considerable influence over the composition of the district lists. It also compiles the national list, putting certain favored leaders at the head and thus insuring their election in case they are defeated in the districts. Candidates are picked apparently for their "regularity" rather than for personal qualities or as a result of pressure by economic or other groups within the party.

Parliamentary candidates in Great Britain are "adopted" by the party association in each constituency or rather by the large executive committee which the members of the association have elected. In fact this committee merely ratifies the decision of a small subcommittee, which in its turn may have been influenced chiefly by suggestions from the central office of the party in London. Above all, the candidate must be a man whose support of the party leader can be depended upon. The rules of the Labour party require endorsement of the candidate by the national executive.

EDWARD MCCHESNEY SAIT

See: CAUCUS; CONVENTION, POLITICAL; PRIMARIES, POLITICAL; ELECTIONS; PUBLIC OFFICE; PARTIES, POLITICAL; MACHINE, POLITICAL; CAMPAIGN, POLITICAL; CONSTITUENCY.

Consult: Koellreutter, O., *Die politischen Parteien im modernen Staate* (Breslau 1926); Ostrogorsky, M. I., *La démocratie et l'organisation des partis politiques*, 2 vols. (new ed. Paris 1903), tr. by F. Clarke (New York 1902); Ogg, F. A., *English Government and Politics* (New York 1929); Touche, Gordon C., *Law of Parliamentary Elections* (London 1924); Dollinger, Fred W., *Nominations for Elective Office in the United States*, Harvard Historical Studies, vol. iv (New York 1897); Bishop, C. F., *History of Elections in the American Colonies*, Columbia University Studies, vol. iii, no. i (New York 1893); Sait, E. M., *American Parties and Elections* (New York 1927); Brooks, Robert C., *Political Parties and Electoral Problems* (New York 1923) chs. x–xi; Middleton, W. L., *The French Political System* (London 1932) ch. iv; Rabany, C., *Guide général des élections* (3rd ed. Paris 1925); Quigley, H. S., *Japanese Government and Politics* (New York 1932) p. 256–57.

NON-COMBATANTS. *See* WARFARE.

NON-COOPERATION. *See* PASSIVE RESISTANCE AND NON-COOPERATION.

NON-PARTISAN LEAGUE. *See* PARTIES, POLITICAL, section on UNITED STATES.

NON-RESISTANCE. *See* PASSIVE RESISTANCE AND NON-COOPERATION.

NON-SUPPORT. *See* FAMILY DESERTION AND NON-SUPPORT.

NON-VOTING. *See* VOTING.

NORDAU (SÜDFELD), MAX SIMON (1849–1923), German scientist, publicist and Zionist leader. After completing his training in medicine Nordau in 1880 went to Paris, where until the outbreak of the World War—and again from 1918 to 1923—he practised medicine and contributed to various periodicals, both technical and popular. His first systematic work, *Die conventionellen Lügen der Kulturmenschheit* (Leipsic 1883; translated Chicago 1884), and his

Paradoxe (Berlin 1885; tr. by J. R. McIlraith, London 1896) enjoyed sensational success and established the reputation of the author as an outstanding social theorist. The appearance of *Entartung* (2 vols. Berlin 1892–93, 2nd ed. 1893; tr. as *Degeneration*, London 1895) with its biologically grounded thesis of the degeneration of European culture created even more of an intellectual furor and went far toward popularizing a concept which hitherto had found only esoteric expression. His *Der Sinn der Geschichte* (Berlin 1909; tr. by M. A. Hamilton, London 1910) and his *Biologie der Ethik* (Leipsic 1920; tr. by M. Lewenz as *Morals and the Evolution of Man*, London 1922), written during his years of exile in Spain from 1914 to 1918, exerted a far more limited influence.

Nordau felt little sympathy with the dominant aesthetic and intellectual trends of the late nineteenth century. His rationalistic and scientific outlook made him suspicious of any cult of the irrational, the mystic or the amorphous. His faith in the doctrine of human solidarity provoked him to biting invective against the individualistic and antisocial schools of literature, aesthetics and philosophy. His belief in the pragmatic value, from a societal point of view, of individual morality and conscience made him impatient with the currently accepted gospel of the amorality of art. Criticizing savagely the works of Wagner, Nietzsche, Tolstoy, Ibsen and many other less illustrious exponents of what he designated as "modernism," he was led, under the influence of Lombroso and Morel, to the conclusion that these abnormalities in the realm of creative art were but symptoms of a pervasive tendency to racial degeneration. As an antidote to the hysteria and pessimism infecting modern thought he prescribed a wholesome regime of "spiritual hygiene," compounded in the main of enlightened altruism, intensive work, subordination of the instinct to reason and above all pursuit, in a true scientific spirit, of undistorted truth. In his efforts to break away from what he felt to be prevailing misrepresentations in the fields of historiography and philosophy of history Nordau sought to formulate a truly scientific approach to history, freed from a priori, *sub specie aeternitatis* postulates and especially from anthropocentric or one-sided teleological premises. The true philosophy of history he defined as "sociology looking backward" and he emphasized the value of individual psychology, biology and anthropology as aids to the historian in his efforts to reconstruct the social group in its natural setting and recreate the living unity of human evolution.

An outstanding figure in the Zionist movement, Nordau analyzed with almost unrivaled insight the problem of Jewish assimilation and with deep fervor lamented the tragic status of the Jews in western European culture. Because of his well established reputation as an author his addresses before successive Zionist conferences, pleading for an aroused and independent Jewry, found an echo in the widest circles. Carrying on in the tradition of Herzl, he assisted in drawing up the Basel Program of 1897 and championed the eventually unsuccessful project for Jewish colonization in Uganda. When in 1911 the leadership of the Zionist movement passed into the hands of the so-called "practical" wing, Nordau headed the opposition and continued to exert a deep influence on the Zionist movement long after his prestige as critic and philosopher had begun to dim.

S. RAWIDOWICZ

Works: *Erinnerungen*, ed. by Anna Nordau (Vienna 1928).

Consult: *Festschrift zum 70. Geburtstag von Max Nordau* (Berlin 1920); Herzl, Theodor, *Tagebücher, 1895–1904*, 3 vols. (Berlin 1922–23).

NORDENSKIÖLD, NILS ERLAND (1877–1932), Swedish ethnographer. Nordenskiöld, who was trained in zoology, made a palaeontological expedition to Patagonia in 1899; his interest, however, soon shifted to anthropology and he made a series of ethnographic and archaeological trips to Bolivia, Argentina, Peru, Brazil, Panama and Colombia. In 1913 he became director of the ethnographical division of Göteborg Museum and in 1924 professor of ethnography at Göteborg Högskola. His outstanding contributions appeared in English in nine volumes under the general title *Comparative Ethnographical Studies* (Göteborg 1919–31), and some of his works were also widely read in German translations.

Nordenskiöld was primarily concerned with the technological aspects of culture but also recorded myths and social practises. His attitude toward the aborigines is reflected in sympathetic sketches of several tribal cultures as wholes. His major contribution lies in the meticulous determination of trait distributions, which he established by exploiting simultaneously historical sources, ethnographic observation and archaeological finds. He was a master of ethnographic

cartography and imparted the technique to his school, which includes G. Montell, A. Métraux, S. Linné and K. Isikowitz. On the basis of distributions he inferred historical relationships, and although generally cautious he was not opposed to the theory of trans-Pacific cultural connection between South America and Polynesia. He insisted, however, on the independence of the basic features of New World culture.

ROBERT H. LOWIE

Works: The *Comparative Ethnographical Studies*, tr. by G. E. Fuhrken and G. Leijer, comprise: *An Ethnogeographical Analysis of the Material Culture of Two Indian Tribes in the Gran Chaco* (1919); *The Changes in the Material Culture of Two Indian Tribes under the Influence of New Surroundings* (1920); *The Ethnography of South America Seen from Mojos in Bolivia* (1924); *The Copper and Bronze Ages in South America* (1921); *Deductions Suggested by the Geographical Distribution of Some Post-Columbian Words Used by the Indians of South America* (1922); *The Secret of the Peruvian Quipus* (1925); *Picture-writings and Other Documents*, 2 vols. (1928–30); *Modifications in Indian Culture through Inventions and Loans* (1930); *Origin of the Indian Civilizations in South America* (1931), in collaboration with others.

Consult: Linné, S., in *Nordisk familjebok*, vol. xiv (3rd ed. Stockholm 1931) p. 1126; obituary in *Nature*, vol. cxxx (1932) 121.

NORMAL SCHOOLS. *See* TEACHING PROFESSION.

NORMAN, GEORGE WARDE (1793–1882), English economist. Known generally only as one of the three leaders of the English "currency school," which developed and defended the principles on which Peel's Bank Charter Act of 1844 was based, Norman exercised considerable influence on the general development of economic thought during an extraordinarily long and active life. He had followed his father in the Norway timber trade, becoming a director of the Bank of England in 1821, a position which he held with short interruptions until 1872. From 1830 to 1864 he was also a director of the Sun Insurance Office. In 1821 he joined the newly founded Political Economy Club and remained a member for sixty-one years. Although he opened discussions at this club as early as 1822, his first pamphlet was not printed until 1833 and then only for private circulation. This pamphlet was an outcome of the discussion occasioned by the Althorp Committee of 1832 on the bank charter, before which Norman gave evidence as one of the representatives of the Bank of England. It contains what is probably the earliest statement of the aims of the currency school by one of its members and attracted considerable attention when it was published five years later in a slightly expanded form and under a somewhat different title. By his subsequent publications and the evidence which he gave to later parliamentary committees, in 1840, 1848 and 1857, as well as by his activities at the bank itself Norman did much to shape the bank's policy. He did not agree on minor points with his chief associates, Lord Overstone and Colonel Torrens, and he joined issue with the latter on the question of protection. He wrote also on taxation and was a lifelong advocate of a single tax on all property. A clear and penetrating writer, he contributed many articles to the *Spectator*, the *Economist* and other publications and finally collected some of these miscellaneous writings into a volume entitled *Papers on Various Subjects*.

FRIEDRICH A. HAYEK

Works: *Remarks upon Some Prevalent Errors with Respect to Currency and Banking and Suggestions to the Legislature as to the Renewal of the Bank Charter* (London 1833); *Remarks upon Some Prevalent Errors, with Respect to Currency and Banking, and Suggestions to the Legislature and the Public as to the Improvement of the Monetary System* (London 1838); *A Letter to the Rate Payers of the Parish of Bromley, on the Propriety of Building a Central Workhouse for the Bromley Union* (London 1838); *Letter to Charles Wood, Esq. M. P., on Money, and the Means of Economizing the Use of It* (London 1841); *An Examination of Some Prevailing Opinions, as to the Pressure of Taxation in This, and Other Countries* (London 1850, 4th ed. 1864); *Remarks on the Incidence of Import Duties, with Special Reference to the England and Cuba Case Contained in "The Budget"* (London 1860); *Papers on Various Subjects* (p.p. London 1869); "The Future of the United States" in Royal Statistical Society, *Journal*, vol. xxxviii (1875) 64–78.

NORTH, SIR DUDLEY (1641–91), English merchant, economist, civil servant and politician. One of the famous North brothers, a self-made man grown rich in trade, a prominent Tory politician and an able customs official, he is now remembered chiefly for his one small tract, published in the year of his death. This tract was lost from view until 1822, when it was rediscovered and reprinted, and it therefore had no influence on the subsequent course of thought. North shows herein remarkable freedom from the current economic notions of his time, and in a series of brief statements and aphorisms rejects many of the most fundamental mercantilist doctrines. All trade which is profitable to the trader is claimed to be profitable to the public; but government restrictions on

trade, while possibly profitable to a few traders, are injurious to the public. Foreign trade should not be dealt with differently from domestic trade, for "a nation in the world, as to trade, is in all respects like a city in a kingdom, or family in a city." Money is merely a merchandise which can exist to excess. A country automatically acquires the amount of money it needs; regulation of trade in bullion is not necessary to assure an adequate supply. If there is a greater supply of money than is needed, it falls in value, is melted down and exported in spite of legal prohibitions. Low rates of interest can result only from prosperity, from a large number of lenders relative to the number of borrowers. Legal restriction on the rate of interest leads to evasion and hoarding. Debasement of the currency is dishonest and injurious, but a seigniorage charge should be made for coinage in order to check wasteful melting and reminting, and there should be a recoinage of the clipped money at the expense of the holders thereof. Although North thus anticipated many of the later laissez faire and free trade doctrines, he presented his views somewhat dogmatically and without adequate recourse to reasoned analysis.

JACOB VINER

Works: *Discourses upon Trade: Principally Directed to the Cases of the Interest, Coynage, Clipping, Increase of Money* (London 1691; reprinted, with introduction and notes by J. H. Hollander, Baltimore 1907).

Consult: Angell, James W., *The Theory of International Prices*, Harvard Economic Studies, vol. xxviii (Cambridge, Mass. 1926) p. 16–18; Viner, Jacob, "English Theories of Foreign Trade before Adam Smith" in *Journal of Political Economy*, vol. xxxviii (1930) 249–301, 404–57; Ashley, W. J., "The Tory Origin of Free Trade Policy" in his *Surveys Historic and Economic* (London 1900) p. 268–303; Roscher, W., "Zur Geschichte der englischen Volkswirtschaftslehre" in Königliche Sächsische Gesellschaft der Wissenschaften, Philologisch-Historische Klasse, *Abhandlungen*, vol. ii (1857) 85–93.

NORTHCLIFFE, FIRST VISCOUNT, ALFRED CHARLES WILLIAM HARMSWORTH (1865–1922), English journalist and newspaper proprietor. Northcliffe, who was born near Dublin, left school at the age of fifteen and engaged in free lance journalism. In 1888 he founded his first paper, *Answers to Correspondents*, a popular weekly inspired by the success of George Newnes' *Tit-bits*. Newnes may be regarded as the forerunner of the new journalism in England, but the idea of using a newspaper to make a profitable rather than a political appeal to the new half-educated British public to which Victorian newspapers did not cater developed in Lord Northcliffe's hands until he became the proprietor of the largest periodical publishing company in the world. In 1894 he acquired the *Evening News*; in 1896 he founded the *Daily Mail* (the first halfpenny daily), in 1903 the *Daily Mirror*, in 1905 the continental *Daily Mail*; in 1908 he took over the *Times* and in 1914 the *Weekly Dispatch*. In building up his newspaper syndicate, which by the time of his death included in all some seventy newspapers and magazines, Lord Northcliffe was assisted greatly by the financial skill of his brother Lord Rothermere.

Northcliffe's dominating position in the press gave him great political influence during the World War. In the spring of 1915 he exposed the shortage of munitions and attacked Lord Kitchener while he was still the nation's hero (the *Daily Mail* on this occasion was burned on the Stock Exchange). The Northcliffe press helped to form the Asquith coalition of 1915, led the campaign for conscription and played a crucial part in the final events which brought about the Lloyd George coalition of 1916. After declining the post of British ambassador at Washington, Northcliffe was appointed chairman of the British War Mission to the United States in 1917 and in 1918 became director of propaganda in enemy countries.

Although opinions are divided as to the nature of Lord Northcliffe's influence, the following points may safely be made. As he himself pointed out in his pamphlet *Newspapers and Their Millionaires* (London 1922), he differed from most other big newspaper proprietors in that he was a journalist who became a millionaire and not a millionaire who acquired papers as a hobby. The commercialism and the trustification of the press which he promoted resulted in the displacement of the independent political editor, who became increasingly subordinate to the business manager and the proprietor; this drove out many political papers of the older type and tended to reduce journalism to a branch of commerce. While he destroyed the traditions and independence of British journalism, Northcliffe improved the working conditions and wages of journalists and printers. He admittedly had a genius for gauging "what the public wants," a phrase which, after Northcliffe, came to mean what the public can most easily be persuaded to buy. Perhaps the reason for his

immense success was, as Sir Norman Angell has suggested, that Northcliffe himself shared the instincts and prejudices of most of his readers, that he was an extraordinarily ordinary man, a genius if only because he himself really was "the man of the street."

KINGSLEY MARTIN

Consult: Pemberton, Max, *Lord Northcliffe, a Memoir* (London 1923); Wilson, R. M., *Lord Northcliffe* (London 1927); Hammerton, J. A., *With Northcliffe in Fleet Street* (London 1932); Begbie, Harold, *The Mirrors of Downing Street* (5th ed. London 1920) p. 56–64; Massingham, H. W., "The Journalism of Lord Northcliffe" in *The Nation and the Athenaeum*, vol. xxxi (1922) 674–75; Fyfe, H. H., *Northcliffe* (London 1930); Angell, Norman, *The Public Mind* (London 1926) p. 135–71.

NOTARIES, PUBLIC. Notaries are public officers charged with functions of varying importance in the administration of law. Like many modern legal institutions, the office of the notary can be traced back to Roman origins. The forerunners of the modern notary were, however, not the *notarii* (or *scribae*) of the early Roman Empire, who were usually slaves employed for taking notes of judicial proceedings, but the *tabularii* and the later *tabelliones*, who made their appearance about the time of Ulpian. Their public character was fully recognized and their functions, such as keeping public records and drafting and witnessing legal documents, were regulated minutely in Justinian's time. During the centuries of unrest and agitation following the collapse of the Roman Empire little resort was had to orderly legal processes and the need for legal documents was rather slight. Assistance in such matters, when required, was rendered by the only class of the population which at that period was conversant with the art of writing, the clergy. Traces of the ecclesiastical character of the profession of the mediaeval notary can still be found in England where notaries, under a statute of Henry VIII which is still in force, are appointed by the archbishop of Canterbury. During the early Middle Ages the power to appoint notaries was exercised by the popes and kings and by those to whom such power, under the prevailing feudal institutions, was delegated. The ever increasing assertion of temporal over spiritual power and the concurrent spread of knowledge of writing to classes other than the clergy resulted finally in the secularization of the notarial office. With the exception of England the power of appointment is now exercised by some governmental agency. In the United States notaries are appointed in each state by the governor—in some states with the advice of his council or the upper branch of the legislature. In the District of Columbia appointments are made by the president of the United States. In France the power is vested in the president of the republic, who acts on the recommendation of the minister of justice. In the German states appointments are made by the minister of justice and the presidents of the higher courts.

The functions of notaries have developed differently in various countries, with the result that the relative importance of the office in the hierarchy of law administration has not always been the same. In most of the civil law countries the notary public is an important official whose cooperation is indispensable in almost every legal transaction of any consequence. In England and in the United States, on the other hand, the duties of the notary are rather perfunctory.

Perhaps in no other country has the notarial office attained the power and dignity which characterize the French notary. He is appointed for life and is irremovable except for breach of his trust. As a curious survival of the old regime, in which the venality of public office was the rule, the French notary has power to devise or sell his office to a successor of his own choice. In order to guarantee the integrity of the office he is forbidden to engage in trade or business or to have any interest therein; he cannot act as counsel or attorney, nor can he hold any office. He is liable for any violation or breach of his duty under a substantial bond held by the government. The notarial corps is organized throughout France similarly to the bar association, and the organization is vested with broad disciplinary powers over its members.

Although he is a public officer, the French notary receives no salary from the state; nor is he entitled to pension upon retirement. He is rewarded for his services by fees which have been fixed by statute since 1898. Nevertheless, the notarial branch appears to be the most remunerative in the French legal profession, because its assistance is requisite in almost every transaction. The statute of 25 Ventôse, year XI, although amended and modified, is still the fundamental charter of the French notarial system. By virtue of this statute notaries are charged with the drafting and authentication of all deeds and contracts to which the parties thereto are either obliged or desirous to give authentic character, such as *attaches* to public documents.

The power thus vested in the notary is very broad both on account of the great number of legal transactions wherein the authentication of the documents is compulsory and because of the probative force implicit in the notarial act. The following are only a few examples: deeds relating to real property, such as conveyances, leases, mortgages and liens; documents concerning inheritance, wills, gifts and inventories and partitions of decedents' estates; parental consents to marriage, marriage contracts; accounts and divisions of estates of minors; acts dealing with the formation of partnerships and corporations; certificates of payment of one quarter of subscribed shares of stocks. Private contracts relating to ordinary business transactions, such as contracts of sale, loans and bailments, may at the discretion of the parties be drawn up and attested by the notary, whereupon they become *actes authentiques*. The notarial attestation covers the certainty of the existence and the date of the transaction; the notary keeps in his archives the original document, a copy of which is always available to any interested party. Copies of such notarial documents are received as evidence in legal proceedings and are not subject to attack except for fraud. They become executory when placed in the hands of the sheriff. The notarial attestation does not consist merely of placing a rubber stamp on statements submitted by the parties but frequently involves the notary's cooperation in their preparation. He often participates in the drafting of the documents in order to avoid technical defects which may result in the nullity of the agreement; he must inquire and satisfy himself concerning the identity and capacity of the parties and the truth of the statements made by them.

The French notary thus appears to exercise what is essentially a non-contentious jurisdiction. His function tends to diminish the necessity of resorting to litigation. He advises parties how to formulate their intent; he enlightens them concerning their rights and obligations; he assists them in drafting their documents so as to prevent uncertainties. By preserving these documents he enables the parties at any time to prove their respective claims. In order to fulfil such diversified functions he must be an expert with a considerable technical knowledge of law and business. In most other civil law countries the notaries perform similar functions; and, while the office of the notary is perhaps not held in the exceptionally high esteem which characterizes it in France, the position and importance of the French *notariat* is more or less characteristic of the notariates in other civil law countries.

In England and in the United States the office of the notary has little significance today. Some centuries ago, when canon law was equal in importance to common law, he had an exceptional position, as is shown, for instance, by the rule that his testimony was worth that of two ordinary witnesses. As common law became paramount, the powers and influence of the notary gradually diminished; and the institution was received in the United States with such lessened importance. Both in England and in the United States the notarial function consists in the authentication of deeds and the attestation of commercial documents, the taking of depositions and affidavits to be used in judicial proceedings and the protesting of bills of exchange. In connection with his functions the notary is authorized to administer oaths. But, in contrast to France and most of the other civil law countries, he does not take part in the drafting of the documents, which are usually submitted merely for his signature and seal. It may be observed that his position in England is somewhat higher than in the United States. Before being appointed the candidate in England has to serve under a notary for seven or five years, depending upon whether he intends to practise within or outside of London. Most English notaries today are solicitors. In Scotland no person can be a notary unless he is enrolled as a law agent. In the United States, on the other hand, appointment to notary's office is not conditioned on any special training or particular qualifications.

FRANCIS DEÁK

See: LEGAL PROFESSION AND LEGAL EDUCATION.

Consult: Smithers, W. W., "History of the French Notarial System" in *University of Pennsylvania Law Review*, vol. lx (1911–12) 19–38, and later editions of French works there cited; Pennellier, Robert, *L'organisation du notariat en droit comparé* (Paris 1910); Oberneck, Hermann, "Notariat" in *Handwörterbuch der Rechtswissenschaft*, ed. by F. Stier-Somlo and A. Elster, vol. iv (Berlin 1927) p. 219–33, and authorities there cited; John, E. M., *John's American Notary and Commissioner of Deeds Manual* (4th ed. by R. S. Bauer, Chicago 1931).

NOTTINGHAM, FIRST EARL OF, HENEAGE FINCH (1621–82), English judge. Finch was a member of a distinguished legal family. Called to the bar in 1645, he acquired a large practise during the Commonwealth but took no part in politics until the Restoration, when he became

successively solicitor general (1660), attorney general (1670), lord keeper (1673) and Baron Finch of Daventry (1674), lord chancellor (1675) and Earl of Nottingham (1681). He was responsible for the legislation in 1660 which abolished military tenures and from 1673 onward took a prominent part in the attempts to frame a satisfactory statute against frauds. The proposal seems to have originated with him, but Chief Justice North had an almost equal share in drawing the bill which finally became the statute of frauds in 1677. But his greatest claim to fame is his work in the Court of Chancery. He brought to equity a thorough knowledge of common law and studied chancery doctrine with the same methodical spirit which he had applied in student days to the common law. For his own private use he compiled treatises in the decadent law French of the common lawyers, wherein he sought general principles which would knit together the mass of largely unrelated chancery decisions. He further declared that the "conscience" which swayed the chancellor was no longer his personal or private sense of right but the "civil conscience" embodied in the settled principles of equity. In his hands therefore equity became a system with established rules which for the future were considered as binding in the Court of Chancery. He also did much to lay the foundation of the modern law of mortgages, and in the Duke of Norfolk's Case he established the modern rule against perpetuities. In matters of constitutional law he was a royalist and a fairly sound historian of the law of the prerogative.

THEODORE F. T. PLUCKNETT

Consult: Holdsworth, W. S., *A History of English Law*, 10 vols. (3rd ed. London 1922–32) vol. vi, p. 379–93, 539–48. See also bibliography of FRAUDS, STATUTE OF.

NOVALIS (Friedrich von Hardenberg) (1772–1801), German romantic poet and philosopher. Novalis' significance in the history of the romantic movement consists mainly in the fact that he represents the transition stage between the early and more purely aesthetic romanticism and the later political romanticism. Traditionalism, the organismic view of the state, the ideal of a paternalistic and authoritarian rule, the glorification of the Middle Ages, the emphasis on the religious factor in civilization and the regeneration of Catholicism—all these ideas characteristic of the later romanticists, such as Baader, Adam Müller and Friedrich Schlegel, are found in embryo in the fragmentary writings of Novalis. He was the first of the German romanticists to turn against the French Revolution, attacking the Enlightenment and its mechanistic, utilitarian view of the state and its principles of natural rights, equality and representative democracy. Most of his ideas are not original; they hark back to the influences of Zinzendorf and the Pietists, to Herder, Burke and Schleiermacher. But Novalis did give a political content to the more purely aesthetic and religious ideas of the early German romanticists. In his philosophy of history he went beyond Herder in definitely disassociating the Middle Ages from the period of classical antiquity and in emphasizing the Christian character of the mediaeval period. In his political philosophy he was the first to formulate the organismic view of the state. He called for a greater and more intensive political activism on the part of the citizens and regarded the state as the incarnation not only of the political but also of the cultural and religious life of the individual. In the paternalistic rule of Frederick William III and Louise of Prussia he saw a concrete realization of his political ideals.

Novalis' profound influence on German thought is to be attributed not so much to the effectiveness of his ideas as to the poetic form in which he voiced them and even more to the romantic halo which developed around his personality. His youthful precocity and his all embracing interests—often nothing more than dilettantism—his tragic love affair with Sophie, his own premature death at the age of twenty-nine, all contributed to make a legend of his personality and to set him up in the eyes of his contemporaries as the concrete exemplification of the romantic ideal of genius.

KOPPEL S. PINSON

Works: *Novalis Schriften*, ed. by Paul Kluckhohn and Richard Samuel, with a biographical introduction by Kluckhohn, 4 vols. (new ed. Leipsic 1929). His novel, *Heinrich von Ofterdingen*, has been translated by F. S. Stallknecht (2nd ed. Cambridge, Mass. 1848).

Consult: Samuel, Richard, *Die poetische Staats- und Geschichtsauffassung Friedrich von Hardenbergs*, Deutsche Forschungen, vol. xii (Frankfort 1925); Meinecke, Friedrich, *Weltbürgertum und Nationalstaat* (7th ed. Munich 1928) ch. iv; Dilthey, Wilhelm, *Das Erlebnis und die Dichtung* (9th ed. Leipsic 1924) p. 268–348, 469–74; Spenlé, J. E., *Novalis* (Paris 1904); Brandes, Georg, *Hovedströmminger i det nittende aarhundredes litteratur*, 6 vols. (5th ed. Copenhagen 1923–24), tr. by Diana White and Mary Morison as *Main Currents in Nineteenth Century Literature* (new ed. London 1923) vol. ii, chs. xii–xiii.

NOVIKOV, YAKOV ALEXANDROVICH (Jacques Novicow) (1849–1912), Russian-French sociologist and pacifist. Novikov adhered to the school of sociology which, following Spencer, conceived of society after the pattern of the human organism. He defended the bio-organismic conception of society in his *La théorie organique des sociétés, défense de l'organicisme* (Paris 1899) and in *Conscience et volonté sociales* (Paris 1897) he compared to the nervous system of an organism the élite, whom he regarded as the initiators of ideas and sentiments which control and guide the behavior of the social organism. He held the practise of violence for the achievements of particularistic ends to be the destructive agent which prevents the healthy and integrated functioning of society; thus poverty was to him the result of violence in the form of brigandage and spoliation (*Le problème de la misère et les phénomènes économiques naturels*, Paris 1908). In his major work, *Les luttes entre sociétés humaines et leur phases successives* (Paris 1893, 2nd ed. 1896), Novikov attempted to show that while struggle is universal, violence is not its necessary concomitant; this led him to criticize sharply the narrow conception of the struggle for existence as formulated by the social Darwinians (*La critique du darwinisme social*, Paris 1910). He distinguished four levels upon which the struggle of human beings takes place, three of which, the physiological, the economic and the political, imply violence in some form; the fourth is the intellectual level, on which struggle assumes the character of competition without bloodshed, spoliation or extermination of fellow men. He set forth the view that social evolution is development toward the elimination of violence from human relations by a process whereby struggle is gradually raised to the intellectual level. The main task of the social scientist he considered to be the promotion of this end, and he therefore devoted the major share of his writings to propaganda for a society in which violence would have no place. He rejected socialism and collectivism as coercive and proposed in vague terms a political reorganization which would lead to a federation of states and to the establishment of universal justice and harmony. Novikov failed to go beyond generalities in the expression of his strong emotional reactions against force; he did not analyze or advocate concrete, practical measures for attaining a society free from violence.

THEODORE ABEL

Consult: Worms, René, in *Revue internationale de sociologie*, vol. xx (1912) 481–83; Sorokin, P., *Contemporary Sociological Theories* (New York 1928) chs. iv, vi.

NUISANCE. Although nuisances, real and fancied, have plagued society since time immemorial, it is difficult if not impossible precisely to define the term. Changing social conditions have relegated some nuisances to the realm of the archaic and vested others with importance, so that each case must be considered more or less by itself. Furthermore an attempt to classify nuisances is, as suggested by Judge Cooley, "almost equivalent to an attempt to classify the infinite variety of ways in which one may be annoyed or impeded in the enjoyment of his rights" (*A Treatise on the Law of Torts*, vol. iii, sect. 401).

Blackstone defined a nuisance as "whatsoever unlawfully annoys or doth damage to another," and also as "anything that worketh hurt, inconvenience, or damage" (*Commentaries* III, 5, 216). In legal parlance the term is now conceded to extend to "everything that endangers life or health, gives offense to the senses, violates the laws of decency, or obstructs the reasonable and comfortable use of property" (*Ruling Case Law*, vol. xx, p. 380). Many more complex definitions have been offered by legal writers, and the courts have enumerated literally hundreds of specific actions and conditions which may constitute nuisances. A nuisance is at least readily distinguishable from a trespass, which involves a direct injury to the property rights of another person.

A nuisance may be either public or private. Public nuisances, those affecting the people as a whole, are obviously of greater social significance than the many private nuisances, which concern only the affairs of individuals. "Common nuisances," wrote Blackstone, "are a species of offenses against the public order and economical regimen of the state; being either the doing of a thing to the annoyance of all the king's subjects, or the neglecting to do a thing which the common good requires" (*Commentaries* IV, 166). Motive and intent play no part in the creation and maintenance of nuisances, but negligence may be a factor. A public nuisance must cause special and peculiar damage to an individual in order to entitle him to personal redress. The modern rule against nuisance revolves around the ancient maxim, *sic utere tuo ut alienum non laedas*, literally, "so use your own as not to injure others." Failure to comply with this rule authorizes an individual who is damaged thereby

to invoke the appropriate remedies to abate or prevent the nuisance, or empowers the state itself to take suitable action in behalf of its citizens.

In the mediaeval English law the chief remedy available against nuisances was the assize of nuisance, which afforded the remedies of both abatement and damages. Supplementary to the great assize of novel disseisin, it lay, however, only in favor of freeholders. Another much more cumbersome remedy, especially since it was subject to great delay, was also available in the mediaeval law; this was the writ of right, *quod permittat prosternere*, which had to be brought when land upon which a nuisance was being maintained was alienated. Both of these remedies were obsolete in the time of Blackstone but were not formally abolished until the enactment of the Real Property Limitation Act [3 & 4 Will. IV (1833), c. 27, sect. 36].

The common law, however, also permitted the summary abatement of all nuisances. Not only could the state take this action, but an aggrieved individual might do so after proper notice. Both might have to justify their actions later before the courts. This right of summary abatement still exists and is frequently utilized by health officials when they seize or destroy infected materials which endanger the public health.

Although the Fourteenth Amendment to the Constitution of the United States prohibits any state from depriving persons of life, liberty or property without due process of law, the right of summary abatement was not relinquished by the people. The Supreme Court has frequently upheld this procedure, especially when the property involved has been of trifling value [Lawton *v.* Steele, 152 U. S. 133 (1894)].

A heritage from the common law is the distinction between nuisances per se and nuisances *per accidens*. The former comprise all those conditions and acts which by their very nature are nuisances, such as a house of prostitution or a case of smallpox. The latter include only those which are not by nature nuisances but which may become such by virtue of their localities, surroundings or mode of operation. Noise and smoke are not nuisances per se, but under certain conditions they may be both offensive and harmful.

To these two types of nuisance may be added a third, the nuisance concerning which there may be an honest difference of opinion in impartial minds. Many elements, including a nice adjustment between public and private convenience, are involved in the adjudication of such nuisances. Relying on the principle "the greatest good of the greatest number," legislatures and courts must deal with these matters in a prudent manner. Thus detriment to the aesthetic ideals of individuals is not sufficient cause for action.

Modern statutes have of course modified the common law to some extent by denouncing as nuisances certain acts and conditions which were not so by custom or ancient law and exempting from this category others which were. Such action is sanctioned by social progress, but American courts retain the prerogative of reviewing legislative action in this as in other respects. On the whole the judiciary has been liberal in sustaining the acts of legislatures against nuisances, but it has been much more stringent in considering municipal ordinances and regulations on this subject and in scrutinizing the findings and actions of executive officials, such as health authorities. It is a well established principle that the state may delegate powers of nuisance control to its political agents, but this ministerial power must be exercised in a reasonable manner calculated to promote the general welfare. In continental law the power of local officials is more complete and final in these matters.

Although nuisance control was once the chief activity of health officials and almost the foundation of sanitary administration, public health authorities are at present concerned primarily with persons rather than with things, and they tend to assign a minor role to nuisances as factors in public health protection. It is recognized of course that certain diseases may be spread by polluted water and contaminated food, by insects and animals and by the inmates of brothels; and it is conceded that health may be affected by unsanitary housing, adverse working conditions and various other environmental disadvantages which are the accompaniments of urban and sometimes of rural life. Odors, for example may be nuisances, but there is no scientific evidence to prove that such annoyances are in any way detrimental to health. Many other conditions may be nuisances from the standpoint of morals, decency, comfort, convenience and safety of the public; but they are seldom health nuisances, and action upon them serves only to divert public health authorities from their more important duties of communicable disease control, maternal, child and school hygiene, public health nursing, public health engineering, the

collection of vital statistics and popular health instruction.

Since every public nuisance was also a crime at common law, one of the remedies employed was that of indictment. Modern statutes more often provide for a fine or even imprisonment for persons found guilty of maintaining nuisances, with the result that indictments at common law are now unusual. Actions for damages also may be brought in nuisance cases. Although damages may be allowable for every day that a nuisance is continued, this legal remedy is often inadequate since it substitutes compensation for elimination of a possibly dangerous condition, and it may also lead to a multiplicity of suits. In cases of public or private nuisance a more frequent remedy therefore has been the equitable one of abatement by injunction. Such action is as readily taken against a municipal corporation which creates a nuisance as against an individual or a private corporation.

As part of the police power nuisance control is inherently the function of each American state. The activities of the federal government are limited to the prevention of the entry of actual and potential nuisances into the United States and their avoidance in interstate commerce. In exceptional cases, however, the federal as well as the state courts have intervened to abate nuisances. The United States Supreme Court also has taken jurisdiction in suits brought by states under its constitutional power to adjudicate controversies between states.

The occurrence of nuisances in foreign countries sufficiently near international boundaries to cause injury to citizens of other nations calls for action by diplomacy and treaty in accordance with the principles of international law. One of the articles of the Covenant of the League of Nations empowers the League to take steps in matters of international concern for the prevention and control of disease; the exercise of this function has consisted mainly in the interchange of information, the formulation of standards and the investigation and reporting of diseases and epidemics, but not in the abatement of local nuisances.

JAMES A. TOBEY

See: POLICE POWER; PUBLIC HEALTH; TORT; NEGLIGENCE; DAMAGES; INJUNCTION.

Consult: Garrett, E. W. and H. G., *The Law of Nuisances* (3rd ed. London 1908); Charlesworth, John, *Liability for Dangerous Things* (London 1922) p. 64–69, 73; Pearce, E. H., and Meston, Dougall, *Law Relating to Nuisances* (London 1926); Wood, H. G., *A Practical Treatise on the Law of Nuisances in Their Various Forms*, 2 vols. (3rd ed. San Francisco 1893); Joyce, J. A. and H. C., *Treatise on the Law Governing Nuisances* (Albany 1906); Miranda, J. D., "Nuisances" in *Corpus Juris*, vol. xlvi (New York 1928) p. 635–831; Cooley, T. M., *A Treatise on the Law of Torts*, 3 vols. (4th ed. by D. A. Haggard, Chicago 1932) vol. iii, ch. xix; Tobey, J. A., *Public Health Law* (Baltimore 1926); Freund, Ernst, *Administrative Powers over Persons and Property* (Chicago 1928) sects. 102–03; Goodnow, F. J., "Summary Abatement of Nuisances by Boards of Health" in *Columbia Law Review*, vol. ii (1902) 203–22; Lewis, W. D., "Injunctions against Nuisances and the Rule Requiring the Plaintiff to Establish His Right at Law" in *University of Pennsylvania Law Review*, vol. lvi (1908) 289–315; Schofield, Henry, "Interstate Nuisances" in *Illinois Law Review*, vol. v (1910–11) 442–49; Smith, Jeremiah, "Private Action for Obstruction to Public Right of Passage" in *Columbia Law Review*, vol. xv (1915) 1–23, and 142–65; Leesman, E. M., "Private Nuisances in Illinois" in *Illinois Law Review*, vol. xxiv (1929–30) 876–91; Winfield, P. H., "Nuisance as a Tort" in *Cambridge Law Journal*, vol. iv (1930–31) 189–206; Goodhart, A. L., "Liability for Things Naturally on the Land" in *Cambridge Law Journal*, vol. iv (1930–31) 13–33; Lay, G. C., "Suits by States to Abate Nuisances" in *United States Law Review*, vol. lxv (1931) 73–85; Bagwell, J. C., "The Criminal Jurisdiction of Equity—Purprestures and other Public Nuisances Affecting Health and Safety" in *Kentucky Law Journal*, vol. xx (1931–32) 163–70.

NULLIFICATION. *See* STATES' RIGHTS.

NÚÑEZ, RAFAEL (1825–94), Colombian statesman. After receiving the doctorate in jurisprudence and political science Núñez became active in politics and by 1882 he had filled various local and national offices, including a two-year term as president of the republic. During this period he had been allied with the federalistic, anticlerical Liberals, who had dominated the country most of the time, and in his earlier years he had even leaned strongly toward socialism.

But the political turbulence and general backwardness which characterized the nation under Liberal control brought about a revolutionary change in his political principles; and between 1881 and 1884, in a long series of press articles diagnosing national ills and prescribing remedies, he laid the foundations for a new governmental system. In 1884, when again in the presidential office, he led in the formation of the Nationalist party, which restored conservative rule to Colombia for nearly a half century (1886–1930). A convention of adherents to the new party in 1886 adopted a conservative-centralist constitution in harmony with Núñez' changed political philosophy. This provided for restoration of the Roman Catholic church to its old

favored position and gave it control of national education. But freedom of worship was promised to all except when it should prove contrary to law and Christian morals. The aim was to foster national solidarity through church unity and discipline of character through religious teaching. Núñez hoped also to divert interest from soldiering and professional politics by fostering agriculture and industry. He remained president until his death. His regime was marked by governmental stability and decrease in corruption; but it did not effect the progress expected.

MARY WILHELMINE WILLIAMS

Works: *La reforma política en Colombia, colección de artículos publicados en "La Luz" de Bogotá y "El Porvenir" de Cartagena de 1881 a 1884* (Bogotá 1885; 2nd ed. by R. M. Menchán, 1886).

Consult: Castro, Ricardo, *Páginas históricas colombianas* (Medellín 1912); Vargas Vila, José María, *Los Césares de la decadencia* (Paris 1913) p. 57–67; García Calderón, Francisco, *Les démocraties latines de l'Amérique* (Paris 1912), tr. by B. Miall as *Latin America: Its Rise and Progress* (London 1913); Soto, Focion, *Memorias sobre el movimento de resistencia a la dictadura de Rafael Núñez 1884–1885*, 2 vols. (Bogotá 1913).

NURSERIES, DAY. *See* DAY NURSERY.

NURSERY SCHOOLS. *See* PRESCHOOL EDUCATION.

NURSING. Nursing care dates from earliest known society when women dressed the wounds and soothed the fevers of members of their families or prepared healing potions from herbs and medicinal plants. Primitive religions, assigning to evil spirits the mysterious origin of disease, set up their own system of therapy, a departure from democratic, undisciplined household practises. As early as the twelfth century B.C. there were Greek temples where ill persons, under religious guidance, carried out a regime of diet, rest and baths. India, however, was the first country to recognize nursing as a separate calling, usually for men, and to pay salaries in publicly supported hospitals for their services. According to an early Sanskrit medical treatise: "The Physician, the Drugs, the Nurse and the Patient constitute an aggregate of four. Of what virtues each of these should be possessed so as to become causes for the cure of disease should be known." Among other ancient civilizations the Egyptians contributed a knowledge of drugs, the Jews some excellent laws for public and personal hygiene and the Romans their famous examples of sanitary engineering. Nursing as a branch of modern medicine traces some of its services to each of these sources.

Early Christianity brought a new spirit of charity and compassion into human relationships. Both women and men, Phebe perhaps the best known, were members of the diaconate whose duties were to visit the sick, to feed the hungry, to teach the young and to protect the aged. Ever since the first century A.D. there has been an unbroken succession of women nurses in western civilization, the value of their services fluctuating not so much with the rise and fall of medical knowledge as with the social status of women and the freedom granted them for self-directed work outside their own homes. As the church increased in wealth and complexity of organization the unhampered zeal of the early deaconesses or parish nurses inevitably stiffened into patterned rules of conduct. Monasteries were built with accommodations for the sick poor; but the monks and nuns owed their first allegiance to the rites of the church, not to their patients' needs. The Augustinian Sisters, nursing in the Hôtel-Dieu of Paris from 651 until 1908, have the longest history of these religious nursing orders. High born abbesses, for example, Radegonde in the sixth century and Hildegarde in the twelfth, might study all the medical knowledge available to their day; but the rank and file of nursing nuns attended to the laundry and other menial tasks, prepared the meals and prayed beside the dying without benefit of even a modicum of scientific training. Nursing became a disagreeable drudgery performed for an ultimate reward in heaven. Although doubtless there were many unknown saints whose lives radiated a spiritual grace akin to that of St. Francis as he worked among the lepers or St. Elizabeth descending from her castle to care for her sick peasants, nevertheless nursing was for the most part regarded as a penance, not a profession.

The crusades stimulated nursing organization, as wars generally do. Semireligious military orders, like the Knights Hospitallers of St. John of Jerusalem, built hospitals along the route from England to Palestine, equally famous for the beauty of their architecture and for the wealth and aristocracy of the men and women who served in them as nurses. The traditional strict discipline of nurses' training had its origin in this long association of nursing with authoritative regimes of mediaeval religious and military life. Here and there small groups of women

refused to submerge individual intelligence and private property in these institutions. The Béguines of Belgium are the most famous of the secular nursing orders, living uncloistered under their own rules from the twelfth century to the present. The rise of humanism with its interest in science and its defiance of ecclesiastical formalism encouraged these free groups. St. Vincent de Paul founded the Sisters of Charity in 1633 as an uncloistered visiting nursing order. The Protestant Reformation and the expansion of wealth based on commerce and manufactures sapped power from the feudal church and transferred the care of the sick largely to tax supported hospitals. A new type of nurse appeared, a paid servant, preferably the cheapest the city officials could find. Not infrequently women inmates of workhouses and penal institutions were obliged to care for the sick poor. Without religious inspiration to refine drudgery, without education to appreciate the beginnings of modern medical science, without sufficient wages or leisure to maintain a decent existence, these untrained nurses were pitiable and unrespected creatures. In some countries they still exist.

As a part of the humanitarian reforms to which the industrial revolution gave rise, concerted efforts were made during the nineteenth century to improve nursing and hospital conditions. Pioneers in this movement were Pastor Fliedner and his wife of Kaiserswerth, Germany. Attempting to meet the social needs of their impoverished parish, they revived the forgotten order of deaconesses and in 1836 planned a training course with emphasis on nursing. There were several revolutionary features in this course: obligatory entrance certificates of health, education and good character; five years of graded supervised training; an allowance of spending money; recreation periods as part of the program; and, most important in principle, the appointment of a matron with complete authority over the work of the pupils.

Among the visitors attracted by the deserved reputation of the Kaiserswerth school was Florence Nightingale, who became convinced that nursing offered a long neglected field for the activities of trained gentlewomen. To her modern professional nursing owes the first enunciation of its basic principles: that nursing should be approached as a science and practised as an art, with devotion and intelligence, not sentimentally as an outlet for emotion or penance for sin; and that in any institution engaging nurses a woman superintendent should be solely responsible for their activities and discipline. In 1860 Miss Nightingale founded a school of nursing at St. Thomas's Hospital, London, where emphasis was placed upon cleanliness and sanitation, a knowledge of the scientific reason for every nursing procedure combined with deftness in its performance, and a discriminating observation of the patient's condition. Immediately the school attracted women of energy and intelligence, whose aspirations had been stirred by the current feminist literature but who had had little opportunity to exercise their abilities. On completion of a crowded year of theory and supervised practise these women went out to revolutionize conditions in the filthy wards of overcrowded public hospitals and to establish new schools of nursing based on the Nightingale principles.

In the United States experiences of influential citizens on the Sanitary Commission during the Civil War resulted in a demand for improvement in hospitals. Schools of nursing were established almost simultaneously in several cities, among the earliest being the New England Hospital for Women and Children in Roxbury in 1872, where Linda Richards became the first American graduate nurse. The first superintendents of nurses at Bellevue Hospital in New York City and the Philadelphia General Hospital were graduates of the Nightingale School in London.

With the advance in medical science and the development of hospitalization came increased demands on nursing skill, requiring an expansion of the original single year of training into three or more years. The Johns Hopkins School of Nursing led in raising academic standards, admitting only high school graduates as pupils, charging tuition fees and paying salaries to lecturers. Courses in hospital administration and public health were introduced into Teachers College, Columbia University, as early as 1899. Comfortably furnished nurses' homes replaced the unsanitary cubicles attached to hospital wards which had previously housed pupils. Uniforms were adopted, adding dignity to both pupil and graduate nurse. The new preventive medicine led some nurses to work in schools and factories, city slums and country districts. Perhaps because of the pioneer quality of their activities the first graduate nurses were intensely individualistic. As the number of schools increased, however, with widely varying standards of work and ethics, the value of nurses' associations based on recognized efficiency became apparent. School alumnae associations were

formed, then societies of training school superintendents and finally national organizations of graduate nurses, entirely self-governing in the United States, but with physicians as influential members in England. The solidarity resulting from organization under single minded leadership made possible an early acceptance of the principle of state examination and licensing of nurses in the United States. In other countries where nursing organizations have been guided by medical or lay members the struggle for state registration and higher academic and social status has been prolonged. In both the United States and Great Britain nurses belonging to religious orders have usually joined the national associations and supported the demands for state registration.

The Red Cross, founded in 1863 as an international organization to care for the victims of war, has been an important factor in nursing history. In Europe it maintains many nursing schools and hospitals of varying standards, usually dominated by committees of conservative aristocrats. The American Red Cross in addition to its wartime services has supported rural public health nursing and conducted short popular courses in home nursing.

There were in 1900 in the United States 11,804 graduate nurses, or 1 to every 6438 persons; by 1930 the number had risen to 294,189, or 1 to every 417 persons, with an annually increasing number of pupils in the 1802 accredited training schools. Such a ratio is disproportionate to the actual nursing needs of the population and to the amount of money available for nursing services. Four divisions of the nursing field are open to these graduates: private duty, institutional nursing, public health work and teaching. In the case of the second and third divisions teaching is often required in addition to administrative responsibilities. The great majority of nurses continue to enter private duty, although this field is already far too overcrowded and offers irregular employment and unsatisfactory living conditions. The average private duty nurse obtains employment for only a few months each year, serves twelve hours of day or night duty whether in a private home or in a hospital and receives fees of $6 or $7 per day. Institutional nursing includes a wide range of activities, from routine care of patients in the public wards of a hospital or charge over an orphanage infirmary to the complex responsibilities of a hospital superintendent who is also head of a training school. Hours of duty may be continuous day and night or may be restricted to eight-hour periods. Salaries range from about $1000 a year with meager maintenance to $4000 a year with comfortable apartment and automobile. The demand for public health nurses has increased rapidly since the medical statistics of the World War revealed the nation's health deficiencies. In 1931 there were 15,865 graduate nurses with public health training, not including about 3000 industrial nurses. Sixty percent of these nurses were employed in official departments, and the number is increasing steadily. Salaries rise from $1500 a year for staff duty to $2400 as the median for executives, with a few individuals receiving $5000 or more. Opportunity for normal living conditions as a result of the usual seven or eight-hour working day, and for stimulating professional associations, distinguishes this field of nursing.

Retirement pensions and unemployment insurance for nurses in the United States and Canada are available only in the case of a few private or philanthropic agencies. Outside of the military and naval nursing service no government system as yet exists. In European countries, on the contrary, such as Germany, where old age pensions are provided by law, nurses are pensioned as are all classes of wage earners.

In the United States there are 15 accredited training schools for men and about 2000 graduate male nurses, most of whom are engaged for cases of mental or venereal disease or in hazardous industrial work and in prisons. They are more numerous in European countries and in the Orient, where social customs often prevent young women from performance of routine nursing care of men patients; in the Philippines men are trained in American hospital schools for public health nursing in remote, unsettled districts. Male nurses are especially well adapted to psychiatric nursing, which during the past decade has become increasingly important in the prevention and early treatment of mental disorders. In 1927 the International Council of Nurses formed a standing committee to promote this branch of the profession. In all countries there are perhaps 14,000 male nurses trained in religious brotherhoods or in secular schools.

Of practical nurses and attendants with some hospital experience there are about 154,000 in the United States, most of them finding employment among families who cannot afford a registered nurse but who, because of chronic illness or other unusual circumstance, require constant nursing attendance. An effort to solve this prob-

lem has recently been made through the development of "visiting housekeepers" who combine the duties of home management with nursing. The wider use of practical nurses in the care of chronic illness and in certain other cases is probably advisable, but waits upon the standardization of their training.

Some adjustment in the numbers and distribution of nurses and in allocation of the cost of nursing care is imminent. Although there are no reliable statistics, it is obvious that large urban centers have too many nurses and rural areas too few, while everywhere the class best able to pay for nursing care requires the least amount of it. Nurses supported by public taxes are usually connected with official health departments, practising only preventive medicine; private philanthropy and subsidies from the life insurance companies have provided certain limited districts with trained bedside nursing for people unable to pay the full fee of a trained nurse, but their program is inadequate as a national system. To correct these unsatisfactory conditions experiments are now in process with group nursing of hospital private room patients and with hourly nursing in the home, the patient paying the full cost of his share of the nurse's time. The School of Nursing at Yale University has undertaken a scientific study of the requirements in time, training and equipment of fundamental nursing procedures as bases for the first accurate computation of the cost of nursing care and in anticipation of an economic readjustment of nursing service in terms of community rather than individual needs. The increasing interest in compulsory health insurance as well as certain trends in the public health movement points to a time when nursing, whether preventive or therapeutic, will be considered an essential public service to be provided as universally as elementary education.

Public health nursing has become a dynamic expression of modern humanitarianism. It has been defined by the National Organization for Public Health Nursing as "an organized community service rendered by graduate nurses to individuals and families. It includes the interpretation of medical, sanitary and social procedures for the correction of defects, prevention of disease, and the promotion of health, and may include skilled care of the sick in their homes." This service may well have been envisioned by Florence Nightingale for what she termed "health nurses" as distinct from the "sick nurses" of her day. She communicated something of her ideals to William Rathbone of Liverpool, who financed as a charity the first secular visiting nurses' association in 1859. For many decades, however, while the number of associations grew in England and America, the aim of the nurses was to reproduce hospital conditions as nearly as possible in the homes of their patients. A mystery enshrouded the nurse's ministrations, in which the patient's family had no share. When in 1893 Lillian Wald went to live among her patients on New York's East Side this aloofness was doomed. The spirit of the nurses' settlement founded by Miss Wald carried the interest of the visiting nurse beyond the care of one individual to the fortunes, social and sanitary, of the entire family and its neighborhood. At about the same period the emphasis of the public health movement was shifting from ordinances and compulsion to the prevention of disease by educational methods, a program into which the nurse fitted admirably. While giving skilled bedside care she could translate into simple words the discoveries of long years of research and suggest their household application. At the same time she could learn the health habits of all members of the family, the emotional abnormalities as well as the social and economic backgrounds which so powerfully affect a family's health. Wherever she went morbidity and mortality rates fell in sharper curve than elsewhere and the value of a public health program to the community was clearly demonstrated.

Many different services in addition to bedside care are now included in public health nursing. The school nurse assists the doctor in the medical examination of children, visits the parents to urge correction of physical defects, cooperates with the teacher in planning health education programs and renders first aid in accidents; the industrial nurse brings almost the same service to the employees of a factory or industry; nurses help to conduct dispensaries whether publicly or privately financed; the families of patients suffering from acute contagious diseases, tuberculosis or venereal disease receive from nurses special instruction and sometimes assistance in nursing care; pregnancy and early infancy, even if normal, require continuous sympathetic supervision, which the physician usually delegates to the nurse. In every case the principles of healthful living must be taught with special stress upon their relation to sanitation, nutrition and mental and social hygiene. The employment of nurses with special training for each type of

service was once recommended, but careful study has proved that a generalized service is more economical and more efficient. An administrative ideal would allot a nursing organization to each community, urban or rural, with one nurse making the necessary visits in each small district.

In the United States since 1912 the National Organization for Public Health Nursing has been largely responsible for the unity and progress in this branch of nursing. It publishes a monthly magazine, helps to support an employment bureau, maintains a small staff of research workers and traveling consultants and has drawn up qualifications for workers and standards of technique which tend to improve the quality of public health nursing.

The rational development of nursing education has been complicated by its origin as an apprenticeship in hospital wards. When the laboratory and aseptic technique became essential factors in diagnosis and treatment of disease, hospitalization rapidly increased both in extent and in value to the patient. With this advance more nurses were needed to care for the number of new nursing procedures as well as for the greater number of patients. The cost of this increased staff was parried, satisfactorily to the hospital directors, through use of additional pupil nurses. Responsibility for maintaining a school based on sound educational principles was not keenly felt. Low entrance requirements, meager academic instruction, inadequate supervision of practical work and a tempting stipend to pupils inevitably resulted in an oversupply of poorly trained graduates. Apportionment of the time of the student too often depended, not on the experience she would need later in meeting the nursing demands of the community but on the immediate requirements of the hospital; an undue proportion of her time usually went to the surgical department and to unsupervised night duty. The pioneer stage of training schools is, however, gradually coming to an end with the establishment of trained nursing as a profession and the demonstration of its value to the medical profession and to the general public. The hospital of the future will probably employ more graduate general duty nurses and more trained attendants, while the student nurses will pay tuition fees in endowed professional schools of nursing affiliated with hospitals offering adequate educational experience but no longer dictating the hours and subjects of the curriculum.

Within recent years classroom teaching has increased in amount and improved in quality, while everywhere the proportion of pupil nurses with high school diplomas has risen. Three years is the usual period of training in the main branches of nursing—medical, surgical, obstetrical and pediatric—with growing emphasis upon experience in out-patient clinics and social service departments. At the end of this period in an accredited hospital school the nurse is eligible for state examination and licensing. An additional nine months' course in visiting nursing, community organization and family case work is customarily required for the certificate in public health nursing. At the present time seventy-five American colleges or universities give instruction in nursing, ranging from scattered lectures for graduate nurses to a full five years' course leading to an academic degree.

Among the organizations whose object is to improve the status of the nursing profession the American Nurses Association has been particularly active. Founded in 1896 and comprising 103,741 members in 1932, it publishes the *American Journal of Nursing*, maintains a relief fund and several educational scholarships, directs research and supports legislation favorable to nursing and public health. The National League of Nursing Education, composed of teachers and supervisors of nursing, has been an important force in educational progress among nurses in the United States. The International Council of Nurses, with headquarters in Geneva, promotes friendliness and a standard of professional self-government among nurses of all countries. Another factor in international cooperation is the League of Red Cross Societies, organized after the World War to promote peacetime humanitarian activities and composed in 1931 of the Red Cross societies of more than fifty nations. The chief work of its nursing division is to found training schools in countries where they do not exist and to promote the public health movement. In furtherance of the latter aim an international nursing center has been established in London in cooperation with British education and nursing authorities. Each year scholarships are granted to qualified nurses from various countries to pursue advanced public health training and courses in nursing school organization and administration.

The more conservative social traditions of European and Asiatic countries have retarded the development of self-governing nursing groups among women. Even Florence Nightingale thought in strictly individualistic terms and

added her influence to the forces in England which prevented state registration of nurses until 1919, although almost three decades earlier the British Nurses Association had been the first group of professional women to obtain a royal charter of organization. In general, however, the status of nursing in all English speaking countries is similar to that in the United States. The technical nursing services in the public health field have been centralized and standardized more fully in England than in America. The Queen Victoria Jubilee Institute for Nurses, as an integral part of Great Britain's Ministry of Health, trains and supervises all visiting nurses; it also supervises rural midwives, many of whom are nurses who have taken the officially approved midwifery course in addition to their own training. British enterprise is largely responsible for the development of modern hospitals with training facilities for nurses in Australia, New Zealand and South Africa, most of which are patterned on the Nightingale system. Under the British mandate in Palestine government training schools have been opened at Jerusalem and Haifa and in the municipal hospitals of Jaffa and Nablus.

Examples of all types of mediaeval and modern nursing organizations exist in Germany. The Catholic church continues to train both monks and nuns for its traditional nursing service. Similarly, Protestant deaconesses, trained as nurses, remain under direct supervision of the clergy in all of their subsequent activities, while nurses affiliated with Red Cross societies become servants of a nationalistic state. The graduates of all training schools, whether under the control of church or state, are forbidden membership in independent nursing organizations. A few individuals have defied social and religious authority by withdrawing from the organizations which trained them and have formed a voluntary professional association, patterned on those in England and America, but its future is still uncertain. Recently several municipal hospitals with training schools for nurses have been opened, but their number is as yet too small to exert any appreciable influence. In Germany in 1930 there were 451 recognized schools of nursing and approximately 60,000 registered nurses.

Conditions in the Scandinavian countries show a similar lack of standards and unity, although of late there has been considerable improvement in nursing education. In Sweden, where many of the early leaders received their training at the Nightingale School, the deaconess orders and the Red Cross have been active in coordinating training schools with hospitals. The Danish Council of Nurses and the Norwegian Nurses Association have been important forces in raising the status of the profession in their respective countries through emphasis upon a three years' training course and recognition of only such schools as provide this minimum. Independent state hospitals with facilities for nurses' training have been established in both Finland and Iceland since 1930. In all the Scandinavian countries notable progress has been made in the state registration of midwives, most of whom are trained nurses supported by the government to serve in rural communities. According to statistics for 1930 there were approximately 18,000 registered nurses in the Scandinavian countries.

When the French government expelled religious orders, nursing in the larger city hospitals was given over to untrained women, poorly paid and sometimes dissolute, many of whom still remain on duty. In 1901 Dr. Anna Hamilton started a reform by introducing Nightingale methods into the Bordeaux Hospital. In 1907 the Salpêtrière in Paris instituted a two years' training course for nurses in an effort to improve conditions in the municipal hospitals. Since the World War, when English and American nursing became common in France, the Ministry of Health has encouraged modern training and issues official state diplomas to qualified nurses. In 1931 there were 80 recognized schools of nursing in France, 25 directed by religious orders and 55 under secular auspices, of which nearly 30 were controlled by the Red Cross. Graduate nurses in 1930 numbered 22,500.

In Italy, Spain and Latin America nursing is still considered incompatible with the sheltered life of middle and upper class young women and professional standards are accordingly low. In the case of Cuba and South America some advance from this traditional conservatism has been made by modern schools recently opened under American influence. Hospitals coordinated with training schools have been established under American direction in the Philippines, Hawaii and Porto Rico. Modern nursing has been undertaken in Brazil under the auspices of the National Department of Health and also in Chile. In the latter country three state training schools have been opened, one in connection with the University of Chile at Santiago.

In the Slavic and Balkan countries organized

health work was unknown until recently. Stirred by the suffering revealed during the World War, humanitarian and welfare agencies in several of the newly created states, assisted by American philanthropy, have launched active health campaigns, in which the modernization of the nursing profession holds an important place. The educational services of the American public health nurse have been utilized in several of these countries after experiments with inadequately trained health visitors. Today Poland, Czechoslovakia, Bulgaria, Jugoslavia, Greece and Turkey all have at least one modern school of nursing affording thorough hospital as well as public health training. Similarly at the Hadassah School in Jerusalem training for nurses has been patterned after the American system. In Albania, Hungary and Rumania the Red Cross has been largely responsible for the establishment of nurses' training schools.

In recent centuries the indigenous cultures of Asia have given little encouragement to social service or welfare activities. The foreign missionary schools were the first to train native men and women nurses in China and India; but disturbed political conditions in these countries, coupled with racial and religious prejudices and a low educational level among candidates for training, have prevented progress in organization and standards. In 1886 under the auspices of the American Board of Missions Linda Richards introduced modern nursing into Japan, where it has been enthusiastically developed as a patriotic service by the Japanese Red Cross. Numerous training schools offering three-year courses have been opened and there are now more than 50,000 graduate registered nurses in Japan.

In Russia before the revolution modern nursing education was unknown, although a few religious orders provided nursing service and a Red Cross Society offered a short preparation for army nursing. Soviet Russia is now developing a system of state medicine in which nurses have a recognized position, both in institutional and in public health work. They are trained entirely by doctors, with enthusiasm and patience but without as yet any definite standardization of nursing technique. Self-governing nursing organizations are impossible, as are self-governing medical organizations, since all medical personnel, including physicians, nurses, hospital attendants, pharmacists, dentists and midwives belong to one general medical union. Emphasis is placed on collective effort for the welfare of the institution rather than on separate professional advancement.

As a phase of the emergence of women into full social and economic freedom, the struggle of nurses in all countries for acknowledged professional rank has significance. To gain recognition for this ideal of an independent profession nurses are, however, obliged to overcome many intrenched traditions: the notion that a nurse's life should be sacrificial, rewarded by other than worldly means; the old fashioned physician's belief that the hospital servant is the best type of nurse and that nursing, if advanced to a profession, would compete with medicine; the wartime attitude implying that any woman can achieve as much through patriotic ardor and tenderness as through disciplined hospital training; the idea that a nurse's duties are beneath the dignity of a well educated woman; and, finally, the lack of really professional standards in almost all nurses' training schools. Experience has shown that these obstacles can to a considerable extent be overcome through the provision of legal safeguards to promote efficiency in the profession and to protect the community against ignorance or incompetence on the part of its practitioners. State control of nursing has gradually come to be accepted in principle and at the present time exists in more than thirty countries. Although its form varies under different governments, certain provisions are customary: the issuance of state licenses or certificates, usually upon examination, to qualified nurses; requirements as to standard curriculum and recognition of schools providing such training; a minimum of previous education requisite for admission to these schools; and systematic inspection of all hospitals and nursing schools. Such supervision on the part of the state is a link in the increasing government participation in health and medical work and tends toward a more effective social use of nursing service. In addition to the fulfilment of legal requirements, however, the active voluntary efforts of nurses through independent professional associations will continue to be an important factor in the integration of nursing in a community social service program.

ANNA J. HAINES

See: PROFESSIONS; PROFESSIONAL ETHICS; MEDICINE; PUBLIC HEALTH; HOSPITALS AND SANATORIA; CLINICS AND DISPENSARIES; LIFE EXTENSION MOVEMENT; HEALTH CENTERS; RED CROSS; WOMAN, POSITION IN SOCIETY.

Consult: Nutting, M. Adelaide, and Dock, Lavinia L., *A History of Nursing*, 4 vols. (New York 1907–12);

Dock, Lavinia L., and Stewart, Isabel M., *A Short History of Nursing* (3rd rev. ed. New York 1931); Seymer, L. R., *A General History of Nursing* (London 1932); Nightingale, Florence, *Notes on Nursing* (new ed. London 1909); Committee for the Study of Nursing Education, *Nursing and Nursing Education in the United States; Report of the Committee* (New York 1923); Nutting, M. Adelaide, *A Sound Economic Basis for Schools of Nursing* (New York 1926); National League of Nursing Education, Committee on Education, *A Curriculum for Schools of Nursing* (6th ed. New York 1927); Committee on the Grading of Nursing Schools, *Nurses, Patients, and Pocketbooks* (New York 1928); Goodrich, Annie W., *The Social and Ethical Significance of Nursing* (New York 1932); Lancet Commission on Nursing, *Reports*, 3 vols. (London 1931–32); Wickel, K., "Aus- und Fortbildung des Pflegepersonals in der Heilanstalt" in *Zeitschrift für das gesamte Krankenhauswesen*, vol. xxvi (1930) 146–51; Wright, F. S., "The Industrial Nurse" in *Industrial Health* (Philadelphia 1924) p. 136–44; Moore, Harry H., *Public Health in the United States* (New York 1923); Gardner, Mary S., *Public Health Nursing* (2nd ed. New York 1924); Beard, Mary, *The Nurse in Public Health* (New York 1929); Bromley, D. D., "The Crisis in Nursing" in *Harper's Magazine*, vol. clxi (1930) 159–71.

NUTRITION. Primitive man in a favorable environment in which a variety of foods existed in unrestricted quantities had no serious problems relating to diet; he could rely solely upon his appetite as a guide to nutritive well being. To the grains, grasses and plants supplied for his diet by nature he added meat through the practise of hunting and the cultivation of domestic herds. When, however, the population increased to the point where migration became necessary, certain factors were introduced which exerted a direct influence upon the natural food resources hitherto serving as the major determinant of the diet of primitive man. With the change from a uniformly warm climate to the alternating seasons of the temperate zones came the development of agriculture; when conditions were favorable food was produced to be consumed at a later time, and there arose the problems of conservation and of the selection of food and crops best suited to those conditions. Migration was not halted by geography and climate, and even the arctic regions acquired a population which adapted the indigenous flora and fauna to its dietary needs. In response to this shift in environmental conditions populations altered their personal characteristics, with the result that races of men more or less distinctive in physique and customs were evolved. The factors of climate, geography and race have exerted an important influence upon human food habits.

The seriousness of the problem of nutrition and the effects of inadequate diet are cogently illustrated in connection with the forced dietary restriction incident to mass movements of individuals. Historical records show that scurvy, a nutritional deficiency disease, was usually present during long journeys by armies or trade expeditions as well as among polar explorers and sailors while on long sea voyages. This malady and beriberi, another dietary deficiency disease, have repeatedly occurred on land when for some reason the diet was too strictly limited, as, for example, in a community suffering from the failure of staple crops or from food shortage in time of war or economic crisis, or in prisons and other public institutions when those in charge provided the inmates with inadequate rations.

In modern times economic factors have played an important part in bringing about a change in the character of diet. Almost half of the food energy of a nation is obtained from cereals. When the methods of preparing cereals involved little more than mechanical grinding, the resulting product provided many of the essentials of an adequate balanced ration. With the newer trends in the manufacture of certain cereal foods methods of treatment designed primarily to improve the appearance and to facilitate preservation and convenient distribution were introduced. As a consequence the balance of nutrients in the resulting product has frequently been so changed that some of the recognized valuable attributes of this class of foods have been lost. Thus the keeping quality of most ground grain is markedly improved by removing the embryo, or germ, but when this is done valuable salts and vitamins are eliminated. The removal of the bran from cereal preparations improves their appearance but alters the nutritive value. On the other hand, the problem of providing an adequate ration under modern conditions is greatly facilitated by the introduction and perfection of methods of drying such articles as milk and fruits, by the freezing of meats, fruits and vegetables and by the improved methods of commercial canning. Newer extensions of rapid transportation have made possible the use of fresh fruits and vegetables throughout the year in localities where these would not otherwise be available. Whereas recent experimental studies of nutrition have demonstrated that such diseases as rickets, scurvy, beriberi, pellagra and perhaps others arise in large part from specific deficiencies in the diet-

ary, the facility with which the so-called protective foods can at present be obtained throughout all seasons of the year represents an effective advance in one phase of preventive medicine.

The contributions of chemistry, bacteriology and physiology and also the dissemination of the established facts of disease prevention have during the past three decades given impetus to the development of the science of nutrition. The importance of diet in sickness and health, among children and adults, has been increasingly emphasized by physicians and nurses, by home economics teachers and by public health and social workers. The exigencies of the World War, particularly the necessity for food conservation, directed popular attention to the importance of nutrition. The restriction of diets in some of the countries involved served to emphasize the close relation of public health and preventive medicine to normal nutrition. On the other hand, there were eliminated, by the same forces of circumstance, certain diseases of dietary superabundance prevalent among the upper economic levels of society. As a result certain standards of diet developed which, because of their effectiveness in connection with relief measures, exerted a wide influence in post-war years. No longer are the rations of the gourmand considered desirable even when cost is not a consideration.

In the United States the facilities for research and dissemination of the knowledge of nutrition, sponsored by federal bureaus, state agricultural experiment stations, universities and home economics departments, have proved so efficient that both the health promoting and the therapeutic properties of a properly constituted diet are matters of surprisingly wide knowledge. Inevitably the results of scientific experimentation have been appropriated by food manufacturers for advertising purposes and by charlatans for less approved ends. The food faddists of an earlier day—the fasters, vegetarians, nuttarians and the like—have been supplanted to some extent by groups which have applied only partially the tenets of modern nutrition to their dietary program. Asserting that cooking destroys certain essential food factors one group limits itself to the "raw diet," forgetting the beneficial effects of cooking in facilitating digestion and in the maintenance of necessary conditions of food hygiene. Other faddists prohibit the consumption of meat and potatoes in the same meal lest the acid gastric juice called forth by the protein of the meat interfere with the digestion of the starch—a fallacy which is obvious to the well informed student of nutrition. The modern tendency of food quacks is thus to appropriate such portions of demonstrated physiological principles as suit their particular purpose and to minimize other equally pertinent details.

The general character of the national dietary of the United States has shown a definite change as a result of this growing popular interest in the science of nutrition. In 1929 the nation's bill for food was over $23,000,000,000, compared with $9,300,000,000 for clothes, $3,600,000,000 for medical care and $3,400,000,000 for education. There has been a decided shift in emphasis, however, among the various classes of foods. The consumption of wheat has lately dropped to the extent of 147,300,000 bushels annually; the consumption of fats, especially those of vegetable origin, has increased; sugar and dairy products have shown a decided increase, meat a decrease. The industrialization and urbanization of the population have been reflected in the trend toward simpler, more easily prepared meals and in the demand on the part of housewives for ready-to-serve foods. Not only the effect of certain economic and advertising trends is seen in these records of changing food economics but also the influence of an increasing knowledge of the fundamentals of nutrition.

This transition in food habits has been accompanied by less ostentatious but important developments in the more purely scientific problems of nutrition. As late as 1834 the theory was current that all foods contained one nutritive essential—the universal aliment. In that year, however, it was suggested that no ration was complete unless the three staminal principles, fat, protein and carbohydrate, were included. The indispensability of protein for physiological well being was demonstrated in 1839. Since foodstuffs were then believed to be absorbed practically unchanged into the blood stream and since blood and tissues are rich in protein, it was contended that this foodstuff is primarily essential to maintenance of growth. There followed naturally the development of a system of evaluating foods and feeding materials that stressed the protein content. Even then, however, the nutritive significance of the inorganic elements, such as calcium, phosphorus and iron, was appreciated and knowledge of the part played by these dietary ingredients was rapidly extended.

Late in the nineteenth century Rubner for-

mulated his conceptions of the energy factor in nutrition and succeeded in demonstrating that the body as a heat engine conformed to the law of the conservation of energy. At this time too the question of the balanced ration and especially of the optimum quantity of protein occupied the interest of investigators. Early in the present century emphasis shifted from the quantity of protein to the quality, or the amino acid, make up of the proteins, a conception established both by analytical chemical research and by the newer methods of biological analysis. From 1910 on, the results of biochemical investigation pointed to the existence of indispensable accessory food factors—the vitamins—and recent evidence indicates that their chemical nature will soon be established. The further discovery of the nutritive significance of mere traces of unusual metals, such as manganese, copper and iodine, has led to the belief that a satisfactory diet must contain a requisite amount and assortment of amino acids, inorganic elements and vitamins and that, if optimal results are to be secured, the nutritional intake must be adequate for the energy requirements of the body.

Commercially these newer conceptions of the constitution of a balanced diet have had far reaching influence. The demands of an informed public require the constant effort of research laboratories for the control of the various operations involved in food manufacture. The response in the food industries has been striking. Not only is the effort made to produce an attractive product which is sanitary, but processing has been improved to the point where the labile indispensable dietary constituents are preserved to a remarkable degree.

The factors of age, occupation, environment and physical condition have been accorded increasing attention by nutrition experts in working out properly balanced diets for all groups of the population. Children, particularly infants, have benefited greatly from progress in nutrition. Largely through an increased knowledge of nutrition the period of infancy has been transformed from hazard and uncertainty to a reasonable assurance of normal development. Instead of breast feeding, which is practised less extensively than formerly, cows' milk modified to simulate human milk is used. Latterly, however, cows' milk has been employed merely as a base, energy yielding additions and vitamin and mineral supplements being added so that the result approaches a synthetic product. Whether or not breast milk is given, such adjuvants as orange and tomato juice and cod liver oil have played a large part in maintaining child health. Also because of the efforts of nutritionists improved feeding methods for older children have been introduced into the schools, where carefully planned lunches serve to supplement the remainder of the daily diet.

Dietetics, always an important factor in the care of the sick in hospitals, has found increasing place among the healthy, especially in factories and industrial establishments, where the relation of food to physical fitness is evident. The feeding of other classes of individuals, such as inmates of asylums and prisons and members of the army and the navy, has been changed to conform to the modern conceptions of nutrition; the persons are better fed and the cost to the taxpayer is often decreased. Similarly bread line diets and emergency rations during periods of stress, such as economic depressions, have been planned in the light of modern precepts for optimal nutrition. The fact that where modern dietary principles are effectively practised such diseases as scurvy, rickets, beriberi and pellagra are becoming rare emphasizes again the part which dietotherapy is playing in preventive medicine.

Science has provided the knowledge of what constitutes an adequate, well balanced diet; but a prevailingly low standard of living, widespread unemployment or the exigencies of an economic crisis preclude the realization of these standards of nutrition for large sections of the population. The effect of malnourishment upon these groups has been clearly demonstrated in time of financial depression in terms of increased mortality and morbidity rates and a generally lowered resistance to illness and disease. Until a uniformly high standard of living makes possible the utilization of the findings of nutrition by all classes of society, the larger social and economic implications of the problem will remain unsolved.

LAFAYETTE B. MENDEL

See: FOOD SUPPLY; GRAINS; FOOD INDUSTRIES; CONSUMPTION; STANDARDS OF LIVING; POVERTY; PUBLIC HEALTH; MEDICINE; HOME ECONOMICS.

Consult: Lusk, G., *Fundamental Basis of Nutrition* (New Haven 1914), and *Elements of the Science of Nutrition* (4th ed. Philadelphia 1928); Mendel, L. B., *Nutrition: the Chemistry of Life* (New Haven 1923); McLester, J. S., *Nutrition and Diet in Health and Disease* (2nd ed. Philadelphia 1931); Rose, M. S., *The Foundations of Nutrition* (New York 1927); McCollum, E. V., and Simmonds, N., *The Newer*

Knowledge of Nutrition (4th ed. New York 1929), and *Food, Nutrition and Health* (2nd rev. ed. Baltimore 1928); Bronson, B. S., *Nutrition and Food Chemistry* (New York 1930); Sherman, H. C., *Chemistry of Food and Nutrition* (4th ed. New York 1932); Tobey, James A., "The New Science of Nutrition" in his *Riders of the Plagues* (New York 1930) p. 251–78; Achard, C., *Troubles des échanges nutritifs*, 2 vols. (Paris 1926); Fuhrmann, F., *Die Chemie der Nahrungs- und Genussmittel* (Berlin 1927); White House Conference on Child Health and Protection, Sect. 1, Medical Service, Committee on Medical Care for Children, *Nutrition Service in the Field: Report of the Subcommittee on Nutrition* (New York 1932); McCollum, E. V., "A Decade of Progress in Nutrition" in American Academy of Political and Social Science, *Annals*, vol. cli (1930) 82–91; Stiebeling, H. K., and Birdseye, M., *Adequate Diets for Families with Limited Incomes*, United States, Department of Agriculture, Miscellaneous Publication, no. 113 (1931); Smith, Arthur H., and others, "The Present Status of Our Knowledge of Vitamins" in *Yale Journal of Biology and Medicine*, vol. v (1932–33) 235–67.

OASTLER, RICHARD (1789–1861), though he called himself a Tory was a leader in the social discontent which found its expression in the North of England in the Chartist movement. The cause to which he devoted his best powers was that of Factory Reform. He published in 1830 a series of letters under the title "Yorkshire Slavery" which caused a sensation, and from that time he was one of the leaders of the agitation for the Ten Hours Bill. He was a man of violent language and he led the left wing by methods that often alarmed Shaftesbury, the parliamentary leader, who disapproved of all appeals to passion. The position he won by his pen and his voice in the North of England was indicated by his nickname "The Factory King." When he came out on this question he was steward to Thomas Thornhill, a landowner at Huddersfield. Thornhill sympathized with his views on the factory question, but the two fell out over Oastler's views on the new poor law passed in 1834. The new law was very unpopular in the West Riding and in some places resistance was carried so far that the application of the law was postponed. Huddersfield was one of these places and Oastler had been vehement in recommending resistance. He lost his post and for a time he lost his freedom for he owed money to Thornhill. He spent three years as a debtor in Fleet Prison. There he employed his pen with vigor, publishing a series of *Fleet Papers* (3 vols., London 1841–43). His memory is justly honored by a statue in the town of Bradford in the West Riding of Yorkshire. When it was unveiled in 1869 one of the chief speakers was Shaftesbury, who though his differences with Oastler had sometimes been acute, gave generous recognition to his immense services to their common cause.

JOHN LAWRENCE HAMMOND

Consult: Hammond, J. L. and Barbara, *Lord Shaftesbury* (3rd ed. London 1925); Gibbins, H. de B., *English Social Reformers* (London 1892) ch. iv.

OBEDIENCE, POLITICAL. The obedience of the many to the few is the most obvious, as it is the most complex, of political phenomena. Its explanation is a task which has always engaged the attention of political thinkers. Consent, fear, habit, utility—each at different times has been advanced as the reason for obedience. Each, however, embodies at best only a partial truth, and all fail as ultimate explanations because they attempt to deal in rational terms with that which has its roots only partly in reason. The nature of obedience cannot adequately be understood in terms of any one force or principle.

Broadly, the fact of political obedience arises from man's need to live with his fellows. Since social life is for most men an essential condition of existence, so too is obedience to the rules whereby that social life is made possible. The common standards and the complex activities of civilized existence cannot be left to the play of impulse or to the competence of the individual intelligence. Law and order, internal and external, are but the minima of those social requirements in the provision of which individual decisions cannot be permitted. Philosophical anarchism cannot be envisaged in that realm where the needs of the community imply the common regulation of their satisfaction.

As his regulation is implied in the facts of man's nature, so is his freedom; for the enjoyment of common standards of life is not possible without the enforcement of certain uniformities of conduct. That the individual need not make private decisions about those standards is both the reward and the price of social life. For man is born into traditions and institutions to which largely his desires must necessarily conform. Nor is man's history the only check upon his constant alteration of the social context. For such alteration presupposes abilities and opportunities which are denied to most men.

Of all the rules of social life those of the state claim supremacy. They represent the legal expression of the social will, and they claim dominion over every facet of social activity. To

claim dominion, however, is not to achieve identity; for the whole range of varied interests which make up the communal life cannot be compressed into the political category. For example, allegiance to a church and to the wide ideals it embodies cannot be confined within national boundaries. Again, international concepts of right demand a loyalty which may pass beyond that accorded to the state. The members of organizations devoted to the service of such ideals will render a contingent obedience to the state, but they will insist that the two allegiances can ultimately be unified only when those ideals are in a positive manner incorporated in the ends of the state. Until such time the state can have no certainty that its claim to allegiance will always be valid in the eyes of its citizens.

That there exists such a distinction between the state and society can be illustrated by an examination of the way in which the state acts toward its citizens. In the modern state the great mass of citizens cannot undertake the enormous task of governmental decision. They can do little more than express in a formless way the general nature of what will secure their consent. Effective state action, in other words, must be the realm of those few men whose decisions have, for the whole community, the force of law; and it is their task to comprehend the nature of what will secure consent and out of its formlessness to erect statutory guaranties.

That is the purpose of the state, and the state secures obedience only to the degree that it fulfils this purpose. In the long run the nature of the judgment passed upon the acts of the state is determined by the quality of those acts. And if this is true, then what becomes important, from the point of view of obedience, is the effort made by the government to insure that its decisions embody the largest possible measure of social experience. Since obedience depends on the satisfaction of needs, law must be based upon the fullest possible investigation of those needs.

This is not to say that obedience depends upon consent. Consent may mean any one of a variety of attitudes toward the acts of government, and when applied to the real experience of government it becomes little more than a form of words. The true function of consent is not to explain the phenomena of obedience, but to act as the criterion of good government. For democracy is founded upon the belief that while there is a realm of common agreement, there is also a realm in which private decisions have for the individual the highest moral value. Government is to be judged not by the fact of unanimous consent to its decisions, but by the assurance that each man's experience should in some way contribute to them. The problem of political obedience requires a double solution: first, the formation of government decisions which will command by their quality the allegiance of the governed and, second, the discovery of political mechanisms which make possible the widest participation in those decisions.

This view emphasizes the duty of the state in insuring obedience. The classic view, on the other hand, was more concerned with placing the onus of obedience upon the citizen. It required obedience to the state because the state was the final lawmaking authority. Its claim to obedience lay in the function it performed of ultimate integration of society. For this reason the monistic tradition denies any final status to associations which stand between the individual and the state, calling its decisions into question and detracting from allegiance to it. The state is the ultimate authority upon which associations depend for the validity of any claim they may have upon its citizens. Since then the will of the state has legal and moral supremacy over all other wills in the state, the problem of obedience is easily solved. It is the origin of the orders of the state which give them their claim to obedience. The state has no duty to provide moral validity for its decisions, for such validity is naturally inherent in them.

It is, however, possible to submit authority to a different analysis—to go behind law and to scrutinize its origin more closely. The traditional problem takes on a different perspective when the acts of the state are resolved into a series of man made decisions. The emphasis shifts then from what government is to what it does. The function of the state becomes the search for allegiance, rather than the postulation of allegiance.

In this analysis the characteristic mark of the state is still its possession of the monopoly of force. But in general it possesses that monopoly in order that no one else may. It uses its force in order that individuals and associations may not resort to violent settlement of disputes. The meaning of the state's possession of force is that the majority of the citizens desire the rule of law and order. The state does not rest upon force, but possesses it while men deem the continuance of peaceful constitutional government to be a desirable thing.

Obedience can be enforced only while the mass of men are in some sort of agreement with the law. There is no lack of examples of opposition, and successful opposition, to government decisions. Government and the maintenance of law and order by organized force are possible because general agreement is given by most people to law and the government. But since peaceful government rests upon the complete observance of rules, it is essential that obedience on the part of citizens should be both constant and unanimous. For the proper ordering of society majority compliance to a law must be widened into general compliance.

But while law is the origin of social peace, its justification of itself to the citizen must remain the prelude to obedience. That justification implies the embodiment in law of those rights to which the citizen attaches value. Obedience may, it is true, be given to such decisions because of the consequences which resistance entails. Or it may be given because the continuance of government as such is considered a greater good than the rights which are denied. But the desire for peaceful government is not a desire which will be satisfied at any cost. There may come a time when men are willing to endure disorder rather than submit to the continued denial of their claims.

This eventuality occurs when resistance ceases to be directed against particular decisions and is aimed at the form of the state itself. To the extent that those satisfactions which men deem essential are provided by associations other than the state there exists the contingency of conflict between allegiances. The monopoly of political power cannot be claimed for the state while men recognize the authority of groups as more real than that of the state. Since men at different times place different values on ideas, so loyalty will swing back and forth between the ideas embodied in the state and those incorporated elsewhere. It is only at certain times that the hold of the state idea is so strong as to exclude loyalty to other groups. If men want most those goods which a group can provide, their allegiance will be first to the group. If they desire such goods as law and order, which the state can provide, then their allegiance is to the state at the expense of the groups. Moreover there is every variety of degree in these allegiances as between the state and the groups.

It is possible to argue that such a view leaves the way open to disorder and therefore ultimately to dictatorship. But if disorder and Caesarism are phenomena of the life of states, the theory which contemplates their possibility has at least the merit of realism. Therein, by contrast, is implied the unrealism of the analysis which assigns to the state the role of umpire in the conflict of groups. The state cannot be regarded as separate from the men who order it, nor can those men be considered as separate from their loyalty to particular ends. Thus it cannot be assumed that the agents of the state will organize the life of the state in the good faith of impartiality. But if, on the contrary, no such assumption is made, it is possible to acknowledge the absence of social integration within the state and to contemplate the struggle of different desires, even where the outcome of that struggle may be, as in Fascism, the emphatic victory of one desire over all others. For constitutional government is not an end in itself; it commands obedience only so long as its blessings are not too high a price for other goods. On the other hand, those goods can be measured against law and order; and where the latter are deemed necessary at any cost, the outcome may be Fascism. When the choice is made of the fulfilment of one need rather than another, there may have to be some sacrifice of the organization which looks out for the neglected needs. But there is no reason to believe that when once again men place a different value upon the blessings of a dictatorship, in terms of other satisfactions, they will not suitably relegate that organization into a position more commensurate with the new evaluation.

W. A. RUDLIN

See: STATE; GOVERNMENT; SOVEREIGNTY; AUTHORITY; COERCION; SANCTIONS; LIBERTY; ANARCHISM; PLURALISM; DEMOCRACY; SOCIAL CONTRACT; MAJORITY RULE; LAW ENFORCEMENT; LAWLESSNESS; MINORITY RIGHTS; PASSIVE RESISTANCE AND NON-COOPERATION; INSURRECTION; REVOLUTION AND COUNTER-REVOLUTION.

Consult: Elliott, W. Y., *The Pragmatic Revolt in Politics* (New York 1928); Emerson, Rupert, *State and Sovereignty in Modern Germany* (New Haven 1928); Laski, H. J., *A Grammar of Politics* (2nd ed. London 1929), *Authority in the Modern State* (New Haven 1919), and *The State in the New Social Order*, Fabian Tracts, no. 200 (London 1922); Duguit, Léon, *Les transformations du droit public* (Paris 1913), tr. by Frida and Harold Laski as *Law in the Modern State* (New York 1919); Figgis, J. N., *Churches in the Modern State* (2nd ed. London 1914); Krabbe, H., *Die moderne Staats-Idee* (2nd ed. The Hague 1919), tr. with introduction by George H. Sabine and Walter J. Shepard (New York 1922); Dicey, A. V., *Lectures on the Relation between Law and Public Opinion in England during the Nineteenth Century* (2nd ed. London 1914); Green, T. H., "Lectures on the Principles of

Political Obligation" in his *Works*, ed. by R. L. Nettleship, 3 vols. (2nd ed. London 1889–90) vol. ii, p. 335–553; Hobhouse, L. T., *The Metaphysical Theory of the State*, London School of Economics, Studies in Economics and Political Science, no. 51 (London 1918); Bosanquet, Bernard, *The Philosophical Theory of the State* (3rd ed. London 1920); Barker, E., "The Discredited State" in *Political Quarterly*, vol. ii (1915) 101–21; Cole, G. D. H., *Social Theory* (New York 1929), and "Conflicting Social Obligations" in Aristotelian Society, *Proceedings*, n.s., vol. xv (1914–15) 140–59; Dickinson, John, "Social Order and Political Authority" in *American Political Science Review*, vol. xxiii (1929) 293–328, 593–632; Heller, Hermann, *Die Souveränität*, Institut für ausländisches öffentliches Recht und Völkerrecht, Beiträge zum ausländischen öffentlichen Recht und Völkerrecht, no. 4 (Berlin 1927); Hubert, René, *Le principe d'autorité dans l'organisation démocratique* (Paris 1926); Catlin, G. E. G., *A Study of the Principles of Politics* (London 1930), especially ch. iv; Case, Clarence M., *Non-violent Coercion* (New York 1923).

OBRADOVIĆ, DOSITEJ (1742–1811), Serbian national leader. Obradović was born in southern Hungary and entered the Hopovo monastery of Fruška-Gora in 1757. Impelled by a passionate desire for knowledge he began to wander through Europe in 1760, settling in 1771 in Vienna, where he remained with some interruptions for twenty-two years. He there came into contact with western European enlightenment. He now came to look upon learning as a means of advancing the human race and not merely as a method of earning his livelihood, but the inner drive to communicate his intellectual treasures caused him to appear almost everywhere as village schoolmaster, tutor, mentor and educator. He took over the direction of education in Serbia after its liberation by Karageorge, and by his practical activity as minister of education as well as by his writings he was influential in the spread of enlightenment among the Serbians.

Obradović was neither an original nor a profound thinker; he merely absorbed ideas which had already been thought out in western Europe and cast them into forms which he considered suitable for his people. In accordance with the current rationalism he believed in the omnipotence of education. For Serbia, however, which was still in the thrall of mediaeval and oriental ideas, he accomplished an extraordinary feat in that he turned it toward the west and pointed out the sources of western culture. He thus became the intellectual recreator of the Serbian spirit, the pathfinder into the nineteenth century, the first European mind at the junction of the Sava and the Danube.

Since it was always his endeavor to be understood by the masses, Obradović wrote not ecclesiastical Serbian or Slavo-Serbian but folk Serbian, in this respect being a precursor of Vuk Stefanović Karadžić. At the same time he regarded the language as a unifying bond for all Serbians, and no one before him pointed out so forcibly and clearly the linguistic unity of the inhabitants of Montenegro, Dalmatia, Bosnia, Herzegovina, Serbia, Croatia, Slavonia, Syrmia, Bačka and the Banat. Again he was a pioneer in considering the nation as superior to the church, for he believed language and race to be fundamental while faith and laws were fortuitous; and since he included even the Moslems of Bosnia in the national unity, he appeared as the creator of modern Serbian, even of Jugoslav, nationalism. Obradović not only was admired and worshiped by the Serbians but even among the Croats his influence persisted, especially during the Illyrian movement; while among the Bulgarians he was one of the most widely read writers at the time of their national awakening.

HERMANN WENDEL

Important works: *Dela Dositeja Obradovića* (Works), ed. by J. Skerlić, M. Dragutinović and M. Ivković (5th ed. Belgrade 1911); *Život i priključenija* (Life and adventures), 2 vols. (Leipsic 1783–88).

Consult: Šafařik, Paul J., *Geschichte der südslawischen Literatur*, 3 vols. (Prague 1864–65) vol. iii, p. 310–15, Šević, Milan, *Dositheus Obradović, ein serbischer Aufklärer des XVIII. Jahrhunderts* (Novisad 1889); Skerlić, Jovan, *Srpska književnost u XVIII veku* (Serbian literature in the 18th century) (new ed. by V. Ćovorić, Belgrade 1923) p. 241–315; Wendel, Hermann, *Aus dem südslawischen Risorgimento* (Gotha 1921) ch. i.

OBRECHT, GEORG VON (1547–1612), German jurist and writer on economics. Obrecht was born in Strasbourg and studied at Tübingen, Besançon, Dôle, Orléans and at Basel, where he received the degree of doctor of jurisprudence in 1574. In the following year he was appointed professor of law at the University of Strasbourg, where he acquired a great reputation as a scholar and teacher.

Although Obrecht is the author of a number of legal works he is best known through his *Fünff underschiedliche Secreta Politica* (Strasbourg 1617), a work setting forth his economic views, written at the request of his friend Emperor Rudolph II. He is regarded as the forerunner of the early German cameralists and appears to have been strongly influenced by the so-called juristic tax literature, especially by

Bodin. He was a typical fiscalist, desirous above all of increasing the revenue of his prince. To attain this end he proposed an increase of the various duties, particularly those on luxuries, recommended the introduction of some form of inheritance tax and advocated a wider use of court fees and fines as a source of revenue. He classified the sources of revenue according to their incidence upon the standard of living of the taxpayers and generally favored property rather than personal taxation. He was in favor of the typically mercantilistic tax on exports and imports, recommending, however, that raw materials be imported at reduced rates. Insisting that gold should remain in the country, he urged the prohibition of the export of precious metals. He opposed the monopoly of the guilds and advocated the promotion of agriculture and industry, the subsidizing of commerce and shipping by the prince and the introduction of a standard currency for the entire German empire. Noteworthy too was his proposal of a children's savings bank and state endowment insurance. In suggesting an elaborate plan of registration and police regulation of the people he laid the foundations for a complete system of population statistics. But, as in all his proposals, the revenue of the prince was the prime consideration and the census was to be made the occasion of collecting various registration fees for the prince's treasury.

KURT ZIELENZIGER

Consult: Roscher, Wilhelm, *Geschichte der National-Oekonomik in Deutschland*, Geschichte der Wissenschaften in Deutschland, Neuere Zeit, vol. xiv (Munich 1874) p. 151–58; Small, Albion W., *The Cameralists* (Chicago 1909) ch. iii; Nielsen, Axel, "Den tyske Kameralvidenskabs Opstaaen i det 17. Aarhundrede" in Kongelige Danske Videnskabernes Selskab, Historisk og Filosofisk Afdeling, *Skrifter*, 7th ser., vol. ii, pt. 2 (Copenhagen 1911), tr. into German by Gustav Bargum as *Die Entstehung der deutschen Kameralwissenschaft im 17. Jahrhundert* (Jena 1911); Zielenziger, Kurt, *Die alten deutschen Kameralisten*, Beiträge zur Geschichte der Nationalökonomie, no. 2 (Jena 1914) p. 176–98.

OBREGÓN, ALVARO (1880–1928), Mexican statesman. Obregón had been a rancher for many years when in 1912 he joined the revolutionary movement. Two years later at the head of victorious troops he entered Mexico city and soon thereafter became secretary of war under Carranza. The leader of the radical group, Obregón grew disgusted with Carranza's inefficiency and the latter's efforts to impose his successor upon the country; early in 1920 therefore Obregón led a successful revolt and was elected president.

At the time Mexico was completely demoralized and relations with foreign governments were strained. Largely through an amnesty to all his political opponents Obregón pacified the country: lawlessness decreased, railroad traffic was gradually resumed, payments were made on international obligations and assurances of safety were given foreigners. Although Obregón was friendly toward the United States he refused to give the pledge which Secretary of State Hughes demanded before recognition—that there would be no interference with property rights of American citizens in Mexico—but his obvious willingness to be fair to foreign interests and the pressure of public opinion led the United States to recognize the new regime in 1923.

Meanwhile the administration made the first serious effort to put the decade old revolutionary program into effect. Labor was permitted to organize for self-protection and did so on a large scale. During Obregón's term several million acres of land were distributed to landless peasants; but as there was no adequate provision for water for irrigation, little improvement resulted. The administration's chief contribution to reform was its educational policy. For the first time in Mexico's history plans were made to extend literacy and enlightenment throughout the nation. Under the lead of José Vasconcelos, minister of education, volunteers of all ages began to teach the A B C's to their fellows, thousands of elementary schools were established at national expense, facilities were offered for technical training and plans were launched to make the isolated Indians a conscious part of the body politic. These advances in education were particularly impressive in view of the financial handicaps confronting the administration. Revolutionary outbreaks, however, toward the close of Obregón's term destroyed many of the reconstructive measures of the new regime.

Obregón cooperated with Calles, who succeeded him in 1924, and was in turn elected to follow Calles in 1928. Shortly afterward he was assassinated by a religious fanatic.

MARY WILHELMINE WILLIAMS

Consult: Quirós Martínez, R., *Alvaro Obregon, su vida y su obra* (Mexico 1928); Gastélum, B. J., "Un hombre" in *Contemporaneos*, vol. i (1928) 221–28; Gruening, E., "Obregon, Bulwark of the Mexican Revolution" in *Current History*, vol. xxviii (1928) 887–91; Beals, Carleton, "Obregon: Bold Master of Mexico" in *New York Times Magazine* (July 22, 1928) 1–2, 22.

OBRENOVIĆ DYNASTY, Serbian rulers. The Obrenovići reigned intermittently in Serbia for seventy-two years between 1815 and 1903. They were a powerful influence in shaping Serbian development, for they were all endowed with political talent or at least had an interest in politics. Under them, although sometimes more or less against their will, Serbia was transformed from a Turkish pashalic into an independent kingdom and from a patriarchal despotism into a constitutional state with administrative, financial and military systems following the western model. Moreover they fostered a strong independent rural population, which played a great part in the nation's history. Their task of building up Serbia was complicated by the fact that they had to reckon not only with the Serbian people but with Turkey and also with the great European powers, especially Russia and Austria.

Miloš (1780–1860), the founder of the dynasty, was an illiterate peasant endowed with great shrewdness and an almost infallible political instinct. He became the leader of the Serbs after the Serbian defeat and the flight of Karageorge in 1813. On his promise to restore order the Turks named him voivode of Rudnik; and when a new revolt broke out, Miloš was hesitant about allying himself with either side. But in the spring of 1815 he joined the rebels and from then on tried to trick the Turks of territory by diplomacy, compromise and bargaining. In 1817 he was elected prince of Serbia, again with the assistance of Turkey, and by 1830 the Porte was forced to recognize the internal independence of Serbia with Miloš as hereditary prince. A true oriental despot, he ruled the Serbs in the Turkish tradition and enriched himself enormously at the expense of the people. Nevertheless, his very despotism made it possible for him to consolidate Serbian independence and to establish its government; while he contributed fundamentally to the growth of democracy and of strong national sentiment by preventing the development of a landlord class through his division of the abandoned lands of the Turkish spahis among the peasants. Although Miloš was glad to accept Russian support especially in the Peace of Adrianople in 1829, he opposed Russia when it forced upon Serbia a constitution which through an indissoluble senate limited materially the prince's freedom. He abdicated in 1839 but ruled again from 1859 to 1860.

His son Mihailo (1823–68) reigned from 1840 to 1842 and from 1860 to 1868. Realizing the important role that Serbia might play in southern Slav affairs, he drew up political plans so vast and audacious that they sometimes seemed impossible fantasies and not only attempted internal reorganization but also initiated an ambitious foreign policy. He modified the oligarchic constitution of 1838, curbed the powers of the senators, established a national army and made changes in the administrative system. He continued his father's policy of protecting the small landholder by founding in 1862 the Uprava Fondova, a state agricultural credit bank. Serbia's series of Balkan alliances, with Montenegro in 1866, with Greece in 1867 and with Rumania in 1868, were part of Mihailo's plans for a general Balkan war of liberation against Turkey for which he was preparing at the time of his assassination; in addition his schemes reached out toward Bosnia, Herzegovina, Syrmia and Croatia, culminating in the idea of a great Slav state which was to include the Bulgarians also. He brought about in 1867 the withdrawal of the last Turkish garrisons from the six fortified cities of Serbia.

Mihailo was succeeded by his cousin Milan (1854–1901) in 1868, although the regency did not cease until 1872. The constitution of 1869 had tended to make the political parties a real factor in government, but Milan used them only as foils for one another in order to exercise arbitrary power more freely. The only important social legislation of his reign was a law protecting the peasant's home, stock, tools and six yokes of his land from the money lender. By the Treaty of Berlin Serbia became completely independent and in 1882 the prince proclaimed it a kingdom. Milan gave a new turn to Serbian foreign policy when in 1881 he concluded a secret treaty with Austria, which gave the latter a predominant influence in Serbian foreign affairs. He declared war on Bulgaria after its union with Eastern Rumelia in 1885 made it appear a natural successor to Serbia in the leadership of the Balkans, and Serbia was saved from disaster only by the intervention of Austria. The king's liberal constitution of 1888 failed to quell the general dissatisfaction and a year later Milan abdicated in favor of his son Alexander (1876–1903).

The latter's reign was marked by instability and a series of coups d'état. Alexander despised and combated the parliamentary system introduced by the constitution of 1888, and in foreign relations swerved from the Austrophil policy of his father by occasional manoeu-

vres in the direction of Russia. His unpopular marriage crystallized the resentment against his rule and led to his death at the hands of assassins.

HERMANN WENDEL

Consult: Živanović, Ž., *Politička istorija Srbije u drugoj polovini devetnaestog veka* (Political history of Serbia in the second half of the nineteenth century), 4 vols. (Belgrade 1923–25); Temperley, H. W. V., *History of Serbia* (London 1917) p. 195–281; Devas, G. E., *La nouvelle Serbie* (Paris 1918) chs. iii, v, vi; Jovanović, Slobodan, *Druga vlada Miloša i Mihaila* (The second reign of Miloš and Mihailo) (Belgrade 1923), *Vlada Milana Obrenovića* (Milan's reign), 2 vols. (Belgrade 1926–27), and *Vlada Aleksandra Obrenovića* (Alexander's reign), 2 vols. (Belgrade 1929–31); Gavrilović, M., *Miloš Obrenović*, 3 vols. (Belgrade 1908–12); Ranke, L. von, *Serbien und die Türkei im neunzehnten Jahrhundert*, 2 vols. (Leipsic 1870) pt. i, chs. xvii–xxiii, pt. iv, chs. iii–ix; Pribram, A. F., "Milan IV. von Serbien und die Geheimverträge Österreich-Ungarns mit Serbien 1881–1889" in *Historische Blätter*, vol. i (Vienna 1921–22) no. iii, p. 464–94.

O'BRIEN, JAMES (BRONTERRE) (1805–64), Irish social and political reformer. O'Brien attended the Edgeworths' school at Edgeworthstown, Ireland, and in 1830, one year after his graduation from Trinity College, Dublin, entered Gray's Inn, London, to continue his legal studies. Almost immediately he was swept into the growing radical reform movement. Although he afterwards developed into an orator of no mean capacity, his early work in the cause of the working classes was in the field of journalism. In 1831, following his publication under the nom de plume Bronterre of three articles in Carpenter's *Political Letters*, he became editor of the *Midland Representative and Birmingham Herald*. Subsequently he edited Hetherington's *Poor Man's Guardian* (1831–35), the *Twopenny Dispatch* (1836), *Bronterre's National Reformer* (1837) and the *Operative* (1838–39) and was joint editor of the *London Mercury* (1837) and the *Southern Star* (1840). From 1838 to 1841 he was one of the foremost leaders of the Chartist movement, but after 1841 largely as a result of his bitter quarrel with Feargus O'Connor his influence gradually declined. Later he edited the *National Reformer, and Manx Weekly Review* (1846–47) and wrote a series of articles in *Reynolds's Political Instructor* (1849–50).

A vitriolic opponent of the existing social and political order and an apostle of the class struggle, O'Brien was an admirer of Babeuf, Robespierre and Robert Owen. He was never an Owenite, however, for Owen had no faith in political action, while O'Brien believed that improvement in the condition of the working classes could materialize only after the common people had attained control of the legislature through universal manhood suffrage; hence his ardent advocacy of the People's Charter. In addition to the worker's ignorance, which O'Brien zealously sought to combat, the chief obstacles to reform were in his opinion the vested interests of the aristocracy and the moneyed middle classes—the "capitalists, stockjobbers and other gamblers." He did not condemn private property, competition and machinery as such but rather the abuses associated with them in a "cannibal civilization." Machinery owned and operated by the workers and competitive effort, for instance in the field of scientific research, would assuredly increase human welfare. But such potentialities were forestalled by that "overwhelming evil . . . the profit-hunting system, *alias* the unjust power of *capital* over *labor*." "If every one were paid the full value of his services," he said, "there would be no unjust accumulations"; he failed, however, to indicate how the "full value" was to be determined. By far the most pernicious usurpation by the upper and middle classes was the private ownership of land. Deriving his opinions from a study of Thomas Spence, William Ogilvie, Charles Hall and Thomas Paine, O'Brien became the chief Chartist exponent of land nationalization. His practical proposal was that by purchasing estates upon the decease of their existing owners the state should gradually make itself trustee in perpetuity of all the land, letting it to cultivators and assuring to every tenant farmer sufficient temporary credit to stock and crop his farm.

During his participation in the Chartist movement in 1839 O'Brien became so incensed at the apathetic attitude of Parliament that he worked himself into a violently revolutionary frame of mind, but after his imprisonment for seditious speaking he reverted to the tactics of "moral force." He never attempted to expound a systematic body of socialistic principles; his main aim throughout seems to have been the immediate attainment of political reforms by means of which, as he believed, the social and economic salvation of the working classes could speedily be worked out.

ALFRED PLUMMER

Consult: Plummer, Alfred, "The Place of Bronterre O'Brien in the Working-class Movement" in *Economic History Review*, vol. ii (1929–30) 61–80, and

Labour's Path to Power (London 1929) p. 25–39; Hovell, Mark, *The Chartist Movement*, ed. by T. F. Tout, University of Manchester, Publications, Historical series, no. xxxi (Manchester 1918); Bachmann, F., *Die Agrarreform in der Chartistenbewegung* (Berne 1928) p. 25–43.

OBSTRUCTION, PARLIAMENTARY. Parliamentary obstruction is an elastic term which means different things to different men. It is not always easy to detect, for what seems to be obstruction may be nothing more than long-windedness, while apparently genuine debate may in reality be dilatory. A minority naturally attempts to thwart or at least to delay the will of a majority which is ready to act and in order to accomplish this purpose seizes on every available weapon. Obstructionist tactics vary somewhat with different parliaments, according to the loopholes which can be found in the rules of procedure limiting debate and permitting the expedition of business. Certain general patterns and tactics can, however, be discovered in the experience of various legislative assemblies.

One of the most obvious means of obstruction is the long drawn out speech. Where members may speak as long as they wish, physical endurance alone is sufficient to make obstructionist tactics successful. This is still true of the United States Senate, where the closure rule, adopted in 1917, is difficult to apply and hence rarely invoked. In practically all other assemblies the government can usually apply closure (*q.v.*). Since 1841 no member of the House of Representatives may speak for more than an hour except by unanimous consent. Before 1881 the rules of the House of Commons made no provision for closing debate so long as anyone wished to speak. On the Irish Church bill and the Land bill of 1870 there were 14,836 speeches, of which 6315 were made by Irish members. During the session there were two thousand points of order and it was clear, as the speaker declared, that Parnell with his minority of twenty-four dominated the House. On the other hand, as Lord Morley remarked, "the suspension of habeas corpus is a thing that men may well think it worth while to fight about, and a revolution in a country's land system might be expected to take up a good deal of time." The gradual elaboration of the closure, inaugurated in 1881, now makes obstruction of this sort impossible.

When the rules of parliamentary assemblies provide for closure, ingenuity in respect of points of order and dilatory motions becomes important. The choice of device is influenced by the particular rules of order of the assembly as well as by the state of the parties—that is, the size of the majority—and by the nature of the legislation involved. Thus under Speaker Reed in 1890 the Democratic minority effectively obstructed proceedings in the House of Representatives by refusing to answer the roll call. Since the Republican majority was narrow and absences from its ranks were inevitable, there could be no quorum unless the minority was willing to be recorded. In a ruling comparable to Speaker Brand's coup which ended the obstruction of Irish members in the House of Commons in 1881 Reed ordered that members present be counted toward the quorum. The point of no quorum, however, can still be used for obstruction in most legislative bodies. It can be made in the House of Representatives whenever less than a majority is present (in the Committee of the Whole, less than one hundred), and the roll call which automatically follows may take thirty minutes. It is not uncommon for more than one hundred of such points of order to be raised during a congressional session, involving the loss of fifty working hours, equivalent perhaps to ten legislative days. If forty members are not present, the House of Commons can be "counted out" and adjourned until the next day. Cabinet control is so complete that this device cannot obstruct government business, but it is useful against bills of private members. Dilatory motions—to adjourn, that the speaker leave the chair and so on; points of order and their discussion; frivolous amendments to pending legislation, all such devices are possible. The speaker of the House of Commons has considerable discretion in refusing to accept motions which he deems dilatory or in putting them to a vote without debate. The extent to which obstruction is successful depends on the looseness of the closure rules, on the majority's willingness to deal ruthlessly with the minority and on its continued enthusiasm for the pending measure.

Perhaps the most sustained recent filibuster in the House of Representatives occurred in connection with the Dyer antilynching bill, which was bitterly opposed by all southern representatives. When it was reported to the House on December 19, 1921, the roll was called twice on points of no quorum and once on a motion to adjourn. Then a special order from the Rules Committee provided for ten hours of general

debate, the bill thereafter to be open to amendment under the five-minute rule. There were five roll calls on points of no quorum and on a motion to adjourn before this special order was adopted. The next day there were five roll calls and no debate on the bill. Southern Democrats absented themselves, so that a quorum was not present. But such tactics could not continue indefinitely. Debate was finally engaged in. The original allowance of ten hours was raised to sixteen and the measure was passed after as many days of consideration as hours of debate which had finally been agreed to.

In the Senate, however, business was completely tied up through the expedient, similar to one of those used by the obstructionists in the Austrian parliament at the end of the nineteenth century, of refusing the customary unanimous consent to dispense with the reading of the journal of the previous day's session, of proposing of amendments and corrections to the journal and then of debating these changes. Discussions as to whether the journal recorded the correct hour at which the vice president had entered the chamber and whether the prayer delivered by the chaplain should be included in the journal were the pegs on which the southern senators who opposed the Dyer bill hung time consuming speeches. After several days the Republican leaders admitted defeat and withdrew the measure. Such a filibuster would hardly be possible toward the close of a congressional session, when the Senate frequently recesses rather than adjourns. Over a number of calendar days it may preserve the fiction of a single legislative day, thus doing away with the necessity for the approval of a daily journal and saving the time which under the Senate rules is usually spent in "morning business." Spectacular parliamentary obstruction becomes more and more infrequent as closure rules are made more severe. So also violent obstruction, although not extinct, is at least rare.

A good deal of parliamentary obstruction is indirect and at the time is not clearly marked. Most legislative proposals are highly complicated and bristle with technical difficulties which, to be understood by members, must be tediously explained and discussed. A clever opposition can use up time on such details, especially when no actual differences are involved, without laying itself open to the charge of obstruction. As Lord Eustace Percy told the Select Committee on Procedure on Public Business in 1931: "The serious charge is that we obstruct non-contentious legislation in order that there may be less time for the passage of contentious legislation."

All parliaments are arenas for deliberation; but with material interests assailed and threatened, with parties espousing different policies and individuals holding different opinions, the deliberation can come only from contention and conflict. So long as this is the case, individuals and minorities will resort to parliamentary obstruction. It will sometimes be personal—to get publicity for the obstructionists—or it will be a measure of party strategy—to embarrass the majority leaders. In other cases the obstructionists will be actuated by motives not unconnected with their conscientious view of the dangers of the proposed legislation and in some cases their view will prevail. Some of the greatest statesmen have on occasion been obstructionists. For example, Edmund Burke forced twenty-three divisions during a single sitting of the House of Commons.

In the minds of those who employ them obstructionist tactics are always justified. Occasionally results are such that justification is generally admitted. Not infrequently obstructionist tactics delay a proposed measure until it is improved or until parliamentary or public opinion changes and the measure is abandoned. As the price of their desistence obstructionists may sometimes, especially in the United States Senate, receive promises that measures which they sponsor will be given consideration by the assembly. With party lines rigidly drawn as they now are almost everywhere a majority party rarely finds it difficult to use a steam roller. Indeed necessary business would not otherwise be dispatched. Obstructionist tactics are frequently the only means of delaying the steam roller long enough for the proposals to be understood clearly. In every legislative assembly moreover majority leaders are seldom overgenerous in the time allowed the minority for debate, and the latter therefore may be compelled to obstruct in order adequately to voice its opinions. The difficulty is, however, that no clear line can be drawn between justifiable obstruction and obstruction which simply throws grit into the bearings of the legislative machine. Such a distinction is always conditioned by one's attitude toward the action proposed.

LINDSAY ROGERS

See: LEGISLATIVE ASSEMBLIES; CLOSURE; DEADLOCK; MINORITY RIGHTS.

Consult: Campion, G. F. M., *An Introduction to the*

Procedure of the House of Commons (London 1929); Great Britain, Parliament, House of Commons, Select Committee on Procedure on Public Business, *Special Report*, Sessional Papers, 1930–31, vol. viii, no. 161 (1931); Luce, Robert, *Legislative Procedure* (Boston 1922); Pierre, Eugene, *Traité de droit politique electoral et parlementaire* (Paris 1893) p. 925–33; Rogers, Lindsay, *The American Senate* (New York 1926); Marmorck, Schiller, *L'obstruction au parlement autrichien* (Paris 1908).

OCCUPATION

THEORY AND HISTORY. In modern society, with its characteristic division of labor, specialization of functions, exchange and prevailing ideology, the overwhelming majority of the people engage in a specific, relatively continuous activity in order to earn their livelihood and maintain a definite social status. This activity in the literature of the social sciences is designated as occupation. One need not go as far as Simmel, who believed that the concept of occupation is fundamental to the true society, to perceive that modern society, at least for the time being, is organized on an occupational basis. For occupation is a fact which distinguishes one man from another, giving every individual a feeling of independence, and at the same time unites as equals men of different origin and background. Occupation leaves its impress upon the inner being of individuals, affects vitally their external life histories, serves as the link binding them to society and thereby gives specific form to the social structure.

The term itself is indefinite as to both meaning and scope; it has a varying intellectual content and emotional associations. In all modern languages it has a number of synonyms, and the range of their meaning indicates how much the specific content of the term has shifted with the succession of historical epochs. Although it merely reflects the continuous changes in the reality to which reference is intended, the linguistic confusion itself becomes an obstacle to effective action by student, legislator, organizer and administrator. The meaning of the term can definitely be fixed for a short period only. And even with this limitation the term must cover three different sets of facts: technological—the specific manual or mental operations involved in the execution of occupational work; economic —the income yield of an occupation which serves to provide a livelihood; and social—the prestige attaching to a person or group by virtue of occupation. It is this complexity which makes possible a shift of emphasis as historical conditions change; for example, the economic aspect of occupation, which is the most important at present, came to the fore only as late as the mediaeval town economy; before that work for an income was not regarded as proper, income itself being a function of social status rather than of occupation.

In accordance with current popular and statistical usage occupation may be defined as that specific activity with a market value which an individual continually pursues for the purpose of obtaining a steady flow of income; this activity also determines the social position of the individual. As defined above occupation is linked up closely with the present social and economic system, in which production is for sale and not for use; occupational work must be available for purchase in the open market, although it need not necessarily be carried on in a business enterprise. Subjectively occupation is the specific activity by which a living is earned, a duty imposed from the outside as a necessary condition of life in society; objectively it refers to the dovetailing of individuals into the innumerable spheres of activity into which modern economic society is divided. Occupational work is the individual's contribution to the national dividend, and the sum total of occupied persons constitutes the labor power of the nation.

The above considerations as to the relation between individual, occupation and society are subject to qualification even for the modern period. To begin with, not everyone has an occupation. Apart from children and those still training for their vocation at one end of the age scale and the sick and aged at the other, all of whom must be supported by the working population, there are in modern society persons of independent means—rentiers, pensioners and the like—who share in the social product without pursuing any real occupation. In recent times continuous unemployment has created a new group of people who live without working; the ambiguousness of their social status is the obverse of the still unsettled question as to whether the technologically unemployed constitute a separate "occupational" group. In the second place, an individual may engage in several trades, one of which will be recognized as his chief occupation because it conditions his social position and yields the major portion of his income. Nor is occupation in modern society a rigidly limited sphere of hereditary activity; on the contrary, occupations tend to merge and subdivide and changes of occupation are a frequent occurrence.

A striking fact about the occupational structure of modern industrial states at approximately the same stage of economic development is that it is fundamentally the same in all of them. Occupational lines are shifting; the personnel of any specific occupation is fluid and yet, despite this marked mobility in particulars, the proportions between the larger occupational strata—and hence the structure as a whole—remain fairly stable over long periods of time. This suggests two forces at work, one making for change and the other tending to redress the balance. With regard to the social division of labor, which lies at the basis of occupational differentiation, these forces may be identified as the rational adaptation to the demands of the economic system and the traditional adherence to the institutions of the past. The two are combined in varying proportions in different societies, the contrast being greatest perhaps between an economy with a long "mediaeval" history and one developed in a colonial country. In either case it would be a gross error to assume that present occupational stratification may be explained in terms solely of economic traditionalism or of economic rationalism. Every occupational hierarchy has grown out of a previous set up, much of which it has destroyed but from which it has salvaged something, perhaps no more than a code of occupational ethics.

Throughout the greater portion of history society in all its manifestations has been shaped by authority and primarily by religious authority. Its influence upon modern developments can therefore scarcely be denied. Thus recent studies of Protestantism as a force in the evolution of capitalism show that it invested lay economic activity with new spiritual values; in providing the secular striving for monetary return with a substratum of meaning and dignity it released human beings from the oppressive isolation into which they were sinking when the old guild system was being replaced by competitive capitalism.

A more direct manifestation of the influence of the past is the modern tendency toward a corporate organization of occupations. This implies a definite group ideology, which may or may not be sanctioned by the state, and the recognition of an occupation as a public entity with special legal rights, fixed powers and a defined internal organization. In a sense the corporate and the occupational represent two opposed principles of social organization; they are the modern counterpart of the closed, static, conservative type of community, the extreme of which is the caste system, and of the free, dynamic, progressive type, the purest realization of which is a society according to every individual a position exactly suited to his personal gifts, qualifications and wishes. While the structure of all societies before the modern period was predominantly corporate rather than occupational, modern society lies between the two extremes; it reflects the movement from the closed to the free society as well as that in the opposite direction. Doctors, lawyers, scholars, military men and members of the other so-called intellectual and liberal professions, which easily develop an esprit de corps, a group consciousness and an internal organization, attain a corporate existence. In the older countries the proletarian organizations are also in the process of changing from mere occupational bodies into corporate associations. This process would have been much accelerated if the ideology of class consciousness and class struggle, which denies the validity of the corporate and occupational concepts and at the same time aims at the transformation of the proletariat into the only corporative body in society, had not hindered the development of a clear cut corporate ideology and a code of corporate ethics. It is this duality of outlook which explains many conflicts as to principles of labor organization, such as that between craft and industrial unionism. Under Fascism, with its program of a corporate organization of society, this process has been greatly stimulated by the endowing of occupational bodies with public legal functions and powers.

The force of tradition in modern society is perceptible also in the allocation of high prestige value to certain occupations, which can scarcely be related to their social utility. Were it possible to construct a hierarchy of occupations on so rational a basis as their social utility or productivity, the prestige attaching to them would have to be in accord with their market price or, in some cases, high income would have to offset low prestige. In fact, however, a rough correspondence of prestige to income is found only in business occupations. In other fields, particularly in the liberal professions, social position is largely independent of the lucrativeness of the activity and is often in inverse ratio to it, representing the continuance of the values of the past, when a particular calling had a monopoly character, required unusual talent or was a public function invested with a special dignity.

Since occupation is not simply an economic

or a technological fact, occupational evolution is not merely a part of economic history or an aspect of technological progress. It is rather an important constituent element of general social history, whose salient characteristic is that it cannot be fitted into any rationalistic stage schema. Nevertheless, systematic exposition must assume as its background a general outline of the succession of industrial organization forms, such as that of Karl Bücher. In occupational development industry—processing and fabricating operations—has always been the dynamic factor, perhaps because of the possibilities for division of labor which inhere in it; for this reason a sketch of changes in internal organization of industrial units and in their external interrelations furnishes essential clues to occupational history.

The oldest and earliest distinct occupations have everywhere been the "spiritual" professions—those of magician, soothsayer, prophet, medicine man, singer. Such professionals possess a charismatic monopoly and a socially exempt position; yet they are not economic specialists but rather exercise a calling in the old sacramental sense of the term. Division of labor proper occurs at first not within the tribe but as between tribes. In tribal society the extraction and raising of raw materials and their processing take place within the same economic unit although with a clearly marked separation of functions between the sexes; at the same time there is a regular intertribal exchange of goods, sometimes with a complex organization, a fact which contraverts the usual assumption that trade must be based on division of labor. Specialization of skills growing out of differences in natural aptitudes and accidents of technical discovery is fairly common at later stages, but the major portion of the maintenance of the specialized families is still obtained through their direct efforts. Intracommunal occupational differentiation appears only with the decay of tribal society, the mixing of different ethnic strains. Thus the introduction of slave labor, which represents a method of utilizing the strange lore and skill of captive aliens, leads to a loss of the early polymorphic economic habits; similarly the use of political authority which dominates several neighboring tribes creates, through imposition of tribute and assurance of peace, the necessary conditions for the further specialization of skills, the growth of internal exchange and the separation of occupations as economic entities.

A more clear cut division of labor on a large scale takes place in the self-sufficient seigniorial units, such as the slave economy of antiquity, the liturgical public economy of Ptolemaic Egypt or the economy of the mediaeval manor and monastery. Thus the *familia rustica* of the Roman senator embraced an elaborate array of craft specialists; and the slaves of the *familia urbana* were even more specialized. In the early Middle Ages conditions were more primitive, for Charlemagne's capitulary *De villis* lists only twelve crafts, yet in some European countries technical progress remained dependent upon the seigniorial economy as late as the seventeenth century. In these units specialization was the immediate distinguishing mark of bondage; the free population was not engaged in productive work and was not differentiated occupationally. When free crafts did appear they bore many earmarks of their servile origin; thus the luxury trades which flourished in the seigniorial units attained a high degree of development prior to the more important trades catering to general consumption.

Social division of labor began with the appearance of so-called wagework, the stage in which the worker owned the tools and the customer provided the raw material. As a man with a trade, ready to serve anyone for compensation, the craftsman became an individual of public character. Like the early "spiritual" professional he assumed the performance of certain public functions and may therefore be said to have filled a public office. Similarly to the demiurgi of Homer's time and the handicraftsmen in present day Indian villages the craftsman of the wagework period was a communal official. Occupation, now for the first time recognized as a social category, has thus always been more than a special skill.

The period of wagework continued in Europe until the fourteenth century; by that time money economy in the cities had made appreciable headway and the practise of working up customer's material was being replaced by the better known form of handicraft organization, in which the worker owned not only the tools but also the raw materials and in some cases the workshop. At this stage crafts became organized into guilds, public corporations which furthered the economic interests of their members while at the same time assuming responsibility for providing needed goods of assured quality at moderate prices. In its technological aspects the guild system made for an even higher develop-

ment of skills than had hitherto been the rule, although they became less individualized; in other words, all members of an occupation conformed roughly to certain standards of performance. On the economic side there was a vertical split in industrial production, the separation of phases of the manufacturing process theretofore carried on under one roof into independent industrial branches. This necessitated mutual exchange between specialized economies, which now produced for the outside rather than for direct satisfaction of their own needs. Exchange, however, remained closely related to production and was for the most part the terminal productive operation; both took place within the limits of a single city and both aimed at the maintenance of traditional standards of living rather than profit. Socially guild handicraft involved the creation of a new type of property, industrial capital, yielding as only land had done previously a constant return, which was superimposed on the compensation of the wage craftsman to form a new economic category; those engaged in industry thus ceased to be a mere occupational group—they became a new property class which aspired to the social and political importance hitherto attaching only to the landlord. Finally the political significance of the guild system lay in developing a system of industrial self-government, the autonomy of which was more marked on the continent than in England, where as early as the twelfth century guilds fell under the influence of the royal power. The rigid corporate organization of occupations was the most characteristic feature of mediaeval economy. The exercise of an occupation was not a matter of individual choice but a privilege, often hereditary, of guild membership; occupation was thus a function of social status. Occupational practises were regulated according to norms fixed by the town council, itself no more than a joint guild board, which aimed to promote the welfare of the city as measured by a traditional standard of living.

The regulated economy of the guild town society disintegrated with the growth of a centralized state organization, unification of large economic areas and radical changes in the technique of production and distribution which came in the seventeenth and eighteenth centuries. Commercialization and later mechanization of industry resulted in a regrouping of occupations and eventually in the creation of a new occupational order. Where division of labor in the handicraft system multiplied independent economic units, division of labor in the manufactory and factory—the new forms of industrial organization—created a new permanent class of wageworkers. Industrial society divided into two antagonistic classes, capitalist entrepreneurs and the proletariat, and the social functions of the old occupational corporations passed on to the state.

Some of these changes became manifest first under the putting out or contracting system, a natural outgrowth of the splitting up of production among so many crafts that they could no longer depend upon the local market. The new capitalist entrepreneur, originally a town merchant or prosperous handicraftsman, undertook now to purchase for resale the output of the producer—the poorer craftsman in the city or the peasant in the country—who spun and wove to supplement his meager income from agriculture. If he succeeded in building up a market, it was to the interest of this entrepreneur to assure a steady supply of stock in trade by providing raw material to his producers and when necessary by paying in advance for work to be done. A wholesale merchant thus came between the producer and his market; the producer lost thereby his economic independence and the distribution process, hitherto a simple matter of personal contact between producer and user, was now turned into a series of functionally related services with separate business organizations.

As the industrial revolution followed the commercial, so the factory succeeded the putting out system. In the factory division of labor involved a technically rational breaking down of productive operations into more or less simple manipulative acts entrusted to separate workers; skilled work was thus differentiated from unskilled, heavy from light. Where the handicraft system admitted of merely temporary gradations of apprentices, journeymen and masters, the factory built upon permanent categories of skilled and unskilled labor. Factory workers never mastered all the stages of production even in a highly specialized branch of industry; instead they were aided and directed by an entirely new class of higher industrial officials, specialized as to technical and business training. The capitalist entrepreneur too, concerned solely with the mercantile aspects of his business under the putting out system, now assumed also a general technical supervision of the productive processes. Thus the true proletariat began to emerge. The free laborer now owned neither

tools, raw materials nor workshop; he had to submit to a discipline imposed by a technical process which he did not even understand. He had no interest in the success of the industry, in the quality or price of its product; he incurred, however, a financial risk in connection with his occupation without clearly realizing it except in bad times when his income was reduced or eliminated. A "hand" without a face, an item in the inventory of industrial equipment, the factory worker's labor power was purchased like a commodity.

The new industrial system and occupational differentiation led also to a change in the relations between occupation as a social grouping and society as a whole. Corporative organizations of the handicraft era, traditionalist, restrictive, monopolistic, were incompatible with the progressive technique and competitive spirit of the new system; they disintegrated under pressure first of territorial and national governments and later of the new capitalist bourgeoisie. Their regulations were replaced by state enactments; although in certain respects they still followed corporative traditions, these on the whole assured freedom of occupational choice. This could scarcely have been otherwise in bourgeois society, based as it is upon the idea of individual liberty; nor could industrialization have proceeded under conditions other than those of laissez faire—extensive freedom of economic action—and of *laissez passer*—freedom of movement for both persons and commodities. Occupation now ceased to be an office, a duty recognized and enforced by authority; it became merely a social function, freely assumed by each individual, after he had balanced personal inclination against economic necessity, and pursued without overt authoritarian intervention. True, the romantic-conservative philosophy and the more recent ideology of "service" view occupation as a duty delegated by society to the individual in the interests of the common weal. This, however, is a statement not of empirical fact but of a moral philosophy which postulates a maximum of heroic and altruistic virtues in the individual; in fact only in a theocracy or in an autocracy can an attempt be made to translate it into action.

Emancipation of occupational life released the energies of the people, activating them to a more vigorous although not always a socially efficient pursuit of economic occupations; and yet this emancipation was only from official restraints and not a true liberation of occupations whereby they might become accessible to all whose natural gifts and inclinations would fit them for such work. A genuine freedom of occupational choice means availability of opportunities and unlimited discretion in choosing among them; it should result in a complete harmony between the man and his job, a condition obviously not realized in modern industrial society.

Although the formal freedom of occupation dispensed with many tangible obstacles to the attainment of this ideal, a great many factors still operate to prevent a perfect correlation between individual capacity and its occupational utilization. Thus, while the improvement in transportation, communication and organization of the labor market favors greater geographical and to a certain point occupational mobility of labor, immigration barriers check the inflow of labor from the outside; social insurance provisions bind the worker to his old residence, occupation or even his job; and social prejudice tends to stabilize if not to exaggerate the deviations in empirical distribution of occupations from the ideal norm. Moreover in a stratified society the class factor must leave its impress upon its occupational structure. In addition to the fact that among individuals distribution of physical capacities and mental faculties is uneven the discovery, cultivation and development of such gifts are not equally available to all. Furthermore in so far as vocational training is a costly and long drawn out process, it sets up an obstacle to admission to an occupation which is almost as effective as a formal property qualification or the need of a capital fund at the start. If special training acts as a bar to free affiliation, reluctance to lose the advantages which it brings hinders free separation. It is a paradox of modern society, in which a considerable degree of occupational mobility is virtually indispensable, that most occupations require some special training and that a change of occupation necessarily entails individual sacrifice and social waste. It is not surprising that the workers in a particular occupation develop a spirit of exclusiveness and tend, where its growth is unchecked, to regard their job as a vested right to be passed on to newcomers only under certain specified conditions. These may be a long apprenticeship and a high initiation fee in the skilled trades, a special social background in some liberal professions and governmental services or simply contact with the right clique, a "pull," so often invaluable in securing appointment to the higher paid white collar jobs.

Racial and national differences also disturb normal occupational distribution. In some countries, for example, work is regarded as merely a tedious preliminary to a life of leisure supported by a fixed income from investment, while in others the inactive rentier is held in contempt. Similarly aliens have always tended to concentrate in pioneering occupations and thus to play an important part in revolutionizing economic practises and in building up new countries. The occupational distribution of the different ethnic strains in the United States illustrates the importance of the national factor, even where the assimilative force of the environment is at its highest; certain employments apparently attract, others repulse, a particular national or racial group, sometimes on economically rational grounds, in other cases because of a thinly disguised prejudice.

The assimilative capacity of modern society is greater with regard to occupational employment of women. The sexual barrier to occupation, one of the oldest and until recently the most impregnable, has been almost completely removed in modern society. What women's work lost in importance with the decline in the economic significance of the household it has regained since the emergence of industrial capitalism through the employment of women outside the home. While there is considerable difference among occupations in their actual accessibility to women and while the proportion of gainfully employed among women varies by countries, national groups and income classes, woman's occupational work is an essential, not easily dispensable, element in the modern economic order. At present formal limitations upon women's freedom of occupational choice have no quantitative importance; they are of recent origin and are based upon considerations of racial hygiene and social morality.

STATISTICS. Beginning in England with the pioneer efforts of Gregory King in 1688 and of Arthur Young in 1769, statistical work on occupations became more and more emancipated from the traditional conceptions of the natural, or "divine," class order and was eventually restricted to a purely descriptive, non-normative analysis of the economic and social composition of the population. The statistician simplified the concept of occupation for his purposes; this was based upon the increasing dominance of the income seeking element both in occupational affiliation and in occupational self-consciousness and the changes in the methods and norms of taxation, all of which made for a practical synonymity between the categories of "occupation" and "source of income." Modern occupational statistics merely list the income yielding occupations of the individuals composing the population, often including the occupationless as well, and group them by geographical divisions and by industrial income sources, such as agriculture, trade, manufacturing, mining, public employment and the like. These statistics thus give a picture of the type of economy obtaining in the country—agrarian, industrial or rentier—and afford some notion of the comparative numerical strength of the labor and property income groups as well as of the types of occupations subsumed under these headings. It must be noted, however, that within these apparently objective groupings there are implied a variety of normative judgments as to the value of specific occupations, which account in part for the sharp controversy between statisticians as to the grouping of occupations and particularly as to the limits of "gainful activity." And the continual changes in methodology of occupational statistics from the time of the first official censuses undertaken at the turn of the nineteenth century in the large European countries and in the mid-nineteenth century in the United States reflect changes in social theory and social ideals no less than changes in occupational realities described. Even at present, despite fundamental similarity in the statistics of modern industrial countries, there are important differences in method which affect the results of occupational censuses.

One significant difference bears on the listing of secondary occupations in addition to the chief occupation, a practise followed by Germany since 1882 and by a few other countries. This method has several advantages: the limitation to a single occupation for money making purposes is more characteristic of the strictly handicraft organization of industry before the nineteenth century than of the fully developed capitalism of the twentieth century, which seeks to utilize every opportunity for gain and often results in a complex and changing occupational life for the worker. The inclusion of secondary occupations not only shows how large a portion of the population pursue several occupations but makes possible the adjustment for sources of errors in the statistics of chief occupations. It demonstrates, for instance, the extent to which seasonal occupations dovetail, a factor of elas-

ticity in the very important cross connections between agriculture and industry; and it affords some notion as to the degree of participation in agricultural work or in industrial homework of women and older children who are engaged in the main in the non-remunerative household activities. On the other hand, there are the risk of double counting and the fact that the cross sectional view of occupations made possible by single enumeration is disturbed.

Perhaps even more important are differences as to basis of inclusion in occupational statistics. Thus virtually all countries exclude such activities as the holding of honorary positions, amateur pursuits or professional crime. Furthermore in some countries the economic characteristics of an occupation are accorded much greater preponderance than in others. In the United States, for instance, only those who are gainfully employed are questioned as to their gainful occupation, whereas the German statistician leaves the whole question open by inquiring as to that "gainful activity upon which the position held in life and upon which in general total earnings, or their major portion, chiefly depend." It is to be noted also that the German occupational census, connected as it is with the general population census, embraces the total resident population without limitation as to age or occupational activity. Where the occupational census is taken separately, a minimum age limit is as a rule taken into account; this may be ten years as in the United States, England and Italy, fifteen years as in Norway or five years as in Egypt.

The strictness of the definition of occupation for census purposes is more important for the ratio of those with an occupation to those having none than for the total number of occupied. The residual group under "no occupation" (in German statistics the groups classed as "independent without occupation" and "dependent without chief occupation") is a carryall which embraces such diverse elements as rentiers, pensioners, unemployables of various descriptions —invalids, insane, prisoners—as well as students, inmates of social welfare institutions and the like. Nor is the composition of this group the same in every country: in Germany, for instance, the temporarily unemployed are listed according to the occupation in which they were formerly engaged, a practise which suggests that occupation consciousness is here stressed more than the income yield.

In connection with the relation between the two major groups of those with and those without an occupation, a quantitatively important question arises with reference to housewives in the city as well as to married women and older daughters on farms. The problem here is not merely one of the number employed in the "housekeeping occupation"; it involves decision as to the value to be assigned to this occupation as compared with the various pursuits of women outside the home. The statistics of various countries have different ways of making it possible to ascertain the number while at the same time avoiding the other issue. In Germany, for example, where occupational statistics are based on household lists indicating the size of the household and the number of those dependent on the principal breadwinner, "married women without chief occupation" are registered separately from "other dependents"; the numerical value of the housekeeping group can therefore be derived if the number of "gainfully employed married women" is also taken into account. In other countries the statistics of marital condition admit of similar calculations. Far more difficult is the decision about unpaid housework often performed by adult daughters and about the role of "assisting dependents," especially in agriculture; here the devious ways in which the numbers are to be computed vary so much from country to country that international comparisons are scarcely possible.

Differences in practise as between countries and sometimes as between successive censuses in the same country relate not only to the inclusion of certain marginal cases and the amount of detailed information gathered but also to the classification and grouping of material. In this connection a distinction must be drawn between two fundamental criteria employed alternately or in a variety of combinations: one classification is that by industry, so that the primary grouping is by plants and branches of production with the social and economic status of the individual reflected only in the subdivisions indicating the position held in the plant; the other classification is that by individual activity with the primary grouping by occupation. Most countries do not follow either of these criteria exclusively, for they attempt to provide a statistical reflection of the dynamics of occupational differentiation in so far as it is possible to do so without radically impairing comparability with previous censuses. Many statistical offices, among them those of England and to some extent of the United States, Canada and the Union of South

Africa, tabulate the results of occupational censuses either by both industrial and occupational groupings or at least in such a way as to allow grouping according to both of these criteria. While the double tabulation is in many ways most appropriate for statistical purposes, it is superfluous in the case of such industries as agriculture, since the results are almost identical. Each grouping has its limitations. The organization by industries acquires real meaning only when there is a particularly close connection between the occupation and the industry; such connection was characteristic of the old handicraft system and is still typical of phases of modern industry which require a high degree of specialization. At present industrial grouping is therefore significant only for skilled workers, while for unskilled and semiskilled workers and clerical employees occupational grouping is the more suitable and often the only method which is technically possible. In those countries which carry out a comprehensive census of production simultaneously with the occupational census the grouping of occupations by industries would merely duplicate certain portions of the census of production.

A statistical picture of developments in occupational structure is available only for a comparatively short period; in no country does it go back farther than the middle of the last century. But even within this brief period changes in the methods of census taking and in its territorial scope where national frontiers were shifting make temporal comparisons troublesome. Much more difficult of course are international comparisons in which allowance must be made for disparity in methods, differences in the year and the season of census taking and the inequality in the time intervals between censuses, which are everywhere rather long (in France five years, in England and the United States ten years, in Germany in one case as long as eighteen years). However careful the adjusting calculations, the inferential value of such comparisons remains slight so long as the effects of seasonal and cyclical changes are not eliminated and the influence of a changing age composition of the population is not properly assessed. The numerical picture offered by such international comparisons, whether absolute or relative figures are employed, always suggests an unduly high degree of accuracy; while it is legitimate perhaps to interpret these figures as confirming conclusions regarding trends derived by other methods, it is hazardous to draw from them any new inferences as to past developments or future possibilities unless they are supported by painstaking analysis of the history of these statistics and tally with other relevant information.

These general considerations explain why occupational statistics do not in themselves reflect clearly even such important and universal trends in the evolution of capitalism as the general intensification of economic activity, especially of its industrial branch. For example, in the four large industrial countries—the United States, England, France and Germany—the ratio of the occupied to the total population as shown in the following table has, with the possible exception of Germany, remained fairly constant during the last fifty years. Moreover even the relative rise in Germany would have been considerably less had the proportion been taken not of the total but of the employable (excluding children and old people) population, since the age composition of the German people changed radically between 1907 and 1925. Thus Zahn estimated for this period that the total population increased about 13.5 percent, the employable population about 26.4 percent and the employed population about 27.2 percent, so that the ratio of employed to employable increased only about 3 percent while the ratio of employed to total population rose by about 12 percent. This suggests that the extent of industrialization is perhaps more correctly revealed by changes in the absolute number of persons employed, especially since only a minute portion of the population increase finds employment in agriculture; in the four countries mentioned the agrarian population was in fact diminishing in absolute numbers. Account must be taken also of such decrease in the proportion of gainfully employed as is caused by the fact that the percentage of child and old age labor has diminished as a whole despite its increase in absolute numbers in some occupations. Finally, there must be noted an appreciable advance in the efficiency of industrial production, so that per capita output in these countries has grown more rapidly than the number of employed.

The pitfalls which are encountered when conclusions are based on such general figures are indicated in a consideration of the trend in the occupational activity of employed women. The abnormally high proportions for the United States in 1910 and for France in 1921 are due to changes in methods of census taking, especially as regards women on farms; and the 1925 percentage for Germany is explained in part by

GAINFULLY EMPLOYED IN RELATION TO TOTAL POPULATION IN PRINCIPAL INDUSTRIAL COUNTRIES, 1880–1930

		TOTAL POPULATION GAINFULLY EMPLOYED, 10 YEARS AND OVER (IN 1000)	TOTAL POPULATION 10 YEARS AND OVER (IN 1000)	PERCENTAGE OF TOTAL GAINFULLY EMPLOYED	FEMALES 10 YEARS AND OVER GAINFULLY EMPLOYED (IN 1000)	TOTAL FEMALES 10 YEARS AND OVER (IN 1000)	PERCENTAGE OF TOTAL GAINFULLY EMPLOYED
*United States	1880	17,392	36,762	47.3	2,647	18,025	14.7
	1900	29,073	57,950	50.2	5,319	28,246	18.8
	1910	38,167	71,580	53.3	8,075	34,553	23.4
	1920	41,614	82,739	50.3	8,549	40,449	21.1
	1930	48,829	98,723	49.5	10,752	48,773	22.1
United Kingdom	1881	12,739	22,081	57.8	3,887	11,454	34.0
	1901	16,312	28,770	56.9	4,763	14,980	31.8
	1911	18,354	32,234	56.8	5,424	16,789	32.8
	1921	19,357	34,979	55.5	5,701	18,483	30.8
France*	1906	21,394	40,228	53.2	7,694	19,745	39.0
	1921	21,720	38,798	56.0	8,606	20,353	42.2
	1926	21,394	38,845	53.3	7,838	20,919	37.5
Germany†	1882	16,885	39,834	42.4	4,954	20,000	24.8
	1907	25,156	54,991	45.7	8,501	27,884	30.5
	1925	32,009	62,411	51.3	11,478	32,214	35.6

* Does not include colonies or mandated territories. The absolute figures and percentages are for persons of all ages.
† The area in all years is as of 1925. The absolute figures and percentages are for persons of all ages. The figure for total females in 1882 is approximate.
Source: For United States: United States, Bureau of the Census, Fifteenth Census of the United States, 1930, *Occupation Statistics, United States Summary* (1932) p. 8, Table 1. For United Kingdom: Great Britain, Board of Trade, *Statistical Abstract for the United Kingdom*, no. 76 (1933) p. 94–95, Table 4. For France: France, Statistique Générale, *Résultats statistiques du recensement général de la population . . . 1926*, vol. i, pt. iii (1931) p. 8. For Germany: Germany, Statistisches Reichsamt, *Statistisches Jahrbuch fur das Deutsche Reich*, vol. li (1932) p. 7, 12, 16.

the surplus of women of working age, a consequence of the tremendous loss of men during the World War. Furthermore a comparison of pre-war and post-war percentages, especially for France, would seem to contradict the popular conception of the extent of the emancipation of women; this should serve as a reminder that in comparative occupational statistics more valuable inferences can be drawn from figures for each occupation than from summary data. Thus Duriac has shown for France that despite the slight decline in the total occupational activity of women from 1906 to 1926 their proportion in the group "trade, liberal professions and officials" rose for the same period from 13.9 to 18.9 percent; that is, by about 36 percent. The same holds true for the period 1910–30 in the United States. The slight decline indicated in the table obscures the fact that it was the result of opposing movements: the number of women engaged in agriculture fell off about 26 percent as contrasted with a decline for men of only about 6 percent, and in the manufacturing and mechanical industries the absolute number of employed women rose only about 9 percent while the total increase was about 34 percent; on the other hand, there was an increase for women of about 156 percent as compared with 39 percent for both sexes in transportation and communication and of 244 percent as against 141 percent in clerical occupations. In stenography and typewriting alone there were 775,000 women in 1930 as compared with 265,000 in 1910 and fewer than 1000 in 1870.

In an analysis of changes in industrial grouping of the employed population the most general trend to be observed, subject again to the limitations indicated above for the reliability of international occupational comparisons, is the continuing predominance of agriculture as the largest single branch of production. The number of persons employed in agriculture declined only in the United Kingdom, Germany, Belgium and the United States, while elsewhere the decline has been only relative; in other words, agricultural employment did not keep pace with population growth. It is impossible to measure definitely changes in the world situation, since no adequate figures are available for China and India; but it is safe to assume that as long as no radical transformations occur in these large agrarian regions, the relative importance of agriculture for the world as a whole cannot be seriously impaired.

The important change in those countries which passed through an industrial revolution

is the relative and absolute increase in the absorption capacity of industry as distinguished from agriculture. It must be noted, however, that since the end of the nineteenth century the rate of growth in the old industrial countries of Europe has declined both absolutely and in comparison with that of new countries. For a ten-year period, within the range of the varying census enumerations between 1907 and 1925, the increase in employment in industry and mining was 9.2 percent for England and Wales and 9.8 percent for Germany, as contrasted with 13.2 percent for Canada and 19.8 percent for the United States. Other "new" industrial territories which have outstripped the older European countries are Japan and British India. There is thus implied a narrowing of occupational opportunities in the regions of older civilization and a relative increase of occupational opportunities in new countries.

A more general and perhaps a more significant trend than this geographic shift of the center of industrial growth from Europe to oversea territories is the vertical shift in industry itself, from the heavy and raw material industries to the light and finished products industries. England as the oldest industrial country takes the lead in this process of industrial realignment. Its last census shows that in the period 1924–30 the number of persons employed in mining and quarrying decreased by about 21.1 percent, whereas the manufacturing group showed only a 3.5 percent loss. For England moreover due allowance must be made, first, for the sharp general decline in business and, second, for the very pronounced drop in the older industries manufacturing staples; thus employment in the textile industry dropped by about 17.8 percent, while employment in such industries as motor vehicles rose by 12 percent, printing, paper and stationery by 6.5 percent and timber by 13.8 percent.

Within the separate industries there is the characteristic shift from the occupations concerned with the manual productive operations to the supervisory and clerical occupations. This tendency toward "bureaucratization" applies not only to industrial production but also to all other occupational branches. In the United States, for example, in the period from 1870 to 1930, the proportion of those employed in the actual production of physical goods in agriculture, mining, manufacturing and construction declined from 75 percent of all employed persons to 50 percent. This drop, apparent in all progressive industrial countries, is traceable not solely to technological progress and the resultant heightened efficiency of production; it has been accelerated by the fact that in the "aging" or "maturing" industrial countries the distributive and administrative apparatus grows faster than the number of persons employed in production. It may be established as a general rule that in the last decade production gained more in capital than in man power, whereas its distribution and administration, despite labor saving devices, absorbed a continually growing proportion of the total increase in the number of employed persons.

In view of the above considerations it need not appear paradoxical that the group whose relative increase is greatest is the one of independent persons without occupation. Before the World War this "occupational" category included predominantly investors, large and small; after the war, which impaired gravely the income basis of rentier existence, the majority in this group consisted of pensioners—war veterans, beneficiaries of invalidity, old age and unemployment insurance, retired officials and the like. The persistence of its growth despite so radical a change in the composition of this group suggests that it is the product of a characteristic tendency in capitalism: while capitalism superseded a social order in which the dominant class was economically inactive, in the course of its own development it tends to throw up an increasingly representative layer of people retired from active participation in occupational pursuits.

Even at their best statistics can scarcely undertake to describe fully the evolution in occupational structure. Besides quantitatively measurable changes the development of capitalism brought forth a series of qualitative changes which are too complex and ambiguous for statistical comprehension. The question, for example, as to whether industrialization has brought an increase in social security or whether, on the other hand, it has made possible a greater mobility as between the individual occupations or the social groups can be answered only superficially by statistics. The answer will depend upon whether individuals, whole occupational or social strata or a series of generations are considered; it cannot apply equally to individuals at the top of their occupation or to the upper groupings and to the broad base of the social pyramid. The experiences of the World War and the post-war periods would seem to

show that the security and stability of the class of industrial entrepreneurs were even less than is suggested by the adage "from shirtsleeves to shirtsleeves in three generations." But for the industrial proletariat, despite the adverse effects of depressions, a greater security has apparently been gained, as much through purely economic developments as through social legislation. To be sure, such gains are purchased at the cost of increasing immobility, with reference both to vertical movement in the direction of higher paid positions and to horizontal movement into other occupations at a similar wage. While the base of the social pyramid has been widening and its middle strata are still broad, the upper portions of the structure have become narrower as compared with the precapitalist or early capitalist periods. These tendencies, while simultaneous, point in opposite directions; the problem as to which is recognized as dominant is less a question of statistical manipulation than one of social philosophy.

A similar situation is encountered upon examination of the relation between service rendered, the social prestige of the service and its market price, a relation which is perhaps the best tangible measure of individual well being. It cannot be denied that in many occupations at present the three are not evenly balanced. Yet the question whether the discrepancies in the modern economic system are greater or less than in others must remain an ethical, meta-economic problem as long as economics fails to provide a simple formula for the "fair wage."

Nor is it possible to generalize concerning freedom of access to various occupations. Whereas a generation ago it was possible to believe that there was a straight line development from a rigidly stratified occupational organization bound by tradition toward a liberal-anarchic freedom of occupational choice, strong counter tendencies have since become apparent. A number of occupational groups acting independently have introduced entrance qualifications or retained them from the handicraft period; in other occupations state examinations and licensing have barred free access to newcomers. The development of experimental psychology in the last decade suggests the possibility of a complete reversal of the earlier tendency. Under communism or Fascism it may lead to an authoritarian system of occupational distribution; and even in a democracy vocational guidance and mental testing point to a new fixing of occupational affiliation, distinguished by its "scientific objectivity" from the traditionalism of the guild system and marked off from the collectivism of the communist or cooperative economic order by its emphasis upon benefit to the individual.

ARTHUR SALZ

See: SOCIETY; CLASS; CASTE; STATUS; LABOR; MIDDLE CLASS; PROLETARIAT; ARISTOCRACY; PROFESSIONS; PRIESTHOOD; MEDICINE; LEGAL PROFESSION AND LEGAL EDUCATION; TEACHING PROFESSION; BUSINESS; CLERICAL OCCUPATIONS; DOMESTIC SERVICE; PUBLIC EMPLOYMENT; PEASANTRY; WOMEN IN INDUSTRY; CHILD, section on CHILD LABOR; OLD AGE; SPECIALIZATION; MOBILITY, SOCIAL; GUILDS; TRADE UNIONS; WAGES; VOCATIONAL GUIDANCE; CENSUS.

Consult: FOR HISTORICAL AND GENERAL: Thurnwald, Richard, *Economics in Primitive Communities* (London 1932); Gras, N. S. B., *Industrial Evolution* (Cambridge, Mass. 1930); Weber, Max, *Wirtschaftsgeschichte*, ed. by S. Hellmann and M. Palyi (Munich 1923), tr. by Frank H. Knight (New York 1927); Bücher, Karl, *Die Entstehung der Volkswirtschaft*, 2 vols. (vol. i 13th ed., vol. ii 4th ed., Tübingen 1919–20), especially vol. i, ch. ix; Schmoller, G., *Grundriss der allgemeinen Volkswirtschaftslehre*, 2 vols. (Munich 1900–04); Sombart, Werner, *Der moderne Kapitalismus*, 3 vols. (vols. i–ii 2nd ed. Munich 1916–17, vol. iii 1st ed. 1927); Hobson, J. A., *The Evolution of Modern Capitalism* (new ed. London 1926) ch. xvi, and *The Industrial System* (new ed. London 1910) ch. ii; Veblen, Thorstein, "Industrial and Pecuniary Employments" in his *The Place of Science in Modern Civilisation and Other Essays* (New York 1919) p. 279–323; Dunkmann, Karl, *Die Lehre vom Beruf* (Berlin 1922); Salz, Arthur, "Zur Geschichte der Berufsidee" in *Archiv für Sozialwissenschaft und Sozialpolitik*, vol. xxxvii (1913) 380–423; Mann, Fritz Karl, "Zur Soziologie des Berufs" in *Jahrbücher für Nationalökonomie und Statistik*, vol. cxxxviii (1933) 481–500.

FOR STATISTICAL ANALYSIS: Zahn, Friedrich, "Beruf und Berufsstatistik" in *Handwörterbuch der Staatswissenschaften*, vol. ii (4th ed. Jena 1924) p. 524–81; Bertillon, Jacques, "Nomenclature des professions" in Institut International de Statistique, *Bulletin*, vol. viii, pt. i (1895) 226–62; Körösi, Josef, "Die internationale Classificierung der Berufsarten" in Institut International de Statistique, *Bulletin*, vol. viii, pt. i (1895) 148–76; International Labour Office, "Systems of Classification of Industries and Occupations," *Studies and Reports*, ser. N, no. 1 (Geneva 1923); Brüderlin, Hans, *Internationale berufliche Gliederung der Bevölkerung nach Bedeutung, Methode und Auswirkung* (Heidelberg 1925); Schwartz, Philipp, "Der Beruf in der Statistik der Bevölkerungsbewegung" in *Allgemeines statistisches Archiv*, vol. xv (1925) 332–55; Stephan, Adolf, *Die internationale Vergleichbarkeit der Berufsstatistik* (Berlin 1931), with bibliography p. 109–13; Jönsberg, R., "Classification by Occupations and Industries at the General Census" in *Nordisk statistisk tidskrift*, vol. iv (1925) 161–249; Woytinsky, W., *Die Welt in Zahlen*, 7 vols. (Berlin 1925–28) vols. i–ii, iv, and "Zahl und Gliederung des Proletariats" in *Gesellschaft*, vol. ii, pt. i (1925) 398–425; Neuhaus, Georg, "Die berufliche

und soziale Gliederung der Bevölkerung nach Gesellschaftsklassen" in Albrecht, G., and others, *Die gesellschaftliche Schichtung im Kapitalismus*, Grundriss der Sozialökonomik, vol. ix, pt. i (Tübingen 1926) ch. viii. For the United States: President's Research Committee on Social Trends, *Recent Social Trends in the United States*, 2 vols. (New York 1933) vol. i, chs. vi, xiv, and vol. ii, ch. xvi; Eckler, A. R., "Occupational Changes in the United States, 1850–1920" in *Review of Economic Statistics*, vol. xii (1930) 77–89; Mann, L. B., "Occupational Shifts since 1920" in American Statistical Association, *Journal*, vol. xxiv, Supplement (1929) 42–47. For Great Britain: Carr-Saunders, A. M., and Jones, D. Caradog, *A Survey of the Social Structure of England and Wales as Illustrated by Statistics* (London 1927) chs. iv–vii, xii; Booth, Charles, *Occupations of the People, England, Scotland, Ireland, 1841–81* (London 1886); Heiss, Clemens, "Die Berufszählung von England und Wales für das Jahr 1911" in *Allgemeines statistisches Archiv*, vol. viii (1914) 535–83; Day, Clive, "The Distribution of Industrial Occupations in England, 1841–1861" in Connecticut Academy of Arts and Sciences, *Transactions*, vol. xxviii (1926–27) 79–235. For Germany: Zahn, F., "Die Entwicklung der räumlichen, beruflichen und sozialen Gliederung des deutschen Volkes" in *Volk und Reich der Deutschen*, ed. by Bernhard Harms, 3 vols. (Berlin 1929) vol. i, p. 220–79, and *Die beruflich-gesellschaftliche Gliederung der deutschen Volkes*, Handbuch der Staats- und Wirtschaftskunde, sect. 2, vol. i, pt. iii (Leipsic 1924), and "Berufliche und Soziale Gliederung des Volkes" in *Die Statistik in Deutschland (Ehrengabe für Georg von Mayr)*, 2 vols. (Munich 1911) vol. ii, p. 3–44; Meerwarth, Rudolf, *Einleitung in die Wirtschaftsstatistik* (Jena 1920) p. 52–84, and *Nationalökonomie und Statistik*, Handbuch der Wirtschafts- und Sozialwissenschaften, vol. vii (Berlin 1925) p. 28–108; Burgdörfer, Friedrich, "Die Volks-, Berufs- und Betriebszählung 1925" in *Allgemeines statistisches Archiv*, vol. xv (1925) 7–78; Mayr, Georg von, *Statistik und Gesellschaftslehre*, 3 vols. (2nd ed. Tübingen 1914–26) vol. ii, sect. 35; Fürst, Gerhard, "Zur Methode der deutschen Berufsstatistik" in *Allgemeines statistisches Archiv*, vol. xix (1929) 1–29; Kollmann, Paul, "Die soziale Zusammensetzung der Bevölkerung im Deutschen Reiche, nach der Berufsermittelung vom 5. Juni 1882" in *Allgemeines statistisches Archiv*, vol. i (1890) 540–614; Grävell, Walter, "Eine neue Berufsstatistik" in *Zeitschrift für Sozialwissenschaft*, n.s., vol. xi (1920) 255–67; "Auslese und Anpassung der Arbeiterschaft" in Verein fur Sozialpolitik, *Schriften*, vols. cxxxiii–xxxv (1910–12); "Sozialer Auf- und Abstieg im deutschen Volk: statistische Methoden und Ergebnisse" in Bavaria, Statistisches Landesamt, *Beiträge zur Statistik Bayerns*, no. cxvii (Munich 1930). For France: Ville-Chabrolle, Marcel de, "La population active d'Alsace et de Lorraine en 1907 et en 1921," "La population active des régions libérées en 1906 et en 1921," and "La population active de 77 départements français en 1906 et en 1921" in France, Statistique Générale de la France, *Bulletin*, vol. xiv (1924–25) 301–33, vol. xv (1925–26) 69–110, and vol. xvi (1926–27) 65–110; Goldstein, J., *Bevölkerungsprobleme und Berufsgliederung in Frankreich* (Berlin 1900); Dauriac, Fernande, "Le travail des femmes en France devant la statistique (1906–1926)" in *Revue d'économie politique*, vol. xlvii (1933) 91–109.

OCCUPATIONAL DISEASES AND POISONS. *See* INDUSTRIAL HAZARDS.

OCCUPATIONAL THERAPY. *See* REHABILITATION.

OCKHAM, WILLIAM OF (*c.* 1280–*c.* 1349), mediaeval scholastic. Although Ockham was born in Surrey and was an Oxfordian follower of Duns Scotus, he passed his later years on the continent. As a radical Franciscan, he espoused the cause of complete evangelical poverty as against his lifelong enemy, Pope John XXII. Allying himself with Emperor Louis of Bavaria, he wrote voluminous political polemics, upholding the complete independence of the empire and the national kingdoms from the papacy.

Ockham takes the nominalistic or terminalistic view that only particulars are real and that ideas, especially general ones, exist only as signs in the mind for objects which are in themselves unknowable. This theory stimulated a naturalistic skepticism or positivism which in turn led to either a complete or a partial divorce of theology from philosophy. Ockham himself always professed his orthodoxy but, radically distrusting reason, he disproved logically various fundamental religious doctrines, which he accepted on faith alone. This doctrine was revolutionary in that it led some thinkers completely to abandon dogmas they could no longer prove and others to make individual faith and conscience the sole measure of the truth inherent in the Scriptures. Ockham's skepticism thus indirectly prepared the ground for the Protestant revolt, a fact which was recognized by Luther and his followers.

Contrary to common belief, Ockham's political thought was not as radical in its implications as his philosophy. His distrust of reason and emphasis on will and belief led him at times to consider all law a mere product of God's will, in essence arbitrary and inscrutable. Ockham's purely political writings did not, however, break with the traditional belief in a universal rational law, as summarized by Aquinas. With classic subtlety he developed a theory of natural and divine law as rational, even though from God. Under this higher law he permitted varying degrees of adaptation of ideal norms to imperfect human circumstances. His *jus gentium* is

just such a variable natural law, closely resembling fundamental mediaeval custom. Ockham's sharp theory of the independence of temporal authority and his conciliar leanings undoubtedly contributed to the disruption of the mediaeval system of unity, the divorce of church and state and ultimate state omnipotence in law. But, subtler than his more Erastian successors, he always preserved a reasonable and relativistic tone. The highest political agencies, such as emperor, pope and general council, hold their restricted spheres of authority independently and from the higher law itself. Non-feasance or malfeasance alone justifies temporal interference in spiritual concerns, and vice versa. Only in such eventualities can one organ in the social body "replace" another. Ockham preserves a moderate constitutionalism, even in the midst of violent outbursts against a particular pope.

MAX A. SHEPARD

Important works: A list of Ockham's leading philosophical writings is found in Hauréau, Barthélemy, *Histoire de la philosophie scolastique*, 2 vols. (Paris 1872–80) vol. ii, pt. ii, p. 360–61. His important political works are published in *Monarchiæ S. Romani Imperii*, ed. by Melchior Goldast, 3 vols. (Hanover and Frankfort 1611–14) vol. ii, p. 313–1236; his *De imperatorum et pontificum potestate* has been edited, with an introduction by C. Kenneth Brampton (Oxford 1927).

Consult: Abbagnano, Nicola, *Guglielmo di Ockham* (Lanciano 1931); Dorner, August, "Das Verhältnis von Kirche und Staat nach Occam" in *Theologische Studien und Kritiken*, vol. lviii (1885) 672–722; Riezler, Sigmund, *Die literarischen Widersacher der Päpste* (Leipsic 1874) p. 241–77; Shepard, Max A., "William of Occam and the Higher Law" in *American Political Science Review*, vol. xxvi (1932) 1005–23, and vol. xxvii (1933) 24–38; Stöckl, Albert, *Geschichte der Philosophie des Mittelalters*, 3 vols. (Mainz 1864–66) vol. ii, p. 986–1021.

O'CONNELL, DANIEL (1775–1847), Irish statesman. Driven into the glens of Kerry by Cromwell's persecution of Irish Catholics, the O'Connell family became deeply involved in illegal relations with France. Daniel's uncle, a general of the Irish Brigade in France, had his nephews educated at Saint-Omer until the religious colleges were confiscated in the French Revolution. Returning to Ireland Daniel O'Connell began the study of law. As a result of certain concessions which the British government had granted to Irish and English Catholics during the period of revolutionary excitement he was able to enter the legal profession. He became a barrister in Dublin in 1798 and at a lawyers' meeting shortly afterward opposed the Act of Union. Pitt's promise to admit Catholics to Parliament as part of the union settlement was unfulfilled, and O'Connell soon led the young lawyers in reviving the Irish Catholic Committee. His matchless gifts as lawyer and orator made him the leading junior barrister, but his religious affiliations precluded all chance of promotion. His courage and energy galvanized the Catholic Committee into a great national agitation, and by 1813 the British Parliament was willing to grant emancipation in return for a veto on the choice of Catholic bishops. But O'Connell's religious scruples made him oppose that compromise and his agitation collapsed. He could not revive it until 1823, when he organized the Catholic Association on a new and fully democratic basis. His ingenuity defeated all efforts to suppress the association and in 1828 he was triumphantly elected for Clare, pledged not to sit in Parliament until the anti-Catholic oath was repealed. Fearing civil war the duke of Wellington gave way and passed the Emancipation Act of 1829. O'Connell had become the pioneer of modern popular agitation on strictly constitutional lines and his prestige was immense. In England he helped in carrying the Reform Act of 1832, and in spite of his conservative sympathies he became a close ally of the Radicals. His later years were devoted entirely to repeal of the Act of Union. He repeated on a larger scale the methods of his Catholic agitation, but his moderation when confronted with the British government's final threat of force destroyed his hold over his more impatient followers. He died broken hearted during the third year of the Irish famine.

DENIS GWYNN

Consult: Gwynn, D. R., *Daniel O'Connell, the Irish Liberator* (London 1929); MacDonagh, M., *Daniel O'Connell and the Story of Catholic Emancipation* (London 1929); Lecky, W. E. H., *Leaders of Public Opinion in Ireland*, 2 vols. (new ed. London 1912) vol. ii; *Correspondence of Daniel O'Connell, the Liberator*, ed. with notice of his life by W. J. Fitzpatrick, 2 vols. (London 1888); Clarkson, J. D., *Labour and Nationalism in Ireland*, Columbia University, Studies in History, Political Science and Public Law, no. 266 (New York 1925) p. 130–45.

O'CONNOR, FEARGUS (1794–1855), British social reformer. O'Connor, the son of Roger O'Connor, an Irish nationalist, made his entrance into politics under the wing of Daniel O'Connell. In 1832 he was returned to Parliament for his native county of Cork. After quarreling with O'Connell, as he was destined to quarrel in turn with every political associate, he

was unseated on petition in 1835. Thereafter he transferred his attention from the woes of Ireland to the broader field of radical reform in Great Britain. As editor and owner of the *Northern Star* (1837–52) and member of the National Charter Association he managed to become the outstanding journalist and most conspicuous leader of Chartism (*q.v.*). Under his leadership the whole movement became bound up with an ill conceived scheme for purchasing rural homes for the working class. The Chartist Land Co-operative Society launched with this object in 1845 was succeeded by the Chartist Co-operative Land Company in 1846 and the next year became the National Land Company. Following an investigation by a select committee of the House of Commons, the National Land Company had to be abandoned in 1848, although the committee found that the errors in O'Connor's accounts were to his own disadvantage. In 1847 he was elected to Parliament from Nottingham and the following year presented the last and most famous of the great Chartist petitions. From that time onward his influence within the party and with the working class at large rapidly declined. A violent outbreak of insanity terminated his political career in 1852.

It is vain to seek for any consistency in O'Connor's character, career or political philosophy. He was a man of commanding presence and one of the most effective of mob orators, and there is no reason to doubt his earnestness in advocating reform. On the whole, however, he injured the Chartist cause by alienating all Chartists, including the followers of Lovett and the other protagonists of "moral force," who were not content to be blind O'Connorites. Although commonly accounted the spokesman of "physical force" Chartism and twice prosecuted for sedition, he counseled moderation in the crises of 1839, 1842 and 1848, the three occasions when Chartist agitation really threatened to become revolutionary. While he advocated class consciousness with all the fervor of a Marxian and abjured any rapprochement with middle class radicalism, as represented, for instance, by the Anti-Corn Law League, he never embraced the socialistic tenets of other radical Chartist leaders, such as Ernest Jones and James Bronterre O'Brien, but looked to peasant proprietorship as the solution of the problem of poverty.

PRESTON W. SLOSSON

Important works: *The Trial of Feargus O'Connor, . . . and Fifty-eight Others, at Lancaster, on a Charge of Sedition . . .* (Manchester 1843); *A Practical Work on the Management of Small Farms* (Manchester 1843, 6th ed. 1847).

Consult: Hovell, Mark, *The Chartist Movement*, ed. by T. F. Tout, University of Manchester, Publications, Historical series, no. 31 (Manchester 1918); West, Julius, *A History of the Chartist Movement* (London 1920), especially ch. vii; Gammage, R. G., *History of the Chartist Movement, 1837–1854* (new ed. Newcastle upon Tyne 1894); Slosson, P. W., *The Decline of the Chartist Movement*, Columbia University, Studies in History, Economics and Public Law, no. 172 (New York 1916); Bachmann, Fritz, *Die Agrarreform in der Chartistenbewegung* (Berne 1928) p. 43–63; Beer, Max, *A History of British Socialism*, 2 vols. (London 1919–20) vol. ii, pt. iii.

ODGER, GEORGE (1820–77), English labor leader. Odger was a member of a London society of shoemakers and in the 1850's he became prominent by promoting federations and amalgamations among trade unions. He was one of the organizers of the London Trades Council and was its secretary and most influential member from 1862 to 1872. Odger was one of the junta who conducted the successful campaign for the legalization of trade unions and in 1872 was on the Parliamentary Committee of the Trades Union Congress.

Politically Odger's influence served to enlarge the views of working men beyond the confines of trade union interests. His oratorical skill, informed views and unquestioned loyalty made him a power among them. As an official of the Reform League he was instrumental in the enfranchisement of urban workers and thereafter advocated unremittingly the direct representation of labor, urging the policy upon the Trades Union Congress and participating in the work of the Labour Representation League. Five times he sought unsuccessfully to enter Parliament upon a Radical program; he actually went to the polls only in 1870 and 1874 at Southwark, where he was opposed by the official Liberals.

Odger never subscribed to middle class doctrines as fully as did most contemporary labor leaders. He continued to work at his trade and never lost touch with the workers. He was one of the founders of the First International and served as president of its council until 1871. He was a founder of a Land and Labour League advocating the nationalization of land and banknote issue and he openly advocated republican government for England. In 1867 he helped form an International League of Peace and Liberty.

FRANCES E. GILLESPIE

Consult: Humphrey, A. W., *A History of Labour Rep-*

resentation (London 1912) chs. ii–iii; Webb, Sidney and Beatrice, *The History of Trade Unionism* (rev. ed. London 1920), especially ch. v.

ODO OF CLUNY. *See* CLUNIAC MOVEMENT.

OGILVIE, WILLIAM (1736–1819), Scottish land reformer. Ogilvie studied at the universities of Glasgow and Edinburgh under Adam Smith and Adam Ferguson and was finally appointed to the chair of humanity in King's College, Aberdeen. His *Essay on the Right of Property in Land* (published anonymously, probably in Aberdeen *c.* 1782) shows the influence of his great teachers and of the French physiocrats as well as of the humanitarian spirit of his age; explicitly its ideas are grounded on the natural law doctrine concerning common possession of the land and on Locke's value theory concerning labor as the true title to property. Stigmatizing land monopoly as the main cause of the misery and servitude of the masses, he distinguishes between three types of land value: the original value, or what Ricardo later characterized as "the original and indestructible powers of the soil"; the improved value due to cultivation; and the improvable value, or what subsequent reformers called the "unearned increment." While he favored the private right to the improved value as essential to the prosperity of agriculture, which he considered the main source of the wealth and strength of nations, he claimed that a share in the original value and in the potential increment was by natural law the birthright of every individual.

As a practical reformer Ogilvie, who was firmly convinced of the dangers of sudden change, followed the example of Locke and other natural law theorists in compromising between norm and actual conditions. Instead of demanding expropriation of the landowners, as did his contemporary Thomas Spence, he would merely have required them to let to every unpropertied family a farm of at least forty acres at a rental fixed by arbitrators; in order to avoid a break with tradition he would even have compelled the tenants to give the landowners "certain aids and services of a feudal nature." He proposed also that all governmental expenses be defrayed by a single tax upon those portions of the land values which by natural law belonged to the community. For the execution of these reforms Ogilvie looked to the voluntary action of enlightened governments and with this expectation sent copies of his tract to George Washington and to Frederick the Great. The *Essay* was reprinted by the Chartists (London 1838), who were influenced by it in the formulation of their plans for agrarian reform.

MAX BEER

Consult: Macdonald, D. C., Biographical notes and commentaries appended to his re-edition of the *Essay* under the title *Birthright in Land* (London 1891).

OIL INDUSTRY. The oil industry, distinctive among industrial activities in the extent to which it represents a nearly self-contained economic entity, involves the production, transportation, refining and marketing of petroleum and its products. It is today one of the major industries of the United States, ranking next to agriculture, railway transportation and the power and light industry on the basis of capital invested; in 1929 oil refining ranked fifth in value of output among manufacturing industries. The United States until the end of 1932 produced 65 percent of the world's total output of crude petroleum and was credited in that year with 59.9 percent of the current world production, in addition there are large American interests in the oil industries of other countries. The oil industry is world wide in scope and transcends the principles of nationalism in its pervasive economic significance. Petroleum is the only commercially important source of gasoline, without which the spectacular development of the motor driven vehicle would have been impossible; it has become the major source of lubricants, without which the wheels of industry literally could not turn; it is the sole source of kerosene, which outside of the industrial and urban areas of the world still remains the most important illuminant; and, finally, in certain areas and for certain uses, as a source of fuel oil it has supplanted coal in the generating of power and heat. Nor are the uses of petroleum limited to those of its four major products; a host of minor products, including carbon black, commercial solvents, paraffin wax, medicinal oils, insecticides, asphalt and road oil, enter into commerce and industry in a multiplicity of ways.

The rise of petroleum to such eminence has taken place largely in the last quarter century, although the existence of petroleum has been recognized since the dawn of history. That primitive man may have used it in his boat building operations is a matter of conjecture; that his more civilized descendants utilized it in their construction activities is a matter of archaeological record. Modern excavations in

Assyria and Babylonia have disclosed fragments of bricks with a petroleum base asphalt clinging to them; water tight cisterns, the walls of which have been coated with a similar material, also have been unearthed. An early trade in petroleum is described by Herodotus and by Pliny. Petroleum played a role in the pharmacopoeia of the ancient Chinese, who considered it valuable because of its curative qualities. In mediaeval Europe *oleum petrae*, or rock oil, was likewise devoted to medicinal uses, and it is believed that before the coming of the white man the Indians in North America turned petroleum to similar account. Until modern times, however, it was of only minor and intermittent importance. Originally petroleum was secured chiefly from natural seepages and at a later date from hand dug wells; the latter method was in full operation in Burma probably as early as the middle of the eighteenth century. The oil lamp of Argand, invented in 1784, afforded a great stimulus to the demand for oil for illuminating purposes. After 1850, when James Young patented a process for extracting oil from shale and coal, distillation plants for the production of illuminating oil from oil shale or cannel coal increased rapidly in number in both the United States and England, and illuminating oil quickly supplanted whale and lard oils for lighting purposes.

As the American market for "coal oil" broadened, the attention of capitalists was inevitably drawn to the oil seepages of western Pennsylvania as possible sources of illuminating oil. In 1857 the Pennsylvania Rock-Oil Company was organized for the purpose of exploiting these deposits. Although the initial efforts of this organization were commercially unsuccessful, in August, 1859, the first commercial oil well in America, the Drake well, was carried to successful completion; it yielded about 1000 gallons of oil a day at the outset, and during the remainder of the year it produced a total of 2000 barrels. A price of $20 per barrel for oil created an oil boom comparable to the gold rush of 1849; in 1861, 2,114,000 barrels of oil were produced. At first it was the increasing demand for a high grade illuminant that supplied the major urge to oil production. In the distillation of crude petroleum, however, lubricating oils were obtained as a joint product and were introduced in competition with the established lubricants, animal and vegetable oils. With the rapid introduction of better methods of lubrication and of machine bearings of improved design during the last two decades of the nineteenth century, mineral oil came to be recognized as a superior lubricant and contributed to the development of machinery of far greater precision and efficiency than would otherwise have been possible.

Although a world market for petroleum products quickly developed, the United States produced at least 90 percent of the world's annual output until 1875. Thereafter Russian output from the Caspian Sea region mounted steadily, surpassing American output from 1898 to 1901, when it reached its peak before the World War of 85,000,000 barrels, compared with an American output of 69,000,000 barrels. The United States and Russia at this time produced over 92 percent of the world's oil. By 1911 the world output had risen to 344,361,000 barrels (compared with 5,730,000 barrels in 1871), of which 220,449,000 were produced in the United States and 66,184,000 in Russia. The balance was supplied largely by India, the Dutch East Indies and Rumania, all of which have since remained important producers.

As the number of registered motor vehicles in the United States increased from 4 in 1895 to 26,500,000 in 1929, the output of crude petroleum in the United States increased from 52,892,000 barrels to more than 1,000,000,000. The value of refined petroleum products rose from $123,000,000 in 1899 to $1,793,000,000 in 1923 and to $2,611,000,000 in 1929, the great increase being due mainly to gasoline consumption by automobiles. In 1899 the output of gasoline in the United States represented only 12.8 percent of the crude petroleum run to the stills, while kerosene represented 57.7 percent; by 1929 kerosene amounted to only 5.7 percent and gasoline to 44 percent.

With expansion in the output of petroleum and its products the technique of oil finding and of oil recovery improved greatly. The search for oil was at first a highly speculative affair; chance played the major role. The science of geology, reenforced by physics and chemistry, relieved oil discovery of much of its speculative character and brought it within the sphere of scientific engineering. By a careful mapping of surface structures, supplemented by the records revealed by the diamond core drill, favorable localities for the accumulation of oil can readily be determined. The judgment of the geologists is now buttressed by the work of the geophysicists. As petroliferous regions have been delimited with greater accuracy, improvements in

the technique of drilling have made it possible to recover oil from greater depths. The Drake well was drilled to a depth of 69 feet by means of crude percussion tools. Vast improvements in the cable or percussion method of drilling made it possible, by the close of the World War, for wells to be drilled to a depth of several thousand feet; in the last ten years even more marked improvements in drilling technique, including the use of stronger and more efficient materials and the general replacement of the standard or percussion tool by the rotary type of drill, have resulted in numerous wells producing at depths of more than a mile and some at more than 9000 feet. Oil recovery methods have shown a similar advance. Through repressuring with air or gas or through water flooding fields long since regarded as approaching exhaustion have been made to yield increasing quantities of oil. In those more recently discovered, the function of gas and water pressure as expulsive agents in oil recovery having come to be more thoroughly understood, output has been increased and the life of the field greatly prolonged. These various influences are reflected in a growth in average daily production per well in the United States from 4.9 barrels in 1921 to 8.4 barrels in 1929.

Once an oil bearing region has been discovered, production is effected by the drilling of a hole which taps the underground oil, found at varying depths in sedimentary rocks. Since the oil distributed in the voids, or pores, of the underground rocks generally exists in intimate association with natural gas or water under great pressure, these natural expulsive agents serve to bring it to the surface, frequently in tens of thousands of barrels daily from a single well. When the natural pressure has been exhausted, production is customarily carried on through pumping devices or artificial repressuring. Oil production in the United States, by reason of the character of the property laws, the nature of the physical occurrence of oil and the limitations of science in locating oil producing areas precisely and unequivocally prior to check by actual drilling, has remained a highly competitive enterprise. Despite a practical monopoly of oil transportation, refining and marketing the Standard Oil trust, before its legal dissolution in 1911, at no time had direct control of domestic production exceeding 33.5 percent, a figure attained in 1898, and by 1906 its control had declined to 11 percent. According to figures of the Federal Trade Commission, the segregated Standard Oil companies produced in the aggregate 24 percent of the total American output in 1926; three foreign controlled companies 6.7 percent; and twenty-nine independent companies 32.4 percent. The balance of 36.9 percent was distributed among a multiplicity of smaller concerns or individuals. Production in foreign countries, by reason of the larger volume of capital required in prospecting and developing and of the system of property rights and governmental concessions under which oil is exploited, is generally concentrated in the hands of a few large, integrated companies. The most noteworthy exceptions to this generalization are afforded by Rumania, where control is rather widely disseminated, and by Soviet Russia, where production is carried on as a state monopoly.

The oil industry has developed a remarkable system of transportation based on the liquidity of the crude product. The system comprises an extensive network of gathering and trunk pipe lines through which the oil is pumped, supplemented by specially designed tank steamers for coastwise and ocean traffic and tank cars for railway traffic; as a result there has been a partial shift of refining activities from the producing areas to population centers or to areas adjacent to cheap water transportation. Pipe line transportation, essentially a large scale industry necessitating a relatively large fixed investment, is subject to the economic principle of decreasing cost and partakes therefore of the character of a "natural" monopoly. In recognition of this fact and of the tremendous disadvantage at which an independent refinery is placed when denied access to pipe line facilities, the Congress of the United States in 1906 imposed the obligation of common carriers upon pipe lines handling an interstate traffic in crude petroleum. Although the major American pipe line companies are organized as separate corporate entities and are at law common carriers, in reality they function primarily as transportation units of the large, highly integrated oil companies with which they are affiliated or to which they belong. Similarly in other countries the major oil producers own their own pipe line facilities, either directly or through subsidiary or affiliated concerns.

The refining of petroleum into its various commercial products is essentially a distillation process involving the principle of joint production, two or more products being necessarily obtained from a single refining process. On a basis of the range of products fabricated and the

extent to which distillation is carried, petroleum refineries may be classified into three main types: skimming, or topping, plants; complete refineries of the straight run type; and complete refineries employing the cracking process. Skimming plants utilize a simple distillation process, topping the crude oil of its more volatile fractions, gasoline and kerosene, and leaving a residue of gas or fuel oil. Complete refineries of the straight run type carry the distillation process further, turning out the whole range of petroleum products from gasoline to lubricants with a paraffin or asphalt residue. The residue of the skimming plants, gas or fuel oil, becomes the raw material of the cracking plants, where the heavy oils are subjected to steam distillation under pressure and are broken down into lighter components to yield additional gasoline. As the automobile has come into widespread use, the trend of refining practise has been toward a more extensive utilization of cracking stills. It was largely this development which made possible the increase in the percentage of gasoline yield from all crude oil run to American stills from 18.6 percent in 1914 to 44 percent in 1929 (Table 1).

TABLE I

PRODUCTION OF THE PRINCIPAL PETROLEUM PRODUCTS IN THE UNITED STATES, 1899–1929

Year	Gasoline		Kerosene		Lubricating Oils		Gas and Fuel Oils	
	In 1,000,000 Barrels	Percentage of Total Products	In 1,000,000 Barrels	Percentage of Total Products	In 1,000,000 Barrels	Percentage of Total Products	In 1,000,000 Barrels	Percentage of Total Products
1899	6.7	12.8	30.0	57.7	4.0	7.7	7.3	13.9
1904	6.9	10.3	32.3	48.2	7.5	11.2	8.6	12.8
1909	12.9	10.6	39.9	33.0	12.8	10.5	40.5	39.4
1914	35.7	18.6	46.1	24.0	12.3	6.4	88.9	46.4
1919	94.2	26.0	55.8	15.4	20.2	5.5	181.6	50.2
1924	213.3	33.1	60.0	9.3	27.5	4.3	320.5	49.8
1929	435.1	44.0	55.9	5.7	34.4	3.5	448.9	45.5

Source: For 1899–1914: adapted from United States, Bureau of the Census, *Census of Manufactures, 1914* (1919) vol. ii, p. 582. For 1919–29: United States, Bureau of Mines, *Mineral Resources of the United States* for 1921, 1924 and 1929.

The recent utilization of pipe lines for the transportation of gasoline has interrupted the tendency for refineries to be concentrated near population centers. Thus the refineries of the Tulsa, Oklahoma, district are now supplying gasoline by pipe line to Chicago and its environs. Foreign refining centers of major importance are still to be found near the major oil producing regions, as, for example, Baku in the Soviet Union, Tampico in Mexico, Ploeşti in Rumania, the Dutch East Indies and the island of Curaçao in the Dutch West Indies off the coast of Venezuela. Capitalizing its strategic location for the distribution of oil products to countries adjacent to the Atlantic and for the diversion of its products from market to market as political and economic factors may dictate, Curaçao now has two of the largest and most modern refineries in the world. With a view to greater economic independence and by means of tariff preferences, the industrial countries of western Europe which lack adequate crude oil supplies have expanded their refining capacity considerably in recent years. France, less successful than the United States or Great Britain in the world struggle for control of oil producing properties, through a system of import licenses and tariff preferences has campaigned aggressively and largely successfully for a self-sufficient domestic refining system. In general, however, oil producing countries remain the most important centers of crude oil refining.

The distribution and wholesale marketing of petroleum and its products are mainly under the control of a relatively few large, integrated companies engaging also in production, transportation and refining. In the United States, where the number of independent producers is relatively large, the integrated concerns through specialized purchasing companies buy the crude petroleum in the fields at posted prices and deliver it to the refineries of affiliated concerns. Small independent refineries purchase direct from producers in the field or occasionally have their own source of crude production. From the refineries gasoline is distributed customarily by pipe line, tank car or tank truck to some 23,000 bulk tank stations and other wholesale establishments. In 1928, according to the Federal Trade Commission, from 75 to 85 percent of the gasoline consumed in the United States was sold to the retailer or ultimate consumer by the refining company or by an affiliate. While the wholesale marketing of gasoline is concentrated largely in the hands of integrated companies, control of retail outlets is widely disseminated. Because of the relatively slight capital investment required to establish a filling station or instal gasoline pumps and because the large oil companies in a bitter struggle to increase sales have followed the practise of leasing pumps and other service station equipment for a nominal rental, the number of retail outlets for gasoline

has increased at a rapid pace and the retail distribution of gasoline has been characterized by needless waste and duplication evident even to the casual observer. The common custom of locating competing service stations on opposite corners of the same street may have contributed somewhat to the convenience of a multitude of customers, ignorant both of the technical specifications of the gasoline they buy and the requirements of the motors they use, but led through competitive advertising and ballyhoo to believe in the superiority of a gasoline sold under a particular trade name. At the same time the situation has made for inefficiency in the marketing of gasoline and has increased greatly the cost of distribution. Such waste cannot be reduced to precise terms. Of interest, however, is the fact that according to the census there were in the United States in 1929 some 318,000 retail outlets for gasoline, or an average of one to every 83 registered motor vehicles. Of this total 121,513, or 38.5 percent, were filling stations; the balance were garages, automobile dealers and retail distributors, including hardware, drug, furniture and grocery stores, and restaurants. The number of filling stations in operation has continued to increase despite the depression.

The marketing of kerosene is more or less like that of gasoline, although the service station plays a relatively unimportant and the retail store a more important role in its distribution. Fuel oil is distributed somewhat differently from gasoline or kerosene, being sold in bulk for the most part under direct consignment from the refinery to the consumers, chief among which are industrial establishments, railroads and steamships. Lubricants, which are specialized products designed to meet the individual needs of particular machines, present a third type of marketing; they are distributed in part through service stations, garages and retail stores and are also sold direct to industrial establishments. The large, integrated companies handle the bulk of the traffic, although numerous independents by advertising a "quality" product have built up a considerable business in lubricating oils and greases.

The American oil industry in its early stages was a highly competitive enterprise, subjected by the character of oil recovery to recurring periods of overproduction and underproduction with correspondingly marked changes in the price of crude oil and its major refined products. In 1861, with a total domestic output of 2,114,000 barrels, oil at the well in December brought only $0.10 a barrel compared with $20 a barrel two years previously. During the next decade as oil output increased prices showed similar but less marked fluctuations. The confusion engendered by such price gyrations was a contributing factor in the development of concentration of control. The Standard Oil Company of Ohio, the outgrowth of a small Cleveland refining company, backed by John D. Rockefeller and his associates, was incorporated in 1870 with a capitalization of $1,000,000. So effectively was the policy of consolidation and expansion executed that by 1879 the Standard interests were refining 90 percent of the total petroleum products of the country, controlled 80 percent of the pipe line transportation service and dominated the field of marketing. In that year the Standard Oil trust, reorganized in 1882, was created. It represented a substantial monopoly in the purchase, transportation, refining and marketing of oil and its products. In the creation and maintenance of this monopoly the Standard interests resorted to a variety of practises which, while in keeping with the contemporary morality of big business, were offensive to the principles of competition, adverse to the interests of independent concerns and anathema to a public suspicious of a growing concentration of wealth. Chief among these practises were the surreptitious surveillance of the activities of its competitors, local price cutting, selling below cost, securing of secret rebates and preferences from railway carriers, operation of bogus independents and the like. Although such practises were important in creating the monopoly power of the trust, superior business ability and the economies of large scale operations were contributing factors. The most important single influence, however, was the advantage which the Standard enjoyed in transportation through rate discrimination, an advantage subsequently enhanced by control of the major pipe lines of the country.

This monopoly power, illegal both at common law and after 1890 by statutory enactment, inevitably proved a target for court attack. In May, 1911, after a prolonged period of recurring investigation and prosecution the Supreme Court of the United States held that the Standard Oil Company of New Jersey, which after 1899 as a holding company was the instrumentality by which the Rockefeller interests exercised control, was an illegal combination in violation of the Sherman Anti-Trust Act and ordered its dissolution. The dissolution did not immediately change the competitive situation,

although it did create a legal and business environment in which an independent oil industry could in time develop. Failure to establish genuinely competitive conditions within the industry was occasioned by the form of the dissolution. The stock of the thirty-three subsidiary concerns against which the dissolution decree was directed was distributed on a ratable basis among the holders of stock in the parent organization, which established a community of interest among the constituent concerns prejudicial to competition. Nevertheless, the court's decision banned unfair competitive practises and permitted independent capital to gain a foothold. New capital flowed into the industry following the tremendous expansion in output and a shift in territorial centers of production.

Meanwhile economic factors, seriously disturbing the interdependence which existed among the constituents of the Standard Oil trust, have contributed toward an end which legal factors alone were unable to achieve—the disintegration of the old Standard organization. When the dissolution was ordered, a noteworthy characteristic of the Standard Oil Company was the specialization of activities of the various constituents. Production, transportation, refining and marketing were conducted for the most part by separate business units, each specializing in a single activity and all integrated through common ownership and control. Subsequent to the dissolution this integration was maintained for more than a decade by an undisturbed community of interest, the dissolved companies continuing to perform their former specialized functions. The fear of a shortage of petroleum occasioned by an inroad on stocks from 1915 to 1918 to meet the unusual war demands served to initiate a movement toward a more stable integration. Individual Standard companies specializing in refining and marketing, fearful of the loss of a dependable source of supply of their crude product, endeavored to fortify their future position by the acquisition of companies controlling producing properties. Other Standard companies, confronted with the loss of their customary source of outlet, carried the integration process forward by acquiring control over refining and distributing properties. A surplus of oil throughout the decade of the 1920's, occasioning instability of the price structure, contributed likewise to further acquisitions, reorganizations and new alignments by various Standard companies in an effort to bulwark their position in an increasingly competitive market. As a result various Standard companies, despite a continued though less marked community of ownership, have broken through the old geographic and economic bounds to their customary activities and now compete in both the purchase of crude oil and the marketing of refined products. Achieved for the most part by the acquisition of independent properties, integration has been attained in at least one significant instance by a consolidation of two of the major Standard companies. In 1931, after the United States District Court for Eastern Missouri held that the proposed merger was for the purpose of meeting the business necessities of the two companies and would not constitute a violation of the dissolution decree, the Standard Oil Company of New York and the Vacuum Oil Company were brought under the common control of the newly organized Socony-Vacuum Corporation. The new concern forms a completely integrated unit operating on a world wide basis and meeting the competition of other Standard companies at dozens of points. So far had this movement gone that by 1933 eight of the Standard companies against which the dissolution decree had been directed had been transformed from highly specialized concerns operating on a monopolistic basis within a limited geographic area to fully integrated concerns meeting the competition of other Standard companies over a broad territory.

In the course of these developments independent oil companies have grown numerous and strong. Each of nine fully integrated independent companies does a marketing business in at least seventeen different states. Two of these companies cover the entire United States in their distribution activities and three of them operate over broader domestic territory than any single Standard company. Whereas in 1904 the Standard Oil Company refined 87 percent of the highly refined products entering into trade, in the first half of 1926, according to the Federal Trade Commission, sixteen integrated Standard companies produced 37.7 percent of the gasoline refined in the United States, thirty integrated independents 38.2 percent, numerous relatively small, independent refiners the balance of 24.1 percent. From 1896 to 1906 the Standard Oil Company of New Jersey directly or through its subsidiaries marketed from 85 to 90 percent of the total refined products; in 1926 eleven Standard companies together with their affiliates marketed 44.85 percent, eight independent companies 29.92 percent and a large

number of smaller concerns the balance of 25.23 percent. Although there has been some decentralization of control of pipe line mileage, it has not proceeded so far as in refining and marketing and the trend has been reversed during the last decade; the Standard companies in 1926 controlled 72.9 percent of the mileage of pipe lines handling an interstate traffic.

Despite the increasingly competitive nature of the industry, however, prices have not been genuinely competitive. A brief analysis of the geological, legal and economic characteristics of oil production will contribute toward an understanding of this fact. When a pool is tapped the oil, actuated by gas or water pressure, is forced to the earth's surface, frequently in tremendous volumes. Oil moves toward the surface obviously without regard to property lines or individual surface ownership. Under the property laws of the various states of the United States owners over a common pool may take and keep all the oil and gas which are recovered from their wells regardless of the fact that the oil may be drained from adjoining properties or that the flow of one well may diminish the flow from another. Although in a few recent court decisions the correlative character of the ownership of the underground oil and gas by a group of surface landowners has been recognized, in general the only protection which the courts have offered the landowners against drainage by competitors has been contained in the simple admonition, "Go, and do the same." In brief, oil production has been conducted on the principles of robbery.

From these geological and legal characteristics the economic peculiarities of oil production arise. Not until an area has been tapped by the drill can its oil potentialities definitely be determined. Despite the fact that large companies have come to place great reliance upon the services of trained geologists and petroleum engineers, the lure of speculative profits has made the oil wildcatter a dramatically disturbing element. Although the activities of wildcatters may be encouraged or restrained by the price of petroleum, the economic outcome of their endeavors remains a matter of indeterminable chance. Speculation, then, plays the major role in creating capacity. In the light of the present legal system moreover the competitive exploitation of an oil pool necessitates its being developed as rapidly as possible. Protective competitive drilling forces an increase in capacity irrespective of the economic condition of the industry. Finally, once capacity has been called into existence, it is driven into complete utilization by competitive forces. Oil production is an industry of relatively large fixed costs, representing a highly specialized investment, absorbed mainly in drilling, which can be neither withdrawn nor used for any other purpose. Under competitive exploitation of a pool this economic fact, coupled with the geological and legal character of oil recovery, calls for production at maximum well capacity, irrespective of the price of oil. Any return on the investment is better than none. Curtailment of output by an operator in anticipation of a better price is for the benefit of a competitor who reduces the migratory oil to possession.

These economic characteristics of oil production together with concentration of control in transportation and refining have, paradoxically, made the so-called independent producers peculiarly dependent upon the large, integrated concerns, which have been the chief purchasers, storers and refiners of crude oil. Their control of pipe lines has given them an influence on oil prices disproportionate to the statistical position which they occupy in the industry. Although interstate pipe lines as common carriers make shipments for outsiders, they function primarily as agents of the large, integrated concerns of which they constitute a unit. The requirement of large minimum shipments has contributed to making pipe lines unavailable for small shippers. The unintegrated, independent producers, unable under the stress of competitive production to restrain their output at will and confronted not infrequently by a buyers' monopoly, have not always been insured a so-called competitive price for their product. Nor has the consumer since the breakdown of the Standard monopoly always had the benefits of competition in the sale of petroleum products, especially in the case of gasoline. The demand for gasoline, derived from a demand for motor transportation, is less apt to be affected by its own price than by factors exterior to the industry, such as the condition of roads, the state of the automobile market, the general distribution of purchasing power and the customary habits of the populace. The large companies have thus been encouraged to follow a common price policy, not infrequently through collusive action, and to resort to competitive advertising and service competition rather than price competition.

Despite these restraints upon competition a growing output of oil during the past decade

has made the problem of price stabilization increasingly difficult. Numerous small, independent refineries have sprung up in the vicinity of flush oil production and have disposed of their products through new and independent outlets. They have refused to follow the price lead of the large companies, and the price trend for both crude and refined products has generally been downward. This trend has been accentuated at times by price cutting, and price wars have been frequent.

Profits in the oil industry, particularly before the dissolution of the Standard Oil Company, have been large. The federal government's investigation of the Standard Oil Company prior to the dissolution decree of 1911 revealed that during the twenty-five years from 1882 to 1906 inclusive the dividend rate on capital stock, which was $14,289,301 in excess of the actual value of the property in 1882 as estimated by the trust itself, increased from 5.25 percent to a maximum of 48 percent, the ten-year average rate from 1897 to 1906 being approximately 40 percent. Total net earnings as related to capital stock rose during the same period from 17.4 percent to 84.5 percent; the average from 1882 to 1891 was 16.1 percent, from 1892 to 1899, 32.2 percent and from 1900 to 1906, 66 percent. A large portion of net earnings was reinvested in extensions, enlargements and other improvements incidental to normal growth of the oil industry subsequent to the establishment of the monopoly. The annual mean of assets advanced from $60,516,000 in 1882 to $337,506,000 in 1906. Notwithstanding this large increase in the value of Standard Oil holdings represented by reinvested surplus the rate of earnings on assets showed a substantial gain. The average annual rate of net earnings to assets for the first decade of the trust's existence was 15.1 percent; it rose to 21.1 percent in the following eight years and to 25.2 percent in 1901–06. The rate of earnings since dissolution, particularly during the post-war period, has not been so large; nevertheless, as judged by available data, it has been high. According to Federal Trade Commission data covering 77 to 90 companies, which in 1925 produced 14.9 percent of the American output of crude oil, the annual rate of return on investment (capital stock, surplus, reserves appropriated from surplus and long term borrowings, less discovery value and other appreciation and outside investments) averaged from 5.9 percent in 1922 to 18.6 percent in 1925, or an average annual rate of approximately 10.4 percent. In 1925, 63 refining and producing companies with 33 percent of the crude output and more than 81 percent of the refined output showed a rate of return of 11.1 percent. Over the four-year period 1922–25 producing and refining companies showed an average annual rate of return of 8.75 percent. The profits of pipe line companies were even higher; according to a recent report submitted to the Seventy-second Congress, 2nd session (House Report no. 2192), from 33 to 51 pipe line companies reporting to the Interstate Commerce Commission showed an average annual return on net investment ranging from 20.5 percent in 1923 to 30.7 percent in 1929, or an average annual rate of 25.4 percent.

While concentration of control, despite its failure to stabilize price, has had considerable influence of an artificial sort, which is reflected in the data on earnings, it has been less successful in the elimination of waste in oil production. Competitive exploitation of oil pools has resulted in inefficient utilization of natural pressures, waste of the natural gas which accompanies oil output, choking of underground pools through premature encroachment of salt water, needless expenditure of capital and labor through the drilling of an excessive number of wells and recurring overproduction. The decade following the World War was characterized by an almost uninterrupted increase in stocks and a marked downward trend in prices.

This development has led in recent years to the formulation and application of a so-called conservation program, which has taken the form of control of output and allocation of production among the various producing areas and among producing properties within particular areas. The program, although voluntary at the outset, has gradually been buttressed by the authority of the major oil producing states. In the summer of 1931 the newly discovered fields in Oklahoma and east Texas, the latter the largest in the world, with a flush production of about a million barrels a day and a potential production estimated in the tens of millions, threatened the breakdown of the proration program; but with the assistance of the state militia this was averted for a time and a temporary nation wide balance between oil production and consumption was secured. In May, 1932, the proration program of the industry was temporarily strengthened by a decision of the Supreme Court of the United States (Champlin Refining Company *v.* Corporation Commission of Oklahoma, 286 U. S. 210), in which the court held that the

program as applied in Oklahoma was legal. In limiting national and local output, however, no adequate restriction was placed upon the drilling of wells and the daily potential experienced a tremendous increase largely as a result of developments in the east Texas field, where the number of wells increased from 1625 in the summer of 1931 to approximately 10,000 by the spring of 1933. The enforcement of proration was made more difficult when the Supreme Court declared the use of state militia in east Texas unconstitutional and the Federal Court for the Eastern District of Texas held the proration orders of the Texas Railroad Commission a violation of constitutional guaranties.

Control of the American oil industry entered upon a new era as the power of the federal government under authority granted it in the National Industrial Recovery Act was thrown behind the proration program. The president of the United States, by executive orders, placed a ban on oil produced in excess of that allowed by the state regulatory bodies by prohibiting its shipment in interstate commerce, and signed a Code of Fair Competition for the Petroleum Industry. The code provides for limitation of imports of crude oil and oil products, for restrictions on the withdrawal of crude petroleum from storage, for periodic estimates of the domestic output required to "balance consumer demand," for allocation of the estimated required production among the several states, for allocation of the allowable requirement among oil pools, leases and wells within the state and (if necessary for enforcement) for the regulation of shipments of petroleum and petroleum products out of individual states, for supervision of the distribution of allotted production among refineries, for investigation and recommendations regarding transportation rates and practises, and for the operation of newly discovered fields in accordance with a plan approved by the president. The code likewise contains far reaching provisions regarding control of prices, whereby the price of crude petroleum is tied to the wholesale refinery price of gasoline. Sale of products below cost is prohibited. The administrative machinery, which may be temporary, for the effectuation of the provisions of the code consists of a planning and coordination committee and some other federal agency to be designated by the president, representing both the industry and the government.

The code includes regulations, no less significant in character, concerning hours of labor and minimum wages, in drilling, production, pipe line and refining operations, in wholesale marketing operations and in retail filling stations. Provision is made also for protection of the hourly wage differentials paid to skilled workers in the industry on July 1, 1929. The code recognizes the right of employees to bargain collectively with employers through representatives of their own choosing.

The hours of labor provided for under the code represent a marked improvement over those long prevalent. A survey of hours of labor in the production, pipe line transportation and refining branches of the industry conducted by the United States Bureau of Labor Statistics in 1920, covering 35,255 male workers in production operations, 19,643 male workers in pipe line operations, 42,537 male and 274 female workers in refinery operations, showed that a regular working week of 7 days prevailed for 74 percent of all employees in the production operations, for 34 percent of all employees in pipe line operations and for 23 percent of all employees in refinery operations. The regular work week for the remainder was 6 days. Average full time hours per week in production averaged from 55.2 to 78.6, depending on the occupation; in pipe line transportation from 53.5 to 62.5; in refining from 44 to 60.2. A similar study in 1929 covering production and pipe line operations in the states of California, Louisiana, Oklahoma and Texas indicated little change in the normal working week, save in California, where a basic 8-hour day had been adopted. The United States Census of Manufactures for 1929 reveals that practically the entire refining labor force normally worked more than 45 hours per week and that 46 percent of the entire force worked more than 54 hours. A study by the Bureau of Labor Statistics in 1931, covering 2960 employees in 736 filling stations, indicated an average full time work week of 60 hours. During the period of the depression, under the share-the-work program generally adopted, hours were considerably curtailed in the production and refining branches of the industry, particularly in California and throughout the entire country in the establishments of certain large companies. Employees worked an average of 42.6 hours weekly in oil production during June, 1933, and an average of 39.6 hours per week in oil refining, but these figures, which are based on representative establishments, include part time employees: the normal full time work week has remained long,

the 12-hour day being still retained in some operations.

In 1929, 162,000 workers were employed in oil production and 80,596 in refining. The Bureau of Labor Statistics' index of employment in oil production for June, 1933, pointed out that 42 percent of those attached to the industry in 1929 were no longer employed. A similar index for employment in the refining branch of the industry indicates that in June, 1933, approximately 22 percent of those employed in 1929 had been displaced. The basic 36-hour week for oil production and refining adopted under the code, although it will increase reemployment, cannot absorb the labor force attached to the industry in 1929. Nor is an expansion of production with a return of business prosperity likely within the near future to increase employment in the oil industry to any great extent. Oil refining is so completely mechanized that a gain in plant output up to maximum capacity involves but a slight increase in labor force. Likewise, with oil potential vastly in excess of present requirements, output of crude oil may be tremendously augmented by the simple process of opening a valve. A decrease in the hours of labor from an average of 60, as shown by the Bureau of Labor Statistics' study, to 48 hours, as provided in the code, should, however, cause a substantial rise in the ranks employed in filling stations, the number of which has been growing.

Wages for the more highly skilled laborers in the oil industry, as, for example, drillers, have been relatively high; in boom fields in times of prosperity wages of from $16 to $18 for a day of 12 hours have occasionally been paid. Under agreement between the Shell Oil Company and its employees in California drillers received $10.79 per day of 8 hours in 1929, and in refinery operations first class stillmen received $8.05; there was a decline in 1932–33, drillers being paid $9.71 and stillmen $7.25. Weekly wages suffered more than the figures indicate since the work week was shortened from 48 to 40 hours in the establishments of this company. Representative data for other sections of the country are not available, but there is no doubt that the daily wage of this class of labor in some sections underwent a more serious reduction.

Because of the skill involved, the migratory character of the occupations, an expanding oil output and the vigorous opposition of capital, trade unionism has never gained a secure foothold in the oil industry except in California, where practically the entire industry was organized in the early post-war period. In this section of the country the International Association of Oil Field, Gas Well and Refinery Workers of America suffered serious demoralization during the depression years. The collective bargaining provisions of the National Recovery Act may stimulate union organization among the oil workers.

In most of the major foreign oil producing countries production has proceeded in a more orderly manner than in the United States; Mexico and Rumania are, however, conspicuous exceptions. In the former until 1917 surface owners enjoyed the right to exploit or to contract to exploit oil deposits under their land; holdings in the Golden Lane area, Mexico's most spectacular field, were relatively small and exploitation involved waste on a large scale. In Rumania too, although subsoil mineral resources were nationalized under the constitution of 1924, because of the recognition of previously acquired rights, the small size of surface holdings and the state's practise of disposing of concessions by auction holdings have been highly competitive and there has been much overexpansion and waste. In the Latin American countries in general ownership of the subsurface minerals rests with the state and oil production is carried on usually by large companies operating under concessions, so that the development of oil lands is relatively orderly. The same is true of the Dutch East Indies, Persia and Iraq. Nevertheless, because of the terms under which concessions are granted, because of competition among geographic or national areas and among commercial companies—in brief, because of uncoordinated control of the world's oil resources—development has proceeded apace with resulting overproduction and physical or economic waste. With this expansion in world output there has been a shift in the relative importance of the different geographic areas in world production (Table II). Mexico has fallen from second to seventh place among world producers. Venezuela, where oil was first produced in 1917, rose to second place by 1929. Colombia, Persia, Trinidad, Argentina and Peru, each producing little or no oil before the World War, have become important producers. The Dutch East Indies, Rumania and Russia, long important producers, have increased their output substantially.

While it is widely disseminated as regards

TABLE II

PRODUCTION OF CRUDE OIL IN THE PRINCIPAL COUNTRIES, 1914–32
(In 1000 barrels)

COUNTRY	1914	1919	1924	1929	1932*
United States	265,763	378,367	713,940	1,007,323	781,845
Russia†	67,020	31,752	45,355	99,507‡	155,250
Venezuela	—	425	9,042	137,472	116,300
Rumania	12,827	6,618	13,369	34,758	54,160
Persia	2,910	10,139	32,373	42,145	49,470
Dutch East Indies	11,422	15,508	20,473	39,279	39,000
Mexico	26,235	87,073	139,678	44,688	32,805
Colombia	—	—	445	20,385	16,417
Argentina	276	1,331	4,639	9,391	13,000
Trinidad	644	1,841	4,057	8,716	10,100
Peru	1,837	2,628	8,379	13,422	9,900
India	7,410	8,736	8,416	8,747	8,430
Poland	6,436	6,096	5,657	4,988	4,115
Other countries	4,764	5,361	8,495	15,046	14,771
Total	407,544	555,875	1,014,318	1,485,867	1,305,563

* Figures subject to slight revision.
† Exclusive of Sakhalin.
‡ Based on data for year ending September 30.
Source: For 1914–1929: United States, Bureau of Mines, *Mineral Resources of the United States, 1930* (1932) pt. ii, p. 824–25. For 1932: United States, Bureau of Mines, *Mineral Market Reports*, no. 183 (1933).

geographic location and national control, the world oil industry is highly concentrated as far as economic and financial control are concerned. Two major groups of companies are preeminent, the Royal Dutch-Shell and the Standard Oil. Chief among the latter are the Standard Oil Company of New Jersey and the recently consolidated Socony-Vacuum Oil Company. The Standard of New Jersey represents an economic empire of vast proportions, controlling producing properties in the United States, Canada, Mexico, Bolivia, Venezuela, Trinidad, Colombia, Peru, Argentina, Dutch East Indies and Rumania; operating 13,000 miles of pipe line in the United States alone; possessing the largest specialized trade fleet afloat; conducting refinery operations in the United States, Canada, Peru, Argentina, Colombia, Cuba, Dutch East Indies, Dutch West Indies, Mexico, Rumania and Italy; occupying an important position in the oil trade of Great Britain, France, Germany, Poland, Switzerland, Holland, Belgium, Norway, Denmark, Sweden, Finland, Central and South America. In 1931 it had assets of $1,919,000,000 and 114,656 employees, with 43,453 of these in the United States. The American concern is challenged by the Royal Dutch-Shell, whose crude oil output is even greater than that of the Standard Oil Company and whose transportation, refining and marketing activities are equally widespread. The Royal Dutch-Shell was formed by the union in 1907 of the Royal Dutch Company, incorporated under the laws of the Netherlands in 1890, and the Shell Transport and Trading Company, Ltd., incorporated under the laws of Great Britain in 1897. The two companies, with assets in 1931 of 1,202,000,000 florins and £46,674,000 respectively, are both international holding companies, controlling jointly all the stock in the Anglo-Saxon Petroleum Company, Ltd., the Asiatic Petroleum Company and the Batavian Petroleum Company and having more than a hundred affiliated or subsidiary concerns. For many years the Royal Dutch-Shell has exercised almost a monopoly control of production in the Dutch East Indies, where the Royal Dutch first acquired importance as a producer of crude oil. In recent years through its American subsidiary, the Shell Union Oil Corporation, whose assets in 1931 amounted to $439,000,000, it has invaded territory long considered the private preserve of Standard Oil and today it ranks as one of the most important oil companies in the United States. The rivals have engaged at times in bitter and prolonged competition. As the world output of petroleum has increased and the price trend for oil products has continued downward, the futility of price wars between these two giants has come to be recognized and in the last few years they have joined forces in an effort to stabilize producing and marketing activities. As a proration program and marketing practises aiming at the stabilization of prices in the United States have been carried forward, Standard Oil and Royal Dutch-Shell have led a campaign for

the achievement of similar ends on the world front. At an international oil producers' conference in Paris in the summer of 1932, designed to stabilize a situation alleged to have been rendered insecure by Soviet and Rumanian oil, the general principle of "stabilization . . . by reciprocal engagements to respect relative positions as regards exportations" was agreed upon and the parties arrived at a somewhat flexible quota plan to adapt world production to changing conditions of demand. The agreement was made incomplete by Soviet Russia's refusal to accept the terms submitted to it at an earlier conference, a refusal apparently occasioned by an unwillingness to abandon the distribution machinery it had set up in the world's markets in exchange for purchase by the Anglo-American companies of a specified amount of Russian oil annually.

How serious this default may prove is not yet clear. The Soviet oil industry has staged a remarkable recovery and expansion since the revolution, and under a nationalized control it has once more become an important factor in the world petroleum trade. From a peak of 85,168,000 barrels in 1901, at which time Russian output exceeded that of any other country in the world, Russian production declined to 25,430,000 barrels in 1920. From this low point annual output showed an uninterrupted increase, the rate of which was accelerated until 1931, when the Soviet Union took second place among world producers with an all time peak output of 162,842,000 barrels. This expansion of output has been accompanied by modernization of drilling practises, extension and improvement of transportation facilities and construction of additional refining units, an increasing proportion of which have been of the more efficient cracking type. Crude oil run to domestic stills rose from 39,900,000 barrels in 1913 to 139,300,000 in 1930, and domestic consumption of petroleum products from 5,923,000 tons in 1913 to 12,546,000 tons in 1931. Exports of refined products in 1931 reached approximately 39,000,000 barrels, distributed mainly in European countries and the Orient. The attempt to stabilize world oil prices without Soviet cooperation may be explained by the belief that growing domestic demand in the Soviet Union will absorb the prospective substantial increase in output and prevent larger exports.

As world output of petroleum increases and refining capacity expands the battle for world markets grows more intense. In this struggle American oil has fought a losing battle. While the exports of gasoline by the major producing countries rose from 40,412,000 barrels in 1924 to 129,374,000 barrels in 1930, the American percentage fell from 72 to 48.8 percent, although the absolute volume of the latter increased during this period from 28,035,000 barrels in 1924 to 63,195,000 barrels in 1930. The decline in the world exports from 129,374,000 barrels in 1930 to 113,585,000 in 1931 was accompanied by a greater American decline, from 63,195,000 to 43,787,000 barrels. In the same period the exports of the Soviet Union and Rumania showed a substantial increase; those of the Dutch West Indies remained practically unchanged; those of Persia and the Dutch East Indies showed a relatively slight drop.

The World War having proved the military indispensability of petroleum and its products, oil became a special object of political concern to the major world powers in the following decade. This concern was augmented by the fact that all the major industrial countries of Europe, producing within their boundaries only insignificant amounts of oil, were dependent upon foreign sources of supply. The contest for control over producing and potential producing areas, dramatically characterized as the oil war, has involved not only the major commercial oil companies but the national governments to which they acknowledge allegiance.

In the years of turmoil in Mexico following the revolution of 1910, the conflicting interests of American and British nationals in a struggle for control of the Mexican oil fields are alleged to have afforded the occasion and the means of revolution and counter-revolution. American interest in Mexican oil influenced if it did not determine American policy toward Mexico in the decade following the adoption of the constitution of 1917. Diplomatic pressure directed toward the protection of American rights acquired prior to the nationalization by Mexico of its oil deposits under article 27 of the 1917 constitution was not lifted until the non-retroactive character of the provisions of the constitution was established by the Supreme Court of Mexico and the preconstitutional oil rights were recognized in the amendment to the petroleum law promulgated in January, 1928. Oil lands in the economically backward countries of South America and the Near East have been similar objects of diplomatic concern.

A decision by the League of Nations favorable to Great Britain in a dispute between Great

Britain and Turkey regarding control over Mosul and involving the principle of self-determination weakened American claims under the Chester concession to oil rights in Mosul and paved the way for an agreement between the Turkish Petroleum Company (since 1929 the Iraq Petroleum Company, Ltd.) and American interests. Under an agreement reached after prolonged negotiations, in which the American State Department participated, American companies were granted slightly less than a one-fourth interest in the Turkish Petroleum Company, which is to exploit Mosul oil lands east of the Tigris River to the Persian border under a seventy-five year concession. (A contract ratified in May, 1932, grants the British Oil Development Company a concession covering about 40,000 square miles west of the Tigris for a similar period of time.) Under this arrangement the British government through its controlling interest in the Anglo-Persian Oil Company, which has exclusive concessions covering 500,000 square miles and a monopoly of oil production in Persia, becomes directly involved in the development of these oil lands. British influence in this venture is further strengthened through the Royal Dutch-Shell, which together with the Anglo-Persian exercises a controlling interest in the Iraq company. A very considerable proportion of the world's oil resources are today under British control. The community of interest between the British government and Royal Dutch-Shell has been extended to the marketing field in various sections of the world—in India, for example, through the Burmah Shell Oil Storage and Distributing Company of India, Ltd., the joint marketing subsidiary of the Asiatic Petroleum Company (Royal Dutch-Shell) and the Burmah Oil Company, Ltd., which owns a large block of shares of the government controlled Anglo-Persian Oil Company.

France, through the Compagnie Française des Pétroles, shares control over the Mosul fields with British, Dutch and American capital and directly controls petroleum producing areas in north Africa. French capital also enjoys a substantial position in Rumanian production. Aside from these areas and Russia the world's oil production is largely dominated by American, British and Dutch (through the Royal Dutch-Shell) interests. Germany, deprived of its interests in Turkish oil lands by the exigencies of the war, has achieved signal progress toward independence of foreign supplies because of the commercial development of substitutes, although it remains a large importer of crude oil and its products. During the war a shortage of oil led to the invention by the German chemical industry of several processes for the manufacture of synthetic gasoline. The most important was the Bergius process for the liquefaction of coal by hydrogenation. Control of these patents was eventually secured by the German dye trust, the I. G. Farbenindustrie. Since the war an arrangement has been entered into between the German dye trust and the Standard Oil Company of New Jersey for the mutual utilization of patents for the refining of crude oil by the hydrogenation process, and the Hydro Patents Company was organized to control and license the use of the process in the United States. The Royal Dutch-Shell and the Imperial Chemical Industries, Ltd., are said to have acquired participation with the Standard Oil and the I. G. Farbenindustrie in the patents for utilization outside the United States. The hydrogenation process, which permits 100 percent recovery of gasoline from crude oil and is applicable to coal as well, promises indefinite postponement of the oil shortage which was believed imminent a decade ago.

Meanwhile as world output has expanded and new geographic areas have been opened up, estimates of world reserves of crude petroleum have been revised upward. Foremost among the potential oil producers of the world, as judged by its unmined reserves, stands the United States, with the Soviet Union second. Iraq, Persia, Venezuela, the Dutch East Indies, Rumania, Colombia, Mexico, Burma, Peru, Argentina, Trinidad, Poland and Bolivia also possess important oil reserves. Canada, France, Italy, Germany, Albania, Spain, Czechoslovakia, China, Japan, Brazil and northern Africa have some petroleum resources, but it is believed that they will prove inadequate to meet their domestic requirements. Most of the world's petroleum producing areas have been too inadequately explored to permit of anything more than a scientifically calculated guess regarding the size of unmined petroleum reserves. Improved techniques in oil finding and oil recovery have indicated that estimates of recoverable oil have in the past been too low rather than too high. World output has increased greatly during the past decade and actual and potential producing areas have been extended. Despite these developments, in view of the fact that the world's unmined oil reserves are of a fixed although unknown quantity, the peak of world output will

at some date have been attained and world production of petroleum will then experience a permanent decline. When that time arrives, science promises to lighten through the utilization of coal, oil shale or other substitutes the hardships with which a declining oil production seems to threaten an industrial civilization founded on machinery.

GEORGE WARD STOCKING

See: NATURAL RESOURCES; RAW MATERIALS; CONSERVATION; POWER, INDUSTRIAL; COAL INDUSTRY; CHEMICAL INDUSTRIES; MINING; CONCESSIONS; TRUSTS; PUBLIC UTILITIES; FEDERAL TRADE COMMISSION; STABILIZATION, ECONOMIC.

Consult: Lilley, E. R., *The Oil Industry* (New York 1925); Pogue, J. E., *The Economics of Petroleum* (New York 1921); Osborn, C., *Oil Economics* (London 1932); Ise, John, *The United States Oil Policy* (New Haven 1926); Stocking, G. W., *The Oil Industry and the Competitive System*, Hart, Schaffner and Marx Prize Essays, no. xli (Boston 1925); Logan, L. M., Jr., *The Stabilization of the Petroleum Industry* (Norman, Okla. 1930); Westcott, J. H., *Oil, Its Conservation and Waste* (New York 1928); National Industrial Conference Board, *Oil Conservation and Fuel Oil Supply* (New York 1930); Thom, W. T., *Petroleum and Coal* (Princeton 1929); Bell, H. S., *American Petroleum Refining* (2nd ed. New York 1930); Arnold, Ralph, and Kemnitzer, W. J., *Petroleum in the United States and Possessions* (New York 1931); Hayden, J. J., *Federal Regulation of the Production of Oil* (Washington 1929); United States, Bureau of Corporations, *Report on the Petroleum Industry*, 2 vols. (1907); Tarbell, Ida M., *The History of the Standard Oil Company*, 2 vols. (New York 1904); Montague, G. H., *The Rise and Progress of the Standard Oil Company* (New York 1903); United States, Federal Trade Commission, *Report on Pipe-Line Transportation of Petroleum* (1916); United States, Congress, House of Representatives, 72nd Cong., 2nd sess., Committee on Interstate and Foreign Commerce, *Report on Pipe Lines*, House Report, no. 2192, 2 pts. (1933); United States, Federal Trade Commission, *Report on the Price of Gasoline in 1915* (1917), *Report on the Pacific Coast Petroleum Industry*, 2 pts. (1921–22), *Advance in Price of Petroleum Products* (1920), and *Petroleum Industry: Prices, Profits, and Competition* (1928); United States, Federal Oil Conservation Board, *Reports to the President of the United States, i–v* (1926–32); United States, Tariff Commission, *Report to Congress on the Cost of Crude Petroleum* (1931), and *Report to the House of Representatives on Crude Petroleum and Its Refined Products* (1932); United States, Federal Trade Commission, *Report on Foreign Ownership in the Petroleum Industry* (1923); United States, Congress, Senate, 66th Cong., 2nd sess., *Restrictions on American Petroleum Prospectors in Certain Foreign Countries*, Senate Document, no. 272 (1920), and 68th Cong., 1st sess., *Oil Concessions in Foreign Countries*, Senate Document, no. 97 (1924); Garfias, V. R., *Petroleum Resources of the World* (New York 1923); Brunner, C. T., *The Problem of Oil* (London 1930); Cadman, John, "Petroleum: a Record of Achievement in Applied Science" in Royal Institution of Great Britain, *Proceedings*, vol. xxvii (1932) 251–308; Filhol, J., and Bihoreau, C., *Le pétrole* (Paris 1929); Amtorg Trading Corporation, *Petroleum Industry of the U.S.S.R.* (New York 1928); Pizanty, Mihail, *Le pétrole en Roumanie* (new ed. Bucharest 1933); Nemetesco, G. P., *Le capitaliste et l'industrie pétrolière roumaine* (Paris 1927); Monti, Mario, *L'Italia e il mercato mondiale del petrolio* (Rome 1930); United States, Bureau of Foreign and Domestic Commerce, "International Trade in Petroleum and Its Products, 1929," *Trade Promotion Series*, no. 99 (1930), and "Petroleum Refineries in Foreign Countries, 1931," *Trade Information Bulletin*, no. 784 (1932); Filhol, J., *Législation mondiale du pétrole* (Paris 1929); De Bekker, L. J., *The Plot against Mexico* (New York 1919); Mendoza, S., *La controversia del petróleo* (Mexico 1921); Apostol, P., and Michelson, A., *La lutte pour le pétrole et la Russie* (Paris 1922); Mautner, M., *Der Kampf um und gegen das russische Erdöl* (Vienna 1929); Graf, G. E., *Erdöl, Erdölkapitalismus und Erdölpolitik* (Jena 1925); Hoffmann, Karl, *Ölpolitik und angelsächsischer Imperialismus* (Berlin 1927); Delaisi, F., *Le pétrole* (Paris 1921), tr. by C. L. Leese (London 1922); Aymard, C. E., *La conquête du pétrole* (Paris 1930); Arnot, R. P., *The Politics of Oil*, Labour Research Department, Studies in Labour and Capital, no. vii (London 1924); Mohr, Anton, *The Oil War* (New York 1926); Mexico, Secretaria de Industria, Comercio y Trabajo, *Reglamento de trabajos petroleros* (Mexico 1927); United States, Bureau of Mines, "Accidents in the Petroleum Industry of Oklahoma, 1915–24," by H. C. Fowler, *Technical Papers*, no. 392 (1926); Davenport, E. H., and Cooke, S. R., *The Oil Trusts and Anglo-American Relations* (London 1923); Denny, Ludwell, *We Fight for Oil* (New York 1928); Fischer, Louis, *Oil Imperialism* (New York 1926).

OKUBO, TOSHIMICHI (1836–78), Japanese statesman. Okubo, who came of the Satsuma clan, played a leading role in the restoration movement of 1867–68 in Japan. Although he held only a minor office at the inauguration of the restoration government, he was one of the few men who actually determined governmental policy. When other Satsuma leaders weakened in their allegiance to the central government, Okubo with Prince Iwakura won their support by a compromise in 1871, and he and Kido secured a continuation of Tosa support for the government. The conciliation of these clans made possible the abolition of feudalism. Okubo was a member of the Iwakura mission (1871–73) sent abroad to discuss treaty revision. He returned convinced of the relative weakness of Japan and of the necessity of preserving peace, while extensive reforms were initiated as a preliminary to changes in the treaties. Following the establishment of the Department of Home Affairs in 1873, Okubo was placed at its head, a position which he held until his assassination in 1878. When the samurai agitated for war over

the Formosan and Korean questions, he, like Iwakura and Kido, used his great influence to further peace. In 1874 he negotiated the agreement with China which settled the Formosan question in a manner favorable to Japan. The decision against war had temporarily disrupted the governing coalition, but it was reconstituted on the basis of the Osaka compromise, in which Ōkubo played an influential part. By this compromise the conservatives with whom Ōkubo was allied, and who were opposed to the rapid introduction of constitutional government, consented to the establishment of a senate. The present highly centralized system of local government was instituted under Ōkubo and represents his greatest constructive achievement. As home minister he planned also the measures necessary for the suppression of the Satsuma rebellion of 1877.

HAROLD M. VINACKE

Consult: Morris, J., *Makers of Japan* (London 1906) ch. x; McLaren, W. W., *A Political History of Japan during the Meiji Era, 1867–1912* (London 1916).

ŌKUMA, MARQUIS SHIGENOBU (1838–1922), Japanese statesman. In his youth Ōkuma studied western languages and politics; and when his clan, Hizen, came into the imperialist combination with the restoration, he became one of its principal representatives in government circles. After service in subordinate capacities he was appointed a councilor of state in 1870 and in 1872 minister of finance, a position which he held continuously until 1881. While in this post he arranged the financial settlement attendant on the abolition of feudalism, which Inouye had initiated, and revised the tax system. He withdrew from office in 1881, denouncing the proposal to turn over government undertakings in Hokkaido to private interests. Thereafter he was important principally as an organizer and leader of the progressive party, normally in opposition to the governing Satsuma-Choshu coalition. In 1888, however, he became minister of foreign affairs and attempted unsuccessfully to revise Japan's treaties with foreign powers. After another period in opposition Ōkuma again became minister of foreign affairs in 1896. In 1898 he headed the first government based upon the support of the new political parties, its formation resulting from an unstable union of Ōkuma's progressive with Itagaki's liberal party. With the immediate collapse of this premature experiment in party government, Ōkuma although retaining party leadership retired from political activity until 1914, when he once more returned to office as head of a party government. During his tenure Japan entered the World War and served on China the Twenty-one Demands. Ōkuma was compelled to retire in 1916, his opponents holding that his foreign policy was not strong enough. Nevertheless, as one of the "elder statesmen" he was influential until his death in 1922.

As a party politician Ōkuma drew his support mainly from the new industrial capitalists, who in foreign policy favored the methods of economic rather than territorial imperialism. Ōkuma exerted a wide influence upon modern Japan especially in finance, foreign affairs and party development. In addition he left his impress upon Japanese intellectual and educational life through his writings and through the establishment of Waseda University.

HAROLD M. VINACKE

Consult: Morris, J., *Makers of Japan* (London 1906) ch. xiv; McLaren, W., *A Political History of Japan during the Meiji Era, 1867–1912* (London 1916).

OLD AGE can be defined only rather loosely as the latter part of the cycle of an individual life, a period during which some but seldom all of a long list of possible symptoms of physical deterioration are manifested. A hale and hearty old age is not unusual, while, on the other hand, many of the ailments of old age may appear at an earlier age than is customary. Stanley Hall's gruesome picture of old age—bent figure, increased adiposity, failing eyesight and hearing, gaps in dentition, wrinkled skin—would now be considered as a description of extreme senility, a stage of life reached only by a very small proportion of the human race. A more fundamental as well as a more frequently observed change is the gradual failing of physical and mental capacity, the early manifestation of which may be found long before recognizable old age has set in. In general the loss of physical prowess sets in long before mental faculties begin to fail, and during the "normal" process of gradual physical aging over a considerable period mental powers may continue to develop. Unless old age in these initial stages is terminated by death, the more obvious symptoms of senility may develop, usually in combination with various pathologic conditions.

True aging, the result of a gradual wearing out of bodily organs and tissues, rarely becomes manifest before 70 years. Most of the disabilities of the sixth and seventh decades of life which are usually ascribed to old age are caused by

chronic disease of certain organs long before the rest of the body is anatomically and physiologically senescent.

The diseases which contribute to the invalidity of the aging are organic heart disease, cerebral hemorrhage and apoplexy, diseases of the arteries, Bright's disease, cancer and high blood pressure. Other common ailments are the non-tubercular diseases of the lungs—chronic bronchitis and asthma—diabetes, rheumatism and disorders of the brain and spinal cord. Evidently old age, both normal and pathological, timely and premature, involves to a very large extent the problem of medical care. The appreciation of this fact is comparatively recent and special research in the degenerative diseases which attack man in the latter part of his life has yet to develop. There still remain the physiological causes of degeneration, which medical science is inclined to seek in the disturbances of ductless glands and internal secretions.

Old age presents not merely physical but psychological problems. The definite psychiatric manifestations of mental senility, such as various psychoses due to disease of nervous tissue, are not only infrequent but do not constitute the essential psychic problems. Psychologists do not agree as to how far the usual manifestations of psychic changes are the result of physiologic conditions, and as to what extent they may result from the awareness of approaching dissolution and of old age as the prelude to death. This awareness may be responsible for the tragic attitude which seeks escape in relations with the younger generations, sublimating the desire for immortality by solicitude for the young, expressing fear of personal insecurity in an attempt to retain control over the economic structure of the household, tribe or nation.

The attitude of the social group to the aged, although subject to many variations and often assuming bizarre forms, has been determined by the various attributes of old age, that of the very primitive stages largely by physical and economic weakness and that of the higher cultural stages by appreciation of comparative mental strength. So long as the old and the weak were a severe burden upon the community struggling for existence, they were often abandoned, buried alive or put to death. These customs, prevailing particularly under conditions of nomadic life, frequently have survived that stage. In some localities custom even permitted the killing and eating of the aged. The explanation accepted by some anthropologists that the ceremonial killing of the aged is primarily a religious rite and an expression of veneration may represent a formalized group rationalization of a situation arising out of the economic environment. Similarly, it is difficult to pass on the validity of theories which regard the killing of the aged as a manifestation of the fear of the evil possibilities inherent in old age or as an expression of a suppressed father hatred. The frequency of very strict injunctions against patricide found in various codes of widely separated communities and civilizations is at least an indication that the practise was subject to regulation.

The opposite attitude, that of deference to parents and aged persons in general as repositories of wisdom and tradition, is found in agricultural civilizations. It may have developed because in such societies the struggle for existence is less intense and also because here the aged may continue to participate in productive work and even in control. Thus paternal authority, which becomes authority of the aged, is at its height in many disparate civilizations—in China, in ancient Greece, among the Hebrews, in South America and Mexico. Filial piety is one of the fundamental principles of Confucianism, although it antedates Confucius in China and is similar in Japan and Korea. Respect for old age is one of the dominant principles in Talmudic ethics, and reverence and consideration for one's elders occupy a large place in Jewish life. A high appraisal of the intellectual and spiritual power of the aged and their nearness to death sometimes lends a supernatural significance to their blessings and curses, so that veneration for the aged merges into certain aspects of ancestor worship.

The economy of the Middle Ages, which was largely the natural economy of agriculture, provided a very secure place for the aged parent. In the patriarchal family the authority of the old man extended to the entire economic unit. He naturally retained the function of guidance and planning, even after his share in direct work had been reduced or altogether relinquished. Serfdom and slavery were economic relationships which granted some security to the aged serf or slave; and under the various modifications of the feudal system, where there was a labor contract, such security extended over an entire life period and included the family as a unit.

Moreover agricultural labor, although it may be strenuous, is relieved by interruptions and permits of a greater variety of paces, and there

is no direct competition between the old and young as to efficiency. Until comparatively recent times the agricultural family unit contained more than two generations, and the elders frequently continued as carriers of the title to the property, which included as well the right of control and management.

Even in agriculture, however, this traditional patriarchal relationship is now rapidly breaking up, with the disappearance of the patriarchal agricultural family and the exodus of the young from rural communities. The process of industrialization and mechanization of agriculture is likely to lessen, although not to the same extent as in other industries, the value of the older agricultural worker. For these reasons the problem of the aged among the farm population is most acute in the United States.

In the cities the situation of the aged is naturally still more desperate. Even independently of direct conditions and employment, modern industrial civilization aggravates the economic problems of old age by urbanization. The tendency toward decentralization of industry as a result of newly devised methods for transmission of power is of too recent origin to have influenced the general situation. But limited housing space and high rentals tend to make the support of parents a burdensome and costly factor in the life of the average working man. The industrial revolution has transformed a rapidly increasing proportion of the population into wage earners, and the economic difficulties which confront the aged are inherent in the very nature of the wage system.

A certain minimum of productive capacity is a necessary prerequisite of a wage contract. More and more, as the machine displaces manual energy and the whole process of production of the plant becomes one organic unit, the required minimum of intensity and speed of effort is set for an entire establishment. The determination of that minimum moreover depends not so much upon the physical as upon the economic conditions of production and lies altogether in the hands of the employer, who is motivated by profit considerations bearing no relationship to the interests of the employee. In the competitive labor market the aged and weak are inevitably at a disadvantage and are displaced long before their productive capacity has disappeared or even before it has been materially affected. Just as physiologically old age and disability are subject to wide and individual family variations, so industrial superannuation becomes a somewhat artificial milepost depending upon individual judgments of industrial management.

The elimination of the industrially superannuated worker is even more drastically effected through the establishment of age limits in employment, which are often set far lower than standards of efficiency require. While managements frequently deny the existence of such barriers, the increased application of maximum age rules in hiring labor cannot be doubted. An investigation by the Industrial Relations Counselors of a large number of concerns employing over three million workers disclosed that 40 percent of the establishments employing over 60 percent of the workers had definite age limits —seldom higher than 45, often 40 and for certain occupations as low as 35. It is generally believed that a person over 45 has but slight chances of obtaining employment in railroads or public utilities and only somewhat better opportunities in manufacturing establishments. The rate of unemployment as well as its severity rises rapidly with advancing age. Frequently the rules against persons even in middle age are enforced as a precaution against early superannuation, especially where retirement funds have been established. Of course the age limit at time of hiring must not be interpreted as it sometimes erroneously is, as meaning that employed workers are in danger of losing their jobs when reaching this age.

Because of the considerable lag in the process of decline of intellectual powers as compared with physical strength, the problem of old age disability and unemployment is to a large extent influenced by occupational classifications. In finance, business management and control, the professions, public service, arts and sciences, the aged retain their dominating positions. The old man may remain a banker, a corporation officer, physician, lawyer, senator or judge of the Supreme Court or president of the United States. Few men under 50 have been elected to the highest offices in the land. Positions of guidance and control are still very largely reserved for older men and even women. It may be said therefore that in modern industrial society old age has become a distinct class problem. The primitive attitude of disregard of the aged as physically and economically weak is applied to the wageworking masses, while veneration of their wisdom and power, characteristic of early agricultural civilizations, is limited to the upper social and economic strata.

The quantitative magnitude of the problem

of old age in modern society is conditioned first of all by the proportion of aged persons to the social group. Contrary to common belief, it is probable that the proportion of the aged among primitive societies was very much below that prevailing in modern times. Even now the life expectation fluctuates around 30 and 35 in many primitive communities. In modern times, because of advances in medicine there have been substantial reductions in the mortality of higher age groups. The average life span has begun to show a marked increase within the last century, reaching 55 to 60 in various civilized countries.

The proportion of aged persons to the population is conditioned primarily by two factors—changes in the mortality of the higher age groups and changes in the birth rate. In Great Britain the proportion of persons 65 years and over had increased from 5 percent in 1871 to over 6 percent in the latest census of 1921, while in Germany it had risen from 4.5 percent in 1871 to 5.5 percent in 1925. In countries of immigration, like the United States, the stream of arrivals in which certain younger age groups predominate may disturb what otherwise may be a normal age distribution. Mass emigration may exercise a similar influence in the opposite direction, as, for instance, in Ireland or in certain rural districts of the New England states, which show the largest proportion of aged persons within the United States.

In the United States the proportion of persons 65 years and over has constantly been increasing, and under the present economic system this involves an increasing liability to be carried by the productive portion of the population. The accompanying table based on figures of the census shows that in so far as this increased ratio results from a reduced birth rate and a reduced ratio of children, there is an apparent automatic balancing or even reduction of the number of dependents:

Age Group	1880	1890	1920	1930
Under 15	38.1	34 4	31.8	30.0
Over 65	3.4	4.0	4.6	5.4
Total dependent age groups	41.5	38.4	36.4	35.4

The apparent saving due to a smaller proportion of children is, however, offset by the progressive prolongation of the age of support of the young and the decrease in employment opportunities for the aged, without any compensating public provision for them. Moreover this very persistent increase in the proportion of persons 65 and over is certain to continue in the United States because of the discontinuance of immigration and also because of the constantly and rapidly falling birth rate. The limits of this rising proportion depend on many factors. No revolutionary discoveries in medicine and hygiene affecting treatment of the generative diseases which might influence it greatly are on the immediate horizon. Assuming therefore the continuance of the present mortality rates for the different age groups and a stationary population in which the number of births will balance the number of deaths, the number of aged persons is likely to approach 10 percent or even more. Professor P. K. Whelpton (American Statistical Association, *Journal*, vol. xxvii, 1932, supplement p. 92–101) estimates that by 1975, when a fairly stationary population will be reached in the United States, the proportion of aged persons 65 years and over will approach 13 percent; with a probable population of 165,000,000, the aged will exceed 20,000,000.

There are striking differences in the proportion of the aged among various groups. Thus the Negro population shows a very much smaller proportion of aged—less than one half of the white; this cannot be explained by the higher birth rate (since the latter is counteracted by a higher infant mortality rate) but is due to the higher mortality rate of the Negro in the higher age groups. The foreign born show a higher rate of aged persons, because of a very much smaller proportion of foreign born children; and again the native born of foreign parentage show a lower proportion of aged persons, since immigration was comparatively slight until 65 years ago. The tendency to explain these differences by essential racial influences has been largely abandoned, since differences in mortality rates have been found to be influenced by living standards and economic environment. There is no necessary difference in the proportion of aged as between rural and industrial areas.

In view of the radical differences in the nature of the problem of old age in different occupational groupings the question of influence of occupation upon longevity is one of considerable importance; such influences are not, however, easily traced from available statistical data. Dublin has estimated that at the age of 20 the life expectation of the upper professional classes is about 50 years, but for wageworkers (or rather carriers of industrial insurance contracts) it is only 42. Such generalizations are open to question, for it is only in the higher occupational groups that permanency of occupational status

may be assumed. For the general mass of wage and salary workers, particularly in unskilled labor, there is likely to be a gradual reduction of occupational status. Occupational statistics of mortality and longevity are bound to be very inaccurate, for the description of occupation at death is no guaranty as to occupational affiliation throughout a lifetime. Only by a study of industrial insurance of large occupational groups is it possible to show a higher mortality rate among wage earners than in the upper economic strata.

The question as to what proportion of the aged becomes economically dependent can be answered only if the terms aged and dependency are exactly defined. Because it is impossible to give an exact chronological limitation of old age (except for purposes of legislative enactment), its economic problems gradually merge into those of chronic illness (premature old age); but for statistical purposes all persons over 70 or over 65 are usually included. The term dependent may be limited to those who are actually devoid of all economic resources and are compelled to apply for public or private relief; it may include, however, all who must rely upon some source of support, even members of the family. In the latter sense a large proportion of the aged are or must become dependent.

In those countries where systems of public provision exist, accurate data are available as to the number of those who receive benefits, either by pensions or by insurance. It may perhaps be inaccurate to describe such persons as dependents because existing legislation provides them with a definite source of income. Their number, however, may serve as an indication of the proportion of would be dependents if these public systems did not exist. In 1921 it was estimated that there were approximately 3,237,000 persons 65 years and over in Great Britain; in 1930 the number who were receiving old age pensions was 1,961,103; in Germany for the same year 2,391,065 out of a total of 4,108,000 benefited similarly. Because of the total absence of such systems in the United States until very recently, many special studies have been made to determine whether old age provision through legislation is necessary and, if so, what proportion of the aged would require such provision, and the probable cost. The statistical information so acquired has not always been consistent or unbiased. The many studies by state commissions are often of limited significance, because of differences in outlook and inadequacy of scope. The most recent data are those gathered by the National Civic Federation in 1927, which cover a limited list of selected cities in four eastern states (New York, Pennsylvania, New Jersey and Connecticut) and which include about 14,000 persons 65 years or over—less than one third of 1 percent of the total number in that age group. Nevertheless, the study throws light on the economic condition of the aged in the United States prior to introduction of old age pension systems: 29.5 percent of the total over 65 years of age (25 percent of the men and 34 percent of the women) owned no property at all, 40 percent of the men had no income from work or business, 17 percent had neither property nor income, over 25 percent of the men and 14 percent of the women were totally unable to work and 30 percent and 46 percent respectively were able to do light work only; 38 percent were aided by children or other relatives, only 1.3 percent were supported by public or private charity (exclusive of institutions for the aged not covered by the study) and nearly 60 percent were receiving no aid at all. Moreover many of the aged were afflicted by chronic illness or invalidity. The situation appeared to be aggravated when higher age groups were analyzed. Taking these data as fairly representative of the 6,500,000 persons over 65 years of age in the country in 1930, the estimate is justifiable that some 1,900,000 aged have no property and over 2,400,000 no earnings, while nearly 1,200,000 have neither, so that the problem of unrelieved destitution in old age was acute for at least one third of the entire group. In England before the establishment of the old age pension system destitution among the aged was even more widespread.

An appraisal of the economic aspects of the problem of old age requires a further classification of the various methods of economic adjustment. These are: preservation of earning capacity and employment; retirement on personal savings; retirement on pensions granted by the government authorities, by trade unions or by private employers; support by immediate family or more remote relatives; private charity; outdoor relief; private homes for the aged or hospitals for incurables; institutions for the mentally disordered; almshouses; a system of old age pensions; and a method discussed but not yet tried in the United States, compulsory old age insurance.

The data as to the distribution of the 6,500,000 aged in this country according to this classification are very fragmentary; nor is there information as to the number of old men or

women who are in dire need, receive no aid and face the difficult problem of mere physical existence. Certain tendencies are, however, discernible. Thus the chances of retaining occupation decline rapidly not only with dependent age but also with the development of modern industry, so that usually only the self-employed can retain their status. All statistics of unemployed always show a rising ratio of unemployment with increase in age. Retirement on accumulated wealth is obviously exceptional.

Retirement on earned pension is limited to a portion of those in public employment and a very small percentage of those in private industry. In 1927, according to an investigation made by the United States Bureau of Labor Statistics, there were 21 state and 7 municipal systems of retirement for teachers and 17 municipal systems for policemen and firemen. In 1926 the United States government after many years of agitation established an extensive system of retirement for the employees in the classified civil service. The federal system and most of the state schemes are based upon a system of contributions from the employees and the state treasuries in varying amounts and therefore really represent application of the principle of compulsory old age insurance with substantial sharing in the cost between the individual and the government, which is also the employer. In developing these systems the United States was largely influenced by European countries, where many years earlier practically all of the important governments established such provision for public employees (Great Britain as early as 1810, Germany in 1873 and the remaining European countries largely after the beginning of the twentieth century).

While these compulsory schemes are for the most part limited to public employees, similar but voluntary superannuation retirement schemes have been established by a number of private enterprises; in recent years, with the beginning of active agitation for government action, these have received considerable publicity and are advanced as a preferable substitute for state action. Such retirement systems are most frequently found among public service corporations. In 1926 Abraham Epstein listed some 370 pension schemes covering about 3,300,000 employees and carrying at the time between 90,000 and 100,000 pensioners. Most of these systems have been established since 1910; that is, during the period of exceptional growth in industry. According to Epstein's estimate, some 16 percent of all employees in industry and transportation had at the time some prospective coverage in case of old age. A more recent estimate by the Industrial Relations Counselors places this even lower—at 14.4 percent.

It is doubtful whether, since the onset of the current depression in 1929, many such systems have been added or whether in fact all of them have survived. Most of them are not contractual obligations. The conditions are prescribed by the management, administration is entirely in its hands and it is usually carefully provided that the retirement schemes may be modified or abolished at any time at the management's discretion. A prolonged period of uninterrupted service with the same employer is usually required, and it has been estimated that less than 5 percent of the employees remain in service long enough to be eligible for retirement allowance. These pension plans have frequently been attacked by labor organizations because they may prove a powerful factor in suppressing strikes or any other organized effort on the part of labor for improvement of conditions of the labor contract, and also because of their immediate influence in reducing actual wages. Many of these systems are actuarially unsound in that they are not promoted by ample reserves and depend partly or wholly upon current contributions out of the earnings or profits of the corporation.

Trade union provisions for old age pensions are very limited in scope. They were introduced into the carpenters' and engineers' unions in the United States by trade unionists of British origin. In 1930 only 12 out of over 100 national and international labor organizations had some pension scheme, and in that year 11 of these paid out $3,500,000 to some 13,000 pensioners; the total amount disbursed in pensions during the entire period of their operation did not exceed $22,000,000. In its findings the New York Old Age Security Commission of 1930 indicated that these systems, based on members' contributions, were in the main on the verge of bankruptcy and could not be expected to continue. In 1932 only 10 were paying pensions. Six of the 12 unions also maintain homes for their aged members, allowing them a choice between receiving pensions or entering these homes.

Another form of public provision for old age, although it is not usually designated as such, is the system of war pensions. There are more persons receiving straight government pensions

through the United States pension office than from all other systems, private or public, existing in the United States today; but these amounts are considered a part of the cost of war and are seldom thought of in connection with the problem of old age dependency. While the number of pensioners of the Spanish-American War, the Civil War and earlier wars has been declining since 1893, when it reached its peak of 760,000, in 1930 the number was about 257,000, all of whom may now safely be classified as old age pensioners. From an economic point of view the criticism is obvious that these pensions requiring hundreds of millions of dollars annually are granted for considerations other than those of economic status and need. Many advocates of general old age pensions point out that these war pensions have cost much larger amounts than the entire British old age pension system and yet have evoked comparatively little criticism, either on the ground of extravagance or demoralization of recipients.

Until recently the poorhouse, the almshouse and the county farm remained the dominating method of public relief for the aged in the United States. Historically of course these were not special institutions for the aged but accommodated all paupers who became public charges. The gradual establishment of specialized institutions for groups other than the aged has, however, transformed the poorhouses into homes for the old. Whereas in 1880 persons over 60 constituted only 33 percent of the total number of inmates, by 1923 this group had reached 66 percent. Although there are some signal exceptions, little has been accomplished to fit these almshouses for the particular function of the care of the aged. The very unsatisfactory standards of most of these institutions, the rule for separation of married couples prevailing in many of them and especially the social stigma of pauperism attaching to commitment in an almshouse have made it only a final resort for the aged poor.

Since in the United States private charity still remains the predominating, and until comparatively recently almost the exclusive, method of dealing with individual distress, consideration of the problem of old age has been gradually forced upon the attention of voluntary philanthropic agencies. Private philanthropic enterprise has established old folks' homes, in which they may be taken care of in a more humane fashion than in almshouses. Often the provision for keeping married couples together has been their distinct contribution. Again, recognition of the advisability of a religious atmosphere for persons of advanced age has led to the creation of sectarian old people's homes. Sometimes the grouping has been along national or professional rather than religious lines. For a century such homes have been a popular form of private philanthropy. Of the more than 1000 homes studied in 1929 by the United States Bureau of Labor Statistics, 170 were more than 50 years old. Within the last decade 143 new homes have been established. The various types of homes for the aged, few of which are located in agricultural states, may be grouped as follows: 63 federal and state homes; 526 religious homes; 112 fraternal homes; 36 nationality homes; 44 trade union and other homes; and 486 private benevolent homes—a total of 1267. Except for the federal and state homes, almost exclusively devoted to the care of old soldiers and sailors, and usually built on a very large scale for purposes of economy, nearly 65 percent provide for fewer than 50 inmates each. While the standard of care and comfort varies, with few exceptions they rank far above the county almshouse. Because in most cases there is a lump sum admission fee or maintenance charge, little or no social stigma attaches to the inmates or their families. Almost all the private homes are full to capacity and have long waiting lists. Their total capacity barely approaches 70,000, or not much above 1 percent of the total number of persons 65 years of age and over.

Because of this inadequacy of capacity perhaps and even more because of the stubborn resistance of a certain proportion of the aged to institutional placement, organized philanthropy in the United States has gradually been compelled to assume the burden of care of the destitute aged through outdoor or family relief. In recent years and up to the period of the economic depression the charity organizations were gradually being transformed into family welfare societies, whose main purpose is an adjustment of families through the therapeutic methods of case work. The aged, however, offer very little hope for final rehabilitation or readjustment and are likely to remain on the relief rolls for many years. The financial burden, especially in view of the limited funds available for this purpose, is therefore very heavy; but their own theory prevents family welfare agencies from insisting that aged dependents who resist institutionalization be forced into a home, even if vacancies are available. Financial assistance to the aged poor has therefore become a very pressing and

irksome problem for private philanthropic institutions.

The demand for a broad national policy of provision for old age has become an important plank in labor programs throughout the industrial world and an essential feature of the movement for social insurance which, beginning with Germany, has spread throughout the industrial world during the last forty years. It has been estimated that 41 countries have some system of care for the aged through public pensions and voluntary and compulsory insurance. These systems are not, however, complete in coverage—in Switzerland they apply only to some cantons and in the Latin American countries only to workers in public utilities. Outside of some feeble efforts to stimulate voluntary old age insurance for wageworkers on a strictly actuarial basis by the establishment of state insurance institutions and even by the offering of substantial state subsidies for this purpose, the movement for governmental provision for old age has proceeded in two distinct directions: straight government pensions and compulsory contributory insurance systems for wageworkers.

The oldest straight governmental old age pension system is that of Denmark, established in 1891; New Zealand followed in 1898; Great Britain, which offers the most important example of this form, in 1908; Australia in the same year; Newfoundland in 1911; Uruguay in 1919; Norway, where as yet it is enforced only by municipalities, in 1923; Finland in 1925; Greenland (for native citizens) in 1926; Canada in 1927; and South Africa in 1928. The system of general compulsory old age insurance, which had previously been applied to selected groups, e.g. miners and seamen, in Austria, Belgium and France, practically originated in Germany in 1889 as a culmination of its compulsory insurance system, which developed in the early 1880's; it has spread gradually over a much greater area, particularly since the conclusion of the World War, and now embraces 16 countries, covering practically all of continental Europe. The systems of Germany, Austria, France, Rumania, the Netherlands and Sweden were established before the war and of Soviet Russia, Greece, Belgium, Spain, Italy, Portugal, Jugoslavia, Bulgaria, Czechoslovakia and Great Britain after the war. In Austria and Jugoslavia these systems have not yet been enforced. Within the past decade a number of Latin American countries have adopted similar systems; Argentina adopted old age insurance in 1923 but it has not yet been enforced, pensions being limited by previous legislation to bank employees, railway workers and those in public utilities; Brazil insures public employees, Cuba, railway and maritime workers, while Bolivia, Chile and Uruguay have more complete insurance provision. Perhaps the most significant advance in the movement for compulsory contributory insurance was its adoption by Great Britain in 1925, after 17 years of experimentation with straight pensions. The latter were continued for persons who had already become beneficiaries, and the pension age was reduced to 65 instead of 70. For those not yet eligible the contributory system was provided despite considerable opposition to the system of contributions on the part of the working masses.

In Europe for many years there has been intensive discussion of the comparative merits of the two principles. Straight pensions—at least in Europe—are paid directly out of the resources of the national government. The minimum age is usually high—70 or 65. Such pensions are usually awarded upon evidence of need and thus partake of the character of a public relief measure, although a distinction is carefully drawn in law between pensions and ordinary outdoor poor relief. They are uniform for all beneficiaries, except as to possible differences in the rates for men and women. In contrast, compulsory insurance systems, except in the Soviet Union, require payment from the insured as well as from employers, and in most countries there is some contribution from the state government as well. These contributions usually are fixed according to the level of wages and the pensions earned are adjusted to the size of contributions, or indirectly to the wage level, as well as to the number of contributions or to the duration of insurance. No evidence of need is required. The coordination of the pensions thus earned with wage rates and therefore with variable standards of living makes possible a greater variety of pension levels and more substantial awards, at least for a proportion of beneficiaries. The accumulated individual reserves for each insured person make it possible for the benefit to mature earlier in case of invalidity or premature old age.

The arguments advanced in favor of the straight pension system are that it is simple, devoid of all the complications of an insurance system. It is held moreover that earnings are usually too low to allow any deduction for old age insurance, and that the superannuated wageworker at the advanced age at which pensions

are granted is entitled at least to maintenance and support. The contributory insurance system is defended on the grounds that it is free from the degrading element of charity, does not discourage individual thrift, permits of a better adjustment to varying economic and social levels within the wageworking groups and places part of the cost upon industry, thus reducing the burden on state treasuries. There is, however, the obvious consideration that such a system requires a long period of time for successful application, since it is based to a very large extent upon accumulation of contributions and interest. Moreover it is powerless to meet the immediate problem of old age need; in fact when contributory systems are introduced, it becomes necessary to provide for various complicated, temporary or transitional provisions to take care of those already of eligible age. To a large extent these transitional provisions amount to straight government pensions which are gradually transformed into annuities purchased by accumulated contributions. The system established in Great Britain indicates a method of transition from straight pensions to compulsory insurance.

The American movement for old age security is not over a quarter of a century old. It began at about the same time as the movement for workmen's compensation with the introduction of bills in the United States Congress (that of the Socialist congressman Berger in 1911 being among the first) and in the state legislatures and the appointment of state commissions for study of the problem. Such commission reports were published in about a dozen states, those of Massachusetts (in which no less than seven were made between 1907 and 1925), Pennsylvania, Wisconsin, California, New York and Ohio being among the more important. Many of these admitted the seriousness of the problem and usually by divided vote recommended adoption of straight old age pensions. Contributory compulsory insurance was sometimes approved but usually discarded for immediate action because of its complexity. Legislators strongly objected to enactment of old age pensions, mainly out of fear of taxpayers' resentment, clearly expressed in the organized opposition of chambers of commerce, boards of trade and similar organizations. This opposition was usually disguised by a variety of arguments as to the absence of urgency in comparison with European conditions, the preferability of traditional American methods of private philanthropy and the demoralizing effect upon the recipients or their families. The force of these arguments appears to have been overcome gradually by agitation and propaganda. An Arizona act of 1914, very carelessly drafted and promptly declared unconstitutional, provided not only for pensions but also for abolition of all almshouses within the state. A very specific and limited act was passed in Alaska in 1915, but active legislative effort may be said to have been delayed until 1923. Within the five-year period 1923 to 1927, nine states enacted old age pension legislation. These advances, however, were more apparent than real. In California and Wisconsin the acts were vetoed by the governor, the Pennsylvania act was declared unconstitutional after a very bitter struggle and the other six acts, which still remain on the statute books—namely, those of Montana, Nevada, Wisconsin, Kentucky, Colorado, Maryland—are all of the optional type, being little more than enabling acts permitting the counties to establish old age pensions if they deem this desirable; with the exception of the Wisconsin law they have largely remained dead letters. Legislation of this type received support from the fraternal Order of Eagles and occasionally was accepted by legislators in midwestern states, because of the political strength of the order and because it committed the state to little or nothing. Real legislative progress dates from 1928 and has been the result to a large degree of the very energetic propaganda of the American Association for Old Age Security organized in 1927. Within the brief period 1929 to 1932 eleven states passed old age pension acts, of which the most important are those of California (1929), New York and Massachusetts (1930). Other compulsory acts are those of New Jersey, Delaware, Idaho and West Virginia (all of 1931). Colorado and Wisconsin have amended the earlier optional acts of 1927 and made them mandatory. By August, 1933, 25 states, Alaska and Hawaii had some form of old age pension security laws, although not of equal efficacy. The legislation of 18 states is mandatory, of 6 optional and, by recent amendment in 1 state, Minnesota, the present optional law will become mandatory. In 1932 there was introduced into the Senate the Dill-Connery bill providing for a national old age security system in which the federal government was to contribute one third and the states two thirds of the cost. The bill failed of passage, because in addition to the usual opposition arguments were advanced as to its infringement on the power of the separate states. It was, however, reintroduced in 1933.

In a very general way these American enactments, particularly the compulsory ones, follow the early British legislation. They provide pensions of varying amounts but generally approximating a dollar a day. The exact amount is frequently adjusted to other available resources and sometimes to other individual needs. Thus since the onset of the current economic depression the average monthly allowance in the various states was reduced from $17.37 in 1928 to $14.32 in 1930. In 1930 the lowest allowance was that of Kentucky, $5.39, and the highest that of New York, $27.48; the latter average was further reduced in 1932 to $24.15. The inadequacy of these amounts thus counteracts to a certain extent the claims made for the economy of the pension system as compared with cost of maintenance in a poorhouse, the former being usually half and often considerably less than half of the latter. The pension age in the states with effective legislation is usually 70, and there is active agitation for the lowering of the age limit. The qualifications usually include requirements of citizenship and fairly long state residence as a safeguard against colonization of aged persons. The cost is usually shared by the county and the state. The number of persons receiving pensions in New York state in 1932 was 54,185; in California 12,520; in Massachusetts 17,146; and throughout the country the total for that year was approximately 100,000. In 1929 the estimated total was only about 2000, and in 1928 only 1000. The cost to New York state and its counties in 1932 was $13,790,000.

While the number receiving pensions is substantial, particularly for the state of New York, the proportion to the total number of persons in the corresponding age groups is very much smaller than in Great Britain. The total number of persons over 70 years in New York City is approximately 300,000, and the persons qualifying for pensions constitute less than 15 percent of this number as compared with some 80 percent or 90 percent for a similar age group in Great Britain. The proportion of pensioners to the entire population in the state of New York is less than .4 percent as compared with approximately 4 percent in Great Britain. This smaller proportion of pensions can be explained in part by differences in economic conditions of workers in the two countries and in part by the fact that in the United States most pension acts require evidence that there are no persons responsible for and able to support the applicant, thus giving them, even more than corresponding European acts, the character of poor relief measures.

It has frequently been admitted by commissions that a comprehensive system of compulsory contributory insurance would offer a more effective solution of the entire problem. On the other hand, such a system could not be put into effect within a short time and it involves a principle with which American wageworkers are unfamiliar. The universal approbation commanded by the system of old age pensions and the progress in this field since 1929 may nevertheless be considered as an important chapter in the somewhat belated development of comprehensive social insurance in the United States.

I. M. RUBINOW

See: LIFE EXTENSION MOVEMENT; MORBIDITY; MORTALITY; ACCIDENTS, INDUSTRIAL; POVERTY; CHARITY; POOR LAWS; ALMSHOUSE; INSTITUTIONS, PUBLIC; SOCIAL INSURANCE; PENSIONS; BENEFITS, TRADE UNION; MUTUAL AID SOCIETIES; PUBLIC EMPLOYMENT; GERONTOCRACY.

Consult: Hall, G. Stanley, *Senescence* (New York 1922); Rubinow, I. M., *Social Insurance, with Special Reference to American Conditions* (New York 1913); Deutsch Foundation Conference, 1930, *Care of the Aged: Proceedings*, ed. by I. M. Rubinow, University of Chicago, Social Service Monographs, no. 14 (Chicago 1931); Armstrong, Barbara N., *Insuring the Essentials* (New York 1932) p. 376–438, and bibliography p. 684–701; Epstein, A., *Facing Old Age* (New York 1922), *The Challenge of the Aged* (New York 1928), *Old Age Security*, League for Industrial Democracy, Publications, no. 18 (2nd ed. New York 1930), and *Insecurity: a Challenge to America* (New York 1933) chs. xxvi–xxix; United States, Bureau of Labor Statistics, "Public Old-age Pensions and Insurance in the United States and Foreign Countries," *Bulletin*, no. 561 (1932); United States, Congress, House of Representatives, Committee on Labor, *Old-age Pensions; Hearings*, 71st Cong., 2nd sess. (1930); United States, Congress, Senate, Committee on Pensions, *Old-age Pensions; Hearings*, 72nd Cong., 1st sess. (1932); Latimer, M. W., *Relation of Maximum Hiring Ages to the Age Distribution of Employees*, American Management Association, Personnel series, no. 3 (New York 1930); Princeton University, Department of Economics and Social Institutions, Industrial Relations Section, *Memorandum: Age Limitations in Industry* (Ann Arbor, Mich. 1930); United States, Bureau of Labor Statistics, "Care of Aged Persons in the United States," by Florence E. Parker, *Bulletin*, no. 489 (1929); National Civic Federation, Woman's Department, *Study of a Group of Almshouses in Connecticut, New Jersey, New York, and Pennsylvania* (New York 1927); United States, Bureau of Labor Statistics, "Beneficial Activities of American Trade-unions," by Florence E. Parker, *Bulletin*, no. 465 (1928); Latimer, M. W., *Trade Union Pension Systems* (New York 1932), and *Industrial Pension Systems in the United States and Canada*, 2 vols. (New York 1933); National Industrial Conference Board, *Elements of Industrial Pension Plans* (New York 1931), and *Support of the*

Aged (New York 1931); Cloud, A. D., *Pensions in Modern Industry* (Chicago 1930); United States, Congress, Senate, *Pension Funds for Municipal Employees and Railroad Pension Systems in the United States*, 61st Cong., 2nd sess., Senate Document no. 427 (1910); United States, Bureau of Labor Statistics, "Public Service Retirement Systems," by Mary A. Conyngton, *Bulletin*, no. 477 (1929); Massachusetts, Commission on Old Age Pensions, Annuities and Insurance, *Report*, House Document no. 1400 (1910), and Commission on Pensions, *Reports*, House Document no. 2450 (1914), and Senate Document no. 5 (1926); Massachusetts, Bureau of Statistics, *Report of a Special Inquiry Relative to Aged and Dependent Persons in Massachusetts, 1915* (1916); Pennsylvania, Old-age Pension Commission, *Report* (1919); Pennsylvania, Commission on Old Age Assistance, *Report* (1925); Pennsylvania, Old-age Pension Commission, *The Problem of Old Age Pensions in Industry*, by A. Epstein (1926); New York State, Commission on Old Age Security, *Report*, Legislative Document no. 67 (1930); New York State, Commission on Old Age Security, Continuation Committee, "The Older Worker in Industry," by S. Barkin, *Legislative Document*, no. 66 (Albany 1933); California, State Department of Social Welfare, *Old Age Dependency* (Sacramento 1928); Wisconsin, Industrial Commission, *Report on Old-age Relief* (1915); Ohio, Department of Public Welfare, Division of Charities, "The Care of the Aged and Infirm of Ohio," *Bulletin*, vol. vi, no. i (1929); Connecticut, Manufacturers Association, *Report: Old Age Dependency* (Hartford 1931); American Association for Old Age Security, National Conferences on Old Age Security, *Reports of Proceedings*, nos. i–v (New York 1928–32), and *Bulletin*, vols. i–iii (New York 1927–29) continued as *Old Age Security Herald*, published monthly in New York since 1930; Canada, Labour Department, *Old Age Pensions in Canada* (Ottawa 1929); Sutherland, W., *Old Age Insurance in Theory and Practice* (London 1907); Great Britain, Committee on Old Age Pensions, *Old Age Pensions* (London 1903); Müller, Franz, "Das soziale Schicksal des alternden Arbeitnehmers" in *Sozialrechtliches Jahrbuch*, vol. i (1930) 3–80; Burns, E. M., "State Pensions and Old Age Dependency in Great Britain" in *Political Science Quarterly*, vol. xlv (1930) 180–213; International Labour Office, Geneva, "Non-contributory Pensions," *Studies and Reports*, ser. M, no. 9 (Geneva 1933) pt. i.

OLDENBARNEVELDT, JOHAN VAN (1547–1619), Dutch statesman and jurist. Oldenbarneveldt, representative of the wealthy burgher aristocracy, was a moderate Calvinist who, with William the Silent, successfully opposed the tyranny of Philip II of Spain. In 1579 he helped form the Union of Utrecht, which united the seven northern Calvinistic provinces of the Netherlands into the Dutch Republic. As pensionary of the province of Holland, which contributed 59 percent of the federal revenues, he was the most influential leader in the province and consequently in the republic, whose foreign affairs he guided for nearly forty years following the union. Upon the assassination of William the Silent in 1584 he used his influence to secure for William's son Maurice the post of military commander of the Dutch forces in the continuing eighty years' war against Spain. At first he and Maurice worked in harmony; but after the twelve years' truce of 1609, which he had negotiated despite the opposition of Maurice, a bitter rift developed between them. Oldenbarneveldt favored decentralization of power with broad authority in the province of Holland; Maurice, having a majority in the States General of the republic, wanted more federal authority. Oldenbarneveldt, representing the wealthy burgher class, advocated peace with Spain for the sake of Dutch commerce; Maurice, as commander in chief of the army, desired to continue war for the sake of military glory and political power. Oldenbarneveldt was an Arminian, or moderate Calvinist; Maurice, caring and knowing little about religious questions, espoused the Gomarist, or strict Calvinist, faction as a means of fomenting opposition to his rival. As a result of these and other factional differences between the Republican and the Orange party, the venerable statesman was suddenly arrested at the instigation of Maurice, brought before a special court and, without counsel, books or papers for defense, was unjustly condemned to death on the trumped up charge of treason. His execution at The Hague was virtually a judicial murder, marking the triumph of military over civil interests.

SIDNEY B. FAY

Consult: Motley, John L., *The Rise of the Dutch Republic*, 3 vols. (New York 1856), *History of the United Netherlands*, 4 vols. (New York 1861–68), and *The Life and Death of John of Barneveld*, 2 vols. (New York 1874); Groen van Prinsterer, G., *Maurice et Barneveldt* (Utrecht 1875).

OLIGARCHY, interpreted in its literal Greek sense as the rule of the few, is capable of wide application both to governments and to such extragovernmental groups as parties, churches and business corporations. The purely numerical implications of the term give it an essentially neutral tinge and have caused it to be preferred in certain quarters to other terms such as aristocracy, tyranny by a minority or party dictatorship, which although closely allied with oligarchy refer to qualitative differences in the nature of the rule. It is intrinsically so broad a term that it has often been viewed as the only real form of government: realistically understood, the concept aristocracy represents

merely a legitimization, in more rational and ethical terms, of minority domination; monarchy, on the other hand, cannot function without a small group of administrative agents; while democracy requires the emergence of a restricted coterie of leaders before it can effectively discharge the obligations of government. This argument, although it contains an element of truth, neglects the broad significance of technique in the making of basic decisions. It is not the existence of this limited group but the method of its establishment which serves as the essential criterion of the several forms of government. That oligarchy does not exclude a certain amount of consent on the part of the ruled goes without saying, since acquiescence of a sort is a prerequisite of all forms of government; but it is equally evident that under an oligarchy rational and conscious consent is not freely exercised by the large majority of the members of the group.

It seems highly questionable whether it is desirable to attach to the purely numerical, generic conception of oligarchy a more specific qualitative definition, as did Aristotle when he contrasted the principle of oligarchy, wealth, with the principle of aristocracy, virtue. In the first place it seems rather futile to undertake to bring order into the welter of conflicting terms which the transmission and transformation of Greek terms have foisted upon modern popular parlance. Schematic classification would prefer to characterize oligarchy, the rule of the few, by qualifying adjectives of a distinct descriptive content; in other words, to speak of military, priestly, economic and other oligarchies and to analyze a historic oligarchy with reference to these qualitative aspects. What completely escaped Aristotle is that the social organization of Greek city-states was such that they all were oligarchies in an economic and political sense, since minorities of varying sizes ruled in each of them, even in Periclean Athens. What appeared to Aristotle as the struggle between avowed oligarchies and other forms of government was in fact, from a comparative point of view, nothing but a struggle between oligarchies of ever more restricted membership. In this sense and from this point of view it might be said that the derogatory connotation which Plato and Aristotle attached to oligarchy was directed against this tendency of oligarchies to contract, and therefore against government by the fewer rather than against government by the few. This tendency toward contraction seems to be inescapable, however, under certain conditions, notably the threats to vested economic interests which usually attend radical democracies, particularly when they are aggravated by a narrowing field of foreign exploitation. This generalization is borne out not only by Periclean and post-Periclean Athens but by many of the Italian and German city-states as well as by contemporary developments.

A cursory survey of history would indicate that the appearance of the oligarchic type of rule may be attributed to one of two primary sets of circumstances, the influence of which can be traced again and again at different periods: first, when there is armed conquest of populous districts by a racially distinct group, such as the Greeks of the early period, the Germanic tribes of the period of migrations, the Golden Horde and the Incas; secondly, when there is great accumulation of wealth in the hands of a comparatively small group of people which could not permanently maintain its power without military and governmental support. This conjunction of oligarchy with plutocracy, although primarily found in closely knit communities like the Greek, Italian and German city-states, may appear in such a polity as eighteenth century England; and while it is still too early to sift the necessary evidence, indications of the same tendency may be detected in Fascist Italy and National Socialist Germany.

Against the concentration of land and wealth and the attendant exploitation which from an economic point of view characterize the prevalence of such rule are arrayed the "masses," who may and usually will accept the leadership of an individual in their desire to throw off the yoke that is, almost without exception, inevitable under oligarchical rule. It is at this point that the drift toward monocracy can be discerned in successive ages, disguised at times as monarchy, at others as Caesarism, as dictatorship and the like. Since oligarchy in its origins has many affinities with plutocracy it necessarily implies a far greater identification of economic with political power than is the case either in a monocracy or in a democracy. For one man cannot own for any length of time the bulk of wealth within the community, nor can wealth remain evenly distributed among the masses of the people. Oligarchy may therefore, from a functional point of view, be characterized as the legal and political framework for an

unequal distribution of wealth and more particularly for the maintenance of such inequality when the total wealth of the community is declining.

The effect of oligarchy on the growth of culture is not uniform, but it has generally been asserted that inasmuch as the development of art is stimulated by the rivalry between individuals within such a limited group for acclaim by the rest, oligarchy must be considered the most favorable condition for that artistic endeavor. This generalization seems to be borne out by the Greek and Italian city-states, by the Roman Catholic church and by Dutch society at the time of Rembrandt, to mention only a few examples. But when the circle narrows and the oligarchs become fewer and fewer, a deterioration is likely to set in. The establishment of monocratic rule may for a limited time stimulate artistic development as a part of the effort of the monocrat to win the applause of the masses. But since effective competition is bound to cease, the selective stimulus disappears, and soon monumental size must substitute for qualitative perfection.

An effective oligarchy tends on the whole to disregard excluded classes or groups and to treat them as beings of an inferior order. The attempt of Aristotle to rationalize slavery in terms of an absolute superiority of the Greeks finds its counterpart in the older type of European colonial official who, while totally ignorant of the cultural values of the population over which he was set to rule, proceeded brutally to exterminate what he was not sensitive enough to recognize as valuable. This attitude is analogous to the contempt in which the common man or the rank and file is held within homogeneous groups by a ruling oligarchy. The indifference of the oligarch to the interests of the inferior members of the group over which he rules is an essential and important aspect of the general tendency of human groups to stratify, a tendency which arises out of the establishment of a restricted coterie of "leaders." The concentration of initiative is particularly noticeable in modern political parties, and it has given rise to the assertion that oligarchical forms are characteristic of all organized human groups. Thus early in the twentieth century certain writers, such as Ostrogorsky and Michels, called attention to the trend toward oligarchy in political parties. What especially interested Michels was the fact that an analysis of the parties advocating radical democracy showed that they, particularly the German Social Democratic party, were strongly hierarchical in their structure. Obviously animated by his dislike for the petty bureaucracy of the German trade unions, Michels presents this fact in an unsympathetic manner. Similar analyses have been made of the modern press and of corporate business enterprises. But while these studies offer a valuable corrective to the uncritical early enthusiasm of democratic organization, they in no wise touch the central point at issue, which is leadership freely assented to by those led and not, as is now commonly assumed in certain quarters, the elimination of all leadership. Even though the "free" assent might be seriously hampered by deception and artificially engendered by effective propaganda, the situation is fundamentally altered once effective monopoly of such leadership has become established. This has been true in the trade unions, and there is a similar trend in various fields of industrial activity. One-party states are another case in point which is assuming ever greater significance. As soon as the opportunity for a choice between at least two alternatives is eliminated, oligarchy is in fact established; and it can be only a question of time until it begins to exhibit the typical tendency of an established oligarchy to contract. This situation in turn produces a popular reaction which may lead to monocratic rule in the form either of dictatorship or of monarchy.

CARL JOACHIM FRIEDRICH

See: ARISTOCRACY; NOBILITY; TYRANNY; PLUTOCRACY; MONARCHY; DICTATORSHIP; CITY-STATE; COMMUNE, MEDIAEVAL; PRAETORIANISM; POWER, POLITICAL; LEADERSHIP.

Consult: Whibley, Leonard, *Greek Oligarchies, Their Character and Organisation* (London 1896); Glotz, G., *La cité grecque* (Paris 1928), tr. by N. Mallinson (London 1929), especially pt. i; Ferguson, W. S., "The Oligarchical Movement in Athens" in *Cambridge Ancient History*, vol. v (Cambridge, Eng. 1927) ch. xi; Beloch, Karl Julius, *Griechische Geschichte*, 4 vols (2nd ed. Berlin 1914–27) vol. ii, pt. i, ch. xii, vol. iii, pt. ii, ch. xvii; Auriac, Jules d', "La politique dans l'antiquité" in *Revue internationale de sociologie*, vol. xxviii (1920) 241-48; Barker, Ernest, *Greek Political Theory; Plato and His Predecessors* (new ed. London 1918); Ure, P. N., *The Origin of Tyranny* (Cambridge, Eng. 1922); Diehl, Charles, *Une république patricienne, Venise* (Paris 1915), especially bk. ii, ch. iii; McClellan, G. B., *The Oligarchy of Venice* (Boston 1904); MacLeod, W. C., *The Origin of History and Politics* (New York 1931) chs. xxi–xxii; Pirenne, Henri, *Les anciennes démocraties des Pays-Bas* (Paris 1910) chs. v–vi; Makarczyk, Z. M., *Les oligarchies modernes*

(Lausanne 1931); Michels, Roberto, *Zur Sociologie des Parteiwesens in der modernen Demokratie* (2nd ed. Leipsic 1925), tr. by E. and C. Paul as *Political Parties* (New York 1915); Ostrogorsky, M. Y., *La démocratie et l'organisation des partis politiques*, 2 vols. (new ed. Paris 1903), tr. by F. Clarke (New York 1902).

OLIVEIRA MARTINS, JOAQUIM PEDRO DE (1845–94), Portuguese historian, economist and statesman. Although Oliveira Martins never received any university training and earned his living through business enterprise, he became one of the outstanding intellectual figures of modern Portugal. In his scientific works he attempted to assimilate and to apply the findings of contemporary anthropology, ethnology, prehistory, mythography, hierology and economics. He set forth his philosophy of universal history in *Taboas de chronologia e geographia historica* (Lisbon 1884) and in other works reviewed the development of Greece, Rome and the Iberian Peninsula, whose greatness he ascribed to their having set themselves up as strong and centralized powers. The first to express in a historical synthesis the concept of the unity of Iberian civilization, Oliveira Martins pointed out that Portugal lacked separate geographical and racial bases. This view, carried to extremes by others, reacted unfavorably upon the reigning dynasty. Although he conceded that chance played an important part in the march of events, he was an exponent of economic determinism; thus he was the first to emphasize the economic aspects of the Portuguese maritime enterprises. Later, however, in his studies of Nun' Alvares, João I and his sons, João II and Camões, Oliveira Martins eulogized the heroic spirit and the glories of Caesarism.

Certain of his writings, by virtue of their dramatic presentation and psychological penetration and because of their Hispanophile and Ibero-American sentiment, gained an enthusiastic audience among Portuguese, Spaniards and Brazilians; but his frequent reliance upon secondary sources and his rash interpretations and the fact that many of the concepts to which he subscribed have since been revised have tended to outmode much of his work. On the other hand, his discussions in favor of land reform, reorganization of public and private credit, removal of foreign financial domination, development of the merchant marine and of the colonies, are still of value. After a journalistic campaign for reform Oliveira Martins joined the Progressive party and in 1892 was appointed minister of finance; he resigned soon thereafter because his efforts at reform were hampered by party intrigue.

FIDELINO DE FIGUEIREDO

Works: *Bibliotheca das sciencias soçiães*, 15 vols. (Lisbon 1881–93); *Dispersos*, ed. by António Sergio, 2 vols. (Lisbon 1923–24); *Historia da civilisaçao iberica* (Lisbon 1879, 6th ed. 1918), tr. with introduction by A. F. G. Bell (London 1930); *Os filhos de D. João I* (Lisbon 1891, 5th ed. 1926), tr. by J. J. Abraham and W. E. Reynolds as *The Golden Age of Prince Henry the Navigator* (London 1914); *Camões, os "Lusiadas" e a renascença em Portugal* (Oporto 1891).

Consult: Diniz d'Ayalla, F., *Os ideaes de Oliveira Martins* (Lisbon 1897); Le Gentil, G., "Quelques sources d'Oliveira Martins" in *Bulletin hispanique*, vol. xxix (1927) 255–82; Figueiredo, F. de, *Historia dum "Vencido da vida"* (Lisbon 1930).

OLMSTED, FREDERICK LAW (1822–1903), American critic of the antebellum South and landscape architect. Olmsted was the son of a Hartford, Connecticut, merchant. Because of bad eyesight and pronounced physical restlessness his schooling, which he received from clerical tutors and in Yale University, was desultory. After false starts in preparation for several professions he settled as a farmer on Staten Island, New York; but prompted by friendly differences with William Lloyd Garrison he went to the south, first in 1852, to view slavery at first hand. His *A Journey in the Seaboard Slave States* (New York 1856) was made up of reports to the New York *Times*. Later trips yielded *A Journey through Texas* (New York 1857) and *A Journey in the Back Country* (New York 1860); his previous works were drawn upon for *Journeys and Explorations in the Cotton Kingdom* (2 vols., London 1861; vol. I 2nd ed., New York 1862), which was designed to influence England to favor the North. In these books Olmsted showed the operation and social concomitants of slavery in meticulous detail and tried, although vainly, to make the slavery discussion realistic. He sought to prove the superior productiveness of free over slave labor and exhibited the economic and social exclusion and backwardness of the poor whites. He favored gradual emancipation, and to attain this end he proposed that for the purchase of their freedom the slaves be credited with all surplus production above maintenance and interest.

Shortly before the Civil War Olmsted became associated with the laying out of Central Park in New York City and later he was made its architect in chief. His successful treatment of this

municipal park brought him an expanding practise, in which he was retained by cities, states and the nation as well as by many owners of private estates. His public projects uniformly combined beauty and utility, his aim being the attainment of the "cultivated landscape as a means of urban recreation." He particularly sought to preserve the natural features of his landscapes and worked rocks, lawns and wooded dells into harmonious designs. In this characteristic his plans marked a complete departure from the schematized and artificial patterns of earlier European landscape architects. Among his other outstanding landscape projects are Prospect Park in Brooklyn, New York, the Back Bay parks in Boston, Riverside Park and Drive and Morningside Park in New York City, the Capitol grounds at Washington, D. C., the grounds of the Chicago World's Fair of 1893 and the reservation at Niagara Falls.

BROADUS MITCHELL

Other works: *Walks and Talks of an American Farmer in England* (published anonymously, New York 1852; new ed. Columbus, O. 1859); *Frederick Law Olmsted, Landscape Architect, 1822–1903*, ed. by Frederick Law Olmsted, Jr., and Theodora Kimball, 2 vols. (New York 1922–28).

Consult: Mitchell, Broadus, *Frederick Law Olmsted: a Critic of the Old South*, Johns Hopkins University, Studies in Historical and Political Science, vol. xlii, no. 2 (Baltimore 1924); Mumford, Lewis, *The Brown Decades: a Study of the Arts in America, 1865–1895* (New York 1931) p. 79–96; *Memories of Samuel Parsons*, ed. by Mabel Parsons (New York 1926).

OLNEY, RICHARD (1835–1917), American lawyer and statesman. Olney was suddenly lifted by Grover Cleveland in 1893 from a lucrative corporation practise in Boston to the attorney generalship. First in that office and then in 1895–97 as secretary of state he proved the most vigorous, self-assertive and dogmatic member of Cleveland's second cabinet. A man of simple, strong and narrow character, his principal trait was belligerent individualism and his principal tenet an instinctive, unreasoned belief in laissez faire. He practised law without partners, avoided clubs, society and travel, had no close friends and showed the world a grim independence. But the shrewdness with which he assisted New England corporations and estates in the thirty years of rapid business expansion after the Civil War made him a trusted figure in the capitalist world in which he moved.

As attorney general Olney's chief responsibility was enforcement of the Sherman Anti-Trust Act of 1890. Sharing the prejudice of most corporation attorneys, he avowed to friends that the law was "no good" and, anticipating its defeat in the Supreme Court before it was tested, made only feeble efforts to give it effect. He also permitted the case against the so-called sugar trust (United States *v.* E. C. Knight Company, 156 U. S. 1) to go to trial on weak grounds and with badly prepared arguments and, when it was lost in January, 1895, wrote that he was now justified in his avoidance of prosecutions. Olney showed still more distinctly his friendliness to corporations in the Chicago Pullman strike of 1894. His papers indicate that he favored abrupt use of federal troops to break the strike, but when Cleveland demurred Olney proceeded to effect the same end by more circumspect methods. He arranged for a drastic injunction from the federal courts against any act in furtherance of the strike, appointed as special assistant United States attorney a man designated by the railroad heads, hinted to the federal authorities in Chicago that he wanted an immediate call for troops and persuaded Cleveland to use them.

In foreign affairs Olney's name is associated chiefly with the marked extension he gave the Monroe Doctrine in his aggressive handling of the Venezuelan boundary dispute in 1895. The main lines of policy were blocked out by Cleveland, but Olney gave truculence and legal tartness to the papers of the administration on the subject. In the case of the Cuban rebellion, however, Olney sternly resisted all attempts to force American recognition of Cuban belligerency. Doubtless he was prompted in part by a desire to maintain peace with Spain; but there can be no question that his decision was to some extent influenced by Boston sugar investing interests, which feared that an independent Cuba would be chaotic. After 1895 Olney repeatedly advocated close association with Great Britain in the promotion of world peace and prosperity. He came to regard isolation as an outworn dogma and in an article published in 1898 declared that wealth and trade had made America a nation of world wide interests and that it must assume the international responsibilities of high place and power.

ALLAN NEVINS

Consult: James, Henry, *Richard Olney and His Public Service* (Boston 1923); Nevins, Allan, *Grover Cleveland* (New York 1932); Ford, Henry Jones, *The Cleveland Era*, Chronicles of America series, vol. xliv (New Haven 1919).

OMAR IBN AL-KHATTAB (*c.* 581–644), Arab statesman. Omar, one of the ablest of Mohammed's disciples, was sincere, energetic and severe. In the critical period following the prophet's death he played a decisive role in making abu Bekr caliph, and when abu Bekr died in 634 Omar succeeded to his office. The fact that he patterned himself upon the prophet was of supreme importance in his political success, for only thus could the sovereign rule of the first caliphs have become legitimized in the eyes of the people.

Under Omar Syria, Egypt and Persia were finally conquered. The task of administering this empire fell to him and he was largely responsible for its fundamental organization, becoming the founder of the "theocracy without a prophet." The new empire was in some respects entirely different from the state ruled by Mohammed: the latter had been a local, compact, Moslem-Arabic community, while under Omar the Moslem-Arabic ruling class stood out against the non-Arabic majority of subject people, who were important only as a source of income for the conqueror. The territory itself was considered almost entirely booty, but it remained undivided and was left to those in possession, upon payment of tribute. The land was regarded as the property of the theocracy and only the revenue was spent. For the financial administration the Byzantine and Sassanid tax bureaus together with their officials were retained, under Arabic governors. The conquered were allowed to administer their own internal affairs; their leaders, mostly bishops in the Christian domain, were responsible to the government. The Moslem-Arabic conquerors were forbidden to acquire any land; organized as an army they remained concentrated, preponderantly in cantons and military towns. Payments to those entitled to booty and pensions were made according to lists, which served also as citizen or army rolls. The whole administration was that of a military occupation, which sharply separated the position of the Arab and the non-Moslem, secured the financial situation against reckless demands for booty and in so doing created also certain legal rights for the subjugated.

RICHARD HARTMANN

Consult: Huart, C., *Histoire des Arabes*, 2 vols. (Paris 1912–13) vol. i, p. 226–43; Wellhausen, J., *Das arabische Reich und sein Sturz* (Berlin 1902), tr. by M. G. Weir (Calcutta 1927) p. 32–40; Sachan, Edward, *Über den zweiten Chalifen Omar* (Berlin 1902); Lammens, Henri, "Le 'triumvirat' Aboû Bakr, 'Omar et Aboû 'Obaida" in Université Saint-Joseph, Beyrouth, Faculté Orientale, *Mélanges*, vol. iv (1910) 113–44.

ONCKEN, AUGUST (1844–1911), German economist. Oncken studied at Heidelberg, Berlin and Munich. From 1865 to 1871 he engaged in agricultural activity in the grand duchy of Oldenburg and in 1872 became lecturer at the agricultural college in Vienna; after a brief period of teaching at the technical school at Aix-la-Chapelle he was appointed professor of economics at the University of Berne, where he taught until his retirement in 1910.

Oncken's chief scientific interests were agricultural economics and history of economic doctrines. He formulated the idea which he arrived at through his experience in Oldenburg—that the solution of the agricultural labor problem lies in the industrialization of agriculture. When the agrarian problem became the subject of economic controversy in Germany, he wrote *Was sagt die Nationalökonomie als Wissenschaft über die Bedeutung höher und niedriger Getreidepreise* (Berlin 1901), in which he questioned the view supported by Brentano that the doctrine of diminishing returns was upheld unconditionally by Turgot. His preoccupation with agriculture led him to the study of physiocracy, the most complete agricultural system in economics. In *Der ältere Mirabeau und die ökonomische Gesellschaft in Bern* (Berne 1886) Oncken discussed the influence of the physiocrats in Switzerland; in *Die Maxime: Laissez faire et laissez passer* (Berne 1886) he traced the origin of this economic byword to Boisguillebert; in *Oeuvres économiques et philosophiques de François Quesnay* (Frankfort 1888) he offered a new and more complete edition of the non-medical works of Quesnay, who served also as the subject of a number of biographical studies which Oncken published in *Zeitschrift für Literatur und Geschichte*. The results of his studies were incorporated in his chief work, *Die Geschichte der Nationalökonomie. Erster Teil: Die Zeit vor Adam Smith* (Leipsic 1902, 3rd ed. 1922), in which he held that economics as a science really began with the school of Quesnay—a view entertained by Adam Smith and Karl Marx and adopted by Gide and Rist in their history of economic doctrines. Oncken undertook the defense of Adam Smith against the attacks of the German economists of the socio-ethical school; in *Adam Smith in der Kulturgeschichte* (Vienna 1874) and in *Adam Smith und Immanuel Kant*

(Leipsic 1877) he attempted to establish complete agreement between the ethical and social views of Adam Smith and those of Kant. His intention to extend the parallel to their economic ideas was never carried out.

STEPHEN BAUER

Consult: Bauer, Stephan, "Für Entstehung der Physiokratie" in *Jahrbucher für Nationalökonomie und Statistik*, n.s., vol. xxi (1890) 113–58, and "Quesnay's *Tableau économique*" in *Economic Journal*, vol. v (1895) 1–21, and "Der Verfall der metaphorischen Ökonomik" in *Festschrift für Carl Grünberg* (Leipsic 1932) p. 30.

ONCKEN, WILHELM (1838–1905), German historian. Oncken taught at the University of Giessen and was for a short time a member of the National Liberal faction in the Reichstag. Influenced in his historical views by the Prussian historians Häusser and Droysen, Oncken was the most typical although not the most important of the political historians of Germany. More than any other he contributed to the prevalence of national liberal historical ideas among the cultured lay classes. Like Droysen, Oncken first occupied himself with classical studies; in the history of ancient Greece he sought an answer to the problems which were agitating the national and liberal circles of the Germany of his day. His chief concern was the problem of national unification under the hegemony of one state. His works on the modern period constitute a sort of world history of the era between the beginning of the eighteenth and the close of the nineteenth century. The dominant motif is the emergence of Prussia as a great power, the persistence of its strength during the revolutionary era and its leadership in the national unification under Bismarck. His works reflect the struggles of Bismarck against democracy, political Catholicism and the socialist movement.

Oncken's greatest influence was exerted through his organization of the *Allgemeine Geschichte in Einzeldarstellungen* (45 vols., Berlin 1879–93). This was one of the most successful attempts to produce a cooperative world history designed for wide circles of intelligent laymen, and it became the standard historical work for the cultured family. Scarcely any other work has so widely influenced the historical perspectives of the German people. It has served to make general historical knowledge a part of the national education and has helped to keep alive the view that history is the schoolmaster of the nation, the instrument of national training and the means of arousing the sentiment of patriotism.

MICHAEL FREUND

Important works: *Isokrates und Athen. Beiträge zur Geschichte der Einheits- und Freiheitsbewegung in Hellas* (Heidelberg 1862); *Athen und Hellas. Forschungen zur nationalen und politischen Geschichte der alten Griechen*, 2 vols. (Leipsic 1865–66); *Die Staatslehre des Aristoteles in historisch-politischen Umrissen*, 2 vols. (Leipsic 1870–75); *Unser Heldenkaiser. Festschrift zum hundertjährigen Geburtstage Kaiser Wilhelms des Grossen* (Berlin 1897, 16th ed. 1898). To the *Allgemeine Geschichte in Einzeldarstellungen* he contributed: *Das Zeitalter Friedrichs des Grossen*, 2 vols. (Berlin 1881–82); *Das Zeitalter der Revolution, des Kaiserreichs und der Befreiungskriege*, 2 vols. (Berlin 1884–86); *Das Zeitalter des Kaisers Wilhelm*, 2 vols. (Berlin 1890–92).

Consult: Haller, Johannes, in *Biographisches Jahrbuch*, vol. x (Berlin 1907) p. 253–55.

ONEIDA COMMUNITY. *See* COMMUNISTIC SETTLEMENTS.

OPEN DIPLOMACY. *See* DIPLOMACY.

OPEN DOOR. The essence of the open door doctrine is equality of opportunity among all nations for trade with any country to which the doctrine applies. By definition it is of universal application, since it governs in any country making no discrimination among other nations, but it is commonly associated with China because with reference to China it has become a specific issue of international politics.

The open door emerged as an international issue in 1899, but its germs lay in the most-favored-nation provisions of the earliest treaties between China and foreign powers—those following the Anglo-Chinese war of 1840–42. In these treaties it was provided that any privilege granted by China to any country extended automatically to any other country having a most-favored-nation clause in its treaty with China. In principle this was a guaranty of equality of rights. Only the abstract principle was involved until the preliminary moves for partition of China began with the heightening of imperialistic competition at the close of the nineteenth century. Alienations of territory on China's borders were followed by the exactions of leaseholds in China proper by Russia, Germany, France and England and then by the declaration of spheres of influence by those powers. All of these moves were made possible by the internal weakness of China. In 1898, the year of climax, China appeared to be doomed as a national entity.

Meanwhile the United States had contented itself with the role of a trading nation in the Far East. By reason of its own undeveloped continent it had no territorial ambitions. Its energies were still occupied with developing its own resources and exploiting the domestic market. But in the last decade of the century a foothold had been obtained in Samoa, Hawaii had been annexed, and in 1898 the Philippines were taken from Spain. The interest of the United States in far eastern politics and economic potentialities became more concrete. It was prompted to act by the successive alienations of territory from China in 1898, which threatened to block the United States out of the Chinese market altogether. The particular form which the American action took was conditioned both by the United States' traditional policy of isolation and by its late entrance into the imperialistic struggle. Unwilling to compete with the other powers in the dismemberment of China, particularly after the choicest spoils had already been seized, it wished nevertheless to preserve for itself equal commercial rights in the Far East. On September 6, 1899, John Hay sent notes to Great Britain, Germany and Russia asking them to declare formally that they would take no action in their respective spheres of influence interfering with any treaty port or vested interest in those spheres; that the Chinese tariff remain in force in ports in those spheres; and that no preferential harbor dues or railroad charges be granted in favor of their own nationals. Two months later similar notes were sent to France, Italy and Japan. All replied affirmatively, seizing the opportunity to lessen the competition which threatened to hurt them as much as it helped; Russia's answer was somewhat equivocal. Thus the doctrine became a formal statement of international policy.

While the United States became its official sponsor, there are evidences that it was first adumbrated in England. By the end of the nineteenth century England's interests had become primarily commercial and financial rather than territorial. Its future in China lay in developing that market for trade. Its fears were that later and more aggressive entrants into the imperialistic race would appropriate far eastern areas for their exclusive use. In March, 1898, John Hay, then ambassador to Great Britain, was asked by the British government to inquire of his government whether it would cooperate with Great Britain in opposing action by foreign powers tending to "restrict freedom of commerce of all nations in China either by imposing preferential conditions or by obtaining actual cession of Chinese coast territory." The American government responded non-committally. At the same time similar suggestions were being made by members of the British cabinet in debates in the House of Commons. Thus the first expressions in favor of the declaration of the open door for China were made in London rather than in Washington. The policy historically associated with Mr. Hay as secretary of state was one he had heard proposed when he was American ambassador in London. The open door policy was promulgated, not conceived, by the United States.

The role of sponsorship was subsequently assumed by the United States, however, and there was early occasion to recall to the powers their pledges. The interallied occupation of Peking after the Boxer Rebellion brought the Chinese situation to a crisis. On July 3, 1900, Secretary Hay sent a circular note to eleven powers explicitly stating American principles respecting China: preservation of "Chinese territorial and administrative entity" and "the principle of equal and impartial trade with all parts of the Chinese Empire." All eleven powers signified their adherence to these principles, the first of which is the logical corollary of the original open door doctrine and has ever since been considered a part of it. The first formal protest on behalf of the doctrine was made by the American government on February 1, 1902, prompted by Russia's patent designs for domination of Manchuria. Two days before England and Japan had concluded an alliance to combat Russian aggressiveness. Secretary Hay, in a note to the eleven powers, pointed out that the special privileges obtained by Russia constituted a monopoly in violation of the open door. Russia pressed its advance, however, until arrested by the Russo-Japanese War, which ended with Japan taking from Russia its possessions and privileges in south Manchuria.

Japan was immediately accused of discrimination against other nationals in Manchuria. These charges led to the Takahira-Root exchange of notes on November 30, 1908, in which Japan and the United States pledged themselves to support the integrity of China and equal opportunity for commerce in all parts of that empire. Meanwhile, however, Japan was consolidating a special position in south Manchuria.

The World War again brought the Far East situation to a crisis. As an ally of England, Japan

entered the war and took the German leasehold and railway in the Kiaochow peninsula. In 1915, taking advantage of the preoccupation of the western powers with their own affairs, it presented the Twenty-one Demands to China and forced China to accede to most of them, the most important being the extension of the Japanese leaseholds in the Liaotung Peninsula and the South Manchuria Railway to 1997 and 2002, respectively. Group V of the demands, which would virtually have converted China into a protectorate, were rejected. The American government immediately notified Japan and China that it reserved its rights under the guaranty of China's integrity and the open door policy, to which all the powers were committed. In November, 1917, the Lansing-Ishii notes were exchanged by the Japanese and American governments, Japan again pledging itself to maintain the open door and the United States recording its recognition that territorial propinquity gave Japan special interests in China, the last phrase being variously interpreted until the agreement was formally abrogated at the Washington Conference in 1921–22.

With the end of the World War the United States reentered on a course which it had abandoned in 1913. In 1909 the American government had sought to give a more positive interpretation to the open door by proposing the commercial neutralization of Manchuria through an international loan to China for the repurchase of the Russian and Japanese railroads in Manchuria, which would subsequently be under international supervision. This proposal and an alternative, reduced in scale, were rejected by Japan and Russia. Diplomatic struggle over railroad concessions continuing, an international banking consortium was formed out of beginnings made between 1905 and 1909, the United States being admitted only after severe pressure by President Taft. In 1912 Russia and Japan were also admitted and the six-power group announced that henceforth all foreign loans to China would be made through the consortium, the loans to carry with them the right of international supervision. Immediately after his inauguration President Wilson withdrew American support from the consortium on the ground that it threatened the administrative independence of China. With the close of the World War, however, taking cognizance of the threatened ascendancy of Japan, President Wilson changed his position and the American government now took the initiative in the formation of a new consortium. Immediately disagreement arose over whether south Manchuria should be included in its provisions, Japan again asserting a special position in that area. The controversy never came to an issue, since China refused to make any agreement with the consortium, and it was absorbed in the broader discussions at the Washington Conference. At this conference the spheres of influence in China were formally renounced and in the Nine-Power Treaty all the powers having interests in China again and more explicitly than ever before bound themselves to respect the integrity of China and the open door. The latter was for the first time given specific and detailed definition.

The most severe test of the doctrine came with Japan's occupation of Manchuria in 1931 and the subsequent formation of Manchukuo as a nominally independent state under Japanese protection. On January 7, 1932, the American government announced in the Stimson note its refusal to recognize any situation in the Far East brought about in contravention of the Nine-Power Treaty and the Kellogg-Briand Pact, in other words, its refusal to recognize the alienation of Manchuria and the formation of Manchukuo. Japan has remained immovable, refusing to admit that its action has violated these agreements or closed the open door. The issue is thus joined and at the present time has not yet come to decision.

The United States' espousal of the open door follows from a consistent recognition of its own interest in the Far East—a desire to keep the Far East open to commercial exploitation by all nations on terms of equality. That way lies the realization of its own future in the Pacific. Therefore no matter what party or what individuals have been at the head of the American government its actions with respect to the Far East have been in the same direction. Philander C. Knox or William Jennings Bryan, William H. Taft or Woodrow Wilson—all agreed on far eastern policy, although their interpretations of this policy did not always exactly coincide. Thus Taft followed a policy of active cooperation with the other powers interested in China, while Wilson, although he also adopted this policy after the World War, at the beginning of his administration attempted to follow a more passive hands off policy. Abstractly it may be said that whether or not the open door inures to the United States' interest, the alternative is a reversion to the battle of the concessions, the rivalries for the spheres and monopolistic

privileges of the 1890's and the exacerbation of international relations which culminate in war. If the principle of international discriminations is laid down in any area, the corollary is power politics.

NATHANIEL PEFFER

See: IMPERIALISM; COLONIAL ECONOMIC POLICY; COMMERCIAL TREATIES; SPHERES OF INFLUENCE; CONCESSIONS; FAR EASTERN PROBLEM; CHINESE PROBLEM; MANCHURIAN PROBLEM.

Consult: Dennis, A. L. P., *Adventures in American Diplomacy, 1896–1906* (New York 1928) ch. viii; Thayer, W. R., *The Life and Letters of John Hay*, 2 vols. (Boston 1915); Wood, G. Z., *The Genesis of the Open Door Policy in China* (New York 1921); Bau, M. J., *The Open Door Doctrine in Relation to China* (New York 1923); *Treaties and Agreements with and concerning China, 1894–1919*, compiled by J. V. A. MacMurray, Carnegie Endowment for International Peace, Division of International Law, Publications, 2 vols. (New York 1921); Carnegie Endowment for International Peace, Division of International Law, *Treaties and Agreements with and concerning China, 1919–1929*, Pamphlet series no. 50 (Washington 1929); Moore, J. B., *A Digest of International Law*, 8 vols. (Washington 1906) vol. v, p. 533–52; Reinsch, P. S., *World Politics at the End of the Nineteenth Century, as Influenced by the Oriental Situation* (New York 1900); Morse, H. B., and MacNair, H. F., *Far Eastern International Relations*, 2 vols. (Shanghai 1928), especially vol. ii, sect. 89; Morse, H. B., *The International Relations of the Chinese Empire*, 3 vols. (London 1910–18); Bau, M. J., *The Foreign Relations of China* (rev. ed. New York 1922), especially ch. ix; Whyte, A. F., *China and Foreign Powers* (London 1927); Willoughby, W. W., *Foreign Rights and Interests in China*, 2 vols. (rev. ed. Baltimore 1927); Joseph, Philip, *Foreign Diplomacy in China, 1894–1900*, London School of Economics and Political Science, Studies in Economics and Political Science, no. 93 (London 1928); Johnson, W. F., *America's Foreign Relations*, 2 vols. (New York 1916); Millard, T. F., *America and the Far Eastern Question* (New York 1909); Dennett, Tyler, *Americans in Eastern Asia* (New York 1922), especially ch. xxxii, and *John Hay* (New York 1933); Latané, J. H., *From Isolation to Leadership* (rev. ed. New York 1922) ch. v; Pooley, A. M., *Japan's Foreign Policies* (London 1920); Korff, S. A., *Russia's Foreign Relations during the Last Half Century*, Williams College, Institute of Politics, Publications (New York 1922).

OPEN SHOP. *See* CLOSED SHOP AND OPEN SHOP.

OPIUM PROBLEM. The opium problem as it has been presented to successive international conferences beginning in 1909 includes not only the question of international cooperation toward the eradication of opium eating and smoking in the countries of the Far East (the older opium problem) but also international efforts to limit the manufacture and sale of opium derivatives (morphine, heroin and codeine) to the legitimate medical needs of the world. The anti-opium conferences and treaties have generally dealt also with the control and limitation of other habit forming alkaloidal substances, such as coca leaf, the raw material of cocaine, and Indian hemp, the base of hashish. It is recognized, however, that most of the present political difficulties revolve around the older opium problem.

Opium, the coagulated juice of the opium poppy, has been used in medicine for thousands of years, although the isolation of its active alkaloids dates only from the nineteenth century. The medical use of opium, whether in the raw or in the refined state, tends to create a habit of addiction (*see* DRUG ADDICTION). It was in this manner that the introduction of opium into India and China by the mediaeval Arabs soon led to the use there of opium as a soporific. In China its non-medical use was forbidden, but in India it was made the subject of a government monopoly, which was farmed out by the Great Mogul. The introduction of tobacco smoking into China by the Portuguese during the seventeenth century gave a new impetus to opium addiction by fostering the smoking of opium, first as an accessory ingredient in the tobacco mixture and then as the principal euphoric element. In 1729 the Chinese emperor issued an edict forbidding the sale of opium or the maintenance of places where it might be smoked. Another edict, dated 1796, forbade the importation of opium. By that time opium was already being smoked without tobacco. The extension of the smoking habit in China during the nineteenth century and that of the opium eating habit in India are closely linked to European commercial and colonial interests, especially the British power in India. The British East India Company took over the opium monopoly in 1757, and in 1773 assumed control of the trade with China. Because of the conflict with Chinese policies on the prohibition of opium imports British traders induced the home government to wage two wars with China, as a result of which unrestricted opium trade was legalized (1858). In the latter half of the nineteenth century the cultivation of opium was sanctioned by law in China and developed rapidly. The domestic supply soon outdistanced the imported article, until at the opening of the twentieth century only about a seventh of the 22,500 tons consumed annually in the Chinese Empire was imported from India.

Addiction to drugs derived from opium became a problem in western Europe and America only during the nineteenth century, as a result of the use of morphine and heroin in the treatment of disease and in surgery. It attained serious proportions also in China during the second period of the prohibition of opium smoking, which began in 1906. There are stringent laws in all the occidental countries against the use of opium products except under medical prescription, and the chief problem is one of stopping illicit peddling and smuggling. On the other hand, in the oriental countries under the control of Great Britain, France, Portugal, Japan and Holland and in Siam there are government monopolies which sell prepared opium to orientals but prohibit sale to Europeans. In this respect Japan follows the custom of Europe, having pursued a stringent anti-opium policy in regard to its own nationals since the country was opened to European influence; in Manchukuo, which is under Japanese protection, it has established a smoking opium monopoly under the Ministry of Finance and has floated bond issues with opium revenue as backing. In China, although the cultivation, use and importation of opium are still officially forbidden, chaotic political conditions prevent the enforcement of such prohibition; Chinese war lords have encouraged or compelled poppy growing for revenue, the central government being unable to suppress the practise. In India slight progress has been made in combating the use of opium for eating, although the matter is now under discussion in the Indian provincial legislative assemblies.

From this survey it may be seen that behind the opium problem there is a fundamental divergence of attitude between East and West. The custom of eating and smoking has by this time become deeply ingrained in the social fabric of the eastern countries—so deeply ingrained in fact that it cannot readily be eradicated without the full cooperation of the western powers. But these powers, with their colonial interests, are heavily involved in the commercial exploitation of the eastern opium habits. While prohibiting prepared opium for their own nationals, they derive a revenue by permitting the natives to smoke or eat it. On the other hand, immediate and full prohibition, even if the powers could sacrifice considerations of revenue, would undoubtedly result in law evasion.

The chief countries which grow the opium poppy are, besides India and China, Persia, Turkey, Greece and Jugoslavia. The latter three are the source of medicinal opium, since they produce poppies with the highest morphine content (sometimes as high as 15 percent). Formerly the main source of supply for the western powers with established opium monopolies, India has now limited its crop to domestic needs for eating and smoking and for medical and veterinary purposes—estimated in 1925 at 700 tons—and to monopoly orders from other governments. While continuing to sell opium for medical uses to Great Britain without restriction, India is now voluntarily reducing its other exports by 10 percent annually and in 1936 will no longer export opium even on foreign government certificate or to British colonies. The British government exercises only limited control over the native states of India, but it maintains that since these native states have no direct access either to the sea or to China except across British territory, it can stop any shipment of opium from these regions. Persian opium, the choicest for eating or smoking, has long been sold without restriction, although recent reports to Geneva show that the Persian government has attempted some export control. In 1925, as a result of the conference of that year, a League of Nations commission under Frederick A. Delano was sent to Persia and presented sound recommendations for crop substitution and gradual control of the traffic. These recommendations were not accepted by the Persian government, and "free" opium, shipped mainly from the port of Bushire on the Persian Gulf to unknown destinations, has rendered vain all attempts at limiting production. Powers which have monopolies formerly supplied by India are now turning to Persia, which also caters to the smuggler, the most serious competitor of the monopolies.

The chief countries which manufacture drugs from opium are the United States, Great Britain, France, Germany, Switzerland and Japan. In 1930 Turkey was added to the list, and in 1933 Bulgaria. The magnitude of the problem of control of the manufacture of drugs is indicated by the fact that in any one of these countries the total legitimate supply (estimated by the League of Nations on the basis of 1930 figures at 9 tons of morphine, 16½ tons of codeine and 2 tons of heroin) could readily be manufactured and leave plenty of surplus capacity to spare. In the last few years, however, there has been a sharp reduction in the amount of raw opium used for legal manufacture, whether for medical

and scientific purposes or for smoking opium as permitted by the Hague convention.

Agitation against the opium evil was first started by English reformers and missionaries almost immediately after England had negotiated the opium treaties with China, these groups finding a certain inconsistency in the attempt to force both Christianity and opium on the Chinese. In India the movement was hindered by the fact that the country was enjoying lower taxes as a result both of the foreign sales of opium and of revenue from domestic consumption. Also the Indian government has claimed that the Indian masses were too primitive in their understanding of medical needs to render it feasible for the authorities to encourage the education of the public as to the evils of opium addiction. A royal commission appointed by the British Parliament in 1893 whitewashed completely both the opium practises current in India and the opium policy of the Indian government.

It was not until the United States entered actively into far eastern affairs through the annexation of the Philippine Islands that any progress was made toward a solution of the opium problem. At that time it found a Spanish government opium monopoly in existence, and the suggestion was made that a transitory American monopoly should be set up, pending complete suppression. But the government decided upon immediate prohibitory legislation, in spite of the loss of $500,000 in annual revenue. Through this attack upon the general principle of government opium monopolies the United States obtained the close cooperation of the Chinese government, maintained ever since. On the suggestion of Bishop Brent of the Philippines and of Dr. Hamilton Wright, who found that smuggling from nearby territory rendered the opium prohibition in the Philippines ineffective, President Theodore Roosevelt summoned the first international conference on the subject, which met in Shanghai in 1909. In order to put into effect the common understanding reached President Taft later convoked an international conference at The Hague. The resulting convention of 1912, finally effective in 1914 among a few states, is the Magna Carta of opium. By this time drug addiction had become an object of serious international concern and the treaty was therefore extended to cover derivatives. The signatories undertook to license drug manufacture, to restrict export to countries expressing a desire to import, and to provide domestic inspection and records. Manufacture was to be regulated rather than limited, but the germ of the principle of import and export certificates, new in international trade, was included; that is, a manufacturing country was to send its drugs to another country only at the latter's express wish. The problem of "prepared opium," or opium for smoking, was handled less effectively; it was subjected merely to "gradual and effective suppression," the trade being prohibited "as soon as possible." This promise is still unfulfilled. The chapter recommending cooperation between China and the treaty powers has remained largely a dead letter. No efforts were made to abolish opium eating in India, this being regarded as a domestic concern.

The World War prevented most of the signatory powers from enacting the legislation which would make the trade restrictions effective. The United States in 1914 passed the Harrison Narcotic Act, which regulated domestic manufacture under a stringent system of inspection. The export of American drugs, formerly shipped to the Far East, many tons at a time, was taxed out of existence; American manufacturers accepted with good grace the loss of the foreign market, inasmuch as the act reserved the domestic market exclusively to them. The Jones-Miller Act of 1922 completed the fulfilment of American obligations under the Hague convention by setting up a Federal Narcotics Control Board to examine licenses, issue import permits for raw material and supervise the trade in narcotics in the public interest. Great Britain in 1920 enacted the very rigorous Dangerous Drugs Act. But these were the only countries which had honored their promises when the problem was taken over by the League of Nations.

Some progress had meantime been made with regard to smoking opium. India and China had agreed in 1909 that *pari passu* with the prevention in China of the use of opium, the export from India should be reduced by 10 percent annually over a ten-year period. A committee of investigation, headed by an Englishman, certified to China's success in less than the agreed ten years. As a gesture of friendship India gave up its Chinese export at this point, thus foregoing a large revenue. Unfortunately the impetus gained was lost at this crucial point; the western powers were then at war and failed to take advantage of this opportunity to agree to suppress licensed opium smoking in their territories. China, considering its sacrifices vain, again took up poppy cultivation. Sporadic at-

tempts were made thereafter to stop cultivation and use; but in 1920, when the matter was put under League control, the situation in China was indefensible.

In other countries too the situation showed the inadequacy of the Hague convention. Although India exported exclusively to the Far East government monopolies, domestically it did not concede that legitimate use was confined to medicinal and scientific purposes: the Indian eating opium monopoly yielded £4,000,000 annually in addition to the lucrative license and excise taxes of the native states. In the Straits Settlements and Hongkong consumption under government monopoly increased steadily, the suggested control measures for the latter being considered impracticable. In North Borneo and Macao gambling and opium revenues were held essential to budgetary equilibrium. In the Dutch East Indies opium produced regularly about 8 percent of the revenue and in British Malaya nearly one third. Siam like China protested that illegal traffic flourished under a regime of extraterritorial rights. The import monopoly in the French colonies brought a satisfactory revenue to France but failed to reduce consumption or to stop smuggling. Cheap monopoly opium and an import certificate system eliminated illicit traffic in Formosa but did not reduce consumption. Smuggling continued rife on the Chinese frontiers of Korea and Kwantung.

This was the problem facing the League of Nations when it assumed responsibility under a clause in the peace treaties entrusting it with the execution of agreements concerning the traffic in opium and dangerous drugs. An advisory committee was set up in 1920, on which manufacturing countries and those concerned with smoking opium or the production of raw material were represented, to advise the Council on execution of the Hague treaty. At this time the United States held no official communication with Geneva, and information on the opium problem was exchanged only through unofficial private channels. The impossibility of separate action was made clear when a resolution by Stephen G. Porter, chairman of the House Foreign Affairs Committee, calling on the president to urge other countries to reduce the production of raw opium to that necessary for medical and scientific needs, was consigned to oblivion as a result of the non-cooperation policy. In 1922, however, an invitation came from the League Council to consult on reenforcing the Hague convention. Assistant Surgeon General Rupert Blue was sent to sit with the League Opium Advisory Committee as an "observer." In 1923 Bishop Brent, Representative Porter and General Blue attended a meeting of the committee to ask the members to consider revision of the convention on the ground that the only legitimate use of opium was medical and scientific and that production should be reduced accordingly. The monopoly countries accepted with reservations; and the 1923 Assembly convoked not one but two conferences, one to consider smoking opium and the second, drug control and reduction of production.

Congressman Porter had previously agreed unofficially to such a division, yet the American delegation's official proposals at the 1924 conference included suppression of opium smoking as well as close regulation of drug manufacture and export. The other countries except China wished to confine the discussion of opium smoking to the first conference, to which the United States had been invited as an observer because of its relation to the Philippines. The United States delegation, however, together with that from China, refused and withdrew from the conference, without signing the excellent treaty on drug control. This Geneva treaty of 1925 was a great advance over the Hague convention; it covered a wider list of drugs and improved export control by a definite export and import certificate system. Most important was the creation of the Permanent Central Board, comprising eight experts not dependent on their governments, who were continuously to watch international trade, to receive periodic statistics and to warn of any concentration of material which might indicate illicit traffic. During this conference definite limitation of drug manufacture to the medical and scientific needs of the world was discussed, but the problems of quotas, price fixing and new competitors were not settled.

Although it was rejected by the American delegation, the convention of the first conference with regard to opium smoking was not entirely fruitless. It provided for review in 1929, noted the value of the registration and rationing system in suppressing opium smoking and as a sop to American opinion added a protocol accepting the principle of the suppression of opium smoking, contingent upon cessation of smuggling.

But the Geneva conventions failed to solve various pressing problems left by the Hague convention. Derivatives were not subject to con-

trol until the League Health Committee's report on their narcotic properties had been accepted; nations bound by the export and import certificate system continued to ship to those not bound; the illicit traffic moved from place to place as control tightened.

In 1929, on request of the Assembly, the Opium Advisory Committee drafted a plan for direct limitation of manufacture to medical and scientific needs, calling for a preliminary conference of manufacturing nations to distribute quotas among them. The conference was held in London in 1930 but failed to reach an agreement. Meanwhile a plan was advanced called variously the American plan, the Crane plan or the Blanco plan, based on a suggestion by an Austrian, Dr. Knaffl-Lenz. Each nation was to notify a central body of its requirements, and if not itself a manufacturer, it was to indicate the country from which it proposed to receive them. No sales and no other manufacture were allowed except to nations supplying such figures; but, unlike the quota plan, this scheme allowed manufacture by any nation which could obtain orders, thus tending to lower prices through competition.

In 1931 the Council convoked a conference on limitation of manufacture. A convention, resulting from a joint French and Japanese proposal, provided for separate estimates, binding on governments, for each drug and for each territory; the form, based solely on medical and scientific requirements, was to be prescribed by the Permanent Central Control Board. A new supervisory body was to make estimates for nations failing to supply them and to review those supplied. Manufacture might not exceed estimates of legitimate needs plus exports and minus imports and seizures, which must be accounted for. Large reserve stocks are permitted, however, and there is no absolute limit for manufacture and no control of Indian hemp. An internal control system provided publicity for all aspects of production and distribution. Most of the convention's proposals, it will be noted, had appeared in the proposals for the 1925 conference.

As the 1925 smoking opium convention had provided for review before 1929 of the position of the parties concerned, a League Commission of Enquiry was sent to the Far East. The committee in its report emphasized the need of stricter control but stated that among other drawbacks to suppression was the fear of colonial governments that an exodus of Chinese laborers would ensue if opium were prohibited. A conference of far eastern nations at Bangkok produced a convention which was in no respect an advance on the Hague convention, and the problem remains unsolved, a challenge to both East and West.

Another unsolved problem is that of the limitation of raw opium production, and the League cannot evade this without obscuring the value of its work on drug control. So long as China and Persia fail to control production, no progress can be made. Until the twenty-year old farce of "gradual suppression of the use of prepared opium" is brought to a close, there can be no progress toward reducing production, since no one can know how far it should be reduced.

Public opinion, fostered by voluntary organizations, must force action by governments. The International Missionary Council has been effective in the Far East and in the home countries where Protestant missions have power. The Anti-Opium Information Bureau in Geneva, directed by a former member of the League Secretariat, A. E. Blanco, spurs the Opium Advisory Committee to forward action. Through a "Narcotic Education Week" the World Narcotic Education Association, directed by Captain Hobson, portrays to the youth the horrors of drug addiction.

The White Cross Anti-Narcotic Association of Seattle functioned effectively in helping to secure the passage of the Harrison and Jones-Miller acts. The Opium Research Committee of the Foreign Policy Association publishes factual analyses of treaties and the proceedings of the Opium Advisory Committee and prepares memoranda on policy for governments. The Bureau of Social Hygiene of New York City has initiated and financed scientific studies and publications on various points of the opium problem. The League of Nations Association in various countries, the General Federation of Women's Clubs of America, the Woman's Christian Temperance Union, the international Young Men's Christian Association and Young Women's Christian Association and the Women's International League for Peace and Freedom all have opium committees.

HELEN HOWELL MOORHEAD
HAROLD TOBIN

See: DRUG ADDICTION; FOOD AND DRUG REGULATION; MEDICAL MATERIALS INDUSTRY; SMUGGLING; FAR EASTERN PROBLEM.

Consult: League of Nations, Committee on Opium and Other Dangerous Drugs, "Minutes and Reports on

Sessions" in *Official Journal* and *Supplement*, published in Geneva since 1920; Commission of Enquiry into Production of Opium in Persia, *Report of Fifth Committee to Assembly*, 1927.XI.7 (Geneva 1927); and Commission of Enquiry into Control of Opium-Smoking in the Far East, *Report to the Council*, 1930.XI.10, 4 vols. (Geneva 1930). See also First Opium Conference, *Minutes and Annexes*, League of Nations, Publications, C.684.M.244.1924.XI (Geneva 1925), and Second Opium Conference, *Records*, League of Nations, Publications, C.760.M.260.1924.XI, 2 vols. (Geneva 1925); Conference on the Limitation of the Manufacture of Narcotic Drugs, *Records*, League of Nations, Publications, 1931.XI.10, 2 vols. (Geneva 1931); United States, Treasury Department, Narcotics Bureau, *The Traffic in Opium and Other Dangerous Drugs*, published annually since 1924; United States, Department of State, *Report of the Delegation of the United States to the Conference on the Limitation of the Manufacture of Narcotic Drugs, Geneva May 27–July 13, 1931*, Publication no. 340 (1932); Foreign Policy Association, Opium Research Committee, *Survey of Smoking Opium Conditions in the Far East*, by Herbert L. May (New York 1927), *Twenty Years of Persian Opium (1908–1928)*, by Elizabeth P. MacCallum (New York 1928), *International Drug Control*, by C. K. Crane, Pamphlet no. 46 (New York 1927), *The Opium Situation in India*, Pamphlet no. 39 (New York 1926), and *International Control of the Traffic in Opium, Summary of the Opium Conferences Held at Geneva 1924–25*, Pamphlet no. 33 (New York 1925); Farnham, John D., and Moorhead, H. H., "International Limitation of Dangerous Drugs" in Foreign Policy Association, *Foreign Policy Reports*, vol. vii, no. 2 (1931); Anti-Opium Information Bureau, Geneva, *Communiqué*, published irregularly in Geneva since 1928; Bureau of Social Hygiene, *The Geneva Convention of 1931* (New York 1932); Gavit, J. P., *Opium* (London 1925); La Motte, E. N., *Ethics of Opium* (New York 1924); Terry, C. E., and Pellens, M., *The Opium Problem* (New York 1928); Willoughby, W. W., *Opium as an International Problem, the Geneva Conferences* (Baltimore 1925); Wu, Wen-Tsao, *The Chinese Opium Question in British Opinion and Action* (New York 1928); Wissler, Albert, *Die Opiumfrage*, Kiel Universität, Institut für Weltwirtschaft und Seeverkehr, Probleme der Weltwirtschaft, vol. lii (Jena 1931).

OPPENHEIM, LASSA FRANCIS LAWRENCE (1858–1919), German-English jurist. Oppenheim studied in Germany and became professor of law at Freiburg and later at Basel. He had already won recognition as a criminologist when in 1895 he went to England, where he devoted himself to the study of public international law. He taught this subject first at the University of London and from 1908 at Cambridge University. He was one of the editors of the *Zeitschrift für Völkerrecht* and contributed to many legal periodicals.

His reputation as an international lawyer was world wide and rested especially upon his textbook, *International Law* (2 vols., London 1905–06; 4th ed. by A. D. McNair, 1926–28), indispensable because of its clarity and accuracy of exposition, its comprehensiveness and its wealth of bibliographical material. In this work and in his teaching Oppenheim combined continental legal scholarship with the pragmatic approach of the lawyer versed in English common law. He was a positivist in insisting that only custom and treaties are sources of international law and that the introduction of any ideas of natural law must be unscientific. His approach was based upon the dualistic theory of Triepel and Anzilotti, according to which international law and municipal law constitute entirely different systems, so that a rule of the former can never per se become part of municipal law but requires a municipal act. Accordingly he held that individuals are never subjects but only objects of international law. Recent theory in international law has to a large extent abandoned the extreme positivism which essentially affirms the doctrine of state sovereignty in the international sphere; on the question of subjects of international law there has been an increased tendency to attach weight to Westlake's view that ultimately the rights and duties of states are rights and duties of men. Oppenheim, whose cautious positivism did not prevent his adherence to pacifist ideas, seemed himself inclined in his last years to modify his attitude. Although in his treatise he insisted repeatedly that there is not and never will be a central authority above the states, nevertheless in *The League of Nations and Its Problems* (London 1919) he was emphatic that withdrawal from the League should not be possible—which seems very near to recognizing such an authority.

H. LAUTERPACHT

Consult: Whittuck, E. A., in *British Year Book of International Law*, vol. i (1920–21) 1–9; Gregory, C. N., in *American Journal of International Law*, vol. xiv (1920) 229–32.

OPPORTUNISM is a disposition to allow conduct to be shaped by circumstances rather than by fixed principles. The term was first applied in political writing to the policy of Gambetta, who differed from the intransigents in his willingness to sacrifice certain republican principles in order to secure an immediately practicable measure of republicanism in France. Thus the problem of opportunism, like that of intransigence, has its roots in the troubled question of the relations between what is and what ought to be. Ideals and principles originate in

the limitless realm of intellectual creativeness, but their field of operation lies within the strictly limited world of fact. This gives rise to a tragic conflict. Since individuals vary in the intensity of their response to normative considerations, this conflict does not affect all persons equally. Some remain virtually untouched by it and concern themselves primarily with utilizing current opportunities for purposes of material advantage. Such action, being wholly dissociated from questions of principle, is opportunistic in the most absolute sense. Consequently there is a tendency to use the term opportunist as synonymous with adventurer. This fails, however, to exhaust the possibilities of opportunistic action. Although certain principles remain in some degree dear to most people, they cannot usually be given great practical effectiveness without a measure of accommodation to the superior force of hostile external circumstances. Intransigents are relatively unwilling to make such concessions, even though their refusal may entail certain failure. Others, feeling that some practical progress must be made, are ready to countenance action in violation of their principles in order to secure ultimate success. They are opportunists but to a lesser degree than the absolute opportunists, for their opportunism finds its ultimate sanction in that it serves principles.

Opportunism has been a constant phenomenon in political history, but in its development political theorists have played a minor role. Adventurers flourish in the world of fact but usually without benefit of theoretical encouragement. The problem of relative opportunism, however, has provoked considerable theoretical discussion, realistic political thinkers from Aristotle onward having been interested in discovering the natural limitations of normative activity. Occasionally these theories, going beyond the mere description of existing practises, have contributed actively to the course of history. When new ideals are striving in a period of rapid change to assert themselves against overwhelming obstacles, the need for a relative freedom of action may lead theorists to undertake a systematic justification of opportunism. During the political and religious troubles of the sixteenth and seventeenth centuries, for example, there arose theories, like the doctrine of *raison d'état*, which maintained that certain ultimate political or religious values might justifiably be defended by the ruthless utilization of all available resources. Foreshadowed by Machiavelli, whose interest in political technique was in the service of an ardent nationalism, the idea of *raison d'état* received wide currency through the writings of Botero and others and contributed directly to the rise of the absolutist state. Similar movements appeared within the church, particularly among the Jesuits. By concentrating upon the problem of practical success these theories encouraged freely opportunistic policies in an age which was already disposed to look upon the end as justifying the means.

The rapid social changes of the past century have led to a similar intensification of opportunism in modern life. To an even greater extent than in the sixteenth century, however, conscious intellectual factors have played an active part in this modern historical development. A severe questioning of all established religious and scientific dogmas has led to a widespread disillusionment as to the validity of fixed principles. In his superbly expressed distrust of the practicability of the rationalistic doctrines of the French Revolution Burke became the forerunner of a large school of thinkers who consider empirical action more important than systematic principles. William James' "Damn your absolute!" illustrates a typical modern attitude which is characteristic of the whole pragmatic movement. The increased preoccupation with results in the realm of fact provides a broad basis for opportunistic policies. But this growing distrust of principles has not generally resulted in unprincipled opportunism like that of the Greek sophists. In fact it has been accompanied during the past century by a remarkable growth of group loyalty, and moral sentiments receive their expression in the exaltation of the Marxist ideal of the class and the Fascist ideal of the nation. The current trend in morality is to insist upon unquestioning devotion to a group, but the distrust of rational programs has concurrently led to a belief that the interests of the group are best to be served by empirically determined action judged solely on the basis of practical effectiveness. This position is particularly explicit in the theories of Italian Fascism, and the supple adaptability of the career of Mussolini is in itself testimony to the increasing sway of opportunistic policies in recent times.

Opportunistic theories and policies emanate most frequently from radical or reform groups. It is true that conservatives, being desirous of maintaining the status quo, have little respect for normative considerations, which always have

a reformative tendency. In holding to a cautious but free empiricism to secure true social progress Burke expresses a distrust of theories which has been typical of conservatism. Thus in so far as conservatives have any active policy at all it is usually characterized by an opportunism wholly devoid of doctrinaire misgivings and tempered only by a devotion to tradition. But since conservative strategy is ordinarily concerned rather with preventing than with initiating action, the practical influence of this conservative opportunism is kept within comparatively narrow limits. Radical action, on the other hand, is inspired by devotion to certain reformative principles, although such devotion may range in intensity from the polite discontent of municipal reformers to the passionate fervor of Jacobins and Marxists. A painful sense of the divergence between what is and what ought to be incites the radicals to determined action. Under this pressure the inertia of the established system soon becomes apparent, evoking in some individuals an intransigent attitude tinged with the pride of despair. An overwhelming desire for effective action, however, forces most reformers to tolerate varying degrees of opportunism. This is one of the most frequent causes of dissension within radical groups. Pre-war French syndicalism was rent by the conflicts of reformists and revolutionaries; modern Marxism is torn by the animosities of socialists and communists. Such divergences are based on a difference of opinion as to the extent to which it is necessary and desirable to tolerate opportunistic compromise and delay in order to attain the desired ends. Even the most extreme, however, are forced to wait to some extent upon the appearance of favorable circumstances. The fact that the French Jacobins, despite their ardent republicanism, ruled autocratically when circumstances jeopardized the achievements of the revolution, shows that opportunism is compatible even with fanaticism.

Opportunism is an important factor in social evolution, but its effects differ according as it is practised by the government or by the opposition. When it appears in the conduct of persons in power, it is a moderating force tending to safeguard social continuity and to minimize the violence of social change. Since traditional institutions are among the hardiest obstacles to reformative action, an opportunistic policy, on the part of reformers, of accommodation to existing circumstances involves certain concessions to the established traditional order. Innovations directed toward reform are thus interwoven with traditional elements despite the stricter demands of radical theorists, with the result that reform movements are seldom as catastrophically thoroughgoing in their actual achievements as in their aspirations. Consequently a measure of social continuity is preserved. The practise of opportunism by persons not in authority, on the other hand, facilitates social change. The uncompromising attitude of an intransigent opposition not only thwarts its own efforts but also retards all other attempts at innovation. To the extent to which the supporters of rival principles are prepared to adapt themselves to the demands of a superior power the possibility of revolutionary action by the government is increased. The scales are weighted in favor of established political authorities because of the fact that there is always a considerable floating population of adventurers who are ready to share in the fruits of success. Consequently the government has little need to subject its policies to opportunistic dilution unless it must reckon with the intransigence of the opposition. In contemporary Germany, for example, the Nazis would have advanced much less swiftly toward the totalitarian state if the opposition had been inspired by a suicidal fanaticism rather than by an opportunistic desire to make the best of a bad bargain. But since it is a commonplace that the possession of power has a moderating influence and that unpractical fanaticism is most usual in opposition groups, the preponderant force of opportunism is ordinarily on the side of evolutionary rather than of revolutionary development.

It is apparent nevertheless that certain dangers are inherent in opportunism despite the fact that it often represents a wise and necessary utilization of available resources. The sacrifice of principles may be the result of wise calculation, but it may also represent mere cowardice in the face of difficulties. Since the necessity for such a sacrifice is always a matter of opinion, opportunism may easily serve to disguise weakness. Furthermore reform movements depend on a certain spiritual exaltation which suffers from the shock of constant deviation from principle. The spiritual exhaustion consequent upon any long continued conflict with reality largely accounts for the fact that long lived movements tend to become increasingly opportunistic and to abandon specific principles. The minimization of principles in recent American politics is notorious, while the constant evolution of es-

tablished socialist parties toward a position of increasing moderation offers a characteristic although less extreme example of the same tendency. Party leaders are particularly susceptible to this form of exhaustion since the responsibilities of practical leadership familiarize them with opportunistic actions which are carefully hidden from the rank and file of the party. There is therefore a constant tendency for radical leaders to desert to more conservative parties, a phenomenon particularly characteristic of French and more recently of English socialists. If the principles at stake have inherent vitality they are reasserted by fresh reformatory groups, and as socialists move to the right they are replaced by communists and similar left wing parties. This process of the fading and renewal of reformative impulses is as natural and necessary as opportunism itself. The danger lies in the possibility that the practise of opportunism, if allowed to play too extensive a role in the life of society, may create so widespread a sense of disillusionment as to inhibit the renewal of impulses to change. The health of society depends on the maintenance of a just balance between normative and opportunistic forces. The cessation of reformative efforts leads to a decadent stagnation like that of imperial Rome and the more troubled Latin American republics, where history resolves itself into a chronicle of the exploits of adventurers. Thus a consideration of the problem of opportunism illustrates admirably the fact that the art of life consists not in simple choice but in the maintenance of an appropriate balance between conflicting forces.

FREDERICK MUNDELL WATKINS

See: COMPROMISE; INTRANSIGENCE; DOCTRINAIRE; MORALS; ETHICS; SOPHISTS; PRAGMATISM; SOCIAL PROCESS; CONSERVATISM; RADICALISM; REFORMISM; LEADERSHIP; STATESMANSHIP; PARTIES, POLITICAL; COALITION.

Consult: Bodley, J. E. C., *France*, 2 vols. (London 1898) vol. ii, bk. iv, ch. vi; Meinecke, Friedrich, *Die Idee der Staatsräson in der neueren Geschichte* (3rd ed. Munich 1929); Elliott, W. Y., *The Pragmatic Revolt in Politics* (New York 1928) p. 59–60; Morley, John, *On Compromise* (new ed. London 1923), especially ch. iii; Dewey, John, *Human Nature and Conduct* (New York 1922) pt. iii, sects. vi–viii.

OPTIMISM. *See* PROGRESS.

OPTIMUM POPULATION. *See* POPULATION.

ORDERS, FRATERNAL. *See* FRATERNAL ORDERS.

ORDERS, RELIGIOUS. *See* RELIGIOUS ORDERS.

ORESME, NICOLE (*c.* 1320–82), scholar, political theorist and churchman. Born in Normandy, Oresme studied theology at the University of Paris, became grand master of the Collège de Navarre in 1356, dean of the Cathedral of Rouen in 1361 and finally bishop of Lisieux in 1377. While knowledge of his life there is still incomplete and the details of his role at the court of Charles V are not clear, it is certain that his influence in the royal councils was great. Of his extremely varied works, including in their range theology, astronomy, mathematics, political philosophy and political economy, the best known and most important are his translations—the first in the French language—of Aristotle's *Ethics* (1370), *Politics* (1371) and *Economics* (1371), and his *Tractatus de origine et natura, jure et mutationibus monetarum*, probably written and translated into French between 1356 and 1361.

The originality of Oresme, particularly as a monetary theorist, has been affirmed and denied with equal fervor since the middle of the nineteenth century. The present consensus of opinion is that while he owed a great deal to the Aristotelian philosophy, he drew very little from the incidental treatment of monetary questions by the Romanist and canonist writers, and that the source of his theories must be sought primarily in the events and circumstances of the fourteenth century. Oresme opposed the feudal theory which made money the property of the prince and declared that its control belonged rather to the community. He traced the history of money, explained its economic role and severely condemned the practise of altering its value. In the second edition of his treatise, however, while he continued to deny to the prince the right to change the value of money, he admitted that this power might rightly be exercised by the Estates General in the common interest, so that his doctrine is less an affirmation of the desirability of monetary stability than a denial of the absolute power of the king. While in this respect he takes his place as a political theorist rather than as an economist, he did describe very clearly the economic effects of monetary fluctuations; his treatise appeared during a period when changes in the established value of money—between 1351 and 1360 the value of the *libre tournois* was changed seventy-one times—were causing increasing difficulties and popular protests, such as the rising in Paris under Étienne

Marcel; and it was largely due to his influence that Charles V promulgated the ordinance of 1360 which assured monetary stability for the succeeding twenty-five years.

Oresme's influence, although very sporadic, has been considerable. His translations of Aristotle continued to circulate widely throughout the following centuries; the Protestant polemics of the sixteenth century made frequent reference to one of his sermons on the need of reform in the church; and his monetary treatise was known to the early writers of economic monographs. But it was not until Roscher "rediscovered" this work in 1862 and Wolowski translated it into French two years later that modern scholars paid much attention to Oresme's theories.

PAUL HARSIN

Consult: Meunier, F., *Essai sur la vie et les ouvrages de Nicole Oresme* (Paris 1857); Roscher, W., "Ein grosser Nationalökonom des vierzehnten Jahrhunderts" in *Zeitschrift für die gesammte Staatswissenschaft*, vol. xix (1863) 305–18; *Traictie de la première invention des monnoies de N. Oresme*, ed. by L. Wolowski (Paris 1864); Conigliani, C. A., *Le dottrine monetarie in Francia durante il medioevo* (Modena 1890); Bridrey, Émile, *La théorie de la monnaie au XIVe siècle: Nicole Oresme* (Paris 1906); Landry Adolphe, "Notes critiques sur le 'Nicole Oresme' de M. Bridrey" in *Moyen age*, vol. xxii (1909) 145–78, and *Essai économique sur les mutations des monnaies dans l'ancienne France de Philippe le Bel à Charles VII* (Paris 1910); Nolan, Patrick, "A Fourteenth-century Treatise on Money" in *Economic History*, vol. i (1926) 34–41; Curtze, E. L. W., *Die mathematischen Schriften des Nicole Oresme* (Berlin 1870); Coopland, G. W., "Nicholas Oresme's Livre de divinacion" in *Monist*, vol. xxxvii (1927) 578–600.

ORGANIZATION, ADMINISTRATIVE. Government is the complete process of discovering and converting human needs into human satisfactions. For purposes of scientific analysis it may be divided into politics and administration. Politics is the process of detecting needs, formulating purposes and securing the man and money power to realize them. Administration is the complex of functions, organization and apparatus adapted to the service of the purposes dictated by politics. Hence administrative organization is a means to an end sometimes perhaps not openly or honestly avowed; its form, direction and tempo are determined from the outside entirely, except for deviations caused by the personal resistances of administrators seeking unauthorized satisfactions. Aside from such deviations, administrative organization varies with the political ends, the national environment and the character of the citizenry and the civil service.

Policy affects administrative organization through the amount, kinds and intensity of administrative activities as well as through the constant demand for economy and through the forms by which policy is expressed. Even when the size of the nation is discounted, political ends determine the magnitude of staff and budget, as is evident from a comparison of the United States, Great Britain, Germany, Italy and Soviet Russia. Sheer magnitude everywhere produces the problems and institutions of internal hierarchical control and inspection (since it is necessary to energize the mass in the service of the chief directorate), renders a day by day surveillance and comparison of productivity very difficult and consequently leads to routinization ("red tape") and the institutions to overcome it. Where the kinds of activity are diverse, and especially when they are many, the twin problems of specialization and cooperation arise. These various problems are everywhere perceived and tend to be more elaborately provided for in countries with the least experience in centralized control, as in Soviet Russia and in Italy, although such measures are applied only fitfully because of discouragement and lack of general tradition. By reason of the terrific and well nigh impossible task of control and audit laid upon the institution of control (Exchequer and Audit Department, Cour des Comptes, Rechnungshof, Gosplan) the future apparently lies with internal accounting within each separate unit, such as the syndicate or "trust" in Russia or the Port of London Authority in England. Such arrangements, nevertheless, involve a loss of central comparison and coordination.

Even more important, however, is the contemporary straining away from the compact group of state departments toward syndicates, trusts, authorities, corporations—enjoying varying degrees of independence of the central controlling body, whether cabinet or Soviet central executive committee. There is this perpetual strain to maintain the special creativeness of the crafts, with the harmonious development of the whole, a development attained more markedly in some countries than in others—in Italy as compared with France, for example—but everywhere transitorily rising and falling in effectiveness. One inevitable result is the creation in the administrative departments of technical advisory boards composed of representatives of the

various activities controlled, to advise, to comment upon policy and to cooperate in drafting administrative regulations.

The intensity of activity involves the energy and speed with which the object is pursued and affects chiefly the degree of centralization, considered both territorially and functionally. In Russia, Italy and Germany there is intense centralization mitigated only by certain environmental and human resistances. In England a midway course is followed: in the central administration the departmental activity is pursued independently with a fairly strict control (tempered by the very number of the departments) by the Treasury; in the central-local relations there is a complex and meticulated system of interaction between the local authorities and Whitehall, with over 75 percent of the authority lying with the latter; and in the municipalities there exists a system of cooperation between the departments which, it is generally felt, errs a little on the side of disintegration. In the United States, on the other hand, the decentralization is comparatively extensive, as is evident in the federal system, the place of the cities in the states, the relation of the numerous bureaus and departments to one another and to the Treasury and cabinet.

Where the intensity of politics is greatest, control of the staff is strictest, at least in intention and usually in reality; this is abundantly demonstrated in Russia, Italy and Germany. In Soviet Russia, the G. P. U. and the Rabkrin (Workers' and Peasants' Inspection) perform supervisional duties characterized by both subtlety and energy; in Italy, the Milizia Volontaria per la Sicurezza Nazionale plays a similar role. Such inspectorial bodies are not always part of the official administrative establishment; they may operate directly as the instrument of the dominant party. A further consequence of this impatient policy is frequent change of men, organization and apparatus and an emphasis on "elasticity" of policy and organization. Finally, impatience involves the whole problem of "administrative justice"; the more pressing the social task the readier is the body politic to vest jurisdiction in the administrative department and the more reluctant to allow appeal to the law courts. In Soviet Russia the judicial authorities affirm expressly that individual justice cannot be allowed to conflict with the ends of the state. Justice in cases involving social ends and not suits between individuals ought logically to be included as a branch of administration, because the courts, in this particular field, are established in the long run to execute state policy.

Whatever the character and effects of the factors already analyzed, there is a ubiquitous demand for economy, which becomes increasingly strong in periods of economic stress and depression. Falsely used, the term means only a diminution of public expenditure. Properly defined, it is simply the best or least wasteful utilization of the available means, the objects of expenditure being given; as such it is equally consistent with more or less public expenditure. The result, in proportion to the wealth of the society and its traditions of probity, is a complex mechanism for comparing all competing demands for expenditure with one another and the total to be spent with the total national income. In western civilization the model in this respect, more or less effectively followed by other countries, has been the British Treasury; in Soviet Russia an altogether new form of economy has produced a series of institutions like the Gosplan (*q.v.*) and the Prombank.

The administrative organization is vitalized and controlled by various media of political expression. The oldest and most usual are parliaments. These, however, in proportion to the intensity of the desire for control, and especially because of the variety and detail of state activity, have lost or are fast losing their original form of control in plenary meeting. Instead they set up standing and special committees, the members of which can become expert in the particular field and the chairmen of which can function almost continuously as controlling agencies. The Weimar and other constitutions following the World War even provided for intersessional legislative committees for control of administration. Further the elements which directly give rise to political demands—the professions, industries, social groups—obtain representation outside the parliaments also and are given a special place in the advisory councils of the various administrative departments. Political parties act upon administration in the orthodox way, through parliaments; moreover and with at least as much effect the central and local party leaders are permitted to supervise and control administration from day to day, by receiving information and by direct representations to the governing politicians or the permanent officials. Nevertheless, it cannot be denied that the magnitude of modern state enterprise renders control in any detailed sense impossible; only

the main lines can be grasped and directed.

The most important environmental factors affecting administration are the economic system, technique, communications and area and sociological analysis. The administrative system responds to the economic system. In sparsely populated agricultural areas, as in parts of the United States, in the Soviet Union, in the south of Italy, in the less considerable provinces of France, the activities are fewer, less continuous and cruder than in the industrial areas. The twin factors of complex and specialized division of labor and demand for high productivity have produced in the great modern industrial countries an enormous and growing demand for a planned economy, implying the administrative control of investment, prices, import and export, standards of quality, output and labor, and stringent prohibition of strikes or lockouts. The economic system is the most important single influence upon present administrative organization and forms the principal "political" consideration.

The special technique of each service affects the size of the area most appropriate for its administration. Water supply, sewerage, town planning and roads depend upon geological formations. All these things, and many more, have their own laws, which can be ignored only if certain other satisfactions are thereby secured. For example, there may be no single special administrative area for electricity supply, because amalgamation with other areas will produce better coordination of policy, budgeting and popular control, although some of the economy promised by electricity technique is thereby lost. There is a constant struggle, in relation to the appropriate area of administration, between the claims of the technique of each service and all other political necessities.

The joint effect of area to be administered and available communications was recognized by colonizing Rome in its road policy. From the seventeenth century the centralizing monarchs of Europe pursued a similar domestic policy. Yet broadly speaking, until the last fifty years administration was necessarily decentralized or if centralized was inefficient in proportion to area. In England and the United States, the classic homes of local self-government, the impossibility of the rapid transmission of commands from the center and the difficulty of knowing promptly enough the true state of affairs in the localities made local self-government a necessity. In czarist Russia, where with even more primitive communications a policy of autocratic centralization was nevertheless enforced, the government of large areas was entrusted to officials who could not be effectively controlled by the central authority. The British Empire was possible because the sea made communication comparatively easy, but the case of Warren Hastings and the loss of the American colonies illustrate its limitations.

The revolutionary changes in communication in the last century have altered the relation between central and local government. It has become possible for the central government to be present closely and continuously in all localities and its controlling power has been considerably extended thereby. It is easier for the British Empire to be governed than ever before, and the authorities in Whitehall increase rather than decrease their powers and complicate their central machinery. Imperial committees, conferences and agents are much more numerous and continuously operative than ever. The range of effective international administration is made more and more extensive. Within each country deconcentration rather than decentralization characterizes central-local relationships: the local authorities are rather agents of the central administration than administrators of their own sphere of liberties. Yet, whether in modern England or in Soviet Russia, if the central authority demands the power to sanction local plans, it is still bound to obtain the advice of the municipal and regional councils before it makes its own plans.

Administrative organization responds to the acuteness of sociological analysis and is nowadays very much dependent upon statistics. In almost every form of administration there are departments of scientific research and statistics, and each individual department also has statutory powers and administrative arrangements for gathering information. Often information is collected on a world wide scale by institutions like the International Labor Office and the agricultural institute in Rome. Even more important is the responsiveness of administration generally to the results of analysis. Once a fact, especially a mathematical relation, is established, the object of administration can be defined accurately and waste of effort and inappropriate apparatus can be avoided.

Human factors affect administrative organization. Where citizens and officials are themselves self-governing and dependable, as in the United States, England and Germany, there is

less necessity for central interference, inspection and written regulations. Widespread ignorance nullifies the efforts of the officials; since ignorance is relative to the difficulty and complexity of administrative tasks, a whole apparatus of publicity has recently been created to let the citizen know what is to be done for him, the difficulties involved and what part he can play. To make the whole administrative apparatus foolproof, automatic signs and reactions are established, such as standards of textbook costs, rates of poor relief, methods for testing the means of applicants for relief, forms for reporting quantity and quality of work done. No country has been able to achieve its political objects without very careful attention to the pay, conditions of work, discipline and rights of the body of servants (*see* CIVIL SERVICE). In the end it is the efficiency of the men rather than the logic of the organization which tells.

One of the problems of administrative organization is that of maintaining a continuous adjustment between the administrative organization and the efficient and economical performance of the tasks assumed by the government. Because of the slow accretion of government functions, the difficulty of prediction concerning the ultimate importance or the most significant phase of a particular activity and, especially among the states in the United States, the tendency for new activities to be allocated to independent officials and boards, administrative organizations which originally may have been functionally correct and efficient tend to develop overlapping, conflicts of authority and illogical distribution of functions as between the different departments. By the first decade of the twentieth century New York state had some 150 governmental agencies substantially independent of the governor. In the United States government partial adjustments had been made at the time of the creation of new departments in 1849 and in 1903, but there was no thorough reorganization.

The rapidly increasing governmental costs and the development of the efficiency movement in private business turned attention about 1910 toward the governmental administrative organization. President Taft in that year appointed a Commission on Economy and Efficiency, whose reports, presented in 1912 and 1913, while they had no immediate effect, served as the basis for several reforms in the next two decades. At the same time a strong movement for state administrative reorganization produced two models, that of Illinois (1917), which tended to concentrate the administrative organization in a hierarchical structure culminating in the governor, and that of New Jersey in 1915, based on the creation of semi-autonomous agencies. The Illinois plan, which has been adopted by seventeen states, including Massachusetts, New York, Ohio and Pennsylvania, has been aided by the short ballot movement (*q.v.*), which has aimed at the concentration of executive control and responsibility. Immediately after the World War the Congressional Joint Commission on Reclassification of Salaries called attention to the duplications and defects in federal governmental organization. The Congressional Joint Committee on Reorganization of the Administrative Branch of the Government, on which the president also was represented, was established in 1921; in 1923 it proposed a scheme for general administrative reorganization, but no general reorganization took place until 1933.

Attempts have been made in various countries to establish permanent bodies to keep constant check on the efficiency and logic of the administrative organization. Such was the Division (later Bureau) of Efficiency of the Civil Service Commission, established in 1913 as a successor to the president's Commission on Economy and Efficiency and set up as an independent bureau in 1916; in 1918 it was given power to investigate duplication throughout the government service, while the president was empowered to abolish such duplication after it had been reported to him by the bureau. A similar agency was the New York Department of Efficiency and Economy (1913–15). Soviet Russia has such an agency in the Rabkrin. On a local scale many municipalities in the United States have official or quasi-official bureaus of efficiency and bureaus of municipal research.

The problem of the principles of departmentalization arises most strikingly in cases of reorganization but also whenever new functions are being allocated to one department or another. The British Machinery of Government Committee in 1918 set forth two principal methods: according to classes or persons served and according to services to be performed. Of these the latter is generally recognized as the more logical. But no single principle can be followed without compromise, not only because of the elements of inertia and tradition which exist in all countries but also because of the real difficulty of determining the primary and most

important aspect of a particular function. There is often more than one aspect to the work of a particular agency; the task is to concentrate upon the most important, leaving the other as an element of duplication or compromise.

Administrative organizations geared to particular governmental ends may have to be partially reorganized or even in a measure temporarily superseded where the entire governmental energy is suddenly bent in a new direction. This is particularly true of war time. In the United States during the World War, a number of new regulative agencies were established and the necessity for securing effective coordination and integration of the administrative machine, new and old, resulted in the creation of the Council of National Defence in 1916, composed of the heads of the departments of War, Navy, Interior, Agriculture, Commerce and Labor. Furthermore under the Overman Act of 1918 the president was authorized to coordinate and consolidate existing bureaus, agencies and offices of government wherever in his opinion such action would be conducive to more efficient prosecution of the war; the powers so granted were, however, left practically unused by the president. Again in 1933, when with the inauguration of Franklin D. Roosevelt the energies of the country were turned to the task of overcoming the economic depression, Congress authorized the president in the interests of economy to reorganize the governmental departments. In the same year the president found it expedient to establish a supreme council, consisting of the cabinet members and the heads of the independent agencies established to aid economic recovery, in order to coordinate the efforts of these various agencies and to facilitate the transmutation of the formerly essentially laissez faire governmental machine into an effective agency of economic intervention and control.

Even more marked and more lasting is the change in administrative organization which results from a revolution which changes the class and economic basis of government. In Russia after 1917 it was necessary not only completely to replace an unsympathetic personnel but to fashion and integrate new administrative agencies which should serve the new ends of government. A similar administrative upheaval took place in Fascist Italy after 1921 and in Hitlerite Germany after March 5, 1933.

HERMAN FINER

See: ADMINISTRATION, PUBLIC; GOVERNMENT; EMPIRE; LOCAL GOVERNMENT; MUNICIPAL GOVERNMENT; EXECUTIVE; PUBLIC OFFICE; PUBLIC EMPLOYMENT; CIVIL SERVICE; BUREAUCRACY; SPOILS SYSTEM; MACHINE, POLITICAL; CENTRALIZATION; DECENTRALIZATION; AUTONOMY; REGIONALISM; ADMINISTRATIVE AREAS; COMPACTS, INTERSTATE; BOARDS, ADMINISTRATIVE; COMMISSIONS; BOARDS, ADVISORY; GOVERNMENT OWNED CORPORATIONS; COUNTY COUNCILS; CITY MANAGER; COMMISSION SYSTEM OF GOVERNMENT; HOME RULE; BUDGET; EXPENDITURES, PUBLIC; EFFICIENCY; SCIENTIFIC MANAGEMENT; EXPERT; ADMINISTRATIVE LAW; COURTS, ADMINISTRATIVE; GOSPLAN; FASCISM; GUILD SOCIALISM; NATIONAL ECONOMIC PLANNING; STABILIZATION, ECONOMIC.

Consult: Willoughby, W. F., *Principles of Public Administration* (Baltimore 1927); White, Leonard D., *Introduction to the Study of Public Administration* (New York 1926); Finer, Herman, *Theory and Practice of Modern Government*, 2 vols. (London 1932); Laski, H. J., *A Grammar of Politics* (2nd ed. London 1929), especially ch. viii; Billard, J., *Organisation et direction dans les affaires privées et les services publics* (Paris 1924); Dubois-Richard, P., *L'organisation technique de l'état* (Paris 1930); Tout, T. F., *Chapters in the Administrative History of Mediaeval England*, 6 vols. (Manchester 1920–33); Weber, Gustavus A., *Organized Efforts for the Improvement of Methods of Administration in the United States* (New York 1919); White, Leonard D., *Trends in Public Administration*, Recent Social Trends Monographs (New York 1933); Short, Lloyd M., *Development of National Administrative Organization in the United States* (Baltimore 1923); Willoughby, W. F., *Government Organization in War Time and After* (New York 1919); Mathews, J. M., "State Administrative Reorganization" in *American Political Science Review*, vol. xvi (1922) 387–98; Wallace, Schuyler C., *State Administrative Supervision over Cities in the United States*, Columbia University, Studies in History, Economics and Public Law, no. 304 (New York 1928); Chardon, Henri, *L'administration de la France* (Paris 1908); Blachly, F. F., and Oatman, M. E., *Government and Administration of Germany* (Baltimore 1928).

ORGANIZATION, ECONOMIC. Economic organization is the government of industry. It is the scheme of control by which enterprises are carried on and articulated into an economic system. It comprehends all the usages and arrangements, formal and informal, consciously contrived or adventitious, which present so much of an institutional answer as we have to such questions as what is to be produced, who is to share in the productive process, how the resulting goods are to be consumed, where power and discretion in industrial matters are to lie and how fully and to what good ends the human and material resources of society are to be employed.

In a literal sense there is no such thing as economic organization. In a society, real or hypothetical, in which it is the office of some great

man or dignified body to promote the material well being of a people clean cut lines of organization may stand out in sharp relief. Approximations of such a condition were involved in the conscious introduction by the elder statesmen of machine production and the factory system into Japan and the deliberate planning by the autocracy of the U.S.S.R. of the industrial progress to be achieved within a five-year period. But in general there has ordinarily been and there is throughout modern industrialism no constitution for the economic order, no established structure of industries, no prescribed pattern of economic functions, no industrial dictator or council of economic wise men, no program designed to make of wealth an instrument of social welfare. No individual professes to be an economic man or regards himself and his doings as an economic phenomenon. There are only rich men and poor men, plumbers and antiquarians, fishmongers and bond salesmen, researchers and realtors and morticians. The world of affairs is peopled with human beings who engage in human activity and whose conduct is human behavior. Economic organization is not a thing apart; it is an implication of man's entire life in society.

Yet, even if it cannot be detached from its cultural matrix, there is an economic organization. The individual housewife, mindful only of her own job, lays out the family income as well as she can; she purchases groceries, supplies, help and the like; converts her purchases into food on the table, beds which invite sleep, a home that gives family cheer; and practises the domestic arts poorly, indifferently or well. Housewives taken together, in determining whether family incomes are to yield much or little and in advancing or retarding the technology of spending, are performing an economic function. An engineer contrives a new machine, a business man joins others in a trade association, a university professor gives utterance to a novel idea, a commission approves a schedule of railroad rates, a legislature passes a securities bill, a court enlarges the province of government. Each is responding to the exigencies of a situation; each is within a limited domain of discretion doing a particular act. Yet in the myriad of such acts the great economic functions—feeding the people, providing them with the consolations of religion, maintaining the public health and educating the young—do get performed. In the ceaseless course of human events a countless number of systems under which the material resources of society are ordered have emerged, had their brief day and passed. In the making of these deliberate intent has had its part, as when a Tudor England promulgated a statute of apprentices or a mercantile United States invoked an industrial recovery act; but for the most part they have just grown.

Institutions alien in time, place or opinion are uncertainly reduced to terms of modern knowledge. It is, as an instance, quite impossible to describe in the vocabulary of economics the schemes of use and wont in the pursuit of livelihoods which have prevailed among primitive peoples. To them the economic is not a thing apart even as an abstraction; its usages are intermingled with ceremonial, custom, the tribal mode of life and the established ways of the folk. The concepts which come glibly to our lips are dubiously applied to their institutions; the enjoyment of their communal possessions rests upon usage quite distinct from that of the real property of the common law; contract has a frail foothold in tribal life and exists without benefit of the legal and moral sanctions which currently support its "obligations"; trade has not yet emancipated itself from an exchange of gifts between friends to become a professional art of acquisition; the lending of moneys or of goods at usury is a slick trick to be tolerated only when practised upon strangers. For the most part the daily and seasonal round of toil and enjoyment is a ritual, encrusted in tradition and yielding slowly and uncertainly to communal necessity. The place of the individual in the group is fixed by status; the division of labor runs along lines of age and sex; the prevailing ideas of what is customary or "right," and not a demand as registered in the market, determine what is to be produced and how it is to be distributed and consumed. Where the devices and procedures of a pecuniary economy are in vogue, they are as likely as not to be established about some non-industrial activity. In the ordinary ways of winning from the environment a precarious living—the gathering of fruits, the stalking of game, the tilling of the soil—there is a great ceremonial, which envelops technology in routine and magic and is a worship, a government and a mode of tribal life as well as a rule for industry. The usages which govern primitive life have been put together in endless permutations; but nowhere within this medley of bewildering color and miscellaneous variety is an autonomous economic order to be discovered.

In classical antiquity, among the Hebrews, the Greeks and the Romans, trade or commerce did exist in its own right; but in each instance it had its distinct place in the social economy, was pent in by the opinion, the morals and the law which prevailed and derived its function and its character from the impinging culture. It is quite misleading to give a picture of the economic order among the Greeks by culling "relevant passages" from Plato, Xenophon, Aristotle and other contemporary writers and garnering the notes into the categories of John Stuart Mill or Alfred Marshall. In the social structure the lines between the political, the economic and the religious broke in a distinctive way; an attempt to recapture Greek economics, even as an abstraction, must take into account the pattern of Hellenic culture. In the Middle Ages economic organization was an unrecognized and undifferentiated aspect of a landed and ecclesiastical social establishment. Modern industrialism is as conglomerate in character as it is adventitious in origin. It contains usage, arrangement and procedure from far and near; its sprawling lines bear the impact of circumstance and expediency which are gone. Yet the system as we know or think we know it goes back little more than a century, has been almost remade in the lifetime of the present generation and is being transformed before our very eyes.

A process of institutional development has neither a temporal nor a logical beginning; yet the character of the modern economic order had already begun to take shape in Tudor England. In the mediaeval regime each man was bound to his overlord, each individual to his land, by personal ties. As status lost its sanctions, the equities in the land, once shared between lord and laborer according to ancient usage, were monopolized by the lord, who became the "owner" of the "property." The equities in the service of the worker, once shared between laborer and lord, became the exclusive possession of a now free laborer. Out of a petty trafficking, carried on along the fringes of polite intercourse, arose the usage of contract as the means through which free labor and private property were associated in the productive process. A folk set in its ways was habituated to the usages of the pecuniary calculus, learned to express comparative values in its terms with meticulous exactness, developed a preference for the greater over the lesser magnitude and brought industry and trade under the domain of the money economy and profit making. As a result units of human and material resources, for practical purposes made comparable by pecuniary notation, might variously be combined into productive operations. In a process almost fortuitous such usages as these emerged and were fused into the institution of free enterprise. It is the product of the rise of a system of petty trade in an agrarian economy. Its pattern became fixed through the rise of an industrialism too vital to be stayed and too turbulent to be controlled.

In the United States in less than a century the economy of small farm and petty trade was transformed into the great industry. For the most part scientists, inventors and business men were responsible for the innovations; but it is difficult to picture them as conscious revolutionists fomenting rebellion against the established social order. Innocently as it was begun, the machine got the run of the workshop, made a factory out of it and stripped the worker of his skill. Man escaped from his place in the home, found a refuge in office, store or factory and quickly forgot that from time immemorial until yesterday his had been a domestic occupation; and, after a decorous period, woman began to follow him. The farmer, the bulwark of the old system, was dragged into the new, began to produce cash crops for distant users and came perforce to be a business man. After the reputable customs of the commercial world he began to speculate upon an increase in land values. Out of bargaining, a manly and loquacious procedure which had served a casual trade well enough, was created an intricate and unarticulated structure of markets, credits and accounts. A cheapening of the cost of transport enlarged trading areas and localized industries. In the wake of the machine came a division of labor as comprehensive as the continent; no longer could any family be self-sufficient; it went to market with its vendible services and property and brought back a living which came from the ends of the earth. An aggregation of farms and crafts gave way to a none too orderly articulation of interlocking industrial activities. It is hard enough to write down the initial date of this transformation; it is impossible to fix the terminal one. At the turn of the century the moving picture and the automobile were engaging toys; at present they are being woven into the very fabric of our culture. The possibilities which lie in such diverse things as quantity production, urban decentralization, the use of the corporate device, the simplification of the structure of

ownership, the distribution of the equities in property and the use of hours snatched from an overlong workday are beginning to be explored; and among the folkways of industry, big and little, revolutionary change is imminent. The iron man and the adding machine go their relentless way; and with them things established must patch up the best truce they can.

In the wake of such a social transformation one could scarcely expect to find a simple, autonomous, purposive economic order. As a product of all of idea, circumstance and expediency which it has met the prevailing economic order is sprawling and conglomerate as well as purposive and tidy. Into its emergence has gone some foresight, a bit of intermittent tinkering and a lot of undirected development. It is the kind of organization which is created by time, chance and the continuous concern of countless individuals with their own affairs.

In this economic order three principal agencies of control are employed to make productive processes serve human wants. Of the three—the family, the state and business—the oldest is the family. Until recently its domain comprehended almost all industrial activity; now its shrunken province is the rearing of children, the maintenance of the home and the carrying on of surviving household techniques. Its guide to action, however the abstractions may in practise be interpreted, is "from each according to his ability, to each according to his need." Its customs are being remade by the world without; the domestic altar, the stern discipline, the fireside determination of the destinies of children, have already departed; long ago it substituted ready to use for homemade goods and borrowed the keeping of accounts from business; and today efficiency and standardization threaten to industrialize the kitchen. But even if the family is not the family it used to be, its dominance remains. The household workers, if they have not risen to the status of wage slaves, are still the largest group of laborers even in the United States; and the "value added" to goods by family activity, if it could be set down as a pecuniary sum, would make the railroad or the banking industry small by comparison.

In the direction of industry the state occupies a somewhat smaller domain. From time out of mind such activities as the maintenance of peace, the national defense and the coinage of money have been under its control. In recent times such enterprises as the postal service, the provision of education and the prosecution of scientific research have been added; and the development of the internal combustion engine has made the maintenance of public highways a major industry. The state has too—directly or through subordinate authorities—operated banks, waterworks, power plants, street railways, merchant fleets, insurance companies and other utilities. In periods of depression it has set up emergency corporations to extend financial aid to private concerns and to help free enterprise over the hard places. In its industrial ventures the state makes use of money, keeps accounts and employs many of the devices of business. The service may be supported by a direct charge for use, as with the mail; an indirect impost, as upon gasoline for roads; or a general tax, as for schools. In the provision of services which cannot easily be measured in pecuniary terms or sold unit by unit in the market or which yield tangible values only in the indefinite future, the state holds its industrial province secure; but in the production of services immediately vendible there is always present the threat of the encroachment of business. The industries under state direction are organized in diverse ways; but a common mark of its oversight is the absence of production for profit. Its control is rooted in considerations of social need and public policy.

Although its domain is narrower than is commonly supposed, business is the most conspicuous of the agencies of control in the modern economic system. It has for ages dominated a province on the fringe of industry; yet it is but lately that the tradesman, who in the Middle Ages was a casteless rascal, has become a captain of industry. Where business rules, each person must secure his living by selling his services or the use of his property and by purchasing goods in the market. Each is legally free to produce and consume, to buy and sell. The only constraint is that whatever one does—manufacture merchandise, sell labor, borrow moneys or hawk wares—one must compete to some extent with others. The rivalry is a double competitive process: the rivalry between sellers keeps a price from being too high and that between buyers prevents it from being too low. The desire to pocket a gain is the bait that lures individuals into industry; competition is "the invisible hand" that holds profit making in leash. As prices in response to changes in demand or supply go up or down, producers increase or decrease their output and are drawn into more productive and repelled from less productive

industries. All of this is accomplished, not by the "automatic operation of economic laws" but through a myriad of judgments of a million human executives, who differ one from another in ability, knowledge and understanding. With what promptness or delay, efficiency or waste, business accommodates the industries under its direction to the general welfare, it would require a comprehensive and detailed inquiry to reveal.

But the use of such words as family, state and business to describe schemes of control is overabstract. No one of them is a simple, autonomous bundle of arrangements. Business comprehends monopoly and competition in various permutations as well as pure competition. Competition itself is not of a type; a trio of village grocers and a million cotton growers are alike engaged in competitive enterprise, but the arrangements under which the two groups carry on have little in common. A cartel may be organized in ways as diverse as the German coal monopoly or the Stevenson control of rubber; the focus of its concern may be sales, production or capacity; its activity may be limited to the current season or may project many years into the future. State enterprise comprehends the mails, the army and navy, public schools, universities and the highways; yet it would require a ponderous tome to recount the devices and procedures which make their schemes of control so different. Even nationalization, for all of its polysyllables, is a word of mighty import but little specific meaning.

Moreover it is impossible to discover pure patterns of industries under a single agency of control. The rule of the family is pent in by the law, the church, the prevailing morality, the mores of the neighborhood. The operation of competition is compromised by the trade association, the labor union and the customs of the industry. Since a mercantile venture must remain solvent, it has to submit to the tyranny of the market, which registers the demands of the family for articles of consumption. The state extends its diligent or negligent oversight into every business venture. Whatever the word of shorthand employed, in the organization of every industry there are places for a number of different groups and agencies. List all the questions which must in some way get answered if an industry is to carry on, ask in each instance where discretion lies and by what procedure the decision emerges, attempt to reduce the composite result to a blue print, and the result will give some idea of the complexity of use and wont which makes up a scheme of control. If to current examples constructive proposals be added, the bewildering variety provokes despair over the prospect of finding types among forms which bear a common name.

But analysis must be pushed even further if an organization is to be broken down into its elements. A going industry, with the many sorts of activity its conduct entails, is an intricate affair; the accommodation of its technical processes to human wants calls for the doing of many specific things, each of which demands its distinctive mode of accomplishment. It brings into being devices, procedures and understandings of many different kinds and useful for many different purposes. Each has an identity and a concrete task, works with a degree of perfection and, within the tolerance fixed by the others, may be amended or replaced. A process of borrowing is constantly going on; business takes over the procedure of deliberation from the government, and education in spite of state control puts on the pecuniary habits of business. These elements of order may roughly be grouped into the mechanical, which are of use in keeping an activity going, and the purposive, which determine where discretion lies and what ends it serves. The device of the corporation is mechanical; universities, learned societies, hospitals, religious brotherhoods and even activities of the state are carried on under this flexible form. But the procedure for choosing the board of directors is purposive; for in the selection of the governing body, whether by owners of securities, investment bankers, business buccaneers, industrial workers, consumers, public spirited trustees or officers of state, lies the making of policies. The device of dubbing goods with prices is mechanical; it is employed under competition or monopoly, regulation by commission and by state socialism. But the quest of profits is purposive; it fixes the goal of enterprise, makes the attainment of other ends a matter of indirection and has not a little to do with who gets the good things of life. Always, everywhere, the generality of procedures and arrangements serves for the doing of particular tasks, while the select few give character and purpose to the larger enterprise. In many instances elements from different sources have been incongruously compounded into schemes of control. A classic example is the organization of medicine, which rests upon usages as distinct as a code of ethics of guild origin, the private practise of the profession and state supervision of public health.

At best an organization is an instrument rather than a guaranty of economic order. If the devices which make it up have been well contrived, skilfully put together and neatly adapted to technical processes and social ends, it gives a chance for wise decisions and makes for a well conducted industry. If the elements are crude, if the blend is inharmonious and the control a patchwork of discretions, it puts the direction of affairs outside the reach of those in authority. But, whatever its excellence, an organization is merely a structure within which things are to be done and not a panacea against disorder. Corporations employ officials as well as charters; courts require judges as well as statutes; churches must have ministers as well as the consolations of religion. An organization, regardless of its qualities, cannot be made to yield results if those in power are incompetent.

The place of the economic order is intermediate between the technical and the moral orders; its office is the creation of arrangements under which the material resources of society will most "economically" serve human wants. It is easy enough to resort to logical analysis, to assume a homogeneous competitive system, to make the laws of supply and demand do their mechanical tricks and to prove that industry provides about all that it can be made to give. But inquiry into the operation of the economic order has made difficult the way of simple explanation and of grand apology. In spite of the march of dialectic the single fact that the standards of life for the masses of men are needlessly low while almost every important industry has a large surplus capacity to produce stands out with startling significance. In an attack from within upon the sources of disorder business men, laborers and consumers have resorted to collective activity. From without the state has with increasing frequency interfered to fix "a plane of competition," to help industries in distress and to take over activities which were too much for private enterprise. The lack of adjustment between production and consumption, the alternation of prosperity and depression, the anomaly of factories closed and a people in need and the paradox of actual want amid potential plenty have affected the organization of industry with a public interest. At the same time there has come a consciousness that economics is an art; that an industrial technology cannot efficaciously be crowded into arrangements which grew up to meet the needs of petty trade; and that its backwardness must be overcome by revision and contrivance, discovery and invention A belief in the possibility and the necessity of economic planning has become reputable. It has taken the shock of maladjustment to make it so, but a recognized art of economics is at last getting down from the general to the particular. Its task is to do for the organization what the industrial arts have done for the technology of production. In the contrivance of a control for an industry and in fitting industries into an articulate and purposive system there is opportunity for endless choice; only the finiteness of man's intelligence and the modest capacity of groups to accept new disciplines fix the limits. The economic order which is already emerging may be socialism or capitalism, state capitalism or business socialism; but such elusive terms are for philosophers, propagandists and crusaders. They can never be made to describe the colorful combinations of devices and understandings which constitute the coming industrial control.

At present the art of economics seems to be the key to the enigma of social welfare. A while ago, when births were not yet under control and Mother Earth had supplied just so much and no more as the source of our livings, a scarcity economics was a part of the order of nature. But as the industrial arts come into the place once occupied by "the niggardliness of nature," it is difficult to impose upon them blame for the inadequacy of our livings. An unimpeachable alibi is presented in the inherent capacity of the prevailing technology to turn out goods vastly in excess of contemporary performance. The responsibility rests squarely upon an organization unable adequately to perform its mediatorial office of making the potential wealth serve the welfare of society. What the ultimate limits imposed by nature upon the production of goods may be no one knows; but for the pragmatic present the barrier which shuts off abundance is the backward state of the economic arts.

All of this describes the character, presents the structure and defines the function of economic organization. It is not a separate and distinct thing, like a square on a checkerboard that has a jurisdiction and a law all its own. Instead it is an aspect of all life and all culture. There was a time when students spoke convincingly about keeping the existing order or hopefully about establishing a new one. But the system which the timid would keep has already gone; and the utopia of the reckless is not to be had through a single heroic act of creation. All that

a people can do is to shape as intelligently as they can a change which is inevitable. The old order—or disorder—may be destroyed by its friends who are attempting to save it; new arrangements may creep in by stealth masked by ancient custom until they are too powerful to be stayed; a revolution may clear the way for the detail of innovation. Persons in strategic positions will play important roles in the course of events. But the texture, the detail, the color which gives character to a group of usages, are the product of every man's concern with his everyday affairs. As an institution economic organization is a work of communal authorship.

WALTON H. HAMILTON

See: SOCIETY; SOCIAL ORGANIZATION; SOCIAL PROCESS; OCCUPATIONS; PRODUCTION; LABOR; HANDICRAFT; PUTTING OUT SYSTEM; FACTORY SYSTEM; INDUSTRIAL REVOLUTION; INDUSTRIALISM; BUSINESS; CAPITALISM; INDIVIDUALISM; COLLECTIVISM; GOVERNMENT OWNERSHIP; ECONOMIC POLICY; ECONOMICS; ECONOMIC HISTORY.

ORIENTAL IMMIGRATION. Immigration of orientals to white countries and to non-Asiatic territory under white control began about the middle of the nineteenth century when laborers from south China found their way to the gold fields in California and shortly thereafter to those in Australia, New Zealand and British Columbia. Compared with the oversea migration of Europeans it has been numerically small but politically significant. Scarcely more than 1,260,000 Asiatics, including descendants of immigrants, reside at present in territory outside Asia and its neighboring islands; this figure comprises about 650,000 Asiatic Indians, 400,000 Japanese and 210,000 Chinese. The Indians are almost wholly confined to British territory in South America, the West Indies, south and east Africa and the island of Fiji. Chinese and Japanese, the only orientals found in considerable numbers in predominantly white settlements, have made their homes chiefly in North and South America, Australia and New Zealand. Except for officials, a few merchants and students, oriental immigration to Europe has been negligible.

With the abolition of slavery throughout the British Empire in 1833 and the subsequent extensive development of plantations, Indians were shipped to British Guiana, Trinidad, Jamaica and later to Natal and Fiji. Likewise after the treaties with China (1839–44) Chinese coolies were transported to Cuba, Peru, Chile, Hawaii and in the early part of the twentieth century to the Transvaal. As recently as the World War Chinese coolies were shipped to France and England in order to release native labor for military service. This transportation of unskilled labor under indenture or contract has, however, been of secondary importance because of its declining frequency and the fact that it has usually been followed by repatriation. It is with the rise of spontaneous migration directed for the most part to the pioneer belts of white settlement fringing the Pacific that oriental immigration has assumed its chief importance as a political and socio-economic problem.

The movement to the United States, stimulated by shipping companies and labor agents as well as by the distress prevailing in the Canton region following the foreign wars and the Taiping rebellion, started about 1850, the census of that year recording 758 Chinese immigrants, 660 of whom were in California. The first significant immigration occurred in 1852, when some 18,000 Chinese arrived in San Francisco, which at that date had fewer than 37,000 inhabitants. Thereafter the inflow was rapid, fluctuating considerably from year to year but averaging about 5000 annually; in 1869 the number of arrivals suddenly increased to 12,874 and in 1870 to 15,740. For the next two years the stream fell off by half, but it rose again in 1873 and maintained a yearly average of about 16,000 until stemmed by legislative action in 1882 which shut off the immigration of coolie labor. It is estimated that approximately 375,000 Chinese entered the United States during the entire period of immigration. Facts as to the return movement are not available until 1908, but from then until 1930 the aggregate number of departures exceeded arrivals by over 20,000. The Chinese population of the United States, including American born, declined from 107,475 in 1890 to 61,639 in 1920. The 1930 census records 74,954 Chinese in the country; the increase over the preceding decade may be accounted for in part by an excess of births over deaths and in part by a more accurate enumeration in the later census. The Chinese population of Hawaii has remained almost static since 1900 and is now approximately 27,000. Since the beginning of the twentieth century the Chinese in both the United States and Hawaii have concentrated in the larger cities and are engaged chiefly in the restaurant and laundry businesses.

Agitation against the Chinese began in California shortly after the arrival of the first immigrants and took the form of race riots and local

legislative restrictions. The shortage of labor created by the Civil War and the construction of the Union Pacific Railroad in the years immediately following caused, however, a temporary subsidence in the anti-oriental sentiment and also an increased inflow of Chinese immigrants. In fact the optimism engendered by the advent of transcontinental communication and the anticipated extended trade with China paved the way for the Burlingame Treaty of 1868, which, among other things, recognized the reciprocal rights of Chinese and American subjects to emigrate to either country at will. Scarcely was the treaty signed when a crisis arose. The completion of the transcontinental railroad in 1869 left thousands of Chinese without employment. Moreover this new avenue of transportation caused so enormous a movement of white settlers to California that in the winter of 1871 it is estimated that there were three men for every job. Local newspapers and labor leaders launched a crusade against the Chinese, who after the decline of mining and railroad construction had begun to seek occupational outlets in agriculture and domestic service. Numerous state laws, designed to stop immigration and to impede the activities of resident Chinese, were introduced but without avail.

The legislative outcome of this troublous decade of interracial strife was the treaty of 1880, a modification of the Burlingame Treaty, by which China recognized the right of the United States to "regulate, limit, or suspend . . . but . . . not absolutely prohibit" the immigration of Chinese laborers. This treaty paved the way for the Chinese Exclusion Law of 1882, which at the time merely suspended the immigration of Chinese laborers but which through subsequent changes and amplifications really marks the inception of Chinese exclusion from the United States. As soon as the Hawaiian and Philippine Islands came under American jurisdiction, the Chinese exclusion measures were applied to those territories also.

Canada's experience with Chinese immigration closely parallels that of the United States. Arriving in the early 1860's in response to the discovery of gold at the mouth of the Fraser River, the Chinese played an important role in the development of pioneer settlement in British Columbia. They constituted the leading source of labor for the construction of the western division of the Canadian Pacific Railway, some 16,000 having been employed in 1884. The completion of the railroad the following year resulted in acute unemployment and race riots, a situation which the provincial government attempted to meet by local restrictions against the Chinese. The dominion government intervened and imposed a head tax of $50 on Chinese immigrants, raising it in 1901 to $100 and in 1904 to $500. Even this did not suffice to curb the inflow. In 1913 the arrival of 7445 Chinese brought about an order in council temporarily stopping immigration. At the close of the World War the number of entries increased, and in response to a protest from British Columbia the dominion government in 1923 passed the Chinese Immigration Act, which excludes all Chinese from Canada except certain specified exempt classes. The Chinese population of Canada in 1921 was 39,587, mostly residents of British Columbia.

Oriental immigration to Australia began during the years 1853–54, when some 2000 Chinese sought work in the Victoria gold fields. By 1859 they had increased in number to 42,000 and had spread to the placer mines in Queensland, New South Wales and South Australia. Agitation against the Asiatic arrivals developed almost at the beginning of their immigration. In 1855 Victoria imposed an entry tax of £10 on each Chinese immigrant and limited the number who might arrive on a vessel. By 1886 almost every Australian colony had adopted legislative restrictions on Chinese immigration, but it soon became apparent that concerted action was necessary in order to cope with the problem. The need for uniform exclusion laws was instrumental in bringing about the federation of the Commonwealth of Australia in 1901. During that year the Commonwealth Immigration Act was passed, which by subsequent amendments excludes all Asiatics by means of a severe language test. Since the passage of this act the only Asiatics who have entered Australia are those belonging to the exempt classes. By 1921 the Chinese population of Australia had declined to 17,157, the number of departures in recent years exceeding the number of entries.

In 1871 there were 4215 Chinese in New Zealand, 3570 of whom were in the gold fields of Otago. In its legislative policy regarding Asiatics New Zealand has followed the example set by Australia. In 1881 a head tax of £10 was imposed on Chinese immigrants, and in 1896 it was raised to £100. A slight increase in the number of arrivals in 1920 gave rise to the act of 1923, which requires the approval of the minister of customs before entry to the domin-

ion is allowed. The estimated Chinese population in New Zealand in 1932 was 2719.

The trans-Pacific migration of Japanese did not begin until after the Chinese had been practically barred from all the English speaking countries of the Pacific. The movement has been confined almost entirely to Hawaii, to the Pacific coast of North America, to Brazil and Peru. The emigration of Japanese laborers was not legalized until 1885, in which year an arrangement was made with the Hawaiian government for the importation of laborers to work on the sugar plantations. After 1900 the migration to Hawaii became spontaneous and increased in volume until it was voluntarily restricted by the Japanese government.

The United States census of 1890 listed 2039 Japanese; that of 1900, 24,326. During the decade 1901–10, 54,834 immigrants arrived directly from Japan and many others entered by way of Hawaii. The motive for this emigration, preponderantly adult male in character, was the superior economic advantages which the oversea settlements afforded. The new arrivals to the United States found ready employment as laborers in the rapidly developing truck gardening areas, as section hands on the railways and as domestic servants. Some gravitated to the logging camps and salmon canneries in the Pacific northwest.

Opposition to this new oriental group began in California in the late 1890's, when organized labor and patriotic societies, formerly active in restricting Chinese immigration, turned their attention to the Japanese. In 1901 the California legislature passed a resolution to petition Congress to extend the Chinese exclusion laws to the Japanese. In order to forestall such action Japan temporarily stopped the emigration of its laborers to the United States and Canada. The consequent recession in immigration afforded a brief period of respite, but there soon developed a movement from Hawaii to the mainland which made up for the somewhat diminished stream direct from Japan. By 1905 anti-Japanese sentiment, stimulated no doubt by Japan's victory over Russia, became organized under the leadership of the Japanese and Korean Exclusion League, and bills were introduced in Congress barring Japanese immigration. The situation came to a head in 1906 when the San Francisco School Board passed a resolution requiring Japanese children to attend the oriental school in Chinatown, an action which provoked a vigorous protest on the part of the Japanese government.

In 1907 President Roosevelt by authority of Congress issued a proclamation forbidding Japanese who had received passports to Hawaii, Canada or Mexico to enter the United States. At the same time he consummated an informal arrangement with Japan, subsequently known as the Gentlemen's Agreement, whereby the Japanese government agreed to stop issuing passports to laborers seeking entry to the United States. Of its own volition Japan made the terms of the agreement applicable to Hawaii and Mexico. This caused a movement to Canada with the result that a Gentlemen's Agreement was reached between Japan and Canada restricting the number of Japanese laborers who might enter the dominion to 400 annually. This number was subsequently reduced to 150.

The result of these arrangements was a substantial reduction in Japanese immigration to Hawaii and the Pacific coast of North America. Indeed in the years during which the Gentlemen's Agreement was in effect there was an estimated emigration of 23,000 Japanese men from the United States and Hawaii. But this return movement was largely offset by the immigration of some 38,000 Japanese women. A considerable proportion of these entered as "picture brides"; that is, by means of photographs forwarded to Japanese laborers already in the United States, with whom marriages had been arranged by proxy. This immigration of women introduced a new problem in race relations on the Pacific coast. In order to establish homes and families Japanese laborers in increasing numbers acquired control of agricultural land, mostly as tenants but also as owners. The census of 1920 reported 31,471 Japanese in the farm population of California, constituting 6.1 percent of the total farm population of the state. Smaller but significant numbers of Japanese were recorded in the farm populations of Washington and Oregon. This invasion of agriculture brought the Japanese into competition with white farmers and resulted in the enactment of alien land laws under the terms of which aliens ineligible to citizenship are prevented from leasing or purchasing agricultural property in the Pacific coast states.

Meanwhile the birth rate of the resident Japanese increased rapidly, thereby introducing the additional factor of biological competition as a basis for exclusion. Accordingly after the World War, when national sentiment was intensified, the anti-Japanese forces on the Pacific coast succeeded in persuading Congress to include in

the Immigration Act of 1924 a clause which excludes from the country all aliens who are not eligible to citizenship. Although aimed directly at the Japanese, this act automatically applies to all Asiatics, as the courts have ruled that aliens of Asiatic race are ineligible to United States citizenship. Prior to 1924 Indians and southwestern Asiatics had been excluded by the "barred zone" provision in the Immigration Act of 1917. The Japanese population of continental United States in 1930 was 138,834; that of Hawaii, 139,631.

The act of 1924 marked the close of an era of three quarters of a century of agitation against oriental immigration to the English speaking Pacific countries, an agitation based on the arguments of unfair economic competition, cultural and racial unassimilability and apprehension of the "yellow peril." The trend of opinion and of legislative procedure with regard to Asiatic immigration has followed a remarkably similar course in each of the areas concerned. Beginning with local conflicts and local legislative efforts to restrict the numbers and curtail the activities of orientals in the pioneer settlements, the movement gradually became widespread in scope and aggressive in character. The first national action took the form of treaties and restrictive measures designed to limit the inflow of laboring classes. But as the white settlements matured, racial consciousness emerged which found increasing expression in the exclusion of all orientals. So pronounced has this sentiment become that industrial interests which in the past were not unwilling to use Japanese and Chinese coolies as a weapon to combat the ascendancy of organized labor have found this policy no longer expedient. The "white Australia" movement, crystallized in the Commonwealth Immigration Act of 1901, eventually found an echo in all the other English speaking Pacific countries. The larger countries of South America are still open to orientals; since 1924 Brazil has been the chief oversea destination of Japanese immigrants.

While the white man has been erecting barriers against oriental invasions, real or imagined, Asiatic countries have not submitted passively. They have voiced repeated protests against the exploitation of their subjects and the national affront implied in discriminatory legislation. India's insistence upon equality of status for its subjects elsewhere in the British Empire and its refusal by the act of 1922 to permit the emigration of coolie labor except under government sanction are evidence of this growing sense of national dignity. Japan has always shown concern for the welfare of its emigrants and has attempted to control their movements in such a manner as to escape the humiliating features associated with other oriental immigration. The 1924 exclusion act of the United States caused resentment in Japan not because it cut off an outlet for emigration but because of the racial discrimination involved. The equally effective exclusion methods adopted by Australia and New Zealand, based on literacy tests and applicable to all immigrants, have occasioned less offense to both Japan and China. During recent years, despite economic disturbances, antagonism toward domiciled orientals in the United States has to some extent subsided. This is evidenced by the fact that in 1930 labor organizations and other groups which had previously directed the campaign against Japanese immigration united with chambers of commerce to recommend an amendment to the 1924 act which would place orientals on a quota basis similar to that applying to European peoples. Such a quota law would allow an annual immigration to the United States of not more than 1000 Asiatics of different nationalities including 105 Chinese and 187 Japanese. It would allay the ill will engendered by exclusion and thus contribute to the amicable solution of one aspect of Pacific relations.

The characteristic problems which now arise in the countries of former oriental immigration pertain to the administration of the immigration laws and more particularly to the political and social status of the domiciled Asiatic races. The exclusion measures adopted by the various white countries make provision for the admission of specified classes, such as students, business executives and temporary visitors. Because of the wide differences in language and culture between the Occident and the Orient immigration officials frequently find it difficult to determine the actual status of applicants for admission. This problem is particularly complicated with reference to the Chinese arriving at American ports, partly because they are subject to the exclusion act of 1882 as well as that of 1924 and also because the Chinese government has not been in a position carefully to supervise the issuance of passports.

More important, however, is the problem of the civic and social status of the resident orientals. Most of the legal disabilities imposed on orientals during the period of active immigration

are still in effect. In the British dominions these pertain to the exercise of the franchise, the acquisition of citizenship and to minor questions such as eligibility to old age pensions. In the United States they apply chiefly to the leasing and ownership of agricultural land. In addition California and several other western states have enacted laws forbidding intermarriage between orientals and whites. Except for the inconveniences involved in the miscegenation laws, American born orientals, of whom there are some 40,000 Chinese and 163,000 Japanese in continental United States and Hawaii, possess all the legal rights of citizenship. Socially, however, they are not differentiated in popular opinion from other Asiatics, although in language and culture they are fundamentally American. The chief difficulty arises in connection with employment. A large number of American born orientals graduate from high schools and colleges only to find that professional opportunities are for the most part limited to their own racial groups.

A new factor in oriental immigration to the United States has been the arrival of the Filipinos, whose numbers increased from 5603 in 1920 to 45,208 in 1930. Although not essentially different from other Asiatics, Filipinos as American nationals are exempt from the exclusion laws. Their presence has occasioned agitation on the grounds of economic competition and a demand for their exclusion has been put forward. Under the terms of the Philippine independence bill passed by Congress in 1933, Filipinos upon the consummation of their political autonomy will in all probability become subject to the same immigration restrictions that apply to other orientals.

R. D. McKENZIE

See: IMMIGRATION; MIGRATIONS; RACE CONFLICT; ASSIMILATION, SOCIAL; NATURALIZATION; FAR EASTERN PROBLEM.

Consult: National Bureau of Economic Research, *International Migrations*, ed. by Walter F. Willcox, Publications, nos. 14, 18, 2 vols. (New York 1929–31) vol. ii; Institute of Pacific Relations, Fourth Conference, Hangchow and Shanghai, 1931, *Problems of the Pacific, 1931*, ed. by Bruno Lasker and W. L. Holland (Chicago 1932); McKenzie, R. D., *Oriental Exclusion* (Chicago 1928); *Survey of American Foreign Relations, 1928–1931*, ed. by Charles P. Howland, Council on Foreign Relations, Publications, 4 vols. (New Haven 1928–31); Dennery, Étienne, *Foules d'Asie* (Paris 1930), tr. by John Peile as *Asia's Teeming Millions* (London 1931); Mears, Eliot G., *Resident Orientals on the American Pacific Coast: Their Legal and Economic Status* (Chicago 1928); MacNair, H. F., *The Chinese Abroad, Their Position and Protection* (Shanghai 1924); United States, Bureau of Labor Statistics, "Chinese Migrations," by Ta Chen, *Bulletin*, no. 340 (1923); Campbell, P. C., *Chinese Coolie Emigration to Countries within the British Empire*, London School of Economics, Studies in Economics and Political Science, no. 72 (London 1923); Buell, R. L., *Japanese Immigration*, World Peace Foundation, Pamphlets, vol. vii, no. 5–6 (Boston 1924); Ichihashi, Yamato, *Japanese in the United States* (Stanford University 1932); Iyenaga, Toyokichi, and Sato, Kenoske, *Japan and the California Problem* (New York 1921); Idei, Seishi, "Japan's Migration Problem" in *International Labour Review*, vol. xxii (1930) 773–89; Wilkinson, H. L., *The World's Population Problems and a White Australia* (London 1930); Willard, Myra, *History of the White Australia Policy*, University of Melbourne, Publications, no. 1 (Melbourne 1923); Lasker, Bruno, *Filipino Immigration to Continental United States and to Hawaii* (Chicago 1931); "Emigrant," *Indian Emigration*, India of Today, vol. v (London 1924).

ORIGEN (*c.* 185–254), church father. Origen grew up in Alexandria, where he imbibed under the great Clement the doctrines of the Christian gospel, already philosophically interpreted, and under the neo-Platonist Ammonius Sakkas the philosophic doctrines of antiquity, already devitalized by the gnostics. In his thought Origen not only solved the problem of the union of these elements but also made possible the intimate fusion of Christian philosophy and dogmatics. His method involved, on the one hand, the maintenance of a sharp distinction between belief and knowledge and, on the other, the affirmation of their intimate psychological connection by virtue of their common source (in the Bible and the articles of faith) and on the basis of the hierarchy of the stages of knowledge. This hierarchy led from the lower spheres of history, authority and belief upward to the exalted spheres of perception and knowledge, of gnosis, in which—although not accessible to all and not explicable at all times or in entirety even to the chosen few—the complete truth lies enclosed.

Through this mystical unity of cosmic outlook Origen developed a doctrine of the origin and meaning of the world in every way akin to the ideas of the neo-Platonists. But he did more than this. Closer to reality than any of the late Greek philosophers, he managed to assimilate the spirit of his time, and by a method which now seems highly dangerous but yet was accepted as standard for centuries he reconstructed and interpreted allegorically all Biblical statements and facts which did not naturally fit into his system.

Although only a small part of his writings,

more than two thousand in number, have survived, Origen's position and influence may be readily reconstructed: he was the most independent philosopher, the most comprehensive theologian and the most learned humanist that early Christianity produced up to the time of Augustine. Of his extant works those important for the social sciences are the commentary on the *Epistle to the Romans* and especially the eight books against Celsus. Celsus, an eclectic Platonist whom Origen incorrectly supposed to be an Epicurean, had set up in the second half of the second century a *logos alethes*, or true doctrine, in opposition to Christianity. In a polemic which was so effective that for fifty years Christian apologists had been unable to destroy its influence, Celsus had sought to show that the few truths to be found in Christianity were all of pre-Christian origin, and had ridiculed the new religion as a superstition of the lower classes —of artisans and criminals. Origen in his refutation assumed a thesis precisely the opposite of that of Celsus. He was convinced that the sacred writings of Christianity must necessarily embrace all the wisdom of this world, and he thus incorporated the Greek conception of the state and Greek political science into Christian theology. Asserting that the Catholic church was not merely a religious institution but the heavenly and earthly city of God, he made it possible for Christianity to point to Plato and Socrates as its precursors and to fuse Plato's state with the Christian kingdom of God.

This utilization of Greek political science by Greek Christianity was also important in that it prepared the way for the adoption of late Roman jurisprudence. It is true that Origen, a theologian, did not go as far in the Greek sphere as did Tertullian, a jurist, in the Latin. But we find Origen already teaching a harmony between the law of God and the law of nature and no longer considering it impossible for the written law—the Roman law—to be in harmony with the law of God. Thus the path was opened for the incorporation of the Roman state into the Christian kingdom of God.

EDGAR SALIN

Works: *Werke*, ed. by P. Koetschau and others, vols. i–ix (Leipsic 1899–1930).

Consult: Bigg, Charles, *The Christian Platonists of Alexandria* (Oxford 1886) chs. iv–vi; Harnack, Adolf von, *Lehrbuch der Dogmengeschichte*, 3 vols. (4th ed. Tübingen 1909–10), tr. from 3rd German ed. by N. Buchanan and others as *History of Dogma*, 7 vols. (London 1894–99); Faye, Eugène de, *Origène, sa vie, son oeuvre, sa pensée*, École des Hautes Études, Bibliothèque, vols. xxxvii, xliii–xliv, 3 vols. (Paris 1923–28); Salin, Edgar, *Civitas Dei* (Tübingen 1926), especially p. 111–30.

ORLOV, VASILY IVANOVICH (1848–85), Russian statistician. Orlov was the son of a village priest. After his graduation from Moscow University he took charge of the statistical division of the Moscow provincial zemstvo. The methods of statistical investigation which he eventually applied in Moscow and later helped to extend to twelve other provinces served to check an early tendency in zemstvo statistics toward a narrowly administrative point of view, and to transform it into the richest source of exact information on the rural economics of post-reform Russia. The significant features of his technique were: first, he used as the unit of investigation individual peasant households as grouped in land communes instead of starting with the latter as a unit or grouping households by soil areas, as was later done by the Chernigov zemstvo and others; secondly, he organized the gathering of facts in the field by special enumerators, who were later to tabulate them, instead of depending upon local government organs or the assistance of the local intelligentsia; thirdly, he made the investigation exhaustive, so that it covered all peasant households, and extended it to as large an area as the *uezd*, or administrative subdivision of the province. He was thus able to obtain trustworthy data on a wide range of questions and to enjoy the cooperation of the peasantry. This material was published in the *Sbornik statisticheskikh svedeny po moskovskoy gubernii* (Collection of statistical information for the Moscow province). The first nine volumes of this series, edited by Orlov, contain studies of peasant agriculture and other forms of landholding, peasant handicrafts and town industries, rural schools and rural insurance. Included also (vol. iv, pt. i) is Orlov's most important single work, *Formi krestynaskago zemlevladeniya v moskovskoy gubernii* (Forms of peasant land ownership in Moscow province, Moscow 1879), the first scientific study of the land commune in operation in 5500 villages, which sheds much light upon the fundamental but controversial question of periodic repartitions to equalize landholding. In addition to peasant censuses Orlov organized other branches of statistical work of the Moscow zemstvo, among them current statistics published annually from 1884. Orlov was active also in support of many practical reforms; here as in his statistical work he com-

bined, in a manner characteristic of the best zemstvo workers, scientific realism with unbounded devotion to the cause of the Russian peasant.

K. KOCHAROVSKY

ORNAMENT. The term ornament is usually applied in anthropological literature specifically to the adornment of the body. Such ornamentation appeared first in human history in the palaeolithic period, antedating pottery, agriculture and the domestication of animals; it is found among the most primitive peoples now living, as, for example, among the natives of the Andaman Islands and the Fuegians. Techniques of body ornamentation fall into three classes: permanent mutilations of the body, such as head deformation, constriction of the waist, binding of the feet, circumcision, filing of the teeth; the application of ornamental patterns directly to the body by scarification, tattooing and paint; and the attachment of ornamental objects to the body, including ornamental clothing and jewels. Necklaces are the most numerous of the last mentioned types of ornaments and are endlessly varied in material and form. Earrings, nose rings, lip plugs, bracelets, arm rings, anklets, leg rings and girdles are also widely distributed. In addition to ordinary clothing, which even when primarily practical follows well defined principles of design, there is the wealth of ceremonial clothing, headdresses, masks and miscellaneous ornaments, which is usually richer and even more fanciful.

In so far as ornament is connected with modesty or display its psychological basis is the same as that of dress. Westermarck contends that ornament and dress are primarily and almost solely a means of sexual attraction, basing his argument on the fact that decorations frequently call attention to the sex organs rather than conceal them and that in the individual life cycle body ornament reaches its maximum during the years immediately following puberty. On the other hand, Karsten, following Frazer, asserts that all body ornament and likewise all decorative art are based on magic, especially on the desire to ward off evil spirits. The influence of magic on ornament is evident in the widespread use of amulets and protective symbols and in the prevalent custom of inflicting bodily mutilations as part of mourning ceremonies; there seems to be little doubt, however, that in most places the chief function of ornament is display, either sexual or social. Westermarck's theory is too narrow, for ornament is used to advertise more than an individual's sexual charms. It has been used variously to indicate tribal or totemic affiliation, rank, status, office, occupation or achievements. Australian natives scarify themselves to indicate their totem. Among many tribes boys on reaching puberty are given some distinguishing mark; they may, for example, be tattooed, or have their teeth knocked out or filed. Similarly, nubile girls are tattooed or wear distinguishing clothing or headdresses; Hopi girls from puberty until marriage dress their hair in two whorls representing squash blossoms, which are symbols of fecundity. Orthodox Jewish brides have their hair shaved and wear wigs and European and American women generally wear gold rings as marks of their married status. Among Polynesians tattooing was an index of rank; in Hawaii the use of feather cloaks was restricted to royalty. Designation of rank by personal ornament was most highly developed in mediaeval European heraldry; family connections, legitimacy and order or birth were indicated by the charges on a knight's shield, surcoat, banner and other trappings. An analogous system of heraldry developed among the Indians of the north Pacific coast, with the difference that heraldic devices were used most frequently on houses and household utensils. The Indians of the plains advertised membership and office in various men's societies by distinguishing headdresses, girdles and other insignia; the war bonnet related in specific detail the history of a brave's exploits.

Where trade has developed beyond simple barter ornaments are the most common media of exchange; the most conspicuous examples are the shell money of the North American Indians and the Melanesians, the cowrie shells of Africa and Oceania, the strings of dogs' teeth, the red feathers and the gold and silver disks that have spread over the world. Gold was used for ornaments in Europe before the days of money. In the islands of the *kula* ring of Melanesia the ceremonial exchange of strings of shell and carved arm rings provides the occasion for actual trade in commodities. When ornaments become capital the prestige that accrues from wearing them increases; in Iviza in the Balearic Islands, for example, a girl seeking a mate wears her whole dowry in gold coins about her neck.

In its purely aesthetic aspect body ornamentation differs in no way from other forms of decorative art; it exhibits the same dependence

on technical skill, the same principles of stylistic cohesion and variation as ceramics, sculpture or architecture. Boas contends that interest in form and delight in technical skill in the handling of materials have been determining factors in the development of decorative forms. On the other hand, Haddon and others, especially those interested in discovering universal evolutionary sequences, maintain that designs arise from the desire to reproduce phenomena and that abstract ornament results from the inability or disinclination to reproduce accurately. Haddon pays respect to the role of handicraft in the development of design, but he stresses abstraction as a universal process in the development of decorative concepts. All universal sequences are, however, purely speculative and are misleading; the abstract and the representative are two distinct tendencies in decoration which appear at about the same time in human history. In a number of cases, where historical reconstruction is possible on the basis of available evidence, development has been traced from abstract to representative forms. The hypothesis that all ornament is inadequate representation has recently been given new impetus by certain psychoanalysts, who see in art a channel of sublimation of the unconscious by means of elaborate symbols. Unquestionably different types of symbolic interpretations attach themselves to decorative forms, but the assumption that ornament is always symbolic or originally symbolic is unfounded.

The present tendency is to study each characteristic ornament in relation to its material, its technique and its cultural and historical setting. All ornament is rooted in the material from which it is created. Ornament developed in weaving must necessarily differ in fundamental character from that developed in clay or stone; and when patterns are transferred from one technique to another, the new form bears only the most superficial resemblance to the old. Skill in the chosen medium is the primary requirement in producing works of art. Virtuosity produces a perfection of form and regularity of surface texture that are decorative without recourse to added ornament. Rhythm, which is the repetition of similar units, and symmetry, which is the balanced arrangement of elements within the unit, are the two complementary principles that underlie all ornamental design and are handled in accordance with culturally determined standards of beauty.

Recent studies of ornament have concerned themselves largely with phenomena of style. Artistic expression becomes stylized in characteristic forms differing widely from each other in content, arrangement and fundamental concepts; this is so marked that one is rarely in doubt in assigning a given ornament to a certain group at a certain period on the basis of these features alone. These conventional modes of expression are as characteristic of groups as are their property institutions or their methods of designating kin. Given the established conventions of his group, the artist must steer his precarious course between unimaginative repetition and mannered overstylization.

Art styles differ dynamically as well as descriptively. Some are stable and tend toward stereotypes; others toward exuberance and rapid disintegration. Some styles foster, others inhibit, individual inventiveness. Monotony may be the result either of dull craftsmen or of a stultifying tradition. Tradition is not in itself paralyzing; modern Hopi potters, for example, revolting against the deadening monotony of their recent style of ornament, turned for inspiration to their own remote past and revived an ancient style, highly characteristic and compact, yet offering scope for imaginative variation, and in this style achieved a refreshing vitality of design. Ornament, being tangible and easily observed, has provided one of the most instructive laboratories in which to study the ways in which individuals operate within tribal patterns.

RUTH BUNZEL

See: ART; DRESS; SYMBOLISM; MAGIC; STATUS; POTTERY; ANTHROPOLOGY.

Consult: Westermarck, E. A., *The History of Human Marriage*, 3 vols. (5th ed. London 1921); Karsten, Rafael, *The Civilization of the South American Indians*, History of Civilization (New York 1926); Frazer, J. G., *Totemism and Exogamy*, 4 vols. (London 1910); Lowie, R. H., *Are We Civilized?* (New York 1929); Haddon, A. C., *Evolution in Art*, Contemporary Science series, no. 30 (new ed. London 1914); Grosse, Ernst, *Die Anfänge der Kunst* (Freiburg i. Br. 1894), English translation (New York 1897); Holmes, W. H., "Origin and Development of Form and Ornament in Ceramic Art," and "A Study of the Textile Art in Its Relation to the Development of Form and Ornament" in United States, Bureau of American Ethnology, *Annual Report*, vol. iv (1886) 437–65, and vol. vi (1888) 189–252; Haeberlin, H. K., Teit, James A., and Roberts, Helen H., "Coiled Basketry in British Columbia and Surrounding Region" in United States, Bureau of American Ethnology, *Annual Report 1919–1924*, no. 41 (1928) 119–484; Bunzel, R. L., *The Pueblo Potter; a Study of Creative Imagination in Primitive Art*, Columbia University Contribution to Anthropology, vol. viii (New York 1929); Boas, Franz, *Primitive Art*, Instituttet for sammenlignende Kultur-

forskning, Publications, ser. B, no. 8 (Oslo 1927); Wissler, Clark, *The American Indian* (2nd ed. New York 1922); Heydrich, Martin, *Afrikanische Ornamentik*, Internationales Archiv für Ethnographie, Supplementary vol. xxii (Leyden 1914); Evans, Joan, *Pattern, a Study of Ornament in Western Europe from 1180 to 1900*, 2 vols. (Oxford 1931); Riegl, Alois, *Stilfragen* (Berlin 1893); Wilson, Elizabeth, *Das Ornament auf ethnologischer und prähistorischer Grundlage* (Erfurt 1914); Adama van Scheltema, F., *Die altnordische Kunst* (Berlin 1923); Salin, Bernhard, *Die altgermanische Thierornamentik*, tr. from Swedish ms. by J. Mestorf (Stockholm 1904); Pfister, O. R., *Der psychologische und biologische Untergrund expressionistischer Bilder* (Berne 1920), tr. by Barbara Low and M. A. Mügge as *Expressionism in Art; Its Psychological and Biological Basis* (London 1922).

ORPHAN ASYLUMS. *See* CHILD, section on INSTITUTIONS FOR THE CARE OF CHILDREN

ORTES, GIAMMARIA (1713–90), Italian economist and social theorist. Ortes is probably the only one of the group of eighteenth century Venetian economists comparable in importance to the contemporary economists of Naples and Milan—Genovesi, Galiani, Filangieri, Pietro Verri and Beccaria. Although known best as an economist and population theorist, he ranged widely in his work and interests. Besides covering the entire gamut of what would now be called the social sciences, he was philosopher, mathematician, physician and poet. His taste for abstract and historical studies was developed in the monastery, where he remained from boyhood until the age of thirty. Securing release from his vows he led for the most part a retired and studious life, punctuated by scholarly polemics and by visits to Vienna, Berlin, Florence and probably to London. Despite his withdrawal from the monastery he remained a stanch defender of the outlook and the position of the clergy. This was part of a certain feudal and antiliberal strain in his work which may be said to have reflected the influence of the economically stagnant Venetian state. To this strain belong his defense of mortmain and of mediaeval restrictions on the right of property and his opposition to interest and the creation of a money economy. But there was also a decided liberal and even strangely socialistic strain in him, which went so far that some of his writings were banned in Tuscany, Venice and the Papal States. His conception of economics as *economia nazionale*—a term which he took over from the German *Nationalökonomie*—placed the emphasis on the factors affecting the welfare of the entire state rather than on the prince or ruling group. He pointed out the importance of labor and of occupational divisions. But above all his emphasis fell upon the maldistribution of wealth as the root of the economic problem. It is principally from this point of view that Loria has spoken of the "modernity" of his thought.

Ortes' economic views are always abstract and frequently formulated in the mathematical terms which seemed to him the core of scientific method. He was often narrow in his premises and inflexible in his deductions. His central premise was that population increases or decreases with the fluctuations in the volume of "capital" (i.e. consumable goods). From this constant ratio between capital and population it follows that the average income is always and everywhere constant, and hence since poverty exists it must be caused by the unequal distribution of wealth. Ortes therefore rejected most of the current liberal solutions of the economic problem which stopped short of dealing with the fundamentals of population and unequal distribution. He opposed protectionism, despite the possibility that it might increase a state's capital, on the ground that it only aggravated pecuniary accumulation and therefore poverty.

In following out his analysis of the population-capital ratio Ortes anticipated Malthus' position. He calculated that in the absence of checks population could double every thirty years, but that subsistence could not be increased in the same ratio. On a given territory therefore with a given income distribution population grows up to the limits of subsistence. The poor are often kept from marriage for want of adequate subsistence, while the wealthy often avoid it for fear of subdividing their wealth. But given the existing wealth distribution, Ortes favored the limitation of marriage and defended celibacy as a way of averting undue poverty and misery. Given a certain fixed capital in a country, population could increase in proportion as the inequalities of distribution were ironed out. To encourage marriage under other conditions, however, would be to increase misery. Another of Ortes' conceptions which sounds strangely modern is that of a permanent non-reducible "industrial reserve" army: in any country the demand for labor is adequate to provide employment for only half the population, which must therefore support the unemployed half. This situation exists even in Ortes' ideal state, which covered an area of five thousand square miles and contained a million inhabitants and in which the division of labor and the ease

of obtaining subsistence were at a practical maximum.

JOSEPH J. SPENGLER

Important works: Ortes' most important writings were the *Economia nazionale* (Naples 1774, 2nd ed. 1778), the *Dei fidecommessi a famiglie, e a chiese e luoghi pii* (Venice 1784), and the *Riflessioni sulla popolazione delle nazioni per rapporto all' economia nazionale* (Venice 1790). These are reprinted with his other works in *Scrittori classici italiani di economia politica*, ed. by Pietro Custodi, 50 vols. (Milan 1803–16) vols. xxviii–xxxiv.

Consult: Faure, André, *Giammaria Ortes, économiste vénitien 1713–1790* (Bordeaux 1916); Lampertico, F., *Giammaria Ortes e la scienzia economica al suo tempo* (Venice 1865); Loria, A., "Della modernità di Giammaria Ortes" in Reale Istituto Veneto di Scienze, Lettere ed Arti, *Atti*, vol. lx (1900–01) pt. ii, p. 961–76; Franchis, C. de, *Giammaria Ortes, un sistema d'economia matematica nel '700*, Politica, Economia, Corporativismo, vol. iii (Naples 1930); Gonnard, R., "Un précurseur de Malthus, Giammaria Ortès" in *Revue d'économie politique*, vol. xviii (1904) 638–66; Uggé, A., "La teoria della popolazione di Giammaria Ortes" in *Giornale degli economisti e rivista di statistica*, vol. lxviii (1928) 35–74.

ORZĘCKI, ROMAN. *See* ORZHENTSKY, ROMAN MIKHAYLOVICH.

ORZHENTSKY, ROMAN MIKHAYLOVICH (Orzęcki, Roman) (1863–1923), Russian statistician and economist. Orzhentsky was the son of a Pole in the Russian government service. He taught statistics at Odessa University and from 1906 to 1918 was professor at the Demidov Law School, serving at the same time as chief of statistics of the provincial zemstvo at Yaroslavl. At his death he was professor of statistics at Warsaw.

Orzhentsky was interested mainly in the philosophical and methodological aspects of economics and statistics. In economics he confined himself almost entirely to the theory of value, a subject on which he published several historico-critical monographs. His constructive contribution, as it appears in "Ponyatie ob ekonomicheskom yavlenii" (The concept of the economic phenomenon, in *Zapiski imperatorskago novorossiyskago universiteta*, vol. xciii, 1903, pt. ii, p. 1–384), displays clearly the influence of the Meinong-Ehrenfels school and of Alfred Marshall; it leads up to a characterization of economic value as a practical value capable of exact measurement in money. In statistics too his important work is a theoretical treatise, *Svodnie priznaki* (Collective properties, Vremennik demidovskago uridicheskago litseya, vol. ciii, Yaroslavl 1910). Orzhentsky defined statistics as a method of establishing and testing the properties of collectives by comparing them with the properties of individual members; he maintained that statistical inference is merely a way of generalizing from a sample to the universe and therefore in dealing with collectives it precedes logically but does not replace ordinary induction. Admitting that the concept of probability is applicable also to a situation where the operating forces are not causally determined, he refused to regard this possibility as sufficient to reconcile the presence of regularities in human behavior with alleged freedom of will. He believed, on the contrary, that volitional acts are subject to causal laws, that their regularity reflects the fundamental physical and hence psychic uniformity of man and that their variability, which makes psychic evolution possible, is traceable to the influence of many independent environmental factors, including individual differences. One of the pioneers of mathematical statistics in Russia, Orzhentsky was for some time virtually the only Russian exponent and advocate of Pearsonian methods as distinguished from the German-Scandinavian approach; in his zemstvo work he applied them to such practical problems as the reliability of crop reports from various local sources, the influence of seeding and fertilizing upon yield and the determination of factors affecting the value of urban real estate.

SOLOMON KUZNETS

Consult: Fryde, M., in *Ekonomista*, vol. xxiii (1923) no. iii, 1–7; Kaufman, A. A., *Statisticheskaya nauka v Rossii* (Statistical science in Russia) (Moscow 1922) p. 64, 96–99, 139–45.

OSBORNE, THOMAS MOTT (1859–1926), American civic leader and prison reformer. Osborne's father was a prosperous manufacturer in Auburn, New York; his mother was an ardent leader in the women's rights movement. After his graduation from Harvard College, Osborne became associated with his father's enterprises in Auburn. He founded and published the Auburn *Citizen*, which soon became the leading newspaper in that section of the state, became principal owner of the local bank, was for many years an active member of the board of education and served for two consecutive terms as mayor of his city. In the meantime his political influence had extended widely through the upper counties of the state. Playing an independent role, Osborne found himself increas-

ingly at odds with the dominant faction of the Democratic party. Eventually the bitter personal animosity he thus aroused had much to do with the disruption of the chief work of his life.

Always a humanitarian, Osborne's passion for prison reform did not awaken until his appointment to the New York State Commission on Prison Reform in 1913, when he was well over fifty years of age. He managed to spend a week in Auburn Prison as a voluntary inmate and his intimate association with his fellow prisoners during that ordeal inspired him to attempt the reform of the prison system. His conception of penology was simple. The prisoner is much like other men, but spoiled and distorted by the conditions of prison life. Punishment of the offender is a social necessity as a deterrent influence both on the offender and on the community at large. While the punishment should usually be commitment to prison, the prison itself should not be a place of punishment but of education, especially of education in self-government. This was the basic principle of the "Mutual Welfare League," composed of all the inmates of the prison, choosing its own officers and administering its own discipline. It was tried out experimentally at Auburn under Osborne's guidance, and for several years it was a definite policy in Sing Sing Prison, after Osborne's appointment as warden of that institution in 1914.

The "new system," which with few exceptions won the ardent support and cooperation of the prison inmates, excited the fears and the hostility of politicians, of the governor of the state, the judges of the criminal courts, prosecuting officers and prison officials generally. In 1915 charges of misconduct in office were pressed before the local grand jury and Osborne was formally indicted and held for trial. The charges were ultimately dismissed, and Osborne was reinstated in office, but his administration was so hampered by the authorities in Albany that after a few months he felt compelled to resign.

In August, 1917, Osborne was appointed commandant of the United States naval prison at Portsmouth, New Hampshire, where he again instituted his system of inmate self-government, which continued until his voluntary retirement in March, 1920. Thenceforth he devoted himself for the most part to the organization and direction of private agencies for the promotion of the reforms for which he had labored. He was an eloquent and forceful speaker and during his last years made many speaking tours in England as well as in the United States. His books—*Within Prison Walls* (New York 1914), *Society and Prisons* (New Haven 1916) and *Prisons and Common Sense* (Philadelphia 1924)—have been widely read, and his views have had considerable influence in some European countries, but have left no enduring mark on the American prison system.

GEORGE W. KIRCHWEY

Consult: Tannenbaum, Frank, in *Survey*, vol. lxv (1930–31) 7–11, 52–55, 156–58, 182–83, 189–92, 266–70, 301–04, 378–81, 399–401, 614–16, 623–25; Wines, Frederick Howard, *Punishment and Reformation. A Study of the Penitentiary System* (new ed. by Winthrop D. Lane, New York 1923) p. 393–406; Liepmann, Clara Maria, *Die Selbstverwaltung der Gefangenen*, Hamburgische Schriften zur gesamten Strafrechtswissenschaft, vol. xii (Mannheim 1928).

OSGOOD, HERBERT LEVI (1855–1918), American historian. Osgood was born in Canton, Maine, of New England stock and was educated at Amherst, Yale and Berlin. Called to Columbia University in 1890 to become an assistant of John W. Burgess, he was made a full professor six years later and thenceforth devoted himself chiefly to graduate instruction. Although he possessed a wide range of intellectual interests and in his teaching dealt with many fields of historical knowledge, he centered his attention almost entirely upon the history of the British colonies in continental America, treating them from the points of view of government, administration and public law. He drew about him in his more than twenty-five years of teaching groups of young men, many of whom not only made important contributions to the subject but also became distinguished scholars in later years. His own great work, *The American Colonies in the Seventeenth Century* (3 vols., New York 1904–07) and *The American Colonies in the Eighteenth Century* (published posthumously, 4 vols., New York 1924–25), is an outstanding feature of American historiography. Its merits are profundity, accuracy, power of interpretation and freedom from nationalistic bias; its limitations are the narrowness of the field treated, the incompleteness with which the British side of the story is dealt with and the omission of the social, economic and commercial aspects of the subject. But slight attention, for example, is given to the significance of rising prices, debt and the cost of living, the growth of regional and radical feeling and the bearing of commerce and the increase of wealth on legislation. Within the limits which the author set for himself these

volumes at their best are of rare excellence, at their worst a great reservoir of knowledge remarkable for the thoroughness with which the material is digested and the skill with which the intricate and scattered details are brought together and wrought into a readable whole.

CHARLES M. ANDREWS

Consult: Fox, D. R., *Herbert Levi Osgood, An American Scholar* (New York 1924); Coppock, H. J., in *Mississippi Valley Historical Review*, vol. xix (1932) 394–403.

OSSE, MELCHIOR VON (*c.* 1506–*c.* 1557), German jurist and early cameralist. Osse received the degree of doctor of jurisprudence at the University of Leipsic in 1534 and was appointed professor of law at the same institution. Throughout his life he remained adviser to the Saxon princes and frequently served as their ambassador to the Reichstag.

Osse was the first German writer on public law to attain great influence. Of noble birth, he was highly conservative and based his views on the teachings of Aristotle and his legal opinions on the precepts of Roman law as interpreted by the scholastic postglossators of the thirteenth and fifteenth centuries. He was no champion of Lutheran beliefs and his supreme goal was the reunion of the Protestant and Catholic churches; by the Lutherans he was looked upon as a secret papist. Although his political philosophy was still dominated by the idea of the divine right of kings, he was among the first in his time to place the welfare of the people on a par with that of the ruler. In his economic views, as set forth in the *Politisches Testament*, prepared for the elector August in 1556, Osse followed the writers of the so-called juristic tax literature, but with him mercantilist views already make their appearance. He proposed the organization of a royal revenue office and believed that the prince should derive his revenue from the domains, resorting to taxation only in an emergency; he held, however, that the taxes must not burden the subjects too heavily. He believed in good money as conducive to good business, condemned luxury as a factor in draining the country of coin and advocated price regulation of foodstuffs.

KURT ZIELENZIGER

Works: *Schriften*, ed. with biographical introduction by Oswald Artur Hecker, Sächsische Kommission für Geschichte, Schriften, vol. xxvi (Leipsic 1922).

Consult: Roscher, W., *Geschichte der Nationaloekonomik in Deutschland*, Geschichte der Wissenschaften in Deutschland, neuere Zeit, vol. xiv (Munich 1874) p. 112–20; Zielenziger, Kurt, *Die alten deutschen Kameralisten*, Beiträge zur Geschichte der Nationalökonomie, no. 2 (Jena 1914) pt. ii, ch. ii; Small, Albion W., *The Cameralists* (Chicago 1909) ch. ii; Nielsen, Axel, "Den tyske Kameralvidenskabs Opstaaen i det 17. Aarhundrede" in Kongelige Danske Videnskabernes Selskab, Historisk og Filosofisk Afdeling, *Skrifter*, 7th ser., vol. ii, pt. 2 (Copenhagen 1911), tr. into German by G. Bargum as *Die Entstehung der deutschen Kameralwissenschaft im 17. Jahrhundert* (Jena 1911).

OSTRACISM was an Athenian political institution designed to rid the community temporarily of persons who appeared to menace its welfare by their very prestige and influence. It dates from the period of the civil war between the Pisastratids and the democratic faction. An opportunistic measure, it was initiated by Clisthenes, who hoped thereby to eliminate from practical politics the adherents of the Pisastratids and thus to disorganize their party and prevent a return to tyranny. It differed essentially from the Greek *atimia*, a much more stringent punishment which consisted of the banishment and complete outlawry of the individual and frequently of his entire gens; ostracism affected only the individual and touched neither his property nor his civil status. For a ten-year period the person against whom the decree was directed was denied political rights and was compelled, under penalty of *atimia*, to live a prescribed distance from Athens; this deprivation was severe enough for the cultivated Athenian, closely bound to the city and its politics.

Only a single individual could be ostracized each year. There were two steps in the process. First, there appeared annually on the regular agenda of the Ecclesia during the sixth prytany the question whether a special plenary assembly should be held for the purpose of ostracizing. If the decision was in the negative the problem was disposed of for that year; but if it was affirmative the second step was the voting in the assembly summoned to decide upon whom the blow should fall. The peasants, who were not usually active in politics, flocked into the city to vote; this was an opportunity for the Athenian citizenry to express itself on the policy of the prevailing administration and thus to control it. Each wrote on a potsherd, *ostrakon*, the name of the person he wished to have ostracized. The ostracism was not valid unless at least six thousand votes were cast; the person who received the plurality was ordered to leave Athens within ten days. Some historians hold that six thousand votes had to be cast against the ostracized indi-

vidual; and it may well be that in actuality the six thousand or more ballots cast usually bore but one name, for it would have been in the interest of the minority party to abstain from voting in order to prevent the quorum of six thousand. The ostracized person had to collect debts owing him and settle with his creditors before leaving Athens—possibly so that opposition to or support of the victim would not be colored by private considerations.

Although ostracism became a law in 508 B.C., it was not until 487 B.C., after the victory at Marathon, that the democracy was strong enough to invoke it. Hipparchus was the first to be ostracized. The next to go was Megacles in 486 B.C., and in 485 B.C. another aristocrat was selected; all three were outstanding supporters of the Pisastratids. As the democracy became more firmly intrenched, however, ostracism was employed less often; intervals of ten and sometimes of more than twenty years elapsed between such banishments, and probably in all Athenian history only ten persons were ostracized.

When an ostracizing assembly was about to convene, the issue was rarely whether one person or another person should be ostracized. Usually only one name, that of the leader of the minority group, was whispered in the market place, and the question was whether or not the ruling party would be successful in freeing the city of his presence. But in 442 B.C. there was a great political battle between Pericles and Thucydides, around whom the conservatives had rallied, which finally resulted in the ostracism of Thucydides. Twenty-five years later the struggle between Alcibiades and Nicias, which was wrecking the peace of the state, culminated in a desperate coalition between the two men, and in the vote of ostracism a figure of minor importance, Hyperbolus, was made the scapegoat of the rivals, one of whom had been expected to take the road from Athens. It is clear from this incident that although in this period the danger of individual tyranny had ceased to exist, ostracism was being employed for party ends. It had outlived its usefulness and from this time on fell into disrepute. No person was ostracized thereafter, but for many years the question continued to be put to the Ecclesia annually. After the Persian War and the growth of Athenian influence ostracism had been adopted by several other democratic states—Argos, Miletus and Megara—and by Syracuse, where it was known as petalism from the leaves upon which the names of the candidates were written.

Ostracism involved no disgrace; it neither accused nor condemned on grounds of wrongdoing; nor did it signify for its victims perpetual retirement from public activity. All the men who suffered ostracism were outstanding Athenians and upon their return regained their positions in the life of the polity. For example, Aristides, who returned to Athens after the general amnesty of 480 B.C., was immediately appointed commander of the hoplites.

Ostracism was essentially an interference with the individual in the interest of the state. In accordance with Greek political philosophy the individual must be willing to submit to this sacrifice. Since ostracism required the support of a large part of the citizenry, there was less chance that it would provoke a civil war than in the case of the wholesale banishment of their enemies by the tyrants. In fact it hindered just such factional struggles and gave the dominant party an opportunity to carry out its program. Since some hope of regaining his place in Athenian society was left to the ostracized person, he was less likely to attempt a coup d'état or to ally himself with an outside state, as did so many of the perpetual exiles.

The Athenians, realizing that ostracism was a serious denial of individual rights, surrounded it, like all laws affecting an individual, with numerous safeguards. No one could take the initiative in suggesting a vote on ostracism; it was a routine matter which could arise only once a year at a particular time and not whenever political passions demanded. It is doubtful whether any discussion was allowed. There was a fixed interval of time between the decision to take a vote and the meeting of the special assembly; and although in reality it permitted party activity and the organization of voters, it was probably intended to serve as a period for calm reflection. The vote moreover had to be secret and to be held in a plenary meeting of the citizens. The victim might by certain formalities be recalled if opinion changed in his favor, as happened in the case of Cimon. All these provisions and the fact that the temporary exile retained his civil and property rights were an acknowledgment that ostracism was a political expedient, an injustice to and not a judgment upon the individual.

FLORENCE MISHNUN

See: EXILE; OUTLAWRY; GOVERNMENT; TYRANNY; CITY-STATE.

Consult: Glotz, Gustave, *La cité grecque* (Paris 1928), tr. by N. Mallinson as *The Greek City and Its*

Institutions (London 1929) p. 168–73; Carcopino, Jérôme, "Histoire de l'ostracisme athénien" in *Mélanges d'histoire ancienne*, Université de Paris, Bibliothèque de la Faculté des Lettres, vol. xxv (Paris 1909) p. 83–267, and cricitism by Cunningham, H. J., in *Classical Review*, vol. xxv (1911), especially p. 19–20, Martin; Albert, "Notes sur l'ostracisme dans Athènes" in Académie des Inscriptions et Belles-Lettres, *Mémoires présentés par divers savants*, vol. xii, pt. ii (Paris 1913) p. 383–446; Valeton, I. M. J., "Quaestiones Graecae" in *Mnemosyne*, n.s., vol. xv (1887) 1–47, 129–71, 337–55, 357–426, and vol. xvi (1888) 1–25, 162–238, especially vol. xv from p. 129 and vol. xvi.

OSTROGORSKY, MOISEY YAKOVLEVICH (1854–1919), Russian political theorist. The mordant but hopeful historian of the pathology of party organization in England and the United States in the nineteenth century was born in the province of Grodno in Russia. Prepared in a local gymnasium, he studied under the juridical faculty of St. Petersburg and for a time was attached to the Ministry of Justice in an editorial capacity. His further training was gained in France, notably under Émil Boutmy at the École Libre des Sciences Politiques, where he finished in 1885. His vocational activities mingled teaching and writing; his minor works included histories of Russia used in its schools. Articles from his pen before 1890 dealing with party organization in the new world indicated how early he focused the interest which, exhaustively pursued through documentary sources and by first hand observation, culminated in 1902 in the publication of the two-volume treatise *La démocratie et l'organisation des partis politiques*, almost immediately translated into English. Meanwhile his democratic outlook had been signalized by *La femme au point de vue du droit public*, successfully submitted in 1892 in a prize competition arranged by the Paris Faculté de Droit. In 1906, after his return to Russia from residence in England, his election to the First Duma gave brief scope for the application of his liberal leanings. As a Constitutional Democrat he was sufficiently active to be a member of its committee of nineteen, for which he was reporter on eight propositions. With the dissolution of the Duma his participation in practical politics ended. His continued interest in old themes was evidenced by articles in Russian journals in 1913 on the constitutional evolution of England.

It is on his study of party organization in relation to the democratic principle that Ostrogorsky's reputation must rest. From the standpoint of approach and emphasis in the study of political institutions he was significant as a pioneer in the shift of attention from legal forms to their practical modification by extra-legal processes. In essential thought, however, he was so far from innovation that his work, full of valuable historical details, is in itself historically interesting as an illustration of the reaction of old ideals to the conditions of the *fin de siècle*. Unlike those of his contemporaries in the realistic reorientation of political science who soon proceeded to interpret party abuses as self-corrective adjustments in a defective governmental organism, Ostrogorsky viewed institutional politics as wholly pathological. Despite the apparent sophistication involved in his method of observation, reenforced by some pungency of humor and a racing though repetitious style, the core of his thinking was a vast naïveté, which indeed was the ardent spirit of the man himself. He believed in spiritually emancipated individuals, who, in keeping with the principle of "union without unity" which democracy implied and which it was destined finally to realize, would act politically through flexible and impermanent associations. This end, Ostrogorsky urged, could be facilitated by the establishment of non-partisan electoral methods, in which a concert of attention without party regimentation could be accomplished through double elections or preferential voting. He visited the United States at the beginning of the period of legal regulation of parties in the name of control by the rank and file; he revisited it—after the frustration of his active political career made it possible for him to undertake an abridgment and revision of the second volume of his main work—when the movement was in full stride. In his view all the legislative tendencies from the time of the introduction of the Australian ballot, especially the direct primary, involved fatal concessions to regimentation in that they officially recognized parties. In other respects the drift of the time seemed with him. Party ties were weakening. Even in England socialism had not gone far enough to crystallize a new division of interests and loyalties. Ostrogorsky's slogan, "Down with party, up with league," was in large degree realized in a period of flaccid politics and active, piecemeal reform. Fundamentally, however, the limitations of his faith caused him to miss the trend of events. His grasp was wide; he consciously emulated Montesquieu in seeking to synthesize interacting factors; but as a liberal

he slighted economic interests. Even in proposing to "organize the moral authority of social intimidation" (II, 754) he assumed the existence of atomic citizens at once omniscient and disinterested.

ARTHUR W. MACMAHON

Important works: *La femme au point de vue du droit public—étude d'histoire et de législation comparée* (Paris 1892), tr. as *The Rights of Women* (London 1893); "The Rise and Fall of the Nominating Caucus, Legislative and Congressional" in *American Historical Review*, vol. v (1899–1900) 253–83; *La démocratie et l'organisation des partis politiques*, 2 vols. (Paris 1902), tr. by F. Clarke as *Democracy and the Organization of Political Parties* (New York 1902); *Democracy and the Party System in the United States* (New York 1910).

OTTO I (912–73), king of the Germans from 936. Continuing the work of Henry I, Otto curbed the power of the hereditary dukes, defeated the Hungarians, established his suzerainty over the Slavic east, intervened successfully in France and Burgundy, conquered Italy and in 962 acquired the imperial crown; thus he attained a position of hegemony in Europe and restored, although on a modified basis, the virtually disintegrated empire of Charlemagne. From the point of view of institutional development he is important as the creator of the so-called Ottonian administrative system. This consisted essentially in the employment of non-hereditary imperial officials, such as bishops and abbots, and was designed to halt the centrifugal tendencies which had attended the development of public offices into hereditary titles monopolized by the feudal lords. In return for financial and military assistance Otto gave to his new officialdom not only land but also judicial jurisdiction and the royal rights to markets, tolls and coinage. Until its disruption during the investiture conflict the system thus created provided a solidly organized and entirely reliable mechanism for imperial administration and continued to perform valuable services well into the thirteenth century.

It was partly the strength of the Carolingian tradition but partly also an international perspective traceable to the dual allegiance of these prelates, who were ecclesiastics subject to Rome as well as royal officials and landowners intimately associated in national affairs, that inspired Otto to renew the empire and establish his authority over the pope. When Pope John XII summoned him to combat the Italian king Berengar II, Otto in his capacity as emperor confirmed the rights of the papacy to the territories gra
Rome, hov
supreme ju
imperial rig.
the pope befo
the deposition
Otto made the
henceforth the wi
determine even the
for the pontificate. Otto
papacy into the imperial chur
tionship which lasted, with sligh
almost a century before the papa
in breaking the yoke. Regarded fro
national point of view, Otto's politica
undoubtedly contained the germs o
trouble. But such a judgment would p
from assumptions quite different from those o
an age preoccupied as was Otto's with the ideals of Christian universalism.

KARL HAMPE

Consult: Köpke, R. A., and Dümmler, E. L., *Kaiser Otto der Grosse* (Leipsic 1876); Hampe, K., in *Meister der Politik*, ed. by E. Marcks and K. A. Müller, 3 vols. (2nd ed. Stuttgart 1923–24) vol. i, p. 279–322, and *Herrschergestalten des deutschen Mittelalters* (Leipsic 1927) ch. iii; Steinen, W. von den, *Otto der Grosse* (Breslau 1928); Poole, A. L., "Italy in the Tenth Century," and "Henry I and Otto the Great" in *Cambridge Medieval History*, vol. iii (Cambridge, Eng. 1922) chs. vii–viii.

OTTO OF FREISING (*c.* 1114–58), mediaeval historian and churchman. Otto studied philosophy and theology at Paris and became a Cistercian monk. He was made abbot of the monastery of Morimond in Burgundy and was later elected bishop of Freising. His two historical works are among the most valuable original sources of information available concerning the last half of the eleventh and the first half of the twelfth century and have earned for him the renown of "the best historian of the Middle Ages." His *De duabus civitatibus* (in *Monumenta Germaniae historica*, Scriptores, vol. xx, Hanover 1868, p. 83–301; tr. by C. C. Mierow, New York 1928) is a general history from the creation of the world down to his own time. It has little in common with the new literature, written in the vernacular tongues, that was beginning to spring up at that time in western Europe. Otto's eyes were turned to the past, and in his book he is forever referring to the vanity of the world. This was due in part to the influence of Augustine's philosophy of history. Like Augustine he was always conscious of the conflict between the City of God and the

City of Satan. Not satisfied with a mere chronological record of events, as were all preceding mediaeval chroniclers, he sought for cause and effect; and this, he believed, he had found in the struggle on earth between the forces of good and evil, between the children of light and those of darkness, between the City of God and the City of Satan. But the history of the time is not lost [illegible] the idea of these two clashing states. [illegible] a good deal of information about the [illegible]at persons and events of the author's [illegible]e. Otto's narrative comes down to 1146, [illegible]rom that date it was continued to 1209 by [illegible]ther monk who lived in the monastery of [illegible].. Blaise in the Black Forest. This work was very popular in the last century and a half of the mediaeval period and was frequently quoted by writers throughout the three centuries of the Renaissance. Otto's second historical work, the *Gesta Friderici I Imperatoris* (in *Monumenta Germaniae historica*, Scriptores, vol. xx, Hanover 1868, p. 338–496; tr. into German by H. Kohl, Leipsic 1883–86), was written at the request of Frederick Barbarossa. It is arranged in four books, the last two of which were written by Otto's assistant Rahewin, and deals with the century following the outbreak of the quarrel between the papacy and the empire over the question of investiture.

EDWARD M. HULME

Consult: Mierow, Charles C., Introduction to his translation of the *De duabus civitatibus*, p. 1–84, with a full bibliography; Bernheim, E., "Der Charakter Ottos von Freising und seiner Werke" in Institut für österreichische Geschichtsforschung, *Mittheilungen*, vol. vi (1885) 1–51; Ritter, M., *Die Entwicklung der Geschichtswissenschaft* (Munich 1919) p. 85–97.

OTTO-PETERS, LOUISE (1819–95), German feminist. Louise Otto, the daughter of a family of lawyers and doctors, received an excellent education. In her early romantic poems she advocates democracy and humanity; one of the first of her novels, *Schloss und Fabrik*, deals with workers' life and almost all of them advocate religious, ethical and social freedom. Her prose works show the influence of George Sand's socialistic ideas. She was a close friend of Robert Blum, a martyr of the *vormärzlich* days, and her poem on his death was reprinted throughout the German press.

In 1858 she married August Peters on his completion of a seven years' term at hard labor, and until his death in 1864 they edited together the democratic *Mitteldeutsche Volkszeitung* in Leipsic. In 1865 with Auguste Schmidt and others she founded the Allgemeiner Deutscher Frauenverein and became the first president of this organization, which for two generations promoted women's education and progress. Convinced that the women's question was primarily ethical and that it was essential to raise the mental level of women, she advocated their right to earn money as a step toward independence and guided the drawing of petitions to the Reichstag for their admission to medical and other professional studies. She founded the *Neue Bahnen*, organ of the Frauenverein, which in 1894 joined with all other German women organizations, except those of a purely charitable or socialistic nature, in the Bund Deutscher Frauenvereine.

MARGARETE DRIESCH

Important works: Novels: *Ludwig der Kellner*, 2 vols. (Leipsic 1843); *Schloss und Fabrik*, 3 vols. (Leipsic 1846); *Römisch und Deutsch*, 4 vols. (Leipsic 1847); *Nürnberg*, 3 vols. (Prague 1859, 2nd ed. Bremen 1875); *Neue Bahnen*, 2 vols. (Prague 1864); *Die Nachtigall von Werawag*, 4 vols. (Freiburg i. Br. 1887). Essays: *Privatgeschichten der Weltgeschichte*, 6 vols. (Leipsic 1868–72); *Das Recht der Frauen auf Erwerb* (Hamburg 1866); *Das erste Vierteljahrhundert des Allgemeinen Deutschen Frauenvereins* (Leipsic 1890). Poems: *Lieder eines deutschen Mädchens* (Leipsic 1847); *Westwärts* (Meissen 1849); *Mein Lebensgang* (Leipsic 1893).

Consult: Schmidt, Auguste, and Rösch, Hugo, *Louise Otto-Peters* (Leipsic 1898); Plothow, Anna, *Die Begründerinnen der deutschen Frauenbewegung* (Leipsic 1907).

OUTLAWRY is the withdrawal by civil society of all legal rights and protection from one of its offending members. The device of thrusting out of the group those who have broken its code is very ancient and constitutes the most fearful fate which primitive law could inflict. The offender was cut off from the ancestral cult and so deprived of divine protection. His house was demolished and his goods were destroyed or confiscated, and he was driven forth naked into the wild. If he were slain no price could be demanded and no feud could avenge him, and thus his life was at the mercy of anyone who came upon him. In ancient Greece as well as in mediaeval Europe he was likened to a wolf. If his offense was religious his outlawry was essentially an act of self-defense by the community, which thus sought to escape divine vengeance by expelling the offender from its midst and devoting him to the wrath of the gods.

In more advanced societies it becomes necessary to distinguish outlawry from several similar

but less serious penalties, such as exile, which was generally a voluntary withdrawal not resulting directly in loss of property or civil rights; banishment, which was similar save that it was compulsory; and ostracism, which was a peculiar Greek procedure for the expulsion of persons whose presence was politically undesirable. The Catholic church employed excommunication and the interdict and soon developed a systematic body of law on the subject, which was closely analogous to that of outlawry, with which it was constantly compared by contemporary lawyers.

In the Middle Ages outlawry was a punishment particularly applicable at first to those who refused to pay the money composition due for their misdeeds and later, with the growth of monarchical power, to those who refused obedience to the solemn command or ban of their lord. This procedure was available in Germany in criminal and later in civil proceedings, both to compel appearance before the court and to enforce compliance with the judgment. Outlawry was used extensively as a weapon to enforce the payment of a debt upon which the debtor had defaulted. If the latter failed to answer the summons issued at the behest of the creditor or to fulfil the judgment, he was declared an outlaw and his goods could be seized. Gradually the law was modified, the king ordering the seizure of the debtor's goods, which were confiscated if the debtor did not pay his obligation within a year and a day. From these goods payment was then made to the creditor. At the close of the Middle Ages the imperial ban assumed political importance, until it fell into disuse early in the eighteenth century, outlawry on civil process having already been abolished in 1654.

In France outlawry became more and more procedural. Judgment by default being impossible, outlawry was regarded by the earlier French writers as the punishment of the contumacy rather than of the principal charge. This view was not held consistently during the thirteenth century and it was sometimes stated that the outlaw was in fact thereby convicted, with the result that if he surrendered he could not be tried on the principal charge. To escape this difficulty a compromise was effected between the two doctrines and the outlaw was allowed to "prove his good faith" and stand his trial. The ordinance of 1670 on criminal procedure contained provisions for condemnation in absence, however; and this, combined with the development of a more effective system of law enforcement and, in recent times, of extradition treaties between the principal nations, has rendered outlawry unnecessary at the present day. Nevertheless, in France the institution of civil death, a modified form of outlawry, was used during the revolution against the émigrés and later was recognized in the *Code civil*. The person adjudged civilly dead was regarded as having no existence in law: he could not dispose of property or enter into contracts. This institution was adopted in those parts of Germany where French law exerted a predominant influence. France abolished it in 1854. Prussia had done away with this process even earlier and the other German states soon followed its example.

Generally speaking, the weaker the system of law enforcement, the more readily it resorts to outlawry, as is shown by its use in the early Scandinavian laws for comparatively minor matters, both as a direct punishment and for disobedience to court orders. In Anglo-Saxon law outlawry was reserved for the most serious of crimes. The outlaw lost all civil rights and was regarded as bearing "a wolf's head"; he was to be slain at sight and his property was forfeit. To give him aid or shelter was itself a crime. With the growth of criminal law, however, the outlaw's fate might sometimes be modified. The king might, if he saw fit, insist upon only some instead of all the incidents of outlawry; and thus a series of punishments—death, mutilation, imprisonment, forfeiture and fine—might be exacted instead of the complete penalty, at the choice of the crown. As a result outlawry became primarily a means of compelling fugitive criminals to surrender. In the more settled practise of the Norman age outlawry was incurred when the accused failed to appear in answer to an "appeal" or criminal accusation, triable by battle, brought by the injured party or his representative. If the proceedings were by indictment, however, the accused was not outlawed until an inquest, taken in his absence, had certified the crown of his guilt. In either case he had about five months in which to surrender before outlawry was finally pronounced.

If the outlaw was captured and the outlawry proved before a judge, the death sentence followed immediately. As late as 1353 it was held that one outlawed for felony could be slain with impunity, although a century earlier Bracton had argued for the view that he could be slain only if he resisted capture. In cases of treason and felony outlawry came to be regarded as

equivalent to a conviction, thus affording a new reason for the old incidents of loss of life and chattels, corruption of blood and escheat of lands to the lord after the crown's right to year, day and waste. Statistics compiled by Maitland from thirteenth century English rolls show that for every felon hanged there were ten outlawed; it is therefore not surprising that the outlaw and the bandit are picturesque figures in popular tales.

A slightly reduced form of outlawry was applied to those felons who succeeded in taking sanctuary. They were allowed to confess to the coroner and to depart overseas; but their goods were forfeited, their lands escheated and, if ever they returned, the one remaining incident of outlawry, loss of life, was exacted. A much milder form of abjuration, allowing the offender to leave the jurisdiction, was inflicted by some English boroughs and palatinates as a punishment for less grave offenses, especially those by young persons. A somewhat similar form of local banishment (*interdiction de séjour*) was set up in France in 1855 and is frequently inflicted upon habitual criminals. The outlawry of women is technically known as waiver.

A curious phenomenon is the spread of outlawry from criminal to civil procedure. In the middle of the thirteenth century the process to compel appearance in personal actions, where moreover judgment could not be given on default, was long and slow and frequently ineffective. To remedy this outlawry began to be used in a final effort to bring in the defendant. This naturally appeared earliest (*c.* 1250) in actions of trespass where force and arms were alleged. Subsequently the use of outlawry was extended by statutes: to actions of account in 1285; to debt, detinue and replevin in 1352; and to actions on the case in 1504. By the end of the Middle Ages outlawry was therefore of two sorts: the ancient penalty on fugitive criminals, which operated as a conviction and attaint; and the newer process to compel appearance in most civil actions excepting real actions. It soon became evident that these two outlawries could not be regarded as identical, and accordingly the second was considerably mitigated by excluding from it corruption of blood and escheat of lands, although chattels and the issues of land were still forfeit.

The use of so clumsy a weapon was made tolerable only by a strict insistence upon long and elaborate formalities; these in turn gave rise to a complicated mass of law dealing with the reversal of outlawry for technical error in the proceedings. In many cases outlawed criminals purchased from the crown charters restoring them to the law. In such cases the courts applied the principle that outlawry utterly destroyed the offender's legal position, and that his in-lawry made him a "new man"; this new man therefore was not restored to the legal position which the old one had lost—a doctrine which had serious consequences in the sphere of property law. The famous Statute of Praemunire of 1353, which prescribed a very stringent process for certain offenses, can be considered as creating a special variety of outlawry.

In England outlawry proceedings could be ordered by several different courts, but the solemn "exactions" had to take place in the five successive sessions of a county court. Outlawry in civil proceedings was abolished in 1879. The disputed question whether it is still possible in cases of treason and felony depends to some extent on the possibility of holding a county court; the latter was in fact never formally abolished, although it may safely be regarded as obsolete. The Forfeiture Act of 1870 expressly preserved forfeiture on outlawries for treason and felony.

Although outlawry never took root as an institution in the United States, there is evidence indicating that it was occasionally employed in Virginia and perhaps in other colonies to force defendants to submit to the jurisdiction of the courts. All of the elements of outlawry may be found in the colonial practise of banishment, which often occurred, sometimes coupled with forfeiture of lands and goods and occasionally accompanied with the threat of death if the offender returned.

THEODORE F. T. PLUCKNETT

See: PUNISHMENT; EXCOMMUNICATION; OSTRACISM; EXILE; BRIGANDAGE; GANGS.

Consult: Glotz, Gustave, *La solidarité de la famille dans le droit criminel en Grèce* (Paris 1904) p. 22–24, 50–52, 231–33, 473–92, 529–34; Strachan-Davidson, J. L., *Problems of the Roman Criminal Law*, 2 vols. (Oxford 1912) vol. i, p. 7–11, vol. ii, p. 23–74; Brunner, Heinrich, "Abspaltungen der Friedlosigkeit" in his *Forschungen zur Geschichte des deutschen und französischen Rechtes* (Stuttgart 1894) ch. viii; His, Rudolf, *Das Strafrecht des deutschen Mittelalters* (Leipsic 1920) ch. xix, and *Geschichte des deutschen Strafrechts bis zur Karolina*, Handbuch der mittelalterlichen und neueren Geschichte, pt. iii (Munich 1928) p. 49–55, 75–82; Hübner, R., *Grundzüge des deutschen Privatrechts* (4th ed. Leipsic 1922), tr. by F. S. Philbrick as *A History of Germanic Private Law*, Continental Legal History series, vol. iv (Boston 1918)

p. 472, 477–78; Poetsch, Joseph, *Die Reichsacht*, Untersuchungen zur deutschen Staats- und Rechtsgeschichte, vol. cv (Breslau 1911); Esmein, A., *Histoire de la procédure criminelle en France* (Paris 1882), tr. by John Simpson as *A History of Continental Criminal Procedure with Special Reference to France*, Continental Legal History series, vol. v (Boston 1913) p. 73–77, 161–65; Le Foyer, Jean, *Exposé du droit pénal normand au XIIIe siècle* (Paris 1931); Planitz, H., "Der Schuldbann in Italien" in *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanistische Abteilung*, vol. lii (1932) 134–259; Engelmann, Arthur, and others, *Der Civilprozess*, 3 vols. (Breslau 1889–1901), vol. ii tr. and ed. by R. W. Millar as *A History of Continental Civil Procedure*, Continental Legal History series, vol. vii (Boston 1927) p. 6–7, 162–65; Pollock, F., and Maitland, F. W., *The History of English Law before the Time of Edward I*, 2 vols. (2nd ed. Cambridge, Eng. 1898) vol. i, p. 476–80, vol. ii, p. 480–84, 593–94; Short, F. H., and Mellor, F. H., *The Practice on the Crown Side of the Queen's Bench Division of Her Majesty's High Court of Justice* (2nd ed. London 1908); Liebermann, Felix, "Die Friedlosigkeit bei den Angelsachsen" in *Festschrift Heinrich Brunner* (Weimar 1910) p. 17–37; Richards, H. E., "Is Outlawry Obsolete?" in *Law Quarterly Review*, vol. xviii (1902) 297–304.

OUTLAWRY OF WAR. On April 6, 1927, Foreign Minister Briand of France, in a message to the American people on the occasion of the tenth anniversary of American entrance into the World War, said that "France would be willing to subscribe publicly with the United States to any mutual engagement tending 'to outlaw war,' to use an American expression, as between these two countries." Not officially noticed at the time by the State Department of the United States, this statement later became a subject of diplomatic exchange of notes; and Briand formally submitted to the United States government a proposal that the two governments "condemn recourse to war and renounce it respectively as an instrument of their national policy toward each other." On December 28, 1927, Secretary of State Kellogg suggested in reply that the treaty be multilateral and an effort be made to secure "the adherence of all of the principal powers of the world to a declaration renouncing war as an instrument of national policy." Meanwhile Senator Borah in a speech in Cleveland on May 10, 1927, had urged this idea as a precondition of the adherence of the United States. The French government demurred at first, urging that while there was no obstacle to such a treaty between France and the United States, the treaties by which other nations had bound themselves under the Covenant of the League and the Locarno agreements of October, 1925, stood in the way of a multipartite treaty; it desired also to limit the proposal to "outlawry of aggressive wars," so-called. Further negotiations adjusted the points of difference, however, and on August 27, 1928, the Paris Pact was signed; there were fifteen original signatories including France, the United States, Great Britain, Germany, Japan and a number of secondary powers. War as a means of solving international controversies was condemned; it was renounced as an instrument of national policy, and the contracting parties agreed "that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means." The United States Senate ratified the treaty on January 15, 1929, with but one dissenting vote. By the summer of that year practically every nation had declared its adherence, and President Hoover set July 24 as the date of its formal proclamation.

The history behind this action, which reversed the entire previous course of thought regarding the legitimacy of the institution of war, included ten years of agitation and discussion carried on by the American Committee for the Outlawry of War. The "American expression," as Briand justly called it, was first used by the founder and chairman of this committee, S. O. Levinson, a Chicago lawyer, in an article published in the *New Republic*, March 9, 1918. The article pointed out that while most people took it for granted that war was resorted to illegally or criminally, actually under existing international law it was recognized as the final method for settling disputes between nations; that international law provided rules "of" war but no rule "against" war; and that since social development had been marked by the continued extension of juridical methods for settling disputes and since now only international disputes remained outside the juridical sphere and hence were lawfully settled by force, the next step was to outlaw the institution of war.

The complete project of outlawry developed by Levinson and the Committee for Outlawry included four main points: first, modification of international law to take war out of the category of legitimate means of solving disputes, this change to be effected or attended by national plebiscites to insure the education and registration of public opinion; second, revision and codification of international law to insure harmony of all its parts with the new action; third, the

formation of an international court of justice which should have affirmative jurisdiction with respect to disputes likely to lead to war; fourth, provision that, in accord with the tenor of article 1, section 8, of the Constitution of the United States, each nation should make offenses against the law of nations crimes under domestic law, so that war breeders would be tried and punished in their own country. All through the period of discussion and agitation the advocates of the outlawry principle insisted that its adoption be secured by mutual adhesion to a treaty. The whole course of the discussion shows that the original outlawry movement directly instigated the Paris Pact, which is historically inconceivable without it.

In his first article, written while the war was still being waged, Levinson advocated that the organized force of the world be used against a nation which violated the new provision of international law. But from 1921 he and the Committee for Outlawry took the position that the sole reliance was the organized moral sentiment of the world and that even if nations should agree to use force against a recalcitrant nation, there would be no assurance save good faith that that compact in turn would be kept. They held that there was a fallacy in the analogy between the use of force against a domestic offender and against a nation, since the latter signified the use of military force on a large scale and constituted war. Since that time, the supporters of the outlawry movement have always opposed any appeal to "sanctions."

Largely influenced by Levinson, Senator Knox, a former secretary of state, became a convert to the idea of outlawry, took part in formulating the four points already mentioned and in addresses in the Senate in 1919 and 1920 proposed and endorsed the outlawry principle. On February 14, 1923, Senator Borah, likewise a supporter of outlawry, introduced in the Senate a resolution which declared that "it is the view of the Senate . . . that war between nations should be outlawed as an institution or means for the settlement of international controversies by making it a public crime under the law of nations." It called for the preparation of a code of international law of peace based upon equality and justice; and it proposed that a judicial substitute for war be created in the form of an international court modeled on the United States Supreme Court and having affirmative jurisdiction to decide all purely international controversies, "the enforcement of its decrees" being the same as with the Supreme Court, "namely, the respect of all enlightened nations for judgments resting upon open and fair investigations and impartial decisions and the compelling power of enlightened public opinion." This document, which Senator Borah reintroduced in December, 1927, became the Magna Carta of the outlawry movement and was directly and indirectly the prototype of the action concluded in Paris in 1928. From 1923 an active popular educational campaign for outlawry was carried on in the United States, some of its chief supporters in addition to Senator Borah being Raymond Robins, Judge Florence Allen, John Haynes Holmes, C. C. Morrison and John Dewey. Senator Walsh of Montana was a strong defender of the idea in the Senate.

The movement throughout the earlier period met opposition and ridicule as well as indifference. To some extent the former were based upon misunderstanding between the critics and the adherents of the movement. The critics represented outlawry as merely a legalistic device constructed on the theory that wars could be banished by the passing of a statute. Adherents of the movement answered that they had never claimed that outlawry could prevent by legal fiat the occurrence of wars. They argued that, as had happened in the case of private combat, it represented the substitution of law for force as the authorized method of settling disputes and that it would deprive war of its authorized social status and consolidate public opinion against it. It was argued that the moral sentiment of the world was increasingly opposed to war but was now helpless, juridically speaking, law and morals being opposed to each other, while outlawry would bring the moral and the legal into harmony with each other; and that since formulation in law has always been a great educational agency, this change would serve to crystallize the popular sentiment for peace and test its genuineness. To the criticism therefore that the legal change would not touch the causes of war, which at present are almost always economic in nature, it was replied that while law and courts have never attempted to remove the causes of disputes, outlawry would provide the conditions for a much freer and more energetic educational campaign against economic injustice than now exists; it was urged that directly, because of its economic effects, and indirectly, because of the temper of mind it breeds, the war system is the greatest foe of economic reform, that it is a cause as well as an effect of economic injustice and

that to wait for the abolition of war until economic wrongs are remedied might mean to wait until civilization is destroyed. Finally, to the objection that outlawry contemplated a legal method in substitution for all political methods of settling disputes, such as negotiation, conference, arbitration and conciliation, the defenders of outlawry replied that the abolition of the legal status of war would on the contrary give a direct stimulus to the use of these political methods and that it would make them franker and more effective by doing away with the threat of war, in the shadow of which they had always operated.

The immediate moral effect of the Paris Pact and its potential diplomatic effect were somewhat weakened by comments made by a few nations in exchange of notes, reserving certain territorial areas in the case of Great Britain and of the United States, and the "neutrality treaties" in the case of some continental nations, particularly France. There was also some ambiguity attending the notion of self-defense by a nation. The Committee for the Outlawry of War had strenuously opposed making a distinction between aggressive and defensive wars, pointing out that all nations claimed that their own wars were defensive and holding to the idea that it was the institution of war and not particular wars which were to be outlawed. As a concession to nationalist and militarist elements in various nations it was admitted in the course of the negotiations that each nation is its own judge as to whether a war in self-defense is necessary; the idea does not, however, appear in the pact itself and its legal status is doubtful in comparison with the sweeping agreement to resort to pacific means of settlement of all international disputes. In the original outlawry plan it was pointed out that the right of self-defense is extralegal and cannot therefore be touched by any law. But it was held that the actual facts of a case rather than a mere assertion of action in self-defense should be presented to the International Court for a decision as to whether a plea of self-defense was justified. This move has still to be made. In spite of these limitations, as compared with the broader scope of the original outlawry plan, the pact has been a fruitful source of international cooperation. It provides a common ground upon which nations may draw more closely together in coordination of efforts for peace. The doctrine of international non-recognition of territorial and other gains made in violation of the pact, already virtually endorsed by the League of Nations and a corollary of the pact itself, serves as an illustration of this achievement. If it is considered that for many centuries war has been the recognized means of settling disputes between nations, that it is one of the oldest of all historic institutions and that the minds of statesmen and diplomats as well as of the military have become adjusted to war as the ultimate juridical method of settlement, the change that has been effected in the legal status of war in a short period of ten years is striking.

JOHN DEWEY

See: WAR; AGGRESSION, INTERNATIONAL; PACIFISM: PEACE MOVEMENTS; INTERNATIONAL LAW; INTERNATIONAL ORGANIZATION; LEAGUE OF NATIONS; ARBITRATION, INTERNATIONAL; PERMANENT COURT OF INTERNATIONAL JUSTICE; PERMANENT COURT OF ARBITRATION; SANCTION; DISARMAMENT; MILITARISM; NATIONAL DEFENSE.

Consult: Levinson, S. O., "The Legal Status of War" in *New Republic*, vol. xiv (1918) 171–73, "Can Peace be Enforced?," and "The Sanctions of Peace" in *Christian Century*, vol. xlii (1925) 46–47, and vol. xlvi (1929) 1603–06; Hard, William, "The Nonstop Peace Advocate" in *World's Work*, vol. lviii (1929) nos. 3, 76–83; Dewey, John, "Political Combination or Legal Cooperation," "If War Were Outlawed," "What Outlawry of War Is Not," "Man and a Code of Law," and "As an Example to Other Nations" in *New Republic*, vol. xxxiv (1923) 89–91, 234–35, vol. xxxvi (1923) 149–52, 224–26, vol. liv (1928) 88–89, and letters headed "Divergent Paths to Peace" by J. T. Shotwell and John Dewey, p. 194–96; Morrison, C. C., *The Outlawry of War* (Chicago 1927); Shotwell, J. T., *War as an Instrument of National Policy and Its Renunciation in the Pact of Paris* (New York 1929), especially ch. x; Madariaga, S. de, *Disarmament* (New York 1929) pt. i, ch. iii, pt. ii, ch. xv and pt. iii, ch. iii; Lippmann, Walter, "The Outlawry of War" in *Atlantic Monthly*, vol. cxxxii (1923) 245–53; Kellor, F., and Hatvany, A., *Security against War*, 2 vols. (New York 1924) vol. ii, ch. xxxix; Wright, Q., "The Outlawry of War" in *American Journal of International Law*, vol. xix (1925) 76–103; Fenwick, C. G., "War as an Instrument of National Policy" in *American Journal of International Law*, vol. xxii (1928) 826–29; Page, Kirby, *The Renunciation of War*, Christianity and World Problems, no. 16 (New York 1928); "The Preservation of Peace" ed. by Parker T. Moon in Academy of Political Science, *Proceedings*, vol. xiii (1929) no. 2; Miller, D. H., *The Peace Pact of Paris* (New York 1928); Myers, D. P., *Origin and Conclusion of the Paris Pact*, World Peace Foundation Pamphlets, vol. xii, no. 2 (Boston 1929); Council on Foreign Relations, *Survey of American Foreign Relations* (New Haven 1929) sect. ii; Wheeler-Bennett, J. W., *The Renunciation of War*, Information Service on International Affairs, Information Series, no. 4 (London 1928); Wehberg, Hans, *Die Achtung des Krieges* (Berlin 1930); Schücking, Walther, *Die Revision der Völkerbundssatzung im Hinblick auf den Kelloggpakt*, Wissenschaftliche Beiträge zu aktuellen Fragen, no. 1 (Berlin 1931).

OVERHEAD COSTS is a term covering a related group of ideas having in common the fact that such costs cannot be traced to particular units of product, classes of customers or other divisions of the business. From the angle of accounting classification, this quality attaches to indirect as distinguished from direct costs—the former being those which are not traceable, or which it is not practicable or not pertinent to attempt to trace, by the methods available to accountancy. For example, the leather which goes into a given pair of shoes and the time of a worker devoted to making that particular leather into that particular pair of shoes ("direct labor") are directly traceable in this way, while the hire of clerks in the general office is not so traceable and is treated as an indirect expense.

Costs may also be classified as constant costs and variable costs, the latter being called proportional costs by some foreign writers in order to indicate that their amount varies proportionately with output. This classification is too simple to fit all the facts, although it provides a rough and ready formula for the effect of variations in output well within the limits of the capacity of a plant. A more careful definition of what is usually meant by constant costs would be: costs whose amount, so far as it is determined by the technical magnitudes of production, is governed basically by the capacity of the productive equipment and organization rather than by the actual output. But any such classification must be used with discretion. An accident or deterioration which destroys productive capacity is not a reduction of this class of costs; and whether we speak of variable costs or of output costs, it sometimes becomes necessary to deal with the fact that output has numerous dimensions—number of customers, number of sales or of deliveries, weight or bulk of goods and distance delivered.

The basic fact underlying the concept of overhead costs is the economy which comes with increased utilization of productive equipment that has idle capacity. Increased output requiring enlargement of capacity may also bring economy of a different sort. This results typically from the fact that enlarged capacity makes worth while the installation of more elaborate fixed equipment, bringing lower output costs per unit; and this economy pays for the additional capital investment when the output is large enough. Since increasing output which can at first be handled with the existing plant will if it continues require additional plant capacity, which may or may not carry with it further economies, the long run and short run effects of such increase may well be different.

The most inclusive form of analysis recognizes two elements: first, the differential in costs corresponding to an increase or decrease in output (which may not be the same because some costs are largely irreversible in their movements) and, second, all costs which cannot be assigned on the differential principle. This is a scheme of theoretical imputation, cutting across accounting categories. The differential costs have to be covered by any unit of business if it is to be worth taking as a separate increment. The rest have to be at least approximately covered by the business as a whole in the long run, but in the short run there is no such necessity; and in any case the amount borne by any given part of the business is a matter of policy and apportionment, not of controlling necessity arising from the facts of cost. So far as the decision is governed by economic law, sensitiveness of demand is likely to be the deciding factor.

This group of facts leads to two outstanding results: considerable indeterminateness of prices and output, and wastes from unused capacity. These facts have been underemphasized in English economic theory, preoccupied as it has been with static conditions of determinate equilibrium and full utilization. In the infancy of the factory system, constant costs were noted as reasons for the economy of the long hours which were one of the great abuses of this period. Later, constant costs were more prominently recognized as a justification of railroad discriminations and a cause of rate wars or cut-throat competition. Still later, such costs were seen to be general phenomena of production with fixed capital. As the appearance in the business system of economies from added output led to greater emphasis on marketing tactics for the expansion of sales and to a general increase in the scale of production, the importance of overhead costs attained further recognition. Where these economies continued up to the point at which one producer in the market was decisively more economical than two, "natural monopoly" was recognized, as in the typical public utilities. Impetus was given to the theory of overhead costs through the development of cost accounting techniques for apportioning indirect expenses. Cost allocation in the public utility field revealed the economy of off-peak as distinct from peak business, the former being desirable in that it occasioned no added capacity costs.

The expansion of off-peak business under developmental policies has helped greatly to reduce the average cost of electrical current. Similar principles can be applied to other industries with daily, weekly or seasonal peaks. A final step is taken when it is recognized that labor as well as capital is to some extent a constant cost to the employer, while its maintenance is to a much larger extent a constant cost to the laborer himself and to society at large.

One of the central features of the theory of overhead costs is the theory of discrimination. If a 10 percent increase in business can be handled with a 4 percent increase in cost, the average cost per unit will be reduced about $5\frac{1}{2}$ percent; and if all goods have to be sold at the same price, the company cannot afford to cut the price farther than this in order to stimulate the added business. But if the company can make a special low price confined to the new business, maintaining unchanged its earnings from its existing business, it can make a profit by selling these additional goods at any price above 40 percent of its previous average cost of production. If there is leakage on old business into the new class so that for every unit of new business added there is one unit of old business which escapes paying the old price by shifting into the new class, then the company can afford only half as great a cut in price to the new class of business. If the new business represents a true addition to the social dividend, the interest of the concern making the discrimination corresponds with that of society. If the new business is merely taken from competitors (or shifted from the consumption of different goods) whose costs of production behave in the same way, then there is no social gain, but merely a loss to the competitors which corresponds to the private gain made by the business originating the discrimination. In such a case, the result is likely to be reprisals which may turn the gain of the original business into a loss or bring on a general state of cut-throat competition. On the other hand, if fear of reprisals prevents all discrimination, chances may be lost for developing socially worth while business.

The private advantage to be gained by discrimination, then, depends on the economy of increased volume of business, the sensitiveness of demand to reduced price, the practicability of confining the reduction to new business and the likelihood of reprisals. The social advantage depends mainly on whether the added business is newly developed or taken from another producer.

Also basic to the theory of overhead costs is the recognition that the relative magnitude of constant and variable costs as they fall upon a business is fixed not solely by physical facts but also by institutional and contractual arrangements. Constant costs are associated with fixed capital; yet the maintenance of an idle worker constitutes a larger fraction of his corresponding expenses when at work than does that of a machine. Machines can be rented on a basis of use (as has been done by the United Shoe Machinery Company), so that payment for them is on the same basis as that for direct labor, while workers can be the responsible owners of a business, so that their rewards come in the same form as those of stockholders' capital in the ordinary corporation. The customary arrangement has a practical basis but is not the only possible one. When a concern buys materials, the constant part of the cost of producing them becomes a variable cost to the user; if the maker and user were integrated, the combination would show a larger proportion of constant costs than do the two concerns separately. The proportion of constant costs in business as a whole is much larger than the average of the separate concerns, especially if labor is taken into account. This fact emphasizes the waste of idle capacity when productive powers are not fully utilized and is the basis of serious discrepancies between business accountancy and correct social accounting.

Another bearing of the theory of overhead costs on general economic theory concerns the relation between the whole product and the sum of the marginal products of the separate factors. Constant costs represent factors which have no immediate marginal productivity but do have a long run marginal productivity which calls for compensation. The group of factors representing variable costs has an aggregate short run marginal productivity equal to the whole product of the industry; so that if anything is reserved for the constant factors, the variable factors must be paid less than their short run marginal productivity. This is one phase of the general problem of the advantage of added production when capacity is not fully utilized.

JOHN MAURICE CLARK

See: COST; COST ACCOUNTING; INCREASING RETURNS; LARGE SCALE PRODUCTION; BY-PRODUCT; DUMPING; RATIONALIZATION; WASTE; PRICE DISCRIMINATION; CUT-THROAT COMPETITION; PUBLIC UTILITIES; RATE REGULATION.

Consult: Clark, J. M., *Studies in the Economics of*

Overhead Costs (Chicago 1923); Church, A. H., *Overhead Expense in Relation to Costs, Sales and Profits* (New York 1930); Marshall, Alfred, *Industry and Trade* (3rd ed. London 1920) bk. ii, chs. i–iv, bk. iii, chs. ii–vi, Appendix M; Hadley, A. T., *Railroad Transportation* (New York 1885); Ripley, W. Z., *Railroads: Rates and Regulation* (new ed. New York 1913); Watkins, G. P., *Electrical Rates* (New York 1921); Clark, J. B. and J. M., *The Control of Trusts* (2nd ed. New York 1912); Pigou, A. C., *The Economics of Welfare* (3rd ed. London 1929), especially pt. 3, chs. xiv–xv, xvii.

OVERPRODUCTION has existed to some extent at all times and in every economic epoch, but it has become a characteristic element of the economic system only under fully developed capitalism. The term overproduction can be interpreted in two ways: it can be considered either from the socio-economic or from the business standpoint. In the first case it means an excess of production or of productive resources above consumption. The resultant sinking of prices and decrease of profits, even to the point of direct loss, constitute the range of phenomena included in the business meaning of the term. Although in practise the two sets of phenomena run concurrently, in theory it is possible to separate them.

In its business aspect overproduction may be identified with profitless production. A case of purely business overproduction would be one where existing productive resources are fully employed and the balance between production and consumption is maintained, but the prices at which the output must be sold do not yield the usual profit or even entail losses. Although such a case is theoretically possible, there is none on record; this is not to be wondered at, since it would imply conduct on the part of entrepreneurs directly contrary to their striving for profit.

Overproduction of the purely socio-economic type is conceivable where reduction of profits or the incurring of losses is avoided by a proper adjustment of prices, output and production costs, the necessary extent of price change for different goods depending on the relative elasticity of their demand. Purely socio-economic overproduction may therefore be characterized as adjusted production. Such a condition, allowing for the maintenance of profits, is the aim of entrepreneurs in periods of overproduction; in isolated cases it has actually been achieved.

In contrast to overproduction, whether of the profitless, the adjusted or the combination type, is profitable balanced production wherein, with profits at a customary level, balance is preserved between productive resources and output on the one hand and consumption on the other.

The historical instances of overproduction are much more varied than is generally supposed. A generalized conception of overproduction must abstract from the concrete historical setting and derive from an analysis of its causes and of the different degrees of intensity of its forms.

Lack of balance between production and consumption may be caused by forces operating on either side or on both and resulting in an increase in production or a decrease in consumption. On the production side there are three chief sets of causes for overproduction: first, natural occurrences, such as particularly good crops, either of raw materials or of foodstuffs, which greatly augment production without any widening of the area under cultivation; second, technical inventions which make possible increasing productivity; and, third, actual increase of the means of production—cultivation of additional land, more intensive exploitation of natural resources, the construction of new or the enlargement of capacity of old manufacturing plants—with the resultant disproportional increase of output.

On the consumption side the causes of overproduction are even more numerous. Changing fashion may result in the complete disappearance of the demand for any particular product. More lasting is the effect of technical changes or improvements which may entirely eliminate the consumption of some particular product, as central heating, for instance, displaced tiled stoves. Again, changes of locality may affect consumption and so result in overproduction. Emigration of consumers can leave local producers with no demand for their goods. The transfer of workmen, officials or troops can result in overproduction for the whole trade and housing system of a town. In the same way the transfer of an industry to a new location can cause a shutdown of the local industries dependent upon it. Furthermore consumption may fall off as a result of the saturation of demand. The demand for productive equipment and for durable consumers' goods is not continuous; and when an economy has been fully supplied with such goods, the plant and machines which produced them are thrown out of work. Once the iron industry of a country has produced the necessary railways, mere repair and upkeep are

insufficient to keep the industry operating at capacity. Consumption may decrease also because of scarcity of capital, as a result of which producers' goods and durable consumers' goods, depending for their sale on capital seeking investment, become to a certain extent unsalable. Underconsumption must also be taken into account, particularly with regard to non-durable consumers' goods, which are bought out of income and are therefore subject to decreased consumption when incomes fall. Finally, overproduction may result from excessively high prices. Whereas in the latter two cases existing needs do not crystallize into effective demand because of lack of purchasing power, here the appearance of effective demand is inhibited by excessively high prices. It is seldom, however, that rising prices and the consequent falling off of demand originate a period of overproduction; prices rise chiefly in times of overspeculation and then only for a short while.

The causes listed above determine the character and intensity of overproduction, so that it becomes either useless production or uneconomic production. In the first case the goods or the means of producing them exceed the need for them, which is inexpansible; they are therefore simply unconsumable. In the second case the goods are not in themselves useless or unsalable, but they can be sold only uneconomically, or for less than cost. Here the demand is elastic and sales are dependent largely on price. Theoretically the lack of balance between production and consumption could be removed simply by a lowering of prices. If this is not actually done, it is because the lowering of prices would make the entire process of production unprofitable for the entrepreneur. The recognition of a particular situation as involving one or the other of these two types of overproduction is important in any attempt to correct it. If the case is one of useless production, attention must be concentrated on the creation of new needs and new uses for goods; thus capitalism has up to the present avoided the saturation of demand for producers' goods through a series of new inventions, such as the successive use for motive power of steam, gas, electricity and petroleum. Lack of success in this direction leaves as the only alternative complete cessation or restriction of production; this must be borne in mind in any evaluation of the policies of the cartel. In the case of useless production no lowering of prices can stimulate the demand. If, however, the situation is one of uneconomic production, the problem becomes that of cutting production costs sufficiently to make profitable the prices necessary for the sale of the goods. If this can be done, overproduction both on the socio-economic and on the business side will have been overcome.

There are a number of causes which make any specific case of overproduction one of useless production: changes of fashion, of technical method, of locality, or saturation of demand. These are causes on the consumption side which eliminate needs for goods. Thus, although the sale of fashion goods, the demand for which is generally extremely elastic, may be increased by lowering prices—a situation which often results in substitution of cheap imitations to tap new layers of demand—a radical change of fashion may eliminate completely the demand for some goods, however low the price. A similar cessation of demand can result from technical changes or changes of locality or simply from the saturation of demand.

Another set of causes lead to overproduction of the uneconomic type: scarcity of capital, underconsumption and excessive prices. These operate also on the consumption side, but they are rooted in income and price relationships; they make it impossible for existing needs to be turned into effective demand. The demand, however, could be stimulated at once, if the rise in prices or the decrease in purchasing power were corrected by a lowering of prices. Even goods for which the demand is generally taken to be fairly constant, such as construction materials, could succumb to uneconomic production if scarcity of capital were the sole cause of the overproduction.

As distinct from forces on the consumption side, causes which operate on the production side—natural occurrences, technical inventions, increase of capacity—can give to overproduction the character either of useless or of uneconomic production. The result depends in any case upon the degree to which the causes are operative, what goods they affect particularly and to what extent the demand for these goods is covered normally. The demand for primary foodstuffs, such as potatoes, is so well covered that bumper crops must necessarily imply uneconomic production; lowering of prices will probably not lead to increased demand. On the other hand, usually the demand for table luxuries is completely satisfied only in the case of persons with large incomes. If in these circumstances production increases, the fate of the increased

output is simply a matter of costs and prices. If without prejudice to profits prices can be lowered sufficiently to enable the whole output to be sold, then a new balanced price is created and overproduction is avoided altogether. If prices cannot be lowered to this extent, the sale is still dependent on prices and therefore uneconomic production results. If the output were increased to such an extent as to be unsalable even with prices lowered to suit the smallest incomes, the situation would be one of useless production. The demand for the most important materials entering into productive equipment is on the whole inelastic. It does not ordinarily increase when prices sink, but only when there is promise of profits from the industries in which these goods are used. The demand for such producers' goods can be increased by the lowering of their prices only in so far as this makes possible an increase in the profitable employment of the means of production which they produce; this does not usually happen to any great extent. If the production of such basic goods suddenly rises either as a result of new technical inventions or simply because of an increase in plant capacity, the resulting overproduction tends to be of the useless production type, and no lowering of prices can increase the demand.

In this discussion of the causes of overproduction the distinction between the socio-economic and the business aspects of the phenomenon has been disregarded. Actually one is almost never found without the other; to the extent that it is possible to eliminate one, this is done at the cost of aggravating the other. At this stage, however, the relative acuteness of the socio-economic or business maladjustments depends not so much upon the causes of overproduction as upon the policy of the entrepreneurs. Since their entire strength is directed against profitless production, it is not surprising that overproduction of the purely business type, with no socio-economic element, has never been observed in practise. The important practical question therefore is whether there are definite sets of causes which bring on profitless production and others which tend to overcome it. Thus changes of fashion, of technical methods, of locality, and the saturation of demand make socio-economic overproduction unavoidable. These same causes may well result also in profitless production, since with such serious falling off of demand it is improbable that output and prices can be adjusted sufficiently to restore profits. Nor is cutting down of supply practicable here, although it might work where overproduction resulted from other causes. Success or failure in every case is determined by the existing distribution of incomes and the range of prices and by the extent to which production must be cut to attract new buyers or increased to reduce unit costs. These factors, however, are related not to the general causes of overproduction, but to the specific social and technical conditions obtaining in particular branches of production.

Research into the history of overproduction and the relation between particular systems and definite forms of overproduction is in a very elementary stage. There is, for instance, no exact knowledge of the form of overproduction, generally known as the overcrowding of the handicrafts, which existed in the final stages of town economy and in the period of territorial economy. The only type of overproduction which has received much study is that peculiar to fully developed capitalism.

In this developed capitalistic economy there appears to be a regular alternation of upward and downward swings—running from a slump through two revival stages into a period of maximum prosperity, followed by one of capital scarcity and a crisis leading to another slump. The slump and first revival stage are often described as periods of depression; and second revival, maximum prosperity, capital scarcity and crisis as periods of prosperity. Lack of balance occurs not only in the overproduction which brings about the change from prosperity to depression; it characterizes the entire business cycle. The balanced profitable production mentioned above as a contrast to overproduction is a phenomenon of short duration occurring only at the height of prosperity. Perhaps indeed it is only an ideal which is never actually realized. The maximum output of one prosperity period is exceeded only in the following spell of prosperity when production is at its highest; in the interval therefore some plant capacity must lie idle. Indeed since productive capacity is always being increased—or, to be more accurate, since it declines in a slump but is expanded at a greater than average rate in the first and second revival stages—the maximum output of the preceding period of prosperity may be exceeded before the existing productive capacity is fully employed, and hence some of it must lie idle even at the beginning of the maximum prosperity stage. Overproduction caused by the

lagging of consumption behind available productive capacity is thus present in varying degrees through all but one stage of the cycle, although it is most pronounced during the slump, when both business and socio-economic overproduction set in. When revival begins, profitless production disappears; and since excess capacity then ceases to exercise a depressing influence on profits or on the employment of labor, overproduction is ordinarily not thought of as existing in periods of prosperity.

The ideal profitable balanced production is only one of the contrasts to overproduction found in the prosperity-depression cycle. In addition to the disequilibrium between consumption and production of the slump period, caused by decline in consumption, there are two other types of unbalanced production in the cycle. One is the result of an excess of consumption over production, a condition reflected in the using up of old stocks of goods or, for a single national economy, in the increased import of goods from abroad; it occurs chiefly in the first and second revival stages and, as indicated above, is accompanied by a condition of overproduction—incomplete employment of productive resources—in other branches of industry. Finally, unbalanced production occurs when output falls not behind actual consumption but behind demand, which cannot be fully covered even by drawing upon old stocks or by increased import. This is the disequilibrium of the maximum prosperity stage. Overproduction is thus seen to be only one of three types of unbalanced production which are inherent in the business cycle.

All the causes of overproduction cited in the foregoing discussion are found in the free market economy of developed capitalism. The most important are technical inventions, increase of the means of production, saturation of demand, scarcity of capital and underconsumption. The characteristic type of overproduction which initiates the change from prosperity to depression in modern business cycles, and which is itself the essence of the depression, is brought about by the interaction of a number of different factors. It may be described as overinvestment, since it results from saturation of demand and scarcity of capital following an increase of productive capacity.

Overinvestment must be distinguished from another form of overproduction in the modern world which, although not yet universal, is finding its way into an increasing number of industries; this may be called prosperity overproduction, for despite the growth of demand and of consumption, overproduction persists because productive capacity outstrips capacity to consume. In most of the western world certain industries—sugar, potash, cement, brick, automobile, artificial silk, artificial nitrogen and to some extent iron, coal and nitrogen—suffer from chronic overproduction, which persists even in periods of prosperity. Here overproduction changes with the cyclical stages only in kind and degree; in prosperity the business features of overproduction disappear, but socio-economic overproduction is mitigated only slightly, and for producers' and durable consumers' goods industries. This phenomenon of prosperity overproduction lies outside the business cycle characteristic of the capitalist system in its prime; it is rather a sign of senility in the unregulated market economy of fully developed capitalism.

The course of cyclical overproduction, or overinvestment, consists of several stages, transition from one to the next being induced by attempts of entrepreneurs to escape the business incidence of overproduction. These successive stages are: the accumulation of stocks of goods; restriction of production; suspension of production; dumping, or the sale abroad of the accumulating stocks of goods at prices lower than those prevailing in the exporting country; improvement of productive processes and increase of output in order to bring down production cost per unit. A decline in prices usually marks the beginning of overproduction and accompanies it in both its socio-economic and its business aspects; only in monopolistic industries can lowering of prices be avoided. It is hardly necessary to point out that not every fall in prices is a sign of overproduction.

Despite its importance cyclical overproduction has only recently come within the focus of economic theory. Previously, in classical economic theory, overproduction was considered under two heads: the possibility of overproduction (J. B. Say's *théorie des débouchés*) and the contrast between general and partial overproduction. The key to the understanding of classical theory is the fact, curiously enough still overlooked, that it took for granted the existence of a particular economic situation, that of a partial overproduction and a corresponding partial underproduction; from this assumption it follows that the price of goods which are flooding the market declines and that of goods

which are scarce rises. When it is recognized that it is this coexistence of partial overproduction and underproduction which must be explained, the matter becomes quite simple. Now the important problem for the critic is the question whether this type of overproduction was that peculiar to the early capitalist system—which seems very doubtful.

Modern overproduction theory is concerned with the overproduction peculiar to the fully developed capitalist system. Indeed it was only toward the end of the nineteenth century that it was realized that there was a special sort of overproduction characteristic of this system, prevalent through regularly recurring depression periods, and that this type of overproduction had a clearly defined though complex pattern. Modern overproduction theory is thus an organic part of the theory of business cycles (*q.v.*): to explain the appearance of overproduction is to account for the end of prosperity and to deal with its duration is to analyze the various stages of depression.

A. SPIETHOFF

See: BUSINESS CYCLES; UNEMPLOYMENT; PRODUCTION; LARGE SCALE PRODUCTION; RAW MATERIALS; VALUE AND PRICE; PRICES; INVESTMENT; RATIONALIZATION; CARTEL; COMBINATIONS, INDUSTRIAL; VALORIZATION; STABILIZATION, ECONOMIC.

OVERSTONE, LORD, SAMUEL JONES LOYD (1796–1883), British banker and financial expert. Educated at Eton and Trinity College, Cambridge, Loyd sat in Parliament as Liberal member for Hythe during the later years of his residence at college (1816–23) but played little active part in politics. After 1826 he centered his activities upon the banking house of Jones, Loyd and Company of Manchester, in which he succeeded his father as a partner in 1844. In 1850 he was raised to the peerage as first Baron Overstone, and during the later years of his life was considered one of the richest men in England.

As early as 1832 Loyd, who expressed his opinions emphatically and lucidly and had an equal mastery of practise and theory, was recognized as an authority on finance. His advice was sought by the government on every occasion when problems arose in this field. In 1832 he gave evidence before the Parliamentary Committee of Secrecy on the Bank of England Charter and again in 1840 before the Committee on Banks of Issue; on both occasions he emphasized the need for a single bank of issue and insisted, in accordance with the doctrine of the currency school, that the paper notes "ought to be preserved at their proper value by making them, under all circumstances, conform in amount to the coins or metallic circulation which they represent." This demand that the emission of notes should be regulated by the bullion reserve, acceptance of which involved separating the banking and issue departments of the Bank of England, was strongly opposed by Fullarton and Tooke (*q.v.*), but Peel relied so much upon the opinion of Loyd that the Bank Charter Act of 1844 was drawn up along the lines that he had suggested, although the act was subsequently modified in some important particulars. To the end of his life Loyd held the same opinions, opposing inconvertible paper, the decimal system of coinage and the development of joint stock banks.

F. CYRIL JAMES

Works: Overstone, S. J. L., *Tracts and Other Publications on Metallic and Paper Currency*, ed. by J. R. McCulloch (London 1857).

Consult: The *Times* (London, November 19, 1883) p. 8; Bagehot, Walter, *Lombard Street* (new ed. by Hartley Withers, London 1915) ch. ix.

OWEN, ROBERT DALE (1801–77), American publicist and social theorist. The eldest son of Robert Owen, he was educated in Switzerland at the school of Emanuel Fellenberg, many of whose ideas he popularized in America. He assisted his father in his socialistic colonies at New Lanark and New Harmony and from 1825 to 1828 edited with Frances Wright (*q.v.*) the *New Harmony Gazette*. Removing to New York in 1828 Owen edited the *Free Enquirer* and published the first American work on birth control. This book, which was suppressed in England in 1878 (Regina *v.* Edward Truelove), marks the beginning of the American birth control movement.

He fought after the manner of J. S. Mill for equality of the sexes and as a member of the Indiana legislature led a successful fight for a bill securing property rights for women. At a strategic moment he helped crystallize Lincoln's views on slavery. He persistently advocated free public education and helped found the Smithsonian Institution. His free thought writings though critical were temperate. His diplomatic career was undistinguished. Owen is to be remembered for his advocacy of liberalized social institutions, for his part in the organization of a Working Men's party in New York in 1829, but

chiefly as the founder of the American birth control movement.

NORMAN E. HIMES

Important works: *Moral Physiology* (New York 1831, 10th ed. Boston 1881); *Labor: Its History and Its Prospects* (Cincinnati 1848); *Threading My Way; Twenty-Seven Years of Autobiography* (New York 1874).

Consult: Commons, John R., and associates, *History of Labour in the United States*, 2 vols. (New York 1918) vol. i, p. 240–74; Himes, Norman E., "Robert Dale Owen, the Pioneer of American Neo-Malthusianism" in *American Journal of Sociology*, vol. xxxv (1929–30) 529–47; Sears, L. M., "Robert Dale Owen as a Mystic" in *Indiana Magazine of History*, vol. xxiv (1928) 15–25, and "Robert Dale Owen's Mission to Naples" in *Indiana History Bulletin*, vol. vi (1930) 43–52.

OWEN AND OWENISM. Robert Owen (1771–1858), British socialist, social reformer and cooperative pioneer, was born in Wales, the son of a shopkeeper. His school career ended when he was nine years old and had already been two years a pupil teacher. After various apprenticeships, including service in big drapers' establishments in London and Manchester, at eighteen he went into partnership with a mechanic as a small maker of the textile machinery which was just coming into use. Later as manager for Drinkwater, one of the largest Manchester manufacturers, he built up a great reputation for the quality of the firm's yarn. In 1794 with a group of partners he established the Chorlton Twist Company and became a substantial manufacturer on his own. In 1799 with a new group of partners he purchased the famous New Lanark mills in Scotland then the property of David Dale, whose daughter he married. At New Lanark he set to work to establish a model community and to demonstrate that good wages and conditions for the workers were fully consistent with the prosperity of the business. He built up around the factory a model village; and his arrangements for the education of the children of the employees, including the children employed in the mills, contributed as much as his methods of factory management toward the world wide celebrity of New Lanark. These policies brought him repeatedly into conflict with his partners, and twice he bought them out and established new partnerships to take over the works. The last of these, formed in 1813, included William Allen, the Quaker philanthropist, and Jeremy Bentham. It was formed on the basis of limited dividends payable on capital and the use of all surplus revenue in the interests of the employees.

Extending his activities beyond New Lanark, Owen now began to play a larger part in the affairs of industry generally. He proposed a factory bill which went much further than the act which became law in 1819, usually known as Peel's Act after the elder Sir Robert Peel, who carried it through after Owen had retired in disgust at the whittling down of his proposals. Owen had demanded not only much more drastic limitation on the employment of children than the act secured but, what is even more important, the appointment of factory inspectors by the state, without which no factory act could be made really effective. This was not secured until 1833. In the period of intense unemployment and distress which followed the peace of 1815 Owen was pushing a plan for the employment of the poor and the thoroughgoing reform of the existing poor law system. He proposed the establishment of mainly self-supporting "villages of cooperation," to be employed partly in agriculture and partly in industry and to exchange their surplus products. This system was to be instituted by the state or the poor law authorities or, in default of state action, by philanthropic subscription. But it soon became clear to him that the governing classes had no intention of acting on his proposals; and shortly after he put forward his complete scheme in his famous *Report to the County of Lanark* (Glasgow 1821) he left for America, hoping that his ideas would find a more favorable reception in the New World. In the United States he founded in 1825 the community of New Harmony, and until 1829 he was occupied mainly with the affairs of New Harmony and the propagation of his ideas. Finally, disappointed with the failure of the New Harmony experiment, Owen returned to Great Britain to resume his agitation there.

There Owenite ideas, rejected by the governing classes, had been taken up enthusiastically by a large and growing section of working class opinion, with some support from middle class reformers. A cooperative movement, based on Owenite principles, had been growing up, and the trade unions, allowed to come into the open by the repeal of the Combination Acts in 1824–25, were ready to listen to his ideas. The working class, excluded under the Reform Act of 1832 from a share in political power, was more than ever prepared to listen to schemes for achieving its emancipation by industrial instead of political methods. Between 1832 and 1834 Owen found himself, almost without any action on his own

part, at the head of a great and rapidly growing working class movement determined to put his ideas into practise, to get rid of the employing class and to reorganize industry on a basis of cooperative self-government. The Builders' Union of 1832, the most powerful among the new trade unions, went over completely to Owenism and proposed to convert itself into a Grand National Guild of Builders, prepared to dispense altogether with employers and contractors and to take over the entire control of the building industry. In 1833 most of the trade unions were organized under Owen's leadership into a Grand National Consolidated Trades Union with an Owenite program; and at the same time Owen and his friends created in London, Liverpool, Birmingham and other centers a system of labor exchanges designed to provide for the mutual exchange of products made by the numerous Owenite cooperative societies of producers. Moreover in the north the Owenites, through the National Regeneration Society, placed themselves at the head of a movement for factory reform and the eight-hour day to be secured not by legislation but by industrial action. The Grand National Consolidated Trades Union at the height of its influence early in 1834 is said to have had over half a million members, and another half million are estimated to have been enrolled in associated unions, such as the Builders' Union. But the movement crumbled rapidly. The Owenites had projected a general str ke to be followed by the sudden and complete institution of the new cooperative system wh ch Owen had preached. But in fact the Trade Union, as it was commonly called, soon became involved in a large number of sectional disputes, mostly lockouts declared by employers who refused to employ anyone that admitted membership in it. Moreover the trial and transportation for the administration of unlawful oaths of the Dorchester laborers, who had formed a branch of the Trades Union, indicated the readiness of the government to go to all lengths in repressing the movement. Under these blows the Trades Union disintegrated; and in the summer of 1834 Owen, realizing its failure, decreed its dissolution. Thereafter he played little direct part in the fortunes of the organized working class movement, but for the remainder of his life he engaged in active propaganda on behalf of his ideas. He had already severed his connection with New Lanark and ceased to be an employer of labor, and from this time he devoted the whole of his energies to a social propaganda which became more ethical and rationalistic rather than directly political and industrial. He persevered, however, in advocating the formation of "villages of cooperation"; the most famous of his experiments, the community of Harmony Hall, or Queenwood, in Hampshire, was founded in 1839 and remained a cooperative community until 1845, thereafter continuing its existence as an Owenite school. Owen lived on until 1858, and in his last years when his powers were failing became involved in spiritualist experiments. He had in fact finished his constructive work long before these later mental meanderings set in.

All Owen's practical activities were governed by certain general conceptions of man's character in its relation to his environment. From his young manhood in Manchester Owen preached consistently the doctrine that "man's character is made for and not by him" and that any required character can be given to any community of human beings by setting them in the right environment and equipping them with the right set of social institutions. Owen did not mean by this that individuality has no real existence or that the individual is merely the result of the circumstances in which he has been placed. He insisted strongly on the importance of individuality and on the large differences between one man and another; these differences he made an essential foundation of the system of education at New Lanark. He held, however, that each individual would react in a different way according to the environment in which he was placed and that men's social and ethical ideas, what in fact he meant by character, were taken by them from the institutions under which they lived. Accordingly he maintained that the contemporary evils—the competition between man and man, which he regarded as the root of social antagonisms, and the competition between country and country, which prevented a concerted effort to develop the resources of the whole world in the common interests of its inhabitants—were the result of evil social institutions, including wrong traditional doctrines, and could be eradicated by a change in these institutions and beliefs. In particular he attributed a large part of the evils to the doctrine of responsibility as preached by the churches, in that it led men to impute social misfortunes to individual sinfulness rather than to faulty social arrangements. This was the basis of his famous denunciation of all existing religions and of his

attempt to create a new rational religion based on the denial of man's individual responsibility and on the recognition that men's character is formed for and not by them. This was likewise the foundation for his system of education at New Lanark and for the numerous educational experiments which the Owenites founded at a later period in their Halls of Science throughout the country. Owen was a pioneer in the new educational methods, especially in his insistence on the inadequacy of mere book teaching, the necessity of an appeal to the eye and the ear of the child and the immense formative importance of the earliest years. He set out to find a new basis for society in place of the existing competitive system, with the idea of establishing a set of social institutions under which men would be brought to live in harmony one with another and learn from infancy the moral doctrine of social cooperation. This was for him the significance of the "villages of cooperation" which, largely on the model of his own experiment at New Lanark, he proposed everywhere to establish. For he held that if the basis of living was a small cooperative group working not for individual profit but for common service, there would be a fundamental change in men's character and all danger of class rivalries within communities or of war or competition between one community and another would be removed. Although Owen ranks as the pioneer of the cooperative movement, he had little interest in consumers' cooperation as such. The consumers' cooperative stores which grew up under the influence of his ideas, e.g. the famous Rochdale Pioneers of 1844, did not regard the retailing of goods on a non-profit making basis as an end in itself but only as a preparatory step toward the building up of a system of cooperative production and self-employment of the members which would get rid of competition and the employing class.

These ideas bear certain marked resemblances to the theory on which the Russian Communists have been working in their plans of industrialization and above all in their intensive effort to bring about the socialization of agriculture. For the Soviet experiment is not only, or even at bottom mainly, an attempt to raise the standard of life of the Russian people but far more an attempt to change the basis of their thought by bringing them under the influence of a different social and economic environment. The Russians want, as did Owen, gradually to abolish the difference between town and country and between industrial and agricultural conditions. They want to industrialize and collectivize agriculture, because they believe that only by causing the peasants as well as the industrial workers to live in an environment of collective institutions based on cooperative rather than on competitive principles can they hope to bring into existence a mental condition consistent with the successful functioning of a communist community. In other words, they like Owen believe that man's character is made for him and not by him, as the product of his social and economic environment. In fact this doctrine, now regarded as distinctively Marxian, is in effect Owenite; and it is impossible to doubt that Marx, although he regarded Owen as a utopian socialist, owed far more to him in the formulation of the materialist conception of history than has generally been admitted. Owen of course probably derived his materialism largely from Godwin, who in turn was influenced by such eighteenth century rationalists as Holbach and Helvétius. But he was the first definitely to link materialism with economic conditions and particularly with the new industrial system, and he anticipated Marx in urging that the problems of the new industrialism demanded a collective rather than an individualist solution and accordingly a radical change in the basis of social organization from competition to cooperation.

G. D. H. COLE

See: UTOPIAS; COMMUNISTIC SETTLEMENTS; COOPERATION; PRODUCERS' COOPERATION; LABOR EXCHANGE BANKS; SOCIALISM; FOURIER AND FOURIERISM; SAINT-SIMON AND SAINT-SIMONIANISM.

Principal works: *A New View of Society and Other Writings*, containing the most important of Owen's social writings, ed. by G. D. H. Cole, Everyman's Library (London 1927); *The Life of Robert Owen*, 2 vols. (London 1857–58).

Consult: Cole, G. D. H., *The Life of Robert Owen* (2nd ed. London 1930); Podmore, Frank, *Robert Owen*, 2 vols. (London 1906); Dolléans, Édouard, *Robert Owen* (Paris 1905); McCabe, Joseph, *Robert Owen* (London 1920); Beer, Max, *A History of British Socialism*, 2 vols. (London 1919–20) vol. i, chs. v–vi; Postgate, R. W., *The Builders' History* (London 1923) ch. iv; Cole, G. D. H., *A Short History of the British Working Class Movement, 1789–1925*, 3 vols. (London 1925–27) vol. i, ch. vi; Ryazanov, D., Explanatory notes to Marx and Engels' *The Communist Manifesto*, tr. by Eden and Cedar Paul (London 1930); Adler, Max, *Wegweiser: Studien zur Geistesgeschichte des Sozialismus* (5th ed. Vienna 1931) p. 255–85; Owen, Robert Dale, *An Outline of the System of Education at New Lanark* (Glasgow 1824); Röhl, Adolph, *Die Beziehungen zwischen Wirtschaft und Erziehung im Sozialismus Robert Owens* (Hamburg 1930); National Library of Wales, Aberystwith, *Bibliography of Rob-*

ert Owen (2nd ed. Aberystwith 1925). See also for the Owenite communities the bibliography of COMMUNISTIC SETTLEMENTS.

OWNERSHIP AND POSSESSION. In all systems of law a distinction is drawn between ownership and possession. It is usually said that the one is a relation of law, the other of fact. No statement could be more misleading. Whatever plausibility it has apparently grows out of the fact that possession is a term taken from everyday speech, in which it is commonly used as a synonym for physical custody. Ownership, on the other hand, always has a legal connotation. Even lawyers and legal writers tend to blend and confuse possession as used in everyday speech with the same word as a technical term of the law.

It is characteristic of legal writers that they fail to distinguish clearly between factual events and the legal consequences which the law attaches to them. Nearly all also employ the fundamental term "legal right" in very ambiguous senses. Thus in the use of terms like possession or ownership the tendency is to assume that they have only one meaning in all legal discussions, and there is consequently an attempt to make legal phenomena fit into an inadequate analytical scheme. In the present discussion when mere physical control is meant, irrespective of its legal significance, physical custody or simply custody will be used; when the word possession is employed, unless otherwise indicated, it will signify juristic possession with all its legal implications.

The assertion that a person owns an object is a summary way of stating that he has an exceedingly complex aggregate of legal rights which relate to the object, and indirectly that all the facts necessary to give him these rights exist. This may be expressed by saying that the word ownership denotes such an aggregate of rights and connotes the existence of the facts which give rise to the rights. When the aggregate of rights denoted by ownership is analyzed, it is found to consist not only of an indefinite number of rights in the strict sense or claims available against an indefinite number of persons, each of whom is under a corresponding duty, but also of a large and indefinite number of privileges, powers and immunities, in the senses in which these terms are employed in the system of Hohfeld. The number of such claims, privileges, powers and immunities changes constantly as persons are born, become old enough to owe legal duties and die; they may vary also with the occurrence of other events. Thus ownership is still considered to exist even though some claims, privileges or powers cease to exist, as when an owner of land has granted a right of way to an adjoining landowner. In such a case the owner has no claim that the person having the right of way shall keep off the land and no power to revoke the right of way. In other words ownership does not always denote precisely the same congeries of legal relations; it is nevertheless ownership if it is of this general type. A term commonly applied to a complex aggregate of legal rights of this kind is a right in rem. Under Anglo-American law if a person owns a piece of land in fee simple, he has as against each of an indefinite, constantly changing number of persons a claim that they refrain from certain kinds of acts—trespasses, as lawyers call them—with reference to the land. In addition he has the privilege or liberty of using the land in all lawful ways. He has also the legal power or legal ability to transfer or otherwise alter or cut down the ownership. Finally, he has an immunity from having his ownership destroyed or altered without his consent except in certain specified ways, as, for example, by the exercise of the power of eminent domain by the state.

The concept of ownership has varied in different systems of law. Under the early Roman law, the so-called *jus civile*, the ownership of the principal appendages, movable and immovable, of the Roman farm was known as *res mancipi*, and its transfer had to be by means of a formal process, *mancipatio*. Such ownership, the so-called *dominium es jure quiritium*, or quiritary ownership, could therefore not be acquired by an informal transaction or delivery (*traditio*). Toward the close of the republican era the intervention of the praetor brought about a reform of the civil law in this respect. If a *res mancipi* had been informally sold or otherwise alienated, and delivered, the praetor protected the alienee effectually against the theoretical *dominium* of the alienor. He gave the alienee a defense to an action against him by the quiritary owner, and also gave the former an action, the so-called *actio publiciana*, in case he had in some way lost possession of the article. This new type of praetorian ownership was said to be *in bonis*, or bonitary ownership. In this manner the praetor abolished the distinction between *res mancipi* and *res nec mancipi*, so that both were transferred in the same way by *traditio*. It was said that the *dominium* still remained in the alienor, in the

case of the informal delivery of *res mancipi*, while the bonitary ownership was in the alienee. Of course this theoretical *dominium* of the former owner was a mere empty shell; in fact the only effective rights were vested in the alienee. Thus the only real difference between the informal transfer of *res mancipi* and *res nec mancipi* was that the resulting ownership of the alienee was protected by a different type of procedure. Not until the time of Justinian was the theoretical distinction between quiritary ownership and bonitary ownership abolished.

The aggregate of claims, privileges, powers and immunities of a Roman owner who had *dominium* was described in somewhat absolute terms as the privilege of using, diminishing or completely consuming it. Upon more careful examination it will be found, however, that this statement needs qualification, at least with respect to the two most important classes of objects, slaves and land. Ill treatment of slaves was gradually limited in the later law and the killing of them totally prohibited. Likewise the use of land was restricted in various ways. Moreover the elements of *dominium* were affected by the law or persons. Guardians might be *domini* for some purposes. As has been pointed out, quiritary ownership conferred no really beneficial rights. Here of course the situation is precisely comparable to that of the holder of a bare legal title under English law, when the whole equitable interest is vested in another; the former is usually still said to be the owner.

In English law the concept of ownership is overshadowed by the doctrine of seisin, which is so closely related to possession that all three must be considered more or less together. Indeed it may well be said that ownership as such plays little part in English law; the courts are occupied with merely the question as to which party has the right to seisin or possession. Apparently in early English law, from the days of Glanvil almost to the time of Littleton, seisin and possession were synonymous and applied alike to chattels and to land. For reasons not entirely clear but apparently connected with the fact that his remedies were very different from those of the freeholder, a person occupying land under a term of years came to be recognized as having not seisin but merely possession, a term not then in use for any other legal purpose. Possibly one reason for this denial of seisin to the termor was that he was thereby left with a power to devise his interest, a power which at that time would not have existed if he were considered as having the seisin. Consistent with this view also was the rule that a term of years was personal property, a so-called chattel real, rather than real estate. Gradually the use of the word seisin in connection with chattels, apparently common enough in the early law, was abandoned, possession taking its place. Seisin therefore came to mean possession as of freehold, that is, the possession which a freeholder could assert and maintain by appeal to law; and possession became correct in cases where terms of years in land and interests in chattels were under consideration.

The method of transferring the seisin was the so-called feoffment with "livery of seisin," the idea of which seems to be of Germanic origin. In its essential elements this was a symbolic delivery of possession, the delivery of something, such as a clod of earth or a twig, on the land and in the name of the whole; it was considered sufficient for the two parties to be present on the land, the one by word or act giving possession to the other.

According to Maitland and Ames there remained to the disseised owner of land no more than "a right of entry and a right of action," while the disseisor, even in the case of a wrongful disseisin, became to a large extent owner; the disseisee not only lost the possibility of physical enjoyment of the land but also was unable to alienate his right of entry or his right of action or to devise his interest by will. Likewise the disseisee's wife was not entitled to dower or a husband to curtesy; and if the disseisee died without heirs there was no escheat to the lord. On the other hand, the disseisor, although he had no title to the seisin, could alienate the land, that is, he could make a feoffment and also a will; his heir would inherit; rights to dower and curtesy were recognized; and there was escheat to the lord and forfeiture to the king. Even in modern times some of these incidents of seisin still exist in a few states of the United States, although in most other states and in England they have been done away with by statute or judicial legislation.

Seisin thus seemed to bear most of the aspects of ownership, but it was after all in substance no more than possession. One holding a term of years was not seised, but could make a feoffment, whereupon his feoffee would be seised. Ames demonstrated in his famous essay that in the case of chattels results were reached which were substantially similar to those in the case of land

The disseised owner's privilege of recapture and right of action to recover possession were inalienable. While normally upon marriage a husband became entitled to his wife's chattels, if he married a dispossessed owner of chattels he acquired no interest in them unless during the covertures he gained possession by recapture or by action. Likewise a chattel could not be taken on execution against the dispossessed owner. Even with respect to the rights of the disseisor of the chattel the parallel still holds. If dispossessed by a stranger, he was fully protected by trespass, replevin, detinue and trover. He could sell or bail the chattel; it was subject to execution and was forfeited to the crown for felony.

In the United States in perhaps a dozen states which nominally adopted the common law rules as to the disseisee's rights the chief effects of the rules were in fact substantially abolished by a simple procedural device. Treating the disseisee's interest as a chose in action, the courts in these states applied to it a doctrine that they had developed in order to make possible the transfer of choses in action, which under the earlier law were not assignable. This doctrine was that the assignment of a chose in action, while it did not theoretically transfer the title to the chose, did confer upon the assignee a power of attorney to bring appropriate actions in the name of the assignor. Applied to the disseisee, this meant that when a disseised owner made a deed of the land, the grantee, who theoretically acquired no interest under the deed, could gain possession from the disseisor by bringing an action for recovery of possession, entitling the action with the disseisee's (his grantor's) name. Thus of the old law there was left only a procedural rule requiring that the action for recovery of possession must bear the name of the disseisee.

The enactment of the Statute of Uses fundamentally altered the concept of seisin. It gave legal effect (at common law as distinguished from equity) to transactions which prior to the statute resulted in merely equitable interests, and so enabled the transfer of the legal title in new ways, without transmutation of possession, that is, without livery of seisin, the statute providing that wherever one person stood seised of land "to the use of" another, this other person should "stand and be seised, deemed and adjudged in lawful seisin, estate, and possession" of the same.

The change in meaning of the word seisin is obvious. Yet even before the Statute of Uses seisin, like nearly all legal terms, acquired many meanings or at least shades of meaning. The seisin which was good for one purpose was not sufficient for another. Seisin to give dower, to give curtesy, to constitute a stock of descent, all differed more or less.

The term possession, since it is more general than seisin, has been the source of even greater confusion. There have been innumerable attempts to state a single, consistent coherent theory as to what constitutes possession in Roman and modern civil law. Savigny, Bruns, Windscheid, Jhering and others all attempted definitions; none succeeded. In addition to the problems usually arising from the use of one concept for different purposes, nearly all these writers, as Holmes points out in his book on the common law, were "profoundly influenced if not controlled" by Kantian or post-Kantian philosophy and tried to force legal phenomena into some such mold.

The Latin *possidere*, which was used in ordinary Latin speech, involved the Romans in exactly the same kind of difficulties as the term possession presents to Anglo-American lawyers. It is not surprising therefore that Buckland concluded that the Roman theories on the subject of possession were not "completely coherent." In Roman law the attempt to differentiate possession from physical custody was made by Paul, among other ancient writers, by the assumption that there needed to be added to custody "an intent to possess." In modern times Savigny gave this theory general currency. It was severely criticized by Jhering and others but is still held by many students. Jhering's theory was in essence that the animus necessary to give possession is no more than awareness of the particular acts one associated with the thing in question. Neither theory corresponds accurately with all the legal phenomena under consideration; recourse is therefore had to fictions, presumptions and similar devices. Possibly Paul's theory was derived from considering as typical the possession which by lapse of time in usucaption and prescription ripens into ownership. In such cases the possessor of necessity regards himself as *dominus*, since under the Roman doctrine his possession will not mature into ownership unless he has "color of title;" that is, unless he is a *bona fide* possessor. But others who for certain other purposes were said at least in some texts to be in possession, for example, the usufructuary, the emphyteuta

(lessee of land) or the pledgee, obviously did not have the same animus.

One of the chief differences between Roman and English conceptions is that in the former possession is not as a rule ascribed to persons holding for others, such as bailees; in other words they are denied the possessory remedies (interdicts). However, when pledgees and mortgagees were in physical custody they were said to be in possession, as indeed they are in modern civil as well as in Anglo-American law. On the other hand, in Roman law a tenant at will was given possessory remedies against third parties who interfered with his control of the land. Possibly this rule grew out of the fact that large tracts of public land were held in this way by members of the dominant social group. On the other hand, perhaps the ordinary bailee was customarily a small tradesman or person of similar economic status, and it may have seemed more useful to make the possessory remedy (interdict) available to the bailor.

It is often stated that at Roman law ownership could be acquired only by acquisition of possession. Here again is found the blending of things factual and things legal which leads to so much confusion. Sohm, for example, in stating that bonitary ownership could be transferred by *traditio*, declares that *traditio* means an "actual delivery of possession" (*Institutionen*, 16th ed. by Friedrich Sohm, Munich 1919; tr. from 12th German ed. by J. C. Ledlie, 3rd ed. Oxford 1907, sect. 63). The statement, connoting as it does through the use of the word "actual" a change of physical custody, is quite misleading, for Sohm subsequently states: "It is not necessary, in other words, that the change of possession should be outwardly visible," as when, for instance, the proposed transferee already has "actual control of the thing," i.e. custody. In the case of a bailment for hire a mere declaration on the part of the transferor that the purchaser shall hold as owner the thing already in his control operates as a *traditio*.

Nor can the common law writers agree as to what are the essential elements of the concept of possession. The disagreement applies to both the act of taking and the intent or state of mind which must coexist to give possession in the first instance, and also to the elements necessary for its continuance when once acquired.

Holmes' analysis may be taken as typical. Despite his criticism of the will jurisprudence of the civilians, he maintains that "to gain possession a man must stand in a certain physical relation to the object and to the rest of the world, and must have a certain intent" with reference to the object (*The Common Law*, p. 216). With regard to the first requirement he points out that there must be a certain degree of power over the object; this is affected by consideration of the degree of power obtained as against other people as well as by that gained over the object. All this is vague enough, but the intent leads to further difficulty. After showing that the *animus domini* of Savigny will not apply in the common law, since bailees are in possession, Holmes concludes that "an intent to exclude others" is all that is necessary. This must not be interpreted as meaning "all others": the bailee may be ready to surrender the object to the bailor at any moment and still be in possession. This analysis, which was undoubtedly influenced by contemporary ideas that all legal interests were reducible to acts and desires of free willing individuals, leads Holmes to accept without criticism the result of a well known English case, Bridges *v.* Hawkesworth [21 L.J.Q.B. 75 (1851)], in which a parcel of banknotes was dropped on the floor of a shop by a customer and picked up by another customer before the shopkeeper knew of it. According to Holmes "common law judges and civilians would agree that the finder got possession first, and so could keep it as against the shopkeeper"; this was in fact the decision. It is obvious, however, that from the point of view of social policy the shopkeeper ought to be preferred to the customer, as in that event the article would be more likely to get back into the possession of the real owner.

The common law shows some general tendencies in adjudging possession. If a person seeks to acquire possession by capture or, more especially, by dispossessing another without his consent, there must be much greater actual physical control than in the case of acquisition of possession with the prior possessor's assent. Again where there is a dispute between two claimants to possession, both of whom to some extent have physical control, possession will be ascribed to the rightful owner even though the other was in prior possession [Butcher *v.* Butcher, 7 B. & C. 399 (1828)]. Furthermore "constructive possession," in the sense of "immediate right to possession," the possession (not mere custody) being in another, will support possessory actions, as in the case of a bailment at will.

Like the Roman law, the common law ac-

quired a list of persons in physical control of property who were not possessors. In the case of chattels these were, for example, guests in an inn who did not acquire possession of the chattels in their rooms, servants or customers in a shop. In the case of land the bailiff was refused the rights of a possessor. Thus Holmes has to resort to historical accident to account for the rule that a bailee has possession while a servant has not. To be emphasized also is the fact that as against a stranger to the title possession is substantially equivalent to ownership, entitling the person possessed to relief not merely in purely possessory actions, such as trespass, but also in actions nominally based upon ownership, such as trover for conversion. Finally, possession is not construed in the criminal law in the same way as in the civil law. The problem arises particularly in connection with the crime of larceny.

The effect of the confusion in thinking involved in the assumptions underlying nearly all discussions of the subject, both in judicial opinions and in juristic theory, is therefore that in the effort to discuss the solution of a concrete situation by means of the supposedly logical application of a single, unitary concept derived from all kinds of cases the underlying social or economic problems are frequently concealed and so overlooked. All attempts to rationalize the cases without consideration of the social policy back of each situation have of course failed. It is clear that the whole problem needs reconsideration in the light of a more realistic theory of the judicial process in action.

WALTER WHEELER COOK

See: PROPERTY; LAW; JURISPRUDENCE; PROCEDURE, LEGAL; LIMITATION OF ACTIONS; LAND TENURE; LAND TRANSFER; BAILMENT; PLEDGE; LIEN; MORTGAGE.

Consult: Buckland, W. W., *A Text-book of Roman Law from Augustus to Justinian* (2nd ed. Cambridge, Eng. 1932) ch. v, and authorities there cited; Radin, Max, *Handbook of Roman Law* (St. Paul, Minn. 1927); Windscheid, Bernhard, *Lehrbuch des Pandektenrechts*, 3 vols. (8th ed. by T. Kipp, Frankfort 1900–01) vol. i, p. 640–906; Savigny, F. K. von, *Das Recht des Besitzes* (7th ed. by A. A. F. Rudorff, Vienna 1865); Bruns, Carl Georg, *Das Recht des Besitzes im Mittelalter und in der Gegenwart* (Tübingen 1848); Jhering, R. von, *Über den Grund des Besitzesschutzes* (2nd ed. Jena 1869); Gierke, Otto von, *Deutsches Privatrecht*, 3 vols. (Leipsic 1895–1917) vol. ii, sects. 113–16, and literature there cited; Gareis, Karl, *Enzyklopädie und Methodologie der Rechtswissenschaft* (Giessen 1887), tr. by A. Kocourek as *Introduction to the Science of Law* (Boston 1911); Enneccerus, Ludwig, Kipp, Theodor, and Wolff, Martin, *Lehrbuch des bürgerlichen Rechts*, vol. ii, pt. i (11th ed. Marburg 1930); Saleilles, Raymond, *De la possession des meubles*, Mélanges de droit comparé, no. 2 (Paris 1907); Baudry-Lacantinerie, G., *Traité théorique et pratique de droit civil*, 29 vols. (3rd ed. Paris 1905–09) vol. vi, p. 149–294, and vol. xxviii, p. 152–236; Maine, Henry, *Ancient Law* (new ed. by F. Pollock, London 1906) ch. viii; Holmes, O. W., *The Common Law* (Boston 1881) Lecture vi; Terry, Henry T., *Some Leading Principles of Anglo-American Law* (Philadelphia 1884) chs. x and xii; Pollock, Frederick, and Wright, R. S., *An Essay on Possession in the Common Law* (Oxford 1888); Pollock, Frederick, *A First Book of Jurisprudence* (6th ed. London 1929) pt. i, ch. vii; Markby, William, *Elements of Law* (6th ed. Oxford 1906) chs. viii–xiii; Lightwood, John M., *A Treatise on Possession of Land* (London 1894); Hohfeld, W. N., *Fundamental Legal Conceptions, and Other Legal Essays*, ed. by W. W. Cook (New Haven 1923) p. 65–114; Hobhouse, L. T., and others, *Property: Its Duties and Rights, Historically, Philosophically and Religiously Regarded* (London 1913); Holland, T. E., *The Elements of Jurisprudence* (13th ed. Oxford 1924) p. 191–216; Longrais, F. J. des, *La conception anglaise de la saisine du XIIe au XIVe siècle* (Paris 1924); Salmond, J. W., *Jurisprudence* (8th ed. by C. A. W. Manning, London 1930) chs. xii–xiv; Maitland, F. W., "The Seisin of Chattels," "The Mystery of Seisin," and "The Beatitude of Seisin" in *Law Quarterly Review*, vol. i (1885) 324–41, vol. ii (1886) 481–96, and vol. iv (1888) 24–39, 286–99; Ames, J. B., "The Disseisin of Chattels" in his *Lectures on Legal History* (Cambridge, Mass. 1913) p. 172–91, and "The Nature of Ownership" in *Select Essays in Anglo-American Legal History*, 3 vols. (Boston 1907–10) vol. iii, p. 561–80; Boyd, Henry, "Possession in the Roman Law," and Sweet, Charles, "Seisin" in *Law Quarterly Review*, vol. vi (1890) 259–79, and vol. xii (1897) 239–51; Thayer, A. S., "Possession" in *Harvard Law Review*, vol. xviii (1904–05) 196–213, and "Possession and Ownership" in *Law Quarterly Review*, vol. xxiii (1907) 175–94, 314–30; Matthews, J. B., "Seisin of Chattels" in *Law Quarterly Review*, vol. xxix (1913) 383–86; Bingham, J. W., "The Nature and Importance of Legal Possession" in *Michigan Law Review*, vol. xiii (1914–15) 535–65, 623–45; Bordwell, Percy, "Property in Chattels" in *Harvard Law Review*, vol. xxix (1915–16) 374–94; Cook, W. W., "The Alienability of Choses in Action" in *Harvard Law Review*, vol. xxix (1915–16) 816–37, and "Alienability of Interests in Land Held Adversely" in *Yale Law Journal*, vol. xxxiv (1924–25) 409–15; Goudy, Henry, "Legal Possession—Two Maxims," and Terry, H. T., "Possession" in *Illinois Law Review*, vol. xiii (1918–19) 293–96, and 312–28; Kocourek, Albert, "Two Problems in Possession" in *California Law Review*, vol. xvii (1928–29) 372–82; Franklin, Mitchell, "Security of Acquisition and of Transaction: *La possession vaut titre* and *Bona Fide* Purchase" in *Tulane Law Review*, vol. vi (1931–32) 589–612; Shartel, Burke, "Meanings of Possession" in *Minnesota Law Review*, vol. xvi (1931–32) 611–37.

OXENSTIERNA, AXEL GUSTAFSSON (1583–1654), Swedish statesman. Oxenstierna studied at Wittenberg, Jena and Rostock, and

his observations there provided the bases for subsequent reforms in Sweden. He was appointed chancellor by Gustavus Adolphus in 1612, and his integrity and genius for administration soon made him the recognized leader in both foreign and domestic affairs. The military victories of the king found their counterpart in the diplomatic successes of the chancellor. In the course of Gustavus Adolphus' campaigns in Livonia, Prussia and Denmark, Oxenstierna organized the government of the conquered or occupied territory and provided a firm but humane administration which yielded the revenues necessary for maintaining the Swedish forces abroad. Gustavus Adolphus' plan for intervention in the Thirty Years' War was neither of Oxenstierna's making nor to his liking, but once begun he supported the royal projects to the end. The alliance of Protestant Sweden with Catholic France in 1635 was planned by Oxenstierna with a view to salvaging Sweden's gains from the Hapsburgs and the German princes and towns, whereas he discarded the English alliance proposed by Johan Skytte. Richelieu found Oxenstierna "an inexhaustible source of good counsel," and Lubomirski called him "a priest who lacked only ordination, a king in all but name." The treaties of Knäred, Stolbova, Altmark and Brömsebro were largely his work. At the close of the Thirty Years' War he had fallen into disfavor with Queen Christina—hence his absence from the Westphalian negotiations.

Oxenstierna knew how to secure the loyal service of many kinds of able men, even of rivals like Skytte. During Christina's minority he carried through a series of epoch making reforms, which included in their scope the towns, the mining industry, the posts, popular and higher education, tariffs, trade and colonization. He was instrumental also in bringing about a series of reforms in national and local government. The Swedish settlements on the Delaware River were primarily the results of his efforts. With Skytte he reorganized and modernized Uppsala University. Even during the period of Christina's displeasure (1646–49) he continued to exercise considerable influence on Swedish and European affairs. His last public services were rendered as chancellor of Uppsala University and in the attempt to bring order out of the financial chaos into which the queen had plunged Sweden.

WALDEMAR WESTERGAARD

Consult: Wittrock, G., *Gustav II Adolf* (Stockholm 1927), tr. into German by Toni Schmid (Stuttgart 1930); Hildebrand, E., *Kristina* (rev. ed. by G. Jacobson, Stockholm 1926); *Handlingar rörande Skandinaviens historia*, nos. 24–38 (Stockholm 1840–57); *Rikskansleren Axel Oxenstiernas skrifter och brefvexling*, pt. i vols. i–vii, pt. ii vols. i–xii (Stockholm 1888–1931).

OZANAM, FRÉDÉRIC (1813–53), French historian. While still a law clerk at Lyons Ozanam in 1831 published a pamphlet attacking the Saint-Simonians and attempting to show the limitations of their social ideal as compared with that of Catholicism. In 1833 while studying law at Paris he organized six fellow students into a charitable club and upon the basis of information given him by the celebrated Sister Rosalie Rendu, sister of St. Vincent de Paul, began systematically to visit poor families. Out of this beginning grew the great society of St. Vincent de Paul, which at present has more than 11,000 branches and about 200,000 active members in all parts of the world.

Appointed professor of foreign literature at the Sorbonne in 1841, Ozanam devoted himself intensively to mediaeval studies. In his *Études germaniques* (2 vols., Paris 1847–49) he offered a new interpretation of the role played by the church during the period when the barbarians were being assimilated into Gallo-Roman civilization. Drawing upon various historical memoirs of the period he brought into relief the outstanding position of the church as an agency in effecting the transference of Roman institutions and techniques to the barbarians. Struck by the similarities between the older period and the immediate class struggle in contemporary France he constructed, with an eye to the events taking place around him, a philosophy of history and a program of religious and political action appropriate to a situation in which power was being shifted from one social group to another. His collaboration during the year 1848 on the *Ère nouvelle*, of which Maret and Lacordaire also were editors, was motivated by the desire to serve both the traditional Catholic faith and the new democratic aspirations and to show to the people, now become sovereign, that "the thought which civilized the Barbarians could still remove chaos from Europe."

The present social Catholic school considers Ozanam as one of its masters and as one who sought out and caused to be sought out the economic reasons for pauperism; who oriented Catholic charity toward preoccupations of social justice; and who worked for the settlement of the

conflicts between what he called "the power of gold and the power of despair."

GEORGES GOYAU

Works: *Oeuvres complètes*, ed. by J. J. A. Ampère, 11 vols. (3rd–7th ed. Paris 1872–95); *La civilisation au cinquième siècle*, 2 vols. (Paris 1855), tr. by A. C. Glyn (London 1867); *Lettres de Frédéric Ozanam, 1831–1853*, 2 vols. (8th ed. Paris 1912).

Consult: O'Meara, Kathleen, *Frédéric Ozanam ... His Life and Works* (2nd ed. London 1878), with preface by Cardinal Manning; Goyau, Georges, and others, *Ozanam, Le livre du centenaire* (Paris 1913); Goyau, Georges, *Ozanam* (new ed. Paris 1931); Méjecaze, F., *Ozanam et l'église catholique* (Paris 1932), and *Ozanam et les lettres* (Paris 1932); Auer, Heinrich, *Friedrich Ozanam* (3rd ed. Freiburg i. Br. 1933).

PACIFISM. The word pacifism came into general use a few years before the World War as descriptive of the views of members of peace societies and of others engaged in organized efforts to prevent war. In recent discussions it has been limited to the doctrines of those who refuse to sanction war for any purpose, defensive or otherwise, in contradistinction to the views of internationalists who would secure peace by international organization, and who either take no stand on the question of military restraint or advocate placing it under the control of an international agency. This divergence of doctrine has manifested itself throughout history and has affected the programs and tactics of organized peace movements (*q.v.*) since their inception.

Pacifism, in the sense of refusal to bear or use arms, is a doctrine at least as old as Christianity; and in the sense of an aspiration toward an unarmed world is as old as Isaiah, Micah and Confucius. Both in China (Lao Tzu and Mo Ti) and in India (Gotama) there were advocates of non-violence as a method of meeting oppression centuries before Gandhi. In so far as the Christian attitude is defined in the Sermon on the Mount it constitutes a pacifist doctrine of non-resistance not only in respect to war but also with regard to the employment of force and coercion by civil and judicial authorities. Not merely by implication but explicitly it repudiates the idea that society is necessarily founded upon coercion and punishment. This view seems to have prevailed as the normal Christian attitude for about two centuries; with the accession of Constantine to power the antimilitarist attitude of the church was abandoned. Throughout Christian history, however, important minorities like the Albigenses, the Waldenses, the Lollards, the Hussites, the Dukhobors, the Moravians and the Quakers have at various periods held the earlier attitude, and it has been the creed of Tolstoy and his followers. The pacifism of most of these sects has not been limited to interstate relationship; it has indicated equally principles which should guide individuals in their relations one with another as well as in their relation to the state. To the Christian of the first century as to the Quaker the homicide of the executioner was as criminal as the homicide of the soldier. Whatever its ultimate moral influence, non-resistance of the early Christian type has never been expressed in actual state policy; no considerable civilization has ever for long maintained itself without some force behind the law, without the policeman as well as the judge. Non-resistance has never actually worked or been given a prolonged trial in the relationship of individuals.

There is ample historical evidence that in the international field, however, non-resistance can be consistent with national security; the difficulty lies in persuading any great power to accept it and abide by it. The lesser, non-military states (e.g. Switzerland) have been as secure as the great. For fifteen years Germany has had to submit to glaring inferiority of armaments and has probably suffered less from weakness than she would have suffered from strength. Power to resist the Ruhr invasion, for instance, would have resulted in a conflict far more damaging to Germany than the unresisted or passively resisted occupation produced. The preponderance of power possessed by the Allies has not enabled them to prevent Germany from repudiating many of the terms of the Versailles Treaty. Yet the plea for increase of armament appeals greatly to popular sentiment in Germany. Likewise the fact that the undefended Anglo-American frontier has been completely safe has not discouraged the Americans from demanding equality of naval power with Great Britain.

The absolute pacifism of the religious sects is not characteristic of most modern pacifists, who while opposing war in any form do not object to the employment of the police for the maintenance of law within the state. In practise a further distinction must be made between those who, while believing in the use of military force nationally organized for purposes of national defense, oppose its use as part of any international arrangement and those who would introduce the police principle into the relationship of nations by basing national defense upon inter-

national arrangement. It is this distinction which, from the point of view of war preventing efforts—disarmament, League of Nations, outlawry of war—has the greatest practical importance. The whole peace movement of Britain and America is broadly divided between those who would endow international institutions or arrangements with the same means of defense with which the nation is endowed and those who are opposed to international sanctions of any kind. Pacifist opposition to international commitments designed to make national forces, so long as they remain, part of an internationally organized "collective system" of defense has caused the advocates of international sanctions to accuse the pacifists of reenforcing military nationalism by perpetuating the national as opposed to the international purpose of power; by causing sanctions to remain national instead of becoming international.

Currents of pacifism have developed independently of religious tradition. Humanitarian opposition to the brutalities and carnage which wars entail and aversion to the horrors of personal participation in battle are potent motivations for pacifism. Pacifist sentiment has likewise been stimulated in some quarters by the common socialist argument that modern wars, in spite of the idealistic fanfare used to stimulate and sustain them, are based upon the economic rivalries of imperialist nations. During the World War some class conscious workers in all countries refused to carry arms and to accept any type of non-combatant service, declaring that they would not fight workers of other nations in a war for profits; others urged workers to participate and "to turn the imperialist war into a civil war" for the overthrow of capitalist society.

A critical conflict of loyalties has often ensued between pacifists' ideals of non-violence and their aspiration for the freedom of oppressed minority peoples. During the revolutions of 1830 and 1848, for example, the large majority of pacifists, although sympathetic with the aims of the revolutionists, objected to their use of violence. In the United States the Quakers opposed war for the abolition of slavery; while William Lloyd Garrison, who had been a leading advocate of non-resistance, advised a cessation of pacifist activity to prevent its possible interference with the attainment of freedom for the slaves.

Government attitudes toward pacifists have varied greatly. In the states where conscription is a peacetime institution no provision is usually made for exemption from military service. The principle of exemption on grounds of religious conviction has, however, been admitted in the American and British laws. Exemptions from combatant service were made in the United States and in Great Britain for certain classes of pacifists during the World War (*see* CONSCIENTIOUS OBJECTORS). Recently the United States government has refused citizenship privileges to outspoken alien pacifists seeking naturalization.

NORMAN ANGELL

See: PEACE MOVEMENTS; ANTIMILITARISM; QUAKERS; CONSCIENTIOUS OBJECTORS; PASSIVE RESISTANCE AND NON-COOPERATION; INTERNATIONALISM; OUTLAWRY OF WAR; DISARMAMENT; LIMITATION OF ARMAMENTS; INTERNATIONAL ORGANIZATION; LEAGUE OF NATIONS; INTERNATIONAL LAW; PERMANENT COURT OF INTERNATIONAL JUSTICE; PERMANENT COURT OF ARBITRATION; ARBITRATION, INTERNATIONAL; MEDIATION; AGGRESSION, INTERNATIONAL; HAGUE CONFERENCES; DECLARATION OF PARIS; DECLARATION OF LONDON; WAR; WARFARE; ARMAMENTS; ARMS AND MUNITIONS TRAFFIC; MILITARISM; NATIONAL DEFENSE; PATRIOTISM; NATIONALISM; CONSCRIPTION; ARMY; NAVY; MILITARY TRAINING; HUMANITARIANISM; COSMOPOLITANISM.

Consult: Lange, C. L., "Histoire de la doctrine pacifique et de son influence sur le développement du droit international" in Académie de Droit International, *Recueil des cours*, vol. xiii (1926) 171–426; Ballou, Adin, *Christian Non-resistance* (Philadelphia 1846); Burritt, Elihu, *Lectures and Speeches* (London 1869); Case, C. M., *Non-violent Coercion* (New York 1923); *Pacifism in the Modern World*, ed. by Devere Allen (New York 1929); Allen, Devere, *The Fight for Peace* (New York 1930); Curti, M. E., "Non-resistance in New England" in *New England Quarterly*, vol. ii (1929) 34–57; Hirst, M. E., *The Quakers in Peace and War* (London 1923); Brailsford, H. N., *The War of Steel and Gold* (London 1914) chs. v–vi. Bibliographies of the important works of leading pacifists may be found in: Beales, A. C. F., *The History of Peace: a Short Account of the Organized Movements for International Peace* (London 1931), and Curti, M. E., *The American Peace Crusade, 1815–1860* (Durham, N. C. 1929).

PADRONE SYSTEM. *See* CONTRACT LABOR.

PAEPE, CÉSAR DE (*c.* 1842–90), Belgian socialist leader. Paepe was compelled by his father's death to terminate his studies in philosophy and law at the University of Brussels and to enter a printing office, where he worked as compositor and reader. He studied medicine from 1868 to 1870, served in French military hospitals during the Franco-Prussian War and continued to the end of his life a physician to

the poor. He was a leader in sanitary reform in France and Belgium, and one of the active members of the Société Internationale d'Hygiène.

There were three decisive steps in Paepe's ideological development. In 1859 as a law student he adopted the land reform views of his countrymen Colins and Potter. In 1861 as a printer's reader he came into personal contact with Proudhon, then a refugee in Brussels, and became a fervent anti-étatist and mutualist. In 1868 as one of the founders and a militant member of the International Working Men's Association he was finally converted to Marxist views of industrial evolution and the role of the state in the establishment of socialism. By his speeches in behalf of land nationalization at the Brussels and Basel congresses of the association in 1868 and 1869 he contributed largely to the defeat of Proudhonism and the victory of collectivism. At the Bakuninist congress of 1874, two years after the split in the association, he played a similar role in the fight against Bakuninism. In his lecture advocating the transformation of private monopolies into public services by the state and municipality, he set forth the view that the state was not per se an evil but rather a powerful machine, which in a social democracy would function for the benefit of the community. Thus the main problem was not the state versus anarchy but state monopoly versus private monopoly. This view exercised a profound influence in changing the views of leading French anarchists; Brousse's possibilism, which anticipated English Fabianism, had its roots in Paepe's theory.

In Belgium Paepe helped to found the Labor party in 1885; he was a strong advocate of universal suffrage and was also one of the sponsors of the movement for labor education and for cooperative production and distribution.

Although Paepe was thus one of the seminal minds of the French speaking labor and reform movement, no adequate biographical discussion of his significance has as yet appeared; even the date of his birth has not as yet been clearly established.

MAX BEER

Works: *Les services publics; précédés de deux essais sur le collectivisme. Notice biographique par Bénoit Malon*, 2 vols. (Brussels 1895); *Le suffrage universel et la capacité politique de la classe ouvrière* (Ghent 1890).

Consult: Bertrand, Louis, *Histoire de la coopération en Belgique*, 2 vols. (Brussels 1902–03), *Histoire de la démocratie et du socialisme en Belgique depuis 1830*, 2 vols. (Brussels 1906–07), and *Souvenirs d'un meneur socialiste*, 2 vols. (Brussels 1927).

PAGANISM. *See* RELIGION.

PAGANO, FRANCESCO MARIO (1748–99), Italian jurist and patriot. Pagano was professor of penal law at the University of Naples. He was commissioned by Medici to project a reform of penal procedure in accordance with the principles of the Enlightenment. Advocate of the liberal ideas of the French Revolution, he incurred the hostility of the Bourbon government during the reactionary period by his defense of Neapolitan revolutionists before the Giunta di Stato; he went into exile and took refuge under the Cisalpine Republic in 1798. Returning to Naples the following year in the retinue of the French army of Championnet, he was appointed provisional member of the Parthenopean Republic and entrusted with the task of drafting the abortive constitution which, modeled upon the French, provided for two houses of representatives and a directorate of five members with a tendency toward a strong centralized power in the executive. With the Bourbon restoration Pagano was condemned to death together with other liberal patriots and against the solemn agreements of the government.

Pagano's most important work, *Saggi politici* (2 vols., Naples 1783–85; 3rd ed., 4 vols., Lugano 1831–32), belongs to the prerevolutionary period. Seeking to temper the ideas of Rousseau with those of Vico, he proposed the idea of an original state of nature, in which men live in complete independence without hardship and want. This proposal he strove to justify on a scientific hypothesis, based upon the position of the axis of the earth. With the successive inclinations of the terrestrial axis frightful catastrophes occurred which reduced humanity to the barbaric conditions described by Vico. Thus the Hebraic-Christian idea of a fall was accepted by Pagano through a scientific reinterpretation of the history of the earth. Like Vico, he explained the gradual transition from the savage state to the civilized by the spontaneous impulses of sociability and reasonableness. To Pagano, however, the force which impels men toward society is not essentially different from the force of gravity: the impetus of social life increases to the extent that men approach one another. The aim of this evolution, Pagano held, is a conscious reintegration of the state of nature,

which does not, however, represent a definitive state but the end of a historical course and the beginning of a recourse; that is, of a new barbarism. Characteristically Pagano even before the French Revolution evinced an increasing detachment from the ideas of enlightened absolutism toward which his contemporary and countryman Filangieri still inclined, turning instead toward the ideal of moderate liberty.

GUIDO DE RUGGIERO

Consult: Kerbaker, M., *F. M. Pagano* (Naples 1880); Croce, B., *La rivoluzione napoletana del 1799*, his Scritti di Storia Letteraria e Politica, vol. ii (3rd ed. Bari 1912); Ruggiero, G. de, *Il pensiero politico meridionale nei secoli XVIII e XIX* (Bari 1922) p. 77–86.

PAINE, THOMAS (1737–1809), Anglo-American political theorist and pamphleteer. Paine, the son of a small farmer and stay maker in Norfolk, served in the English excise until 1774 and then migrated to America, armed with letters of introduction from Benjamin Franklin. Settling in Philadelphia, he plunged at once into the tense political situation. His pamphlet *Common Sense*, which appeared in Philadelphia in January, 1776, prepared the way for the Declaration of Independence in July; with its attack on the monarchy, its denial that the much lauded English constitutional system was fitted for the needs of the American colonies and its appeal to the economic advantages of independence, it crystallized the sentiment for separation. His series of publications on *The American Crisis* (16 nos., 1776–83) helped to nerve resistance during the War of Independence, in which he himself took part. Returning to England in 1787 he published *The Rights of Man* (2 pts., London 1791–92) as a counterblast to Burke's *Reflections on the Revolution in France* (London 1790) and as an exposition of the principles of government underlying the American and French revolutions. He was prosecuted by the English government for the "libels" in the second part of his book and in September, 1792, withdrew to France, where he had already been elected a member of the National Convention and where he soon became active in framing the constitution of 1793. But he could not agree with the extreme revolutionary fervor of the Jacobins, who regarded him as a reactionary. He turned to his pen, and it was in France that he wrote his *Age of Reason* (2 pts., Paris 1794–95), a criticism of the Bible coupled with a defense of deism, and *Agrarian Justice* (Paris 1797), on the problem of the ownership of land. In 1802 he returned to America, where he spent his last years in a milieu largely dominated by Federalist rather than revolutionary thought, and hostile to him because of his religious views. Always interested in scientific and engineering problems, Paine spent many years on a scheme for building an iron bridge over the Schuylkill, and in his last years wrote a still valuable pamphlet on the causes of yellow fever.

ERNEST BARKER

Works: *The Writings of Thomas Paine*, ed. by Moncure D. Conway, 4 vols. (New York 1894–96).

Consult: Conway, Moncure D., *The Life of Thomas Paine*, 2 vols. (New York 1892); Sykes, Norman, "Thomas Paine" in *The Social and Political Ideas of Some Representative Thinkers of the Revolutionary Era*, ed. by F. J. C. Hearnshaw (London 1931) p. 100–40; Merriam, C. E., "Thomas Paine's Political Theories" in *Political Science Quarterly*, vol. xiv (1899) 389–404; Tyler, M. C., *The Literary History of the American Revolution*, 2 vols. (New York 1897) vol. i, ch. xxi, vol. ii, ch. xxvi; Parrington, V. L., *Main Currents in American Thought*, 3 vols. (New York 1927–30) vol. i, p. 324–41; Dodd, W. E., "Tom Paine" in *American Mercury*, vol. xxi (1930) 477–83; Brailsford, H. N., *Shelley, Godwin and Their Circle* (London 1913) ch. ii; Stephen, Leslie, *History of English Thought in the Eighteenth Century*, 2 vols. (3rd ed. London 1902), especially vol. i, p. 458–64, vol. ii, p. 260–65; Martin, Kingsley, *Thomas Paine*, Fabian Society, Fabian Tracts, no. 217 (London 1925); Halévy, Élie, *La formation du radicalisme philosophique*, 2 vols. (Paris 1901), tr. in 1 vol. by Mary Morris (London 1928) p. 181–203; Clark, H. H., "Thomas Paine's Relation to Voltaire and Rousseau" in *Revue anglo-américaine*, vol. ix (1931–32) 305–18, 393–405, and "An Historical Interpretation of Thomas Paine's Religion" in *University of California Chronicle*, vol. xxxv (1933) 56–87.

PAINTS AND VARNISHES. Although the manufacture of paint and varnish is classified as a chemical industry, this designation does not convey a strictly accurate impression of its processes, which are in fact designed to effect the skilful blending of the raw materials used. The materials, however, have all been produced by chemical processes, some of them, as the natural earth colors and the fossil varnish gums, in nature's laboratories but for the most part in plants constructed and supervised by modern engineers. In the United States with its average yearly output during 1927–29 of over $500,000,000 the paint and varnish industry ranks among the more important industries.

Paint is composed of suitable pigments and drying oils, reduced to the desired consistency with the addition of volatile thinners and usu-

ally contains a small amount of drier. Its manufacture, aside from the necessary technical knowledge required for proper formulation, involves grinding and mixing operations. Varnish is made by melting resins at high temperatures and combining them with oil which has also been heated so that the resins can be incorporated in the oil without precipitating; the combination is then cooled and thinners and drier are added. Enamel differs from paint in that the pigments used are ground in varnish vehicles containing resins. Shellac in the liquid form and other spirit varnishes are made by "dissolving" shellac or other spirit soluble gums in alcohol. Lacquer is a solution of nitrocellulose in volatile organic solvents. The ordinary paints, varnishes and enamels dry partly by evaporation of the volatile thinners and partly by oxidation of the drying oils; spirit varnishes and lacquers dry entirely by evaporation; while a third process, polymerization, enters into the drying of the newer "synthetic" finishes.

In prehistoric times paint was used for crude ornamentation of persons and dwellings. Gradually man came to make use of earth colors, water soluble adhesives, oils extracted from nuts and seeds, resinous exudations from trees and fossil resins found in the ground. Artists, particularly of the Renaissance, contributed much to improving the quality of paints and varnishes. Modern practises differ essentially from the ancient in their refinement and in the ability of the chemist to search for and find or create materials with the definite properties requisite for improvement.

The first manufactured pigment, which is still one of the most widely used, was basic lead carbonate, commonly known as white lead. The date of its discovery is uncertain, but there is evidence to indicate that it was known to the ancient civilizations of Rome and Greece and perhaps to the Egyptians. It was not until about 1835, however, that zinc oxide, the second synthetic white pigment, was produced in commercial quantities by LeClaire in Paris. Lithopone, which today exceeds all the other white pigments in tonnage output, was first introduced in 1874 but its use was comparatively limited until about 1920. Titanium oxide and antimony oxide are among the newer white pigments, while barytes, asbestine and silica are commonly used as "extenders."

In the eighteenth century it was the custom of painters to purchase their own pigments and to grind them in oil, while retail dealers mixed paints to order. This was not only inefficient but in the rush season involved considerable delay Factory manufacture, however, developed comparatively slowly. The first white lead plant in the United States was built in 1804 and the first varnish plant in 1815, both in Philadelphia. The first paint patent was issued in 1867, but the first prepared paint appears to have been sold a few years earlier. Twenty years later the manufacture of paints and varnishes began to make substantial progress, marked by an increase in plants, factories and sales. Soon after the turn of the century the chemist entered the industry and began to improve upon the rule of thumb methods in vogue and to introduce new materials; the manufacture of paints and varnishes was becoming a scientifically controlled process. Tung oil, imported from China, revolutionized the manufacture of waterproof varnishes. Within a short time it was utilized also, with lithopone, in the manufacture of flat wall paint, the popularity of which was enhanced by the general adoption of electricity, replacing the old gaslights with their soot and reactive gases. During the World War nitrocellulose dopes came to be used for the wings of airplanes, and these were the forerunners of the nitrocellulose lacquers, which were quickly adopted by automobile manufacturers who had long sought a durable, quick drying finish that might be applied with a spray gun. There followed the development of the brushing lacquers, the popularity of which was short lived, however, because they dried too quickly for satisfactory results. It is reported that improved products of this type may be expected, but at present they appear to have been superseded by modern finishes in a large variety of tints which are quick drying (as compared with the older types of oil finishes) and of better quality; these are made with the aid of the chemist's latest creation, synthetic resins, which improve upon the natural product and have produced profound changes in the manufacture of paints and varnishes.

The United States is the world's largest producer and consumer and among the leading exporters of paints and varnishes. From a value of $145,623,000 in 1914 the American output rose to $340,346,000 in 1919 and $568,976,000 in 1929. The number of wage earners in the industry increased from 16,083 in 1914 to 29,211 in 1929. A primary factor in this growth has been the increasing use, for both decorative and protective purposes, of paints and varnishes in industry. Since 1919 the unprecedented expan-

sion of building construction and the increasing "color consciousness" of consumers have provided an additional impetus. There has been a great extension of the range of pigments and solvents and there are now several thousand varieties of available paints and varnishes. From 1920 to 1930 the number of painters rose from 323,032 to 528,931; house painters rose from 248,497 to 430,105 and industrial finishers from 75,179 to 98,826. The smaller increase of industrial finishers is due mainly to the intensive adoption of mechanical painting devices, the use of which has been comparatively smaller in house painting, in part because of the opposition of skilled artisans.

While it is still essentially a small scale industry, the manufacture of paints and varnishes requires special equipment and few workers, and much of the work is automatic. One large company in 1930 began to erect a completely automatic plant in which a pneumatic conveying system is to move the raw materials from cars to storage bins, whence they are automatically to be placed into the machines and to move from one process to another until the paint cans are deposited on the shipping floor. Of the 1063 paint and varnish establishments in the United States in 1929 the majority are small and serve limited areas. More than 125 plants produce a yearly output of $1,000,000 and over. There have been few mergers in the industry; the larger companies have grown by expansion rather than by combination.

The manufacture of paint and varnish products involves certain industrial hazards, mainly respiratory and skin diseases, which result primarily from lead poisoning and inhalation of noxious gases. The drying oils and volatile liquids commonly used are combustible and require safe storage and handling. The fumes of wood alcohol and benzol have recognized toxic effects, and industrial plants using the spray method of application are equipped with ventilators. White lead taken into the system through the mouth or nose is toxic, and in the plants where it is handled in the dry state the workmen are given adequate protection and are frequently examined for symptoms of plumbosis, which is cumulative. Mechanical accidents are likely to occur in the handling of materials, machinery operation, the use of defective tools, and ladder falls. According to one investigator only 22 percent of the accidents are caused by inattention on the part of the workers. Small plants are usually negligent in safety work. There is little legislative regulation; most of the laws are designed to prevent mislabeling of paint products. Several states require that certain types of products shall carry formulae or poison labels, as in the case of wood alcohol, and in some there are regulations defining the capacity of ventilating systems to be used in industrial finishing operations.

The foreign trade of the paint and varnish industry in the United States is not sufficiently large, even under favorable world market conditions, to offer a backlog against temporary recessions in domestic consumption. Built up largely since the war, it has never amounted to more than about 5 percent of the total production, and spirited competition is being offered by Great Britain and Germany. American exports of "paints, pigments and varnishes" in 1929 were valued at $29,119,000, imports at $3,822,000. American sales in foreign markets are based on quality products. Because of tariff restrictions there are a number of American branch factories in Canada. Practically all of Europe's needs are supplied by domestic production, and there is a considerable surplus for foreign trade; the major producers are Great Britain, Germany, France, Belgium and Holland. American quality paints and varnishes are imported in large amounts, however, particularly by France. Japan has become an important producer with a substantial export trade, and it confines its imports to high grade varnishes and enamels. The markets of the British colonies and dominions are dominated by imports from the mother country. Since the manufacture of paints and varnishes requires over a thousand raw and semifinished materials, there is a large world trade in raw materials. Thus the United States imports considerable amounts of flaxseed (for linseed oil), wood oil, tung oil, resins, earth colors and other necessary raw materials; efforts are being made, however, to render the American industry independent of the import of basic raw materials.

Although for some years the organized paint and varnish industry in the United States, in its cooperative advertising campaign, laid stress upon the protective feature, it is now generally conceded that the aesthetic appeal of attractive color and tasteful decoration is still the primary influence upon the consumer, as it was in the earliest days. In the case of steamships, railway coaches, structural steel bridges, automobiles, agricultural implements, a protective coating is of course absolutely essential; but even here the dominating influence of color has been amply

demonstrated, particularly as applied to automobiles. The industrial consumption of paint and varnish products, for maintenance and for the finishing of manufactured products, is enormous. According to American census reports, including in this classification sales to manufacturers, railroads, government, marine and all similar users, the normal proportion of industrial sales is about 40 percent of the total; while trade sales to dealers, jobbers, painters and consumers account for the remaining 60 percent. Paint is of the utmost importance in engineering; it protects from rust and corrosion and prolongs the life of iron and steel in bridges, ships, skyscrapers, boilers and other products of modern industry; ironwork and steelwork are painted once in the factory and again after erection.

The greater part of the paint and varnish products sold through trade channels is used on architectural surfaces. Many sales are made by retail dealers of course, especially to women, for the refinishing of furniture or other small jobs about the home. Industrial consumption will immediately reflect any increase or diminution of industrial activity; paint sales are also an indication of building activity, but not to the same extent. Even at the height of the American building boom it was estimated that 75 percent or more of the painting was actually repainting of existing property, and it is this vast area of exterior and interior surfaces that represents the industry's opportunity for future expansion. Particularly is this true of interior surfaces, both because of the trend in exterior construction toward the use of the so-called permanent materials, which do not require painting, and because of the much greater area of the interior surfaces, which may conservatively be estimated at ten times that of the exterior surfaces. Modern woman is attracted by color and knows how to use it effectively in her home; the products of the paint and varnish industry are her natural tools, although considerable competition is offered by linoleums, tile, wall coverings and other decorative materials. Paints and varnishes are sold in probably 100,000 trade outlets, including hardware stores, drug stores, general stores and lumber yards. The 1930 census of distribution showed that there were about 8000 exclusive paint and glass stores with average sales which would indicate this class of store to be the logical retail outlet. Their total volume is equaled or perhaps exceeded by that of hardware stores, of which there are several times as many.

In previous business depressions a decline in the activity of general industry and trade was accompanied by increased paint sales, the explanation undoubtedly being that skilled mechanics in other trades, while temporarily out of work, spent considerable time and part of their savings in the improvement of their property. This phenomenon was observed in the early part of the depression which prevailed after 1929, but as it became prolonged the trade sales of paint declined materially, although not to as great an extent as did industrial sales.

The American paint and varnish industry is well organized in trade associations. The National Paint, Oil and Varnish Association, which includes material and equipment men as well as paint and varnish manufacturers and wholesalers, was organized in 1888. The Paint Manufacturers' Association of the United States, established in 1899, and the National Varnish Manufacturers' Association, formed in 1903, were merged into the American Paint and Varnish Manufacturers' Association in 1926. The activities of these associations include scientific research in well equipped laboratories, promotional campaigns, the operation of a bureau to prevent unfair competition, a simplification and standardization program and a considerable number of committees composed of members from all parts of the country who are prepared to furnish pertinent information and advice upon almost any conceivable problem. The Federation of Paint and Varnish Production Clubs unites the technical men of the industry in cooperative effort; the National Association of Paint Distributors directs its attention particularly to the specific problems of wholesalers; the National Paint Salesmen's Association of the United States has recently been organized to coordinate the work of the numerous local groups; and the International Society of Master Painters and Decorators represents the organized painting contractors. In addition there are numerous local associations but no national association of paint retailers.

While the employers are thus thoroughly organized, labor organization is practically nonexistent in the paint and varnish industry, although painters in the building trade are strongly organized. Average yearly wages are not much over $1000, considerably less than the average for manufacturing as a whole. There are no prospects that the industry will become unionized in the immediate future.

GEORGE H. PRIEST, JR.

See: CHEMICAL INDUSTRIES; INDUSTRIAL ALCOHOL;

FLAX, HEMP AND JUTE; INDUSTRIAL HAZARDS; INDUSTRIAL HYGIENE.

Consult: Clark, V. S., *History of Manufactures in the United States*, 3 vols. (new ed. New York 1929) vols. ii-iii; Harvard University, Graduate School of Business Administration, Bureau of Business Research, "Operating Expenses in the Wholesale Paint and Varnish Business in 1926," *Bulletin*, no. 66 (Cambridge, Mass. 1927); Thorp, W. L., *The Merger Movement and the Paint and Varnish Industry* (Philadelphia 1929); New York Trust Company, "Paints and Varnishes" in *Index*, vol. xii (1932) 180–81, 184–86; Priest, George H., Jr., *Domestic Market Possibilities for Sales of Paints and Varnishes*, United States, Bureau of Foreign and Domestic Commerce, Domestic Commerce Series, no. 2 (1925); Beckman, T. N., *Wholesale Trade in Paints and Varnishes*, United States, Bureau of the Census, Census of Distribution, Distribution no. w-204 (1932); Roeder, Hans, *Die deutsche anorganische Körperfarbenindustrie: eine volkswirtschaftliche Studie über ihre Entwicklung und ihre wirtschaftliche Bedeutung* (Bayreuth 1930); Taylor, W. M., "Foreign Markets for Paints and Paint Materials," United States, Bureau of Foreign and Domestic Commerce, Trade Information Bulletin, no. 164 (1923); Wagner, G. E., "Safety in the Manufacture of Paint Products" in *National Safety News*, vol. xxii, no. 3 (1930) 50–52, 101–03.

PAISII OF KHILENDAR (1722–*c.* 1784), Bulgarian historian. Little is known about Paisii's life. He was a monk in the monastery of Mount Athos, then the most important and most active cultural center of the Orthodox Slavs, and began there his Slavo-Bulgarian history, *Istoriya slavenobolgarskaya* (ed. by I. Ivanov, Sofia 1914; rev. ed. by N. Filipov, 1925), which he completed in 1762. This book, the first and basic work of modern secular Bulgarian literature, marks a turning point in the general national and cultural development of Bulgaria. Paisii breathed into Bulgarian literature a new spirit and provided it with a new goal: to arouse and to increase the national and historical consciousness of the Bulgarian people. He was inspired in his work by the realization that the Bulgarians were suffering under a double yoke, that of the religious and intellectual domination of the Greeks and that of the political oppression of the Turks. By means of his history he sought to reveal both to foreigners and to his own people the glories of the Bulgarian past. He recognized the value of historical consciousness as a means of national education and looked upon language and history as the most important factors in the preservation of nationality. As the sources for his work he used chronicles, annals and manuscripts found in Bulgarian monasteries as well as historical treatises by Serbs, Greeks, Russians and a few writers of western Europe. His work was motivated solely by patriotic feeling and is in many details both uncritical and inaccurate. The Bulgarian historical figures were idealized in romantic fashion and the national enemies, particularly the Greeks, were treated with bitter antipathy. This history, which in time became almost sacred, proved clearly that the cultural backwardness of the Bulgarians and the threat to their national existence were due, on the one hand, to the particularly oppressive political and social rule of the Turks in Bulgaria and, on the other hand, to the intellectual domination of the Greeks in the fields of religion and education. Paisii's ideas found a wide following among the Bulgarian intellectuals of the church and of the lower bourgeoisie and provided the intellectual basis and impulse for the early struggle for religious and cultural emancipation and independence.

JOSEF MATL

Consult: Shishmanov, I. D., "Paisii i negovata epokha" (Paisii and his times) in Blgarskata Akademiya na Naukite, *Spisanie*, vol. viii (Sofia 1914) 1–18.

PALACKÝ, FRANTIŠEK (1798-1876), Czech historian and national leader. Palacký, whose family were members of the Bohemian Brethren, was born in Moravia and educated at Pressburg. Under the protection of Dobrovský he established himself at Prague, where he joined the patriotic Society of the Bohemian Museum, becoming the first editor of its journal in 1825. In 1829 he was made official historiographer of Bohemia, an appointment which made it possible for him to carry out his idea of a great history of Bohemia. He was elected to the Constituent Assembly in Vienna in 1848, presided over the Prague Pan-Slav Congress and in 1859 was appointed life member of the Vienna parliament.

Palacký's great reputation rests upon his *Geschichte von Böhmen* (published both in German and in Czech, 5 vols., Prague 1836–67), which has come to serve as a gospel for the Czechs. In a period when the Austrian Empire was turning from absolutism toward constitutionalism Palacký worked as the acknowledged political leader of the Czechs and as the theorist of their intellectual aspirations. The main idea of his history centers around the tradition of the Hussite revolution. Man's striving toward God as shown in the love of one's neighbor Palacký considers to be the driving force of the history of mankind. This force brought Europe to the

clash between Catholicism and Protestantism: between the idea of authority and that of individual understanding. Individual freedom and humanity were the idea at the basis of the Hussite revolution, which represented the first upheaval against the dogmatism of the church of Rome and against German violence. This revolution, said Palacký, revealed the true mission of the Czechs and was to be accepted as the program for his own time.

During the first years of his political activity Palacký favored the Austrian Empire and considered its mission to have been to defend Christian Europe against the Turks and later to protect Catholicism against Protestantism. It was Austria's modern mission to realize equality for all the races living within its borders by becoming a federation of free racial units, as defined by their cultural, geographical and historical rights. Palacký placed no trust in violent revolutions but looked instead to intellectual enlightenment. He therefore organized scientific institutions, edited various publications and was regarded not only as the political leader of the country but also as its most prominent philosopher. For a time he was confident that Austria would be federalized and all its nationalities made secure in their rights. Later, when the Germans and Magyars attained political preponderance and when the influence of Germany began to dominate Austria, he lost his faith in the empire.

A follower of Herder and of Rousseau, Palacký believed in a state of natural and primordial democracy of the human race, especially among the Slavs. He did not accept, however, the western differentiation between nation, nationality, race and kinship. A nation was for him not a political organization, but a kinship group which had attained some degree of civilization based on its natural character. A nation need not be organized as a state; the state is an accessory form which may be gained or lost without any essential change in the nation. The nation is a product of the natural order of things, but the state is an artificial structure which may either realize or suppress the natural gifts of the nation. Palacký's ideas have exercised an enormous influence on the political thought of central Europe. His most distinguished disciple is Thomas G. Masaryk.

EMANUEL RÁDL

Consult: Masaryk, T. G., *Palackého idea národa českého* (new ed. by V. K. Škrach, Prague 1926), first ed. also in German as *Palackýs Idee des böhmischen Volkes* (Prague 1898); Fischer, Josef, *Dílo a myšlenka Františka Palackého* (Work and thought of Palacký), 2 vols. (Prague 1926–27); Lützow, F. H. H. V., *Lectures on the Historians of Bohemia* (London 1905) p. 88–105.

PALEY, WILLIAM (1743–1805), English theologian. Paley began with a protest against compulsory subscription to the Thirty-nine Articles, in his own interpretation of which he showed distinct Unitarian leanings. His subsequent writings embody the final attempt of the eighteenth century to rationalize religion. His apologetics, based on historical arguments, are to be found in *Horae Paulinae* (London 1790), his most original work, and in *The Evidences of Christianity* (2 vols., London 1794), which sought to prove the historical truth of the New Testament miracles from the otherwise inexplicable constancy in suffering of the apostles. Finally, *Natural Theology* (London 1802) presented in an elaborate form the proof of deism by the argument from design.

For Paley revealed religion was rather a means than an end in itself. A thoroughgoing utilitarian, he solved the problem of reconciling universal self-love with the good of society by introducing the promises and penalties of a future life guaranteed by religion. But unlike the radical utilitarians he came generally to conservative conclusions in his *Moral and Political Philosophy* (London 1785), although he criticizes various social abuses, severely condemns slavery and justifies great inequalities in the distribution of property only with some hesitation, as the famous pigeon analogy shows.

Paley professed to be no more than a compiler of textbooks, but although he lacks originality and profundity he can hardly be overpraised for the force and clarity with which he puts the standard arguments. His most important sources were Locke, Abraham Tucker and Edmund Law, but in fact he sums up the whole theological utilitarianism of his century. The "common sense" attitude to religion which he represents was soon to be abandoned. But as a popularizer of social and political utilitarianism he prepared the way for Bentham and the Mills, whose hostility to him is explained by his religious premises and conservative conclusions. Moreover he anticipated Bentham and was for some time much more widely read, especially at Cambridge, where his works became the authorized textbooks. The numerous editions through which they passed between 1785 and 1825 show that Coleridge, whose attacks did

much to discredit Paleyan "other worldly" morality, was correct in regarding him as the chief influence in the general dissemination of utilitarian ideas in England in the early years of the nineteenth century.

ALFRED COBBAN

Works: *Works*, ed. by Edmund Paley, 7 vols. (London 1825).

Consult: Meadley, G. W., *Memoirs of William Paley* (London 1809); Birks, T. R., *Modern Utilitarianism* (London 1874) p. 1–106; Stephen, Leslie, *History of English Thought in the Eighteenth Century*, 2 vols. (3rd ed. London 1902) vol. i, p. 405–20, vol. ii, p. 121–25.

PALGRAVE, SIR FRANCIS (1788–1861), British archivist and historian. Palgrave was born in London of Jewish parentage. He practised law for a while but gradually turned his interests to historical studies. He played an important part in the revival of mediaeval studies in nineteenth century England and was a prominent figure in the discussions leading to the formation of the Public Record Office, of which he was the official head from 1838 until his death. His permanent fame rests on his editions of different series of national records, such as the *Parliamentary Writs of the Reigns of Edward I and II* (2 vols., London 1827–34), the *Rotuli Curiae Regis* (2 vols., London 1835) and the *Antient Kalendars and Inventories of the Treasury of His Majesty's Exchequer* (3 vols., London 1836). He was the best known of a small group of workers who set a new standard of editing such documents, paying scrupulous regard to the details of the text and explaining the value of the records as sources of historical information. More familiar to general readers than his editions, although of less permanent value, were a series of books in which Palgrave dealt with the early history of England, the chief of which were the *History of Normandy and England* (4 vols., London 1851–64) and the *Rise and Progress of the English Commonwealth, Anglo-Saxon Period* (2 vols., London 1832). He emphasized the importance of law and legal institutions for an understanding of the political history of Great Britain and laid particular stress on the continuity of the Roman tradition in English historical development. The reputation of these works has suffered not only, as was inevitable, from the subsequent progress of research but also from the diffuseness of Palgrave's style. Their value to modern students lies in the range of Palgrave's knowledge of the sources, and his references are still worth following up for indications of neglected materials. No English historian of Palgrave's period rivaled his combination of wide historical knowledge with thorough mastery of editorial technique, and his work supplied both stimulus and example to the scholars of the next generation.

F. M. STENTON

Works: *Collected Historical Works*, ed. by R. H. Inglis Palgrave, 10 vols. (Cambridge, Eng. 1919–22).

Consult: Gooch, G. P., *History and Historians in the Nineteenth Century* (2nd ed. London 1913) p. 286–89; Vinogradoff, P., *Villainage in England* (Oxford 1892) p. 11–16.

PALGRAVE, SIR R. H. INGLIS (1827–1919), English financier and economist. Palgrave started life as a banker and approached economics from a practical standpoint. His first important publication was a statistical study on *Local Taxation in Great Britain and Ireland* (London 1871). This was followed by various articles and monographs on banking topics, much of the material of which was embodied in *The Bank Rate and the Money Market* (London 1903). On the basis of comparisons between the money markets of London and those of the major countries of Europe—in which insufficient weight was given to the exceptional position of London in the world's financial system—Palgrave urged that the English specie reserves were too low and the bank rate too unsteady. He also protested against the suppression, after 1877, of details as to the volume of bankers' deposits held with the Bank of England; this information is now given in the weekly return. In 1875 he represented the Country Bankers' Association before the parliamentary committee on banks of issue and was himself a member of the Government Commission on the Depression of Trade and Industry in 1885. He opposed the monetary policy of the government of India and bimetallism. From 1877 to 1883 he was editor of the *Economist*.

Palgrave's most important contribution to economics was the editing of the *Dictionary of Political Economy* (3 vols., London 1894–99, and appendix 1908). This valuable work covers a wide ground, including much legal and biographical information and giving full accounts of the development of economic thought throughout the world. Almost every article is written by an outstanding authority on his subject. But having been designed for practical men as well as for students it contains perhaps too much factual material of little permanent importance

and has tended to become out of date. It was revised (3 vols., London 1923–26) under the editorship of Henry Higgs.

LINDLEY M. FRASER

PALMERSTON, VISCOUNT, HENRY JOHN TEMPLE (1784–1865), British statesman. Intensely individualistic by nature and reaching maturity at a time when old and new conceptions of society and government were everywhere in conflict, Palmerston never fully accommodated himself either to the Tories, with whom he held office as secretary at war (1809–28), or to the Whigs and Whig-Liberals, with whom he served as foreign secretary (1830–34, 1835–41 and 1846–51), home secretary (1852–55) and prime minister (1855–58 and 1859–65). Yet the remarkable administrative talent which he early displayed in the reorganization of the War Office, the eloquence which he could command in time of necessity, the extraordinary popularity which he gained through his foreign policy and the skill in managing Parliament which he developed in his latest years caused both major parties at once to covet and to fear him.

His attitude on domestic issues in general and constitutional questions in particular may be described, for want of more exact terminology, as that of a liberal conservative. His independence of mind, his kindly and sympathetic disposition, his exposure to liberal teachings and influences during his college days at Edinburgh and his enduring interest in new ideas led him to endorse nearly all the economic, social and religious reforms brought into operation during the period of his official life. Moreover his conviction that it was better to make concessions to popular or parliamentary pressure than to provoke dangerous discontent induced him more than once to sacrifice his convictions concerning the inadvisability of extensive parliamentary reform. But his lifelong wish was to keep the general structure of British society and government, including the Protestant ascendancy in Ireland, substantially intact.

In his handling of foreign policy, which ended only with his death, he was less conservative. It is true that he lacked Canning's appreciation of the force of liberal nationalism and that he usually endeavored to preserve the territorial settlement of 1815, but he protected, encouraged and even abetted the liberals of various continental states in their efforts to secure constitutional reform. For he believed that in assisting other peoples to obtain constitutions of the British type he would gain for England both moral leadership and useful friends. The resentment which this impracticable and "meddling" policy aroused, intensified by the chauvinistic and sometimes intolerably offensive manner in which he conducted his diplomacy, left England almost friendless in so far as the governments of Europe were concerned; but Palmerston won for his country and himself the admiration and gratitude of countless liberals from Lisbon to Warsaw. An equally distinctive feature of his foreign policy is to be found in his inveterate war against the international slave trade. In the more conventional fields of diplomatic action his acumen, courage and resourcefulness brought him remarkable success until his influence encountered that of Bismarck.

HERBERT C. BELL

Consult: Bulwer, H. L. E., *Life of H. J. Temple, Viscount Palmerston*, 3 vols. (London 1870–74), and Ashley, A. E. M., *Life of H. J. Temple, Viscount Palmerston, 1846–1865*, 2 vols. (London 1876), both works abridged by A. E. M. Ashley as *Life and Correspondence of H. J. Temple, Viscount Palmerston*, 2 vols. (London 1879); Guedalla, P., *Palmerston* (London 1926), with bibliography; *Gladstone and Palmerston, . . . Correspondence*, ed. by P. Guedalla (London 1928); Argyll, J. G. Campbell (Lorne, Marquis of), *Viscount Palmerston* (London 1892); Bell, Herbert C., "Palmerston and Parliamentary Reform" in *Journal of Modern History*, vol. iv (1932) 186–213.

PALMIERI, GIUSEPPE, MARQUIS OF MARTIGNANO (LECCE) (1721–93), Neapolitan economist. Palmieri abandoned a military career and lived most of his life in studious retirement. In 1787 he was appointed to the Supreme Council of Finance in Naples and four years later became director of the royal finances. It was during this period that he produced his important economic works: *Riflessioni sulla pubblica felicità relativamente al Regno di Napoli* (Naples 1787, 2nd ed. 1788); *Pensieri economici relativo al Regno di Napoli* (Naples 1789); *Osservazioni su varii articoli riguardanti la pubblica economia* (Naples 1790); *Lettera su la nuova tariffa doganale* (Naples 1790); *Della ricchezza nazionale* (Naples 1792). The majority of these works have been reprinted in Custodi's *Scrittori classici italiani* (vols. xliv–xlv and vol. xlix, p. 49–64).

As the outstanding figure in the late eighteenth century attempt to reform the complex, inefficient and antiquated system of public finance operative in Naples, Palmieri continued the work of the minister Tanucci, carrying out

many of the ideas of Broggia, Galiani and Filangieri. Not only did he cooperate in the actual process of reconstruction, but he formulated doctrines which, although drawing their general inspiration from the eclectic and moderate liberalism characteristic of most Italian economists of his age, are unique in precision, realism and breadth of view. Palmieri clearly understood that theory is modified by circumstances and that fiscal policies should be adapted to the demands and conditions of time and place. Certain basic principles should, however, be observed in all cases: convenience, ability to pay and the avoidance of injury to the economic life of the nation. These considerations led him to prefer an indirect tax on consumption. As regards the problem of customs, he held that duties on exports hindered the expansion of native enterprise but that duties on imports, if moderate and well ordered, were consistent with sound finance and in appropriate circumstances might even be imposed with a view to favoring home production. With Filangieri he was largely responsible for the great tariff reform of 1789, which constitutes a notable landmark in the financial and commercial policy of Naples. He greatly reduced internal customs and tolls, to which he was unreservedly opposed. A proponent of free private enterprise, which he considered essential to the attainment of the chief purpose of society, the realization of the greatest possible national wealth, he strove systematically to dissolve economic monopolies, privileges and exemptions of all kinds. He analyzed with great care the abuses restricting the production of silk, oil and grain, the three commodities which, in his opinion, it was of crucial importance to liberate, and insisted not only upon the reduction of taxes and state regulations but upon the abolition of the royal domain and of feudal rights in general. In the latter purpose, however, his efforts met with only partial success. His plan to simplify and rationalize public finance included the reorganization of methods of collecting revenues, the discontinuance of tax farming and the creation of a cadastre to equalize taxes on landed property. Palmieri, who has been called the Sully of the Kingdom of Naples, remains, with the possible exception of Verri, the outstanding Italian economist of the second half of the eighteenth century; his activities and writings greatly stimulated the study of economic and fiscal problems in the peninsula.

GIOVANNI CARANO-DONVITO

Consult: Ricca-Salerno, G., *Storia delle dottrine finanziarie in Italia* (2nd ed. Palermo 1896) p. 416–41; Fornari, Tommaso, *Delle teorie economiche nelle provincie napoletane*, 2 vols. (Milan 1882–88) vol. ii, p. 318–37, and bibliography of Palmieri's works p. 720–21.

PAN-AFRICANISM. *See* PAN-MOVEMENTS.

PAN-AMERICANISM is the term commonly applied to the movement designed to promote peace, security, trade relations and general prosperity among the independent states of America. Unlike most of the European pan-movements, which represent a tendency toward union on the part of peoples of common race, speech or religion, it has primarily a regional basis and potentially it would include peoples of diverse races, languages and faiths. It is not synonymous with the phrase "all American," because it does not embrace the colonies in America or even semi-dependent Canada; nor have all the independent states of America participated to an equal degree in the movement. Perhaps a more accurate name, such as American international movement or multilateral diplomacy in America, should be used to designate the actual movement; the latter has been in existence for more than a century, although the term pan-Americanism was first employed late in the nineteenth century.

The original basis of the movement was largely idealistic. The New World, at least the greater part of it, was to be consecrated to democracy, liberty and peace in contrast to the monarchy, tyranny and belligerency of Europe. This sentiment was perhaps strongest between 1816 and 1824, when the Latin Americans were in the last stages of their struggle for independence and the security of the United States and the Hispanic American peoples was thought to be threatened by a European combination against them. During this period the leaders in the American countries thought less in national and more in continental terms.

Prior to 1889 the movement was carried on under Spanish American leadership and even thereafter many assemblies were held under similar auspices. The first assembly, the Congress of Panama (1826), revealed that the sentiment for continental solidarity had already weakened. The representatives appointed by the United States were not present, only four of the Hispanic American states sent delegates and the congress was practically a fiasco. For more than a half century after 1824 the United States seldom connected its interests with any pan-American rapprochement. Having proclaimed

the Monroe Doctrine in 1823, it frequently forgot it and turned its attention to westward expansion. Accordingly during this time the pan-American movement, which should be called more properly Hispanic Americanism, embraced only the Spanish American nations and not even all of them. Between 1826 and 1889 eleven conferences and congresses were held, the most important being those of Lima (1847–48, 1864–65), Santiago (1856) and Montevideo (1888–89); the last was devoted to international law. The comparatively weak and frequently turbulent young states were seeking security against Europe and also even then against the United States. They deemed the Monroe Doctrine unsatisfactory because it contained no guaranty of security against the United States; because there was no assurance that the United States would always be willing and able to defend them against non-American aggression; and because the doctrine tended to place them under the tutelage of the Washington government, which often insisted upon regulating their conduct toward Europe and thus limited their freedom of action.

Some thirty Hispanic American congresses were convoked after the United States renewed its interest in the movement in the late 1880's, but—except for Central America, which was struggling to revive its former unity and protect itself from the United States and Europe—the main interest of the Hispanic American nations during this later period was in economic, social and cultural matters. Political discussions of an international nature were transferred to The Hague, to the congresses held largely under the leadership of the United States and to Geneva.

Under Hispanic American auspices little was accomplished for the concrete realization of pan-American ideals. As a rule not more than nine or ten nations sent delegates and sometimes only three or four states were represented. Indeed, several calls were issued which failed to result in assemblies and, even more important, few of the agreements and recommendations framed were ever ratified, although the five states of Central America set up a court of justice which functioned feebly for ten years (1908–18). Otherwise the most important results of these Hispanic American conferences lay perhaps in the development of a pacific sentiment and in discussions which revealed accord on certain aspects of international law, such as the rights of neutrals, the status of aliens, the responsibility of states during civil war, opposition to the employment of force in the collection of claims and the international status of de facto governments.

Pan-Americanism in its narrower sense refers to the movement after 1889, which was sponsored chiefly by statesmen of the United States. The outstanding leaders of this movement were Blaine, Root, Wilson, Stimson and Hoover. Blaine was the initiator; Root was the suave diplomat who sought to placate the Latin Americans with reference to Roosevelt's vigorous policy; Wilson was the democratic idealist who evoked a responsive chord in the hearts of the neighbors to the south; while Hoover and Stimson, in the latter part of their administration, attempted to repair the damage done by their immediate predecessors.

During the period of United States leadership numerous assemblies were held. To the year 1933 all but six of these—the series of international conferences of American States—were concerned with specific rather than general problems. For instance, various conferences dealt with such subject matter as sanitation, scientific problems, child welfare, international law, commerce, Central American affairs, finance, highways, standardization, the Red Cross, postal communications, education and journalism, conciliation and arbitration, trademarks, customs, geography and history, electrical communications and eugenics and homoculture. The programs of the six general conferences were devoted mainly to economic matters, although social and cultural topics were not neglected and some attention was given to arbitration, conciliation and international law.

From the days of Garfield, Harrison and Blaine to those of Franklin D. Roosevelt and Cordell Hull the interest of the United States in the nations of Hispanic America has been mainly economic, and the pan-American conferences have either directly or indirectly furthered this end. Washington diplomats have considered sanitation with something of enthusiasm because this problem has been closely connected with trade, investments and the prosperity of the Panama Canal. They have counseled peace with the notion of the prosperity resulting from peace mainly in mind. Their willingness to discuss arbitration and conciliation has been due apparently to the desire to limit the action of European states in the collection of claims and to facilitate the mediation or arbitration of American disputes. Other topics have been considered largely with the view of placating the

Latin Americans and diverting their attention from unpleasant reflections arising from the vigorous and often domineering role of the United States in the New World. These numerous assemblies moreover have furnished the Washington representatives an opportunity for "reassuring" propaganda regarding the benign purposes of their government; and during this rather critical period in world politics it seemed wise to promote American solidarity as a safeguard for the political institutions of American governments and as a support for the views of the United States with reference to the rights of neutrals and the principles of the Monroe Doctrine. Diplomats of the United States have opposed the consideration of political matters because of a desire to avoid limiting their nation's freedom of action and to avoid provoking unpleasant if not embarrassing discussions on such important topics as the application of the Monroe Doctrine, intervention and recognition. Although they have usually avoided the placing of such topics in the programs Hispanic Americans have insisted upon discussing them, and they have continued to seek guaranties of security against both the United States and non-American powers.

The achievements of pan-Americanism proper have differed from those of Hispanic Americanism in at least three important respects: attendance at the conferences has been larger; numerous agreements have been drafted and ratified; and various international institutions have been set up. By 1931 some forty-four agreements had been signed by the various conferences—mainly the last five international conferences of American States—and each had been ratified by from two to eighteen states. The following official agencies of international cooperation moreover had been established: the Pan-American Union, which has its seat in Washington; the Pan-American Sanitary Bureau (Washington); the International Trade Mark Registration Bureau (Havana); the American Institute of International Law (Havana); the Inter-American High Commission (Washington); the Inter-American Commission of Women (Washington); the International American Institute for the Protection of Childhood (Montevideo); the Permanent Committee of the Pan-American Congress of Architects (Montevideo); the Pan-American Confederation for Highway Education (Washington); and the Pan-American Institute of Geography and History (Mexico city). In 1930 the organization of the Inter-American Institute of Intellectual Cooperation at Havana was decided upon and by 1933 plans for it were well under way. Numerous private organizations, such as the Committee on Cultural Relations with Latin America, the Pan-American Society, the Pan-American Bibliographical Commission and the Pan-American Medical Association, had been established, most of them with headquarters in the United States.

The practical achievements of the American international movement, of Hispanic Americanism and of pan-Americanism are difficult to measure. During the period from 1833 to 1933 America enjoyed a considerable degree of harmony and cooperation. In a little more than a century only eight major conflicts occurred between the independent states of America and only four of these were of any real magnitude. For this comparatively pacific record the ideal of peace nurtured by this movement is doubtless partially responsible, despite the fact that adequate administrative machinery for dealing with the international problems in America is still lacking. The movement, especially in its more purely pan-American phase, has probably contributed to a vast growth of inter-American trade, particularly between the United States and the Central and South American countries. In 1931 nearly 30.5 percent of the foreign trade of the Hispanic American nations was with the United States and 12.8 percent with one another. Moreover in recent years billions of investment dollars have flowed from the United States toward South America; financial experts have given Hispanic American governments advice; and United States engineers, physicians, educators and specialists of every type have found profitable employment in these undeveloped nations. The pan-American movement has probably played some part in this important development as well as being in part an outgrowth of it; and it is certain that the numerous congresses and conferences have enabled the leaders of pan-America to acquire more accurate conceptions of each other's requirements and policies.

The movement toward harmony and intimacy between the independent states of America has always, however, been confronted by numerous difficulties. Impelled by motives of racial and cultural affinity or the desire for economic relationships, various nations of Europe have sought to prevent a rapprochement between the United States and the Hispanic American countries by

fostering opposing movements. Spain has promoted pan-Hispanism; France has sought to develop a pan-Latin sentiment; England and Germany have vigorously pursued their commerce and investments; and all, whatever their motives, have often criticized the policy and exaggerated the faults of the United States. Their efforts have not infrequently called forth a favorable response in Latin America, and this has been especially true of the propaganda sent out from Spain and France because these two nations from a cultural viewpoint, if not indeed from the standpoint of race, enjoy close affiliations with Latin America.

Moreover the changes and revelations of a little more than a century have tended to destroy both the ideological and the idealistic base of pan-Americanism. The political institutions of America and Europe have grown less dissimilar; the people of the United States have revealed a persistent racial and sometimes a religious intolerance; speedy means of transport and communication have annihilated continental isolation; the rapid growth of the United States has made it preponderant in wealth and power; nothing is left of the old idealistic basis save possibly a strong desire for peace and an ardent humanitarianism on the part of a small group of idealists both in the United States and in Latin America.

Perhaps the strongest conflict has been between the tenets of pan-Americanism and the national and imperial interests of the United States. Certain policies of the latter have often amounted to the negation of pan-American sentiment as conceived by Hispanic America. The spoliation of Mexico (1846–48), the "taking" of Panama from Colombia (1903), the domineering policy of Roosevelt, Taft, Coolidge and, to some extent, even Wilson in the Caribbean and in Mexico have created exasperation and apprehension; and recent tariff policies of the United States have caused offense in Argentina, Uruguay and Cuba. In fact the movement so far as it is sponsored by the United States has had very little support from Latin American intellectual leaders and statesmen.

It should be noted also that the dominant motives of the two Americas in supporting the movement have been decidedly different. In the main, the Hispanic Americans have sought security against the United States as well as Europe—security against conquest, against the employment of force in the collection of claims and against foreign domination of any sort. The United States, on the other hand, has been seeking expansion of its trade, investments and political influence. If it has sought security, it has been the security of its expanded and expanding interests; if it has sought peace, it has not been so much a defensive peace, as in the case of the Spanish Americans, but a peace which would render the field of its economic operations more profitable. Nor have the weaker and more turbulent southern neighbors obtained from the United States the pledges of security which they have desired. No general arbitration treaty (the treaty of 1929 has been ratified only by a few of the American states, not including the United States), no pacts of self-restraint, no satisfactory definition of the Monroe Doctrine have been granted them.

Lastly, certain factors have tended to interrupt international harmony even within Hispanic America. Disputes over the navigation of rivers and unsettled boundaries have frequently caused irritation and sometimes led to war, and many of these states have been hardly less aggressive and nationalistic than the United States has been.

J. FRED RIPPY

See: PAN-MOVEMENTS; GOVERNMENT, section on LATIN AMERICA; MONROE DOCTRINE; PANAMA CANAL; CENTRAL AMERICAN FEDERATION; IMPERIALISM; INTERNATIONAL TRADE; INTERNATIONAL RELATIONS; INTERNATIONAL ORGANIZATION.

Consult: Rippy, J. F., *Historical Evolution of Hispanic America* (New York 1932) chs. xxi–xxiii; Normano, J. F., *The Struggle for South America* (Boston 1931) chs. ii–iii, ch. v, pt. b; Haring, C. H., *South America Looks at the United States* (New York 1928); Jessen, J., "Die ökonomische Grundlage der panamerikanischen Idee" in *Schmollers Jahrbuch*, vol. lii (1928) 849–81; Lockey, J. B., *Pan-Americanism: Its Beginnings* (New York 1920); Mexico, Secretaría de Relaciones Exteriores, *El Congreso de Panama y algunos otros proyectos de unión hispano-americana*, Archivo Histórico Diplomático Mexicano, no. 19 (Mexico city 1926) p. iii–xxvii; Álvarez, Alexandre, *Le droit international américain* (Paris 1910); Urrutia, F. J., *Les conférences pan-américaines* (Paris 1923); Carbonell y Rivero, Néstor, *Las conferencias internacionales americanas* (Havana 1928); Büchi, R., *Die Geschichte der pan-amerikanischen Bewegung*, Völkerrechtliche Monografien, vol. ii (Breslau 1914); Inman, S. G., *Problems in Pan Americanism* (New York 1921).

PAN-ARABISM. *See* PAN-MOVEMENTS.

PAN-ASIANISM. *See* PAN-MOVEMENTS.

PAN-GERMANISM. *See* PAN-MOVEMENTS.

PAN-HISPANISM. *See* PAN-MOVEMENTS.

PAN-ISLAMISM is one of the more important movements originating from the collisions of occidental and oriental nationalisms and imperialisms. It attained its momentum by exploiting and expanding an imperialist religion and, although to a lesser extent than in the cases of similar movements, nationalisms of race, region and regime. Moreover, whereas pan-Americanism of every brand, pan-Slavism and pan-Turanism contained important progressive impulses, pan-Islamism was mainly reactionary.

The Islamic religion, which provides not merely a creed and a culture as does Christianity, but also a common law, a central sovereignty and a social system, offered a sound foundation for the formation of a general defensive alliance of its adherents. Although the superstructure of the modern Islamic state had become ruinous, there were nevertheless foundations more solid than those of any western state born of the industrial revolution, rationalist individualism and representative institutions. Pan-Islamism, however, was not an attempt to rebuild on the sound foundations but a hopeless effort to rebuttress the collapsing cupola—the caliphate.

The caliph's authority, whether in respect of its temporal or spiritual functions, had never been universally and undisputedly enforced. Subsequent to the assumption of the caliphate by Salīm on the annexation of Egypt and to the absorption of the Cairene caliphate in 1517, the Ottoman caliph-sultans acquired an ascendancy over the Moslem world that was defective de jure only in respect of their not being of the tribe of Quraysh. While the Moroccan sheriffs and the Mogul rulers refused recognition, they offered no rivalry. Consequently defenders of the Islamic social system, seeking security against the invasion of western scientific industrialism, imperialist capitalism and political nationalism, turned naturally to "the sword of Islam," the Ottoman caliph. It was obvious of course that this sword had been beaten back from Vienna to Constantinople, from Cairo to Khartoum and from Calcutta to Kabul, but the weapon of pan-Islamism was to be a pen that might prove mightier than the sword.

When the sultan-caliph Abdul-Hamid II (1876–1909) came to the throne, the Mogul emperor had in 1857 already fallen captive to British imperialism and the Moroccan sultan was clearly fated to become the captive of the French. The first constitutional sultan, he abolished the constitution after it had served to humbug western public opinion. The last constructive caliph, he worked pan-Islamic threads into the web of international intrigue behind which he tyrannized for the third of a century over the Turkish Empire. He appealed to Moslem fellowship and fanaticism to exploit the new means of contact and communication which had made of the Moslem world for the first time a more or less coherent community and to wage war against the west with its own weapons.

This diplomatic jihad, or holy war, had both a propaganda and a program. Every Moslem, of whatever race or citizenship, knew he was bound by his faith to combine with fellow Moslems. To avoid collisions with western imperialism and nationalism, the propaganda campaign was carefully camouflaged by taking advantage of a western delusion that looked on the caliphate purely as a spiritual authority. The fallacy of regarding the caliph as a Moslem pope had been accepted on the authority of early exponents of Islam, such as Mouradja d'Ohsson (1787), and had appeared in treaties between the powers and the Porte from that of Kuchuk Kainarji in 1774 down to those of Ouchy in 1912 and Constantinople in 1913. Although this fundamental fallacy caused frictions it was too convenient an ambiguity to be abandoned either by the western diplomat or by the eastern despot. For each treaty recognizing the rights of the caliphate, however restricted, was interpreted by the one as a renunciation on the part of the caliph of temporal authority in the country concerned, by the other as a recognition of it.

Begun in the course of the 1880's, the pan-Islamic propaganda and program had reached their prime before the end of the century. If Abdul-Hamid was its patron, its prophet and philosopher was the preacher and professor Jamāl al-Dīn al-Afghāni residing in Constantinople. By his death, in 1897, the whole Moslem world had been missionized. Ancient Turkish warships hobbled on perilous and impecunious voyagings to show the flag of the faithful. Secret emissaries swarmed. Pan-Islamic centers were set up as far afield as Java, Tunis and Shanghai. In 1903 Abdullah Suhrawardy founded the Pan-Islamic Society of London, whose journal, *Pan-Islam*, was characteristic of the movement in the way it took color from its circumstances—lavishly using humanitarian and even socialist phrases to characterize "Asiatic" virtue as opposed to European vice.

For reasons of policy and prudence Abdul-Hamid let pass the insurrections in Egypt, Mo-

rocco and the Sudan, all obvious opportunities for putting pan-Islamism into effect. But some progress was made in unifying the two most important Islamic Sunnite and Shiite sects. For example, a congress at Kazan in 1906 agreed on joint schoolbooks and a conference at Najaf in 1911 made some advance toward doctrinal agreement. A more practical campaign was cleverly concentrated at the great annual conference of Moslems at Mecca, which became a sort of annual parliament. The caliph, as curator of the holy places, provided Turkish troops as escorts for the pilgrims' caravans, ships under the Turkish flag conveyed them from Batum to Bombay, and finally the Hejaz railroad was built by private funds, partly provided by Abdul-Hamid. This railway remains as a monument to an ideal of which it was the sole practical achievement.

In ending the Hamidian regime the Young Turk revolution also really ended the pan-Islamic movement. Although the Salonika Congress of the Committee of Union and Progress in 1911 formally subscribed to pan-Islamism, Turkish nationalism was incompatible with the internationalism of the Islamic state and of the caliphate. Indeed in so far as the Young Turk movement was international it was pan-Turanian. Moreover the effect of the Japanese expulsion of the Russians from Manchuria early in the century had been to divert Asiatic ambitions from a program of pan-Islamic reaction to one of pan-Asiatic reconstruction. Thereafter appeals to faith were replaced by appeals to force. Finally, the alliance between Turkish insurgent nationalism and German scientific militarism was not reconcilable with Islamic ideals and institutions. While the Hamidian diplomacy used the German alliance for its own purposes and for pan-Islamism, the Young Turk dictatorship was a pawn in Germany's European policy. Small wonder therefore that when pan-Islamism was put to the test in November, 1914, by the caliph's proclamation of a holy war against the Allied Powers, the response in Egypt, India and Arabia was to enlist in the ranks of his enemies. The pan-Islamic propaganda of the Austro-German war offices created some disturbing factors and caused serious diversions of forces but had no political permanence or importance.

The destruction of the existing order in the Islamic east by the World War and the disillusioning effect of the peace treaties on newly awakened aspirations caused an outburst of revolts by eastern peoples against their western rulers, in which the objective was the rejection of western imperialism and the recognition of eastern national states. These revolts were racial, as in the case of the pan-Turanian campaign; or regional, as, for example, the pan-Indian congress of Europeanized Hindus; or regimental, as in the case of Egypt. They were neither religious nor responsive to the idea of the Islamic state. Nevertheless, a second wave of pan-Islamism, even less enduring than the first, did arise. But while the first pan-Islamic movement was Ottoman and ended with the Ottoman Empire and the caliphate, the second was Indian and ended with the first phase of the Indian nationalist movement and the collapse of the initial Hindu-Moslem concordat.

For many reasons of policy and proclivity the Moslems of India, although a minority, enjoyed a preferred position under British rule. When the British Empire replaced the Mogul Empire, the governor general replaced the great Mogul and the martial Moslems became partners of the British military in guarding the new *pax britannica*. The Moslem world accepted India as *Dar 'al-Islām*, a land under Islamic institutions, and the British raj relied on the Indian Moslem for support against the old menace of Russian imperialism and the new one of Eurasian nationalism.

The collision of the British and Ottoman empires in 1914 shook this condominium and almost shattered it forever. The Ottoman Empire was effectively broken up. Out of its bits was constructed the new Turkish national state, which made short work of caliphate, capitulations, consular courts and all the institutions of the Islamic state and the eastern empire. But whereas rank and file Indian Moslems were prepared to fight against the caliph's troops, Moslem leaders were not prepared to approve the partitioning of the caliph's dominions in the Treaty of Sèvres.

The Khilāfat pan-Islamic movement began with the organization of the Khilāfat conferences in 1919. With the approval of the viceroy, a delegation to the Paris Peace Conference and to London demanded the restoration of the holy places to the caliph and the general reestablishment of his authority over his pre-war dominions. Resentment against refusal resulted in a temporary coalition between the Indian Moslems under the 'Ali brothers and the Hindu Congress nationalists—an alliance that as seriously imperiled the British raj as ever before or since. Even such pillars of the British Empire as Agha Khān, head of the Ismā'īlīy sect of

Shī'a, and Saiyid Amīr 'Ali of the High Court appeared for a time as pan-Islamic protagonists against British imperialism. But the collision between the Islamism of the caliph Mohammed VI and the nationalism of Muṣtafa Kemal, in which the former excommunicated the latter as an infidel and the latter expelled the former as a traitor, disrupted the Moslem Khilāfat. In so far as these Moslems were pan-Islamic they supported the caliph, in so far as they were pan-Asiatic they supported the ghazi as president of the Turkish Republic, and the same leaders supported both combatants simultaneously. Thus the Khilāfat Conference at Gaya in 1922 did not object to the Turkish law of November 1, 1922, reducing the caliph to a merely spiritual authority; but the Moslems of India protested against the law of March 3, 1924, abolishing the caliphate altogether. The collapse of the caliphate left the Khilāfat bombinating in a vacuum, and thereafter the movement lost itself in hopeless disputes as to the future of the caliphate. The ephemeral caliphate of Ḥusayn, king of the Hejaz, having been overthrown by ibn-Sa'ūd of Nejd, no agreement as to the next holder could even be approached. In 1926 rival Khilāfat congresses were held at Cairo and Mecca, no results being reached by either. Since then pan-Islamism has been dead or dormant. The Moslems of Egypt and Turkey are exclusively concerned with developments of internal regime, those of Arabia with internecine regional disputes and those of India with intensified racial and religious differences. But the fact that there is no present prospect of another avatar of pan-Islamism does not mean that it can be altogether ruled out of political reckoning. Islam is six hundred years younger than Christianity. Its fraternal fellowship is still enforceable. It survived a century long subversion by Mongols—pagan militarists with Christian proclivities—and may survive its subjection by Mammon worshipers—pagan nationalists with scientific proclivities.

GEORGE YOUNG

See: ISLAM; CALIPHATE; JIHAD; EUROPEANIZATION; PAN-MOVEMENTS; NEAR EASTERN PROBLEM; EGYPTIAN PROBLEM; INDIAN QUESTION; GOVERNMENT, section on TURKEY.

Consult: Kohn, Hans, *Geschichte der nationalen Bewegung im Orient* (Berlin-Grunewald 1928), tr. by M. M. Green (New York 1929); Jung, Eugène, *L'islam sous le joug* (Paris 1926); O'Leary, De Lacy, *Islam at the Cross-roads* (London 1923); Stoddard, T. Lothrop, *The New World of Islam* (New York 1921); Becker, C. H., "Panislamismus" in *Archiv für Religionswissenschaft*, vol. vii (1904) 169–92; Browne, E. G., "Pan-Islamism" in *Lectures on the History of the Nineteenth Century*, ed. by F. Kirkpatrick (Cambridge, Eng. 1904); Snouck Hurgronje, C., "Over Panislamisme" in Haarlem, Musée Teyler, *Archives*, 3rd ser., vol. i (1912) 87–105, and "Heilige oorlog made in Germany" in *De Gids*, vol. i (1915) 115–47, tr. by J. E. Gillet as *The Holy War Made in Germany* (New York 1915); Wirth, Albrecht, "Panislamismus" in *Deutsche Rundschau*, vol. clxiii (1915) 429–40; "X," "Le panislamisme et le panturquisme" in *Revue du monde musulman*, vol. xxii (1913) 179–220; Rouire, A. M. F., "La Jeune-Turquie et l'avenir du panislamisme" in *Questions diplomatiques et coloniales*, vol. xxviii (1909) 257–70; Brémond d'Ars, René de, *L'islam et les questions musulmanes au point de vue français* (Limoges 1924); Gil Torre, R., "Panislamismo, panarabismo y acción ibérica" in *Nuestro tiempo, año xxv*, vol. i (1925) 257–72; Toynbee, A. J., "The Islamic World since the Peace Settlement" in *Survey of International Affairs, 1925*, 3 vols. (London 1927–28) vol. i.

PAN-LATINISM. *See* PAN-MOVEMENTS.

PAN-MOVEMENTS are political and cultural movements aiming to promote the solidarity of groups which are bound to each other by common or kindred language, race or tradition or by some other postulated tie, such as geographical proximity. From a broader standpoint, the great empires from the days of the Persian, the Macedonian and the Roman Empire up to the British Empire of the nineteenth century have been pan-movements based on the political, economic and cultural predominance of one nationality. The British Empire of the twentieth century and the Union of Soviet Socialist Republics try to take up and treat with new methods the old pan-problem of imperialism, the problem of the incorporation of numerous peoples of varied levels of cultural and economic development in a federative commonwealth and a single economic body. But whereas the British Empire still retains many elements of the feudal and commercial imperialism of the nineteenth century and of the domination of one race or nationality over others, the Soviet Union, guided by a supernational idea, has tried to elaborate a framework for the cooperation and cohabitation of many peoples and nationalities on entirely equal terms.

The historical manifestations of pan-movements in the more restricted sense may be classified as pan-national, pan-religious and pan-continental. Pan-national movements originated in the nineteenth century and may be regarded as an extension of national movements. The phenomenon has gained great impetus from the

nineteenth and twentieth century racial theories which have proceeded upon the assumption of a physical and psychic kinship uniting the members of a race and clearly differentiating them from other races. Pan-national movements, however, display a wide variation in origin and purpose. Some of them, such as pan-Germanism and pan-Arabism, are genuine national movements in that they are motivated by the objective of uniting populations of identical language and nationality into an actual political entity; they are distinguished from other national movements either because they stand in opposition to an alternative conception of unification on a narrower basis or because they aim to absorb into an established state external populations considered to be members of the same nationality. Others are supernational movements based upon common ethnical stock but lacking the tie of linguistic identity, although very frequently united by similarity of language. Such movements, among which the most important are pan-Slavism, pan-Turanism and pan-Africanism, vary their emphasis between cultural and political solidarity according to circumstances. Among the protagonists of Russian aggrandizement pan-Slavism has at times accreted political objectives as extreme as has pan-Germanism; at other times it has dwindled to an intangible sentiment. Basically, however, pan-Slavism, pan-Turanism and pan-Africanism have derived their *élan* from the struggles for national unification or racial emancipation which they enfold. Thus they are differentiated from a third and far more vague type of pan-national movement represented by pan-Hispanism, with its two related forms, pan-Lusitanism and pan-Iberianism; and by Anglo-Saxonism, or the pan-Anglo movement. These latter have no connection with movements for national unification or racial liberation and, despite the extravagant claims sporadically advanced by overenthusiastic proponents, envisage in the political domain little more than diplomatic cooperation. Their primary objective is to nurture the sentiment of cultural kinship between nations inheriting a common language and traditions as a result of colonization or the migration of cultures.

Even less tangible are pan-religious movements, pan-Islamism, pan-Anglicanism and the dimly outlined tendency toward pan-Christianity; they bear a structural resemblance to pan-national movements in that they are built upon community of tradition and outlook, while functionally they sometimes serve to strengthen pan-national movements, sometimes to create a rival alignment of forces.

In contrast to both pan-national and pan-religious movements, which are basically an outgrowth of the same emotional and intellectual transformation of the masses which produced the rise of nationalism, pan-continentalism represents, in however confused and imperfect a form, an attempt to overcome the forces of nationalistic particularism and to arrive at a political order not segmented by the diversity of nationality or culture but consolidated by the consciousness of common interests. The principle of unity here operative is geographical; the chief concrete movements are pan-Europeanism, pan-Asianism, pan-Americanism and Latin Americanism, the last of which alternately assumes the aspect of an integral part of pan-Americanism and of a reaction against it. The pan-Pacific movement is of only academic interest. More or less ill defined and protean in character, almost all pan-movements have at one time or another invited abuse from interested manipulators, particularly from the protagonists of imperialistic or dynastic expansion. It is, however, only by an examination of each of the more important movements that their common characteristics as well as their differences in origin, objective and influence can be clearly illuminated.

The oldest and most important pan-national movement is pan-Slavism, which originated at the end of the eighteenth century when all the Slav peoples, with the exception of the Russians, were dependent minorities incorporated in the Austrian, the Russian, the Turkish or the Prussian empire, lacking any well integrated body of culture or national literature and economically still in a primitive agricultural stage. With the awakening of national consciousness it was natural that these peoples should seek compensation for their weakness in mutual cooperation and in alliance with the "big brother," Russia. The first apostles of pan-Slavism, regarding the different Slav languages as dialects of one common language and the Slav peoples as tribes of a single nation, believed that they were preaching a genuine national movement. But the gradual appreciation of the untenability of their assumptions as well as the increasing spirit of particularistic nationalism among the Slav peoples soon drove the leaders to redefine pan-Slavism in more realistic terms as a movement aiming to assure mutual assistance among several different national movements related by

similarity of language, tradition and interest. This similarity frequently tended to acquire an undue emphasis and a spurious authenticity through pseudo-scientific attempts to reconstruct the past—attempts which sometimes descended to the level of "patriotic" falsifications. The national consciousness of the Slavs had received its first impulse from Herder, who drew their attention to their folk songs and folklore and who as a disciple of Rousseau eulogized their idyllic agricultural life. Under the influence of German romantic philosophy the Slavs sought and discovered a "Slav spirit," embodied in popular traditions and ancient customs. The leading protagonists of this romantic phase of pan-Slavism were Czechs and Slovaks, Josef Dobrovský, Josef Šafařík and Jan Kollár. One of its most important monuments was Kollár's poem *Slávy dcera* (The daughter of Sláva, 1824), a great hymn glorifying Slavism and demonstrating the German as the hereditary enemy of the Slav. Whereas the Latin and Germanic peoples were declining and their day in world history was waning or gone, the Slavs in their uncorrupted youthfulness were the coming heroes of history; but Slav unity was the prerequisite for the fulfilment of the mission of the race in the interests of all humanity.

At about the same time pan-Slavism acquired a political significance in the context of Russian imperialism. During the first revolt of the Serbs against Turkey in 1804, the czar was invoked as the protector of all Slavs and the Russification of Poles and Ukrainians was hailed as the first stage of Slavic unification. Subsequently the pan-Slav mission of Russia was translated into ideological terms by the Moscow historian, Mikhail Pogodin, and by Alexey Khomyakov, who in his poem *Orel* (The eagle, 1832) depicted the Russian eagle spreading its wings over all younger brethren in Germany, Austria and Turkey. To such idealistic interpretations of his role Czar Nicholas I, however, did not fully subscribe. As a strict legitimist he feared pan-Slavism as a revolutionary and irredentist force. He therefore tried to promote a substitute policy of Russification within his empire. The result was the alienation of many Poles, typically represented by Adam Mickiewicz, who identified pan-Slavism with his national messianism and looked upon Russia as the incarnation of the evil principle among the Slavs. The czar's attitude was indicative of a fundamental and persistent difference of outlook between Russia and the other Slav peoples; for Russia pan-Slavism was a weapon to be utilized in disrupting successively the Turkish and the Austrian empire, whereas for the subjected Slavs it was a means of attaining national independence. Frequently they were themselves compelled to struggle against Russian imperialism, and their debt to western liberal thought tended to heighten their distrust of Russian autocracy and orthodoxy.

The first major event in the history of pan-Slavism was the Congress of Prague held in June, 1848, under the presidency of František Palacký. Summoned in the atmosphere of nationalistic and liberal sentiment then pervading central Europe, the congress was designed by the Austrian Slavs to secure united action in the interests of democratic reforms and of strengthening their position against the Germans and the Magyars. Although it failed to produce any immediate practical results, partly because of the intense conflicts of interest among the different Slavs, partly because of its premature termination by the Prague uprising of June 12, the congress had a tremendous psychological effect upon the half forgotten peoples whose spokesmen had for the first time proclaimed to the nations of Europe the will of the Slav race to exist. The spirit of liberty of 1848 had invested the congress with a distinctly anti-Russian bias, but the ensuing reaction in Austria drove the Slavs into a rapprochement with Russia from which only the Poles and Ukrainians remained aloof. The second pan-Slav conference was held in Moscow in 1867. Pan-Slav tendencies in Russia were strengthened by this conference and were further accelerated by the subsequent publication of *Rossiya i Evropa* (St. Petersburg 1871), a work by the Slavophile Nikolay Yakovlevich Danilevsky, and of *Mnenie o vostochnom voprose* (Moscow 1869; tr. by T. Michell as *Opinion on the Eastern Question*, 2nd ed. London 1876) by General Rostislav Fadeyev. The latter work revived and reinterpreted the political aspects of pan-Slavism, formulating a gospel which under the influence of Count Ignatiev was put into effect in the Russo-Turkish War of 1878.

For the next two decades pan-Slavism was seriously hampered by internal dissensions and rival movements. Not only did Russian pan-Slavism become more decisively dedicated to a reactionary and nationalistic policy of Russification, but the growing hatred between Serbs and Bulgars weakened pan-Slav sentiments on the Balkan Peninsula; while in Poland the Na-

tional Democrats under the leadership of Roman Dmowski developed and pursued a pan-Polish ideal, claiming for Poland, with complete disregard of ethnographical factors and national tendencies, the *Polonia magna* of the Jagellon dynasty—a vast territory reaching from the Baltic to the Black Sea and including Lithuania, White Russia and all of the Ukraine. It was principally through the initiative of the Czechs, who were inspired by the desire to create a counter movement against pan-Germanism, that pan-Slavism was revitalized. The centenary celebration of Palacký's birth held in Prague in 1898 became the occasion of a great pan-Slav demonstration. In many ways this new phase of pan-Slavism showed an advance in the direction of realism and of a clearer definition of objectives. A number of new pan-Slav movements were founded, such as unions of Slav journalists, congresses of Slav students, federations of Slavic gymnastic associations (Sokols); an attempt was even made in the Cyril and Methodius movement to achieve a reunion of all the Slav churches and to substitute the old Glagolitic liturgy for the Latin. During the same period the pan-Slavs turned their attention for the first time to economic issues, discussing economic cooperation, the creation of a pan-Slav bank and the inauguration of pan-Slav exhibitions and fairs. These ideals, however, were never realized. Internal dissensions among the Slavs, but more especially the shadow cast by the Balkan Wars, turned the various congresses, held at Prague in 1908 and in 1912, at St. Petersburg in 1909 and at Sofia in 1910, into vague although forceful demonstrations paving the way for the World War, which had its immediate origin in pan-Slav aspirations and which was interpreted by the pan-Slavs as the ultimate struggle between Germans and Slavs for the supremacy of eastern Europe.

The World War marked the end of pan-Slavism. Russia, transformed into a supernational federation, abandoned all interest in Slav nationalism. By the reconstruction of Poland, by the union of Czechs and Slovaks and of Serbs, Croats and Slovenes, by the destruction of German hegemony in central and eastern Europe and by the inclusion in the new Slav states of territory inhabited by Germans some of the pan-Slav dreams were partially fulfilled. On the whole, however, the barriers between the different Slav peoples have been accentuated rather than diminished and there has been slight manifestation of a willingness on the part of the new states to wrestle cooperatively with the difficulties, economic and otherwise, with which they are faced. The rivalry and hatred between Serbs and Bulgars and between Poles and Ukrainians have become intensified, while the Macedonian and the eastern Galician questions have continued to embitter public sentiment. In Jugoslavia the domineering spirit of the Serbs and the autocracy of the king have produced a dangerous estrangement among Serbs, Croats and Slovenes, which comes as a melancholy epilogue to the fulfilment of the longings of a century for national independence and unity.

Pan-Germanism, which has had a history only slightly briefer and less significant than that of pan-Slavism, began simultaneously with German nationalism and had as its initial objective the incorporation of all German peoples into a single state. Since German unification would require the dissolution of the numerous German dynastic states descended from the feudal period, pan-Germanism became an essentially revolutionary movement, deriving its support from democrats and liberals and sponsored by the students' unions, or *Burschenschaften*, after 1813 and by the Frankfort parliament of 1848. A realistic argument for the pan-Germanic conception of unification was furnished by economists like Friedrich List, who stressed the necessity of creating one comprehensive economic unit extending from the Rhine to the Black Sea. As the movement for national unification gained momentum and approached fruition its protagonists gradually became polarized into two factions, one upholding the pan-Germanic conception of a greater Germany, the other pursuing the Prussian idea of unification with the exclusion of Austria. Following the triumph of the latter idea through the fulfilment of Bismarck's program in 1871, pan-Germanism in its traditional form continued to be propagated by Austrians under the leadership of Georg von Schönerer. Within the new German Empire, however, pan-Germanism underwent a process of metamorphosis. It became associated with a program of aggressive expansion, which was grounded in tradition in so far as it sought to perpetuate the old *Drang nach Osten* in its characteristic forms of German colonization and cultural penetration in Slav territory, but which in its emphasis was a reflection of new conditions resulting from the rapid ascent of Germany to a leading industrialized world power. One of the primary objectives of the Alldeutscher Verband founded in 1890 was to

promote colonial expansion; as such pan-Germanism was a pan-movement only in name, not differing in reality from the imperialistic tendencies then prevalent in England, France and the United States. Somewhat more germane to the original pan-German ideal was the conception of Mitteleuropa propagated during the World War by Friedrich Naumann; this conception envisaged the creation of a central European union which with Austria and Germany as the nucleus might be gradually expanded to include the Teutonic Flemish, Scandinavians and Dutch and possibly even such peoples as the Greeks, Bulgarians, Turks and Rumanians. As an aggressive movement pan-Germanism had found and still finds powerful support in the theory of Teutonic racial superiority, elaborated principally by Count Gobineau and H. S. Chamberlain. Although it is only one phase of the Aryan doctrine which has been placed in the service of various other national or pan-national movements, such as Anglo-Saxonism, the Teutonic theory represents perhaps the most noteworthy example of the adaptation of racial science, or pseudo-science, to expansionist purposes.

During the post-war period pan-Germanism regained some of its historical significance and revolutionary fervor. Its concrete objective was the political unification of all tribes of German race and language, to be accomplished by the union, or *Anschluss*, of Austria with Germany and by the absorption of the millions of Germans living in compact masses beyond the German frontiers, especially in Czechoslovakia. A somewhat mystical element also pervaded the revived pan-Germanism, the ideal of constructing a third German empire to restore the political and moral authority which Germany had exercised in the first, or mediaeval, empire and on a more restricted scale in the Bismarckian empire. Many of the groups promoting the German nationalistic revolution of 1933 were animated by a faith that it was the mission of the Reich to erase the boundaries drawn in central and eastern Europe by the peace treaties and to incorporate Slav and other peoples into a vast federation which would form a self-sufficient economic unit and would provide a field for the resumption of Germany's historical task in the east.

Among the other pan-movements analogous to pan-Germanism and pan-Slavism, in that they are associated with movements for national or racial regeneration, are pan-Turanism and pan-Arabism. These movements, both of which date from the beginning of the twentieth century, reflect the recent emergence of the national idea and of racial consciousness in Asia. Pan-Turanism originated with the Young Turkish Committee of Union and Progress, who in their efforts to strengthen their position conceived the idea of an alliance with the other Turkish speaking peoples living in central Asia (Turan), the ancestral homeland of the Turk; in the Caucasus; at the lower Volga; and in the Crimea. Since kinship of race and language formed the basis of this movement, it was similar in structure to pan-Slavism. Making it possible for the Turks to bore through the layers of Islamic, Persian and Arabic culture and to rediscover the origins of their race and tongue, it stimulated their racial pride and provided them with the myth of a glorious past holding out the prospect of a rich future. As the other Turkish peoples were subject to Russia, pan-Turanism provided Turkey with as useful a weapon against her old enemy Russia as pan-Slavism had proved for Russia in the latter's struggles against Turkey and Austria. After the Bolshevik revolution, when the Soviet Union entered into a rapprochement with Turkey and admitted the Turkish peoples within Russia on terms of complete equality with the other Socialist republics, the new generation of Turkish leaders abandoned the impracticable idea of pan-Turanism to concentrate upon the regeneration of Turkey proper. The cultural implications of the pan-Turanian movement, however, the glorification of the pre-Islamic past, the attempt to create a "pure" Turkish language divested of all Arabic and Persian elements, were retained in Turkish nationalism under the leadership of Muṣṭafa Kemal Pasha. Thus to a certain extent pan-Turanism has served its purpose and may now be said to have receded into obscurity.

Pan-Arabism in contrast to pan-Turanism is a national rather than a racial movement and aims definitely at the creation of an Arab state or federation to include Arabia proper with Nejd, Hejaz and Yemen, Syria, Palestine and Iraq—all regions formerly belonging to the Ottoman Empire and predominantly Arabic in population; according to the project the Arabic speaking countries of northern Africa are to be united with the Asiatic state by means of alliances, tightly drawn in the case of Egypt, looser and more problematical in the case of the more remote territories. The aspirations of the pan-Arabs to rise out of the condition of political

subjection and impoverishment into which they had been plunged by foreign imperialism and dynastic aggression were first proclaimed by the Arab National Committee in 1905 and seemed about to be realized at the end of the World War. The British government in its famous correspondence with the shereef of Mecca, who became later the first king of Hejaz, promised to create an independent Arabic federation. That the hopes of the Arabs were premature soon became apparent with the disclosure by the Soviets of the secret war treaties between the imperialistic powers, with the partitioning at the Conference of San Remo in 1920 of the most valuable portions of Arabian territory into mandates under the Allies and with the various manoeuvres by England and France to gain a political and economic hold over the Mediterranean coast. But the mounting evidence of an undiminished imperialistic urge on the part of the western powers seemed only to fortify the longings of the Arabs for emancipation and unity. In union they have placed their hopes not only of independence but of progress, for they realize that in no other way can they overcome their weakness in human, economic and cultural resources. The three most important independent Arabian rulers, Imam Yahya in Yemen, King Ibn Sa'ūd in Hejaz and Nejd and King Faisal of Iraq, have been strong pan-Arabs. Mecca and Bagdad have become the centers of pan-Arab agitation; in 1931 a pan-Arab conference was held in Jerusalem, another is scheduled to meet in December, 1933, in Bagdad. But enormous obstacles, internal as well as external, stand in the way of Arabian unity. Although pan-Arabism is still gathering momentum and seems certain to play a very important role in the future of the Near East, the way to its realization is far from predictable.

Pan-Africanism is somewhat difficult to classify. As an effort to unite a race in the struggle for emancipation it resembles such supernational racial movements as pan-Slavism; it differs from pan-Slavism, however, in that it has no basis in national or a congeries of national aspirations and none in a common linguistic fellowship. The Negro race, virtually everywhere subjected to the white race, is totally lacking in national traditions and sentiment; tribal consciousness has developed rather into a racial consciousness, the unifying principle of which is essentially negative—a common resentment against the political and social oppression victimizing practically all Negroes. Not yet advanced beyond the embryonic stage, pan-Africanism is still little more than a tendency reflected in a number of unarticulated movements. Its leadership has been derived chiefly from Negroes residing in such places as the United States or the West Indies or from "educated natives" in Nigeria and Cape of Good Hope who have come into close contact with western civilization and have therefore suffered more keenly from racial discrimination.

The influence of western ideas is spectacularly manifested in the work of Marcus Garvey, a Negro from Jamaica, who saw no incongruity in applying to the African situation the principle of nationalism. The Universal Negro Improvement Association, which Garvey founded in New York in 1904, advocated "the uniting and blending of all negroes into one strong, healthy race." This African pan-national movement imitated the older national movements in all details, sometimes in their most absurd details, as, for instance, when it preached the "idea of God as a creature of imaginary semblance to the black race." While most of Garvey's aims were highly fantastic, he was undeniably animated by an arresting idealism, and his checkered career in the United States and Jamaica throws a glaring light on the position and emotions of the Negro race today. The association has published a newspaper called the *Negro World* and its annual conventions have been attended by Negroes from Africa and other parts of the world. The convention of 1920 drew up a Declaration of Rights of the Negro Peoples of the World, a lengthy and pathetic document. Garvey attempted to settle some of his adherents in Liberia but failed, probably as a result of foreign intervention.

Repudiating Garvey's idea of creating a Negro state as impracticable and limiting their aims to the extinction of racial discrimination against Negroes throughout the world, certain more conservative and educated Negroes organized the Pan-African Congress, the first meeting of which was held in Paris in 1919 and was attended by delegates from Negro groups in about fifty different countries. The second congress, held in 1921, urged a thorough investigation of the Negro labor problem, while in 1923 the third petitioned the League of Nations to send direct representatives to the mandated territories for the purpose of investigating conditions and also to appoint Negroes to the Permanent Mandates Commission of the League and to the International Labor Office. The fourth congress, in

1927, demanded a measure of self-government for the Negroes, protection of the rights of natives to the land, modern facilities for education and recognition of the principle that Africa should be developed for the Africans and that civilized men should be treated as civilized men despite differences of birth, color or race.

Centers of pan-African propaganda exist also in Africa, particularly the national congresses which meet periodically in British West Africa and in South Africa and the recently established native Christian churches and sects, called generally Ethiopian or National African churches. Pan-Africanism has received considerable encouragement from the Communist International, both because the movement represents a revolt against capitalistic imperialism and because it harmonizes with the Soviet policy of obliterating the color bar and recognizing the complete equality of the races. Early in 1930 the Red International of Labor Unions adopted a detailed resolution on the question of the Federation of Non-European Trade Unions in South Africa, and subsequently there appeared a *Trade Union Program of Action for Negro Workers of the World* couched in the well known terminology of the Moscow International. At a conference held in Hamburg in 1930 the International Trade Union Committee of Negro Workers, which had been elected one year previously at the second congress of the League against Imperialism, denounced the "bourgeois" Negro movements, like Garveyism and the Pan-African Congress, accusing them of misleading the Negro masses. But since the emphasis of the conference was upon the necessity for a unifying organization of all Negro masses, it outlined in effect a new type of pan-Africanism to replace the older types—a "proletarian" movement as opposed to the "bourgeois." In whatever form it is eventually consolidated, pan-Africanism bids fair to become a growing force and to constitute one of the major problems of the twentieth century.

The category of cultural pan-movements, based rather on tradition and sentiment than on the compulsion of common interests and aiming fundamentally to create a general rapprochement rather than to effect a political reorganization or to emancipate an oppressed race, is represented most prominently by Anglo-Saxonism and pan-Hispanism, the former aiming to create among the English speaking peoples and the latter among the Spanish speaking peoples a relationship of cultural reciprocity and mutual sympathy. In comparison with the types of pan-movements previously considered both Anglo-Saxonism and pan-Hispanism are vaguely defined, although some enthusiastic advocates of pan-Hispanism have gone so far as to discuss the restoration of the old Spanish colonial empire upon a democratic basis, and certain statesmen in England and America have raised their voices in favor of a definite political understanding between the two countries. But such plans are relatively insignificant, since they are unable to draw sustenance from any common national aspirations or even from any consistent tendency toward a united political and diplomatic policy. The persistence in some quarters of the traditional animosities engendered by the wars in which the colonies emancipated themselves from the mother countries further retards the progress of the movements, as does the heterogeneous racial composition of the American nations. Nevertheless, identity of language together with the English common law and the vast body of English traditions which America has inherited from the colonial period is likely to prove a powerful bond in the relations between the United States and Great Britain. To deny that a common tongue used as the medium not only of social intercourse but of literature and science tends toward a certain solidarity of outlook would be no less unrealistic than to consider it an infallible safeguard against misunderstanding.

The history of pan-Hispanism illustrates even more pointedly than that of Anglo-Saxonism the essential nature of this type of pan-movement. Although its origins may be traced back to the nineteenth century, the phenomenon first began to gather force immediately after the withdrawal of Spain from effective political influence in the western hemisphere, that is, after the Spanish American War; thus it is possible to interpret the desire on the part of the Latin American states for a cultural rapprochement with the mother country as a direct outgrowth of the diminution of the threat of Spanish political interference. At the same time it is a reaction against the strengthening of the position of the United States. Various attempts have been made by protagonists of pan-Hispanism to effect a closer cooperation in the pursuit of common interests; among these may be mentioned the Spanish American trade conferences and exhibitions held in 1923 and 1929 and the propaganda for economic reciprocity emanating from such pan-Hispanic associations

as the Unión Ibero-Americana. From the economic point of view, however, pan-Hispanism remains and is likely to remain relatively trivial. Far more important are the visits of Spanish authors and academicians to South America, the exchange of literature, the tightening of relations between the South American and the Spanish press, the efforts of Spanish Americans to revise the historiography of the colonial period and to puncture the *leyenda negra* and in general the substitution of Spain for France as the gateway to European culture. Since the republicanization of Spain in 1931 a still firmer affinity and sympathy have existed between the mother country and the Spanish American republics.

Other movements closely akin to Anglo-Saxonism and pan-Hispanism include pan-Lusitanism, which aims at the solidarity of the Portuguese speaking peoples; the Great Netherlands movement; and the *Norden* movement, or Scandinavian Unity, consisting of Norway, Sweden and Denmark, with Iceland and Finland admitted for certain purposes. Of these the last named appears to have the most secure foundations, since the three nations principally concerned are geographically contiguous and racially and culturally homogeneous. Conferences attended by members of parliaments, government officials and the kings of the Scandinavian countries have been held at intervals since 1903; in 1919 societies were formed in each country aiming "to deepen the sense of fellowship among the nations of the North, to extend their line of intellectual and economic contact, and to promote practical cooperation among them." But nationalism has kept the actual field of cooperation narrowly restricted. Pan-Latinism, the tenuous racial movement which may be considered the southern counterpart of the Scandinavian Unity, displays still less *élan*, for it involves three nations, Spain, France and Italy, which are divided by historical traditions, ambitions and political organization. If the Unión Latino-Americana, however, may be considered as one aspect of pan-Latinism, the latter has had considerable influence in the western hemisphere.

Pan-movements based upon the ideal of promoting the solidarity of all the adherents of a particular religious faith have only indirect importance in the political and social domain. Sometimes they serve to counteract national or pan-national movements, sometimes, by deepening the consciousness of common traditions, to reenforce them. Thus pan-Islamism (*q.v.*) was used at the end of the nineteenth century to strengthen the position of the Ottoman sultans both against European aggression and within the Islamic world; imbued with a democratic and nationalistic tinge and further altered by the shifting of its focal point to the Arabian race as the matrix of Islamism, it has come to constitute today, in so far as it still exists, a prop for pan-Arabism. Within Christianity the best organized pan-movement is pan-Anglicanism, which represents in some respects the religious counterpart of Anglo-Saxonism; it has found expression through the Lambeth conferences, which have been held periodically since 1867 and which led to the convocation of the Pan-Anglican Congress in 1908 in London. In an effort to strengthen the solidarity of the Anglo-Saxon world the conferences have gone so far as to attempt to effect a union between the Anglican churches and the non-Episcopal, or free, churches. Since 1920, when the Lambeth Conference issued an *Appeal to All Christian People* and formed a compact with foreign, especially the eastern, churches, pan-Anglicanism has been a force in the international world; not infrequently parallels may be traced between the overtures of the Church of England to the eastern churches and the imperial policy of Great Britain in the East. A tendency toward a broader pan-Christian movement has been vaguely manifested, for instance, by the Universal Christian Conference on Life and Work held in Stockholm in 1925 and the International Missionary Council, which met at Jerusalem in 1928 for the purpose of promoting Christian unity and "justice in international and inter-racial relations." While these movements indicate that religious leaders are conscious of the growing tendency to seek in wider unity a remedy for the ills resulting from the forces of nationalism, it is debatable how far they can gather momentum in the face of those forces. Moreover the Roman Catholic church, the branch of Christianity which has most stoutly withstood the disruptive effects of nationalism, has been restrained by its traditions of exclusiveness and uniqueness from participating in the recent pan-Christian developments.

From the foregoing survey it has become obvious that when an independent and established state participates in a pan-national movement for the ostensible purpose of assisting weaker co-ethnic groups in the improvement of their position, the intentions of the former are

likely to be diverted to imperialistic aggrandizement at the expense of the latter. An analogous tendency prevails in pan-movements having a merely regional rather than a racial or cultural basis—in the great pan-continental movements. From the point of view of realistic politics the smaller nations involved in such a movement are likely to waver between distrust of their more powerful neighbors and a desire to participate in the benefits of intercontinental solidarity; while the larger nations, even if innocent of actual expansionist ambitions, are at least tempted to demand the position and perquisites of leadership. Genuine pan-continentalism is confined to the western hemisphere, Europe and Asia. Pan-Asianism, in the form, for instance, of proposals for a federation of the yellow race, sometimes tends to assume the aspect of a racial movement; it belongs, however, properly in the category of pan-continentalism, since it embraces a number of definite national states and in its widest sense includes members of the non-Mongolian races. On the other hand, pan-Africanism, although its motive force resembles that of pan-Asianism, is a purely racial movement; while pan-Australianism, which achieved its objective in 1901 when the six states of the Australian continent became united into the Commonwealth of Australia, was more germane to national movements.

Pan-Americanism (*q.v.*), older and more highly organized than pan-Europeanism or pan-Asianism, has been sponsored chiefly by the United States, which convened the first Pan-American Conference in 1889. Latin America, however, distrusting the Monroe Doctrine and accusing the United States of using it to justify arbitrary intervention in Latin American affairs and to facilitate "dollar diplomacy," was quick to interpret pan-Americanism as a manifestation of the imperialistic ambitions of the United States. For this reason the pan-American conferences have failed to reach an accord in the really important political questions affecting the western hemisphere. In opposition to pan-Americanism certain South American intellectuals founded the Unión Latino-Americana; its purpose has been to develop a cultural and economic unity and to organize resistance to the Latin American governments on the ground that the latter are under the control of the United States and have mortgaged the independence of the South and Central American peoples by foreign loans and capital investments. From this point of view the Unión Latino-Americana may be considered akin to the pan-Asiatic movement, a part of the world wide effort for the political and economic emancipation of colonial and semi-colonial peoples.

Pan-Europeanism as an idea may be traced back to mediaeval Christianity. It became reincarnated in Napoleon, who made an inspired but futile attempt to "create a great federative system in Europe which we consider in conformity with the spirit of the century and favorable for the progress of civilisation." As an emanation of the French Revolution the new civilization spread by Napoleon in reality contributed to the awakening of a hitherto unknown national consciousness on the part of the masses and so operated as a force inimical to pan-Europeanism. After the World War pan-Europeanism was revived, sponsored by some groups as a means of promoting peace, by others as a weapon to be used in the interests of continental states against the larger and more powerful oceanic empires. In the proclamations of French statesmen pan-Europeanism usually signified a Europe pacified on the basis of the peace treaties of 1919, with France as the leading state and with the League of Nations as guarantor of this order; German nationalists countered by delineating a European solidarity under German leadership. For a period of some years vigorous propaganda issued from a private pan-European union created by the Austrian count Richard Coudenhove-Kalergi, who proposed that European continental states conclude treaties providing for compulsory arbitration of disputes, form a European *Zollverein* to improve their chances in economic competition with the United States and other empires enjoying rich natural resources and, after a transitional period, ultimately establish the United States of Europe. Although excluding Great Britain, the center of a world empire, from actual membership, the federation as envisaged by Coudenhove-Kalergi would act in close cooperation with it; while on the other hand Soviet Russia, also barred on the pretext that it is a Eurasian rather than European country, would be viewed as a hostile power.

Pan-Asianism is neither a political reality nor an organized movement but a vague sentiment, which has become significant chiefly since the World War, that the Asiatic races and nations have a common destiny and a common cause against the white race. Like pan-Africanism it is still an essentially negative protest against the color bar and against economic exploitation by

western peoples. Despite the brevity of its existence, the territorial vastness of Asia, the diversity of cultures and the medley of cross currents pan-Asianism is an undeniably dynamic force, promoted by the leaders of all oriental nations, including Egypt as well as Asiatic nations and other Islamic countries; it derives sustenance also from the Soviet Union, which in 1920 organized at Baku a Congress of Oriental Nations. While some of the most forceful proponents of pan-Asianism have been Chinese and Hindus, it was principally through the influence of Japanese that the first Pan-Asiatic Conference was held at Nagasaki in 1926 under the auspices of the Pan-Asiatic Society. The conference failed to produce appreciable practical results but it discussed plans for closer economic cooperation among the Asiatic states and for setting up a permanent bureau in Tokyo, Peking or Shanghai. A second Pan-Asiatic Conference was held near Shanghai in 1928. Recent disputes between China and Japan have retarded the progress of pan-Asianism. Its future prospects seem to depend to a large extent upon the continued pressure of European and North American imperialism and of racial discrimination, which will provide a motive impelling the eastern peoples to stress the similarity of their economic problems and cultures and to minimize the differences.

The pan-continental movements are still too young to permit any definitive interpretation of their significance. Whether they represent pretexts for imperialistic aggression or practical proposals advanced to meet the momentary necessity for joint action against foreign powers or whether in a broader sense they indicate a trend away from the chaos of particularistic nationalism in the direction of a world federation, is at present an insoluble question. Certainly neither pan-Asianism nor pan-Europeanism as formulated today may be regarded as a force making for pacifism. The gospel of the former incites the masses to revolt against the fetters which consign them to inequality and jeopardize their chances for progress. The pan-Europe of Coudenhove-Kalergi is not only opposed to the Soviet Union but nourishes the germs of other large scale wars, because it would retain in the hands of the federation all the European colonies in Africa and Asia and so aim to perpetuate the present regime of imperialistic exploitation. But irrespective of present formulations pan-continentalism as an idea may be considered a timorous move to overcome the anarchy of nationalism and to erect a political organization more harmonious with the realities of economic, intellectual and social interdependence among all branches of the human race. Thus it is dimly related to the ultimate pan-ideal of world unity which alone can provide a secure foundation for world peace. Pan-national movements, on the other hand, serving to strengthen nationalistic sentiment and to heighten the consciousness of traditional uniqueness, operate like all national movements to hamper the progress of peace. There can be no doubt about the fact that national and pan-national movements are much more firmly rooted in the emotional and intellectual structure of present day society than are the broader pan-movements or a seemingly far off ideal of a common fellowship in the universal human society. As Julien Benda has shown in his *Discours à la nation européenne* (Paris 1933), an intellectual and emotional transformation must precede the development of a well founded pan-movement capable of reasserting, in a new orientation, the fundamental presuppositions of the old prenationalistic universalism and of depriving nationalism of the emotional emphasis it has had during the last two hundred years. Those nineteenth and twentieth century pan-movements which, whatever their tangible results, have attempted to bridge the barriers arising from racial or linguistic diversity may be viewed as typical phenomena of the transitional period.

HANS KOHN

See: NATIONALISM; RACE; RELIGION; LANGUAGE; TRADITIONALISM; ETHNOCENTRISM; ARYANS; ASSIMILATION, SOCIAL; IMPERIALISM; IRREDENTISM; MINORITIES, NATIONAL; PAN-ISLAMISM; PAN-AMERICANISM; NEAR EASTERN PROBLEM.

Consult: Haushofer, K., *Geopolitik der Pan-Ideen* (Berlin 1931); Buell, R. L., *International Relations* (rev. ed. New York 1929) chs. iv and x; Fischel, A., *Der Panslawismus bis zum Weltkrieg* (Stuttgart 1919); Koyré, Alexandre, *La philosophie et le problème national en Russie au début du XIXe siècle*, Institut Français de Léningrad, Bibliothèque, vol. x (Paris 1929); Robert, Cyprien, *Le monde slave*, 2 vols. (Paris 1852), and *Les deux panslavismes* (Leipsic 1847); Dmowski, Roman, *Niemcy, Rosya i kwestiya polska* (Lwów 1908), tr. into French by V. Gasztowtt as *La question polonaise* (Paris 1909); *Slovanstvo, obraz jeho minulosti a přítomnosti* (The Slavic world, a picture of its past and present) (Prague 1912); Bidlo, Jaroslav, *Dějiny slovanstva* (History of the Slavs) (Prague 1927); Wertheimer, M. S., *The Pan-German League 1890-1914*, Columbia University, Studies in History, Economics and Public Law, no. 251 (New York 1924); Usher, R., *Pan-Germanism* (Boston 1913); Tekin Alp (M. Cohen), *Türkismus und Pantürkismus*, Deutsche

Orient-Bücherei, no. 2 (Weimar 1915); Halideh Edib, *Das neue Turan*, tr. into German by F. Schrader, Deutsche Orient-Bücherei, no. 6 (Weimar 1916); Jung, Eugène, *La révolte arabe*, 2 vols. (Paris 1924–25); "Dokumente zum Kampf der Araber um ihre Unabhängigkeit" in *Welt des Islams*, vol. viii (1926) 99–138; Azoury, N., *Le réveil de la nation arabe dans l'Asie turque* (Paris 1905); Rihani, A., "Palestine and the Proposed Arab Federation" in American Academy of Political and Social Science, *Annals*, vol. clxiv (1932) 62–71; Kohn, H., *Nationalismus und Imperialismus im vorderen Orient* (Frankfort 1931), tr. by M. M. Green (London 1932), and *Geschichte der nationalen Bewegung im Orient* (Berlin 1928), tr. by M. M. Green (London 1929), and *Orient und Okzident*, Weltpolitische Bücherei, no. 24 (Berlin 1931), tr. in *World Unity*, vol. ix (1931–32) 15–21, 154–57, 227–30, 299–306, 392–97, vol. x (1932) 23–28, 91–95, 166–71, 241–47, 303–09, 409–16, and vol. xi (1932–33) 5–10; *Negro Year Book 1931–32* (Tuskegee 1931); Buell, R. L., *The Native Problem in Africa*, 2 vols. (New York 1928) vol. ii; Garvey, Marcus, *Philosophy and Opinions of Marcus Garvey*, ed. by Amy Jacques-Garvey, 2 vols. (New York 1923–26); Plá Cárceles, José, *La misión internacional de la raza hispánica* (Madrid 1928); Madariaga, S. de, *Spain* (London 1930); Haas, A., "Der pan-hispanische Gedanke in Amerika" in *Zeitschrift für Politik*, vol. xvi (1926–27) 1–31; Robertson, W. S., *Hispanic-American Relations with the United States* (New York 1923); Beer, G. L., *The English-Speaking Peoples* (New York 1917); Leach, H. G., *Scandinavia of the Scandinavians* (New York 1915); Zimmern, A., *The Third British Empire* (2nd ed. London 1927); Stoddard, Lothrop, *The New World of Islam* (New York 1921); Haushofer, K., *Geopolitik des Pazifischen Ozeans* (2nd ed. Berlin 1927); Grabowsky, A., "Das Problem Paneuropa" in *Zeitschrift für Politik*, vol. xvii (1927–28) 673–704; Haushofer, K., "Das erwachende Asien" in *Süddeutsche Monatshefte*, vol. xxiv (1926–27) pt. i, 97–122.

PAN-SLAVISM. *See* PAN-MOVEMENTS.

PAN-TURANISM. *See* PAN-MOVEMENTS.

PANAMA CANAL. Discussion of an isthmian canal, which dated from the period of discovery, became keener in the middle years of the nineteenth century because of the rivalries of Great Britain and the United States in Central America and an awakening American interest in the far west. In the Clayton-Bulwer Treaty of 1850 Great Britain and the United States undertook to expedite isthmian canal construction. This convention provided that any canal built should be open on equal terms to citizens of both countries as well as to those of such other powers as subscribed to the principles of the treaty; also neither party was to obtain exclusive control over the canal or erect or maintain any fortifications commanding either it or its vicinity.

The treaty, however, blocked canal building under government auspices for half a century. Because it had become increasingly unpopular in the United States and because British opinion had shifted to favor construction even under non-British authority, providing the canal was kept open on equal terms, negotiations between the two countries were reopened in 1899 and resulted in the writing of the Hay-Pauncefote Treaty in 1901. By this new understanding, which incidentally superseded the Clayton-Bulwer Treaty, a canal could be constructed under the auspices of the American government. The United States was to enjoy all rights incident to such construction, the treaty, however, providing for the canal's neutrality and for equality as regards treatment accorded and traffic charges imposed on the ships of all nations. The treaty, although it did not say so directly, was understood to permit American fortification of the canal.

In the period falling between these two conventions attempts to develop communications had been made by private groups. A railroad crossing the isthmus from sea to sea at Panama was constructed by an American company during 1850–55; also projects for the building of canals in Panama and Nicaragua were launched. Thus in 1878 a French syndicate secured a concession for a Panama canal from Colombia; four years later the company, now headed by Ferdinand de Lesseps, the builder of the Suez Canal, began digging operations and continued the work until 1889. But financial mismanagement and corruption as well as a failure to recognize clearly the nature of the engineering difficulties forced the company into bankruptcy. Following reorganization operations were resumed in 1894; and while work, particularly the gathering of scientific and engineering data, went ahead at a fair rate of speed, the chief intention of this New Panama Canal Company was to keep the concession alive in the hope that its rights might sooner or later be sold to the United States. Less substantial progress was made in Nicaragua by the Maritime Canal Company, an American group, which commenced activities in 1890 but was forced to discontinue in 1893 because of financial reverses.

The interest of the American government in isthmian canal routes antedated the appearance of private parties. A treaty effected in 1846 with New Granada, as Colombia was then called, guaranteed that to American citizens and their vessels and goods all means of communication

across the Isthmus of Panama were to be "open and free." The United States in turn promised "positively and efficaciously, to New Granada, . . . the perfect neutrality of the . . . isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed . . . while this treaty exists; and . . . the rights of sovereignty and property which New Granada has and possesses over the said territory" (art. 35).

With the earlier limitations on action removed by the Hay-Pauncefote Treaty the United States developed its plans. Surveys in Nicaragua and Panama led originally to the recommendation of the former route; but when in 1902 the New Panama Canal Company indicated its willingness to sell its rights and properties for $40,000,000, the Isthmian Canal Commission, which had supervised the chief studies, presented a second report favoring the Panama route. A congressional enactment authorized the president to buy out the Panama canal company and obtain from Colombia perpetual control over a canal zone; if these negotiations failed the Nicaragua canal project was to be pushed.

Accordingly in January, 1903, the Hay-Herrán convention between the United States and Colombia was signed. This authorized the transfer of the French company's rights and properties to the United States and gave the latter a renewable ninety-nine-year lease on a canal zone three miles on each side of the cut. Colombia was to continue sovereign over the strip and to use the canal for its public ships without charge; also it was to receive a cash payment of $10,000,000 and an annuity of $250,000 beginning nine years after the date of ratification. The American Senate promptly consented to the ratification of the convention; not so, however, the Colombian Congress. This body, largely on the grounds that Colombian sovereignty over the canal zone was not plainly indicated, that Colombia was prohibited from negotiating with the New Panama Canal Company for compensation for the privilege of transfer and that the American payments were inadequate, finally refused to ratify and adjourned on October 31, 1903.

If the United States turned to the Nicaraguan route, the route through Panama would lose commercial importance and the rights and properties of the French company would be practically worthless. Both the local population in Panama and the French company felt that the action of the Colombian Congress imperiled their interests; indeed threats of revolution by Panamanians had been made while the Congress was still in session. The Colombian government, sensing the probability of an outbreak, decided to send troops to forestall it; the United States government, in its turn, dispatched naval vessels to Panama to protect American interests and to maintain "free and uninterrupted transit" across the isthmus. A bloodless "revolution" came promptly on November 3, 1903.

The attitude of the United States toward the uprising and the relations which American authorities, especially President Roosevelt, had thereto are highly controverted subjects. It may be plausibly argued that the guaranty of sovereignty in the treaty between Colombia and the United States was a guaranty against occupation by a foreign state but not one against a division of sovereignty through civil war. The truth of Theodore Roosevelt's later declaration that no one connected with the United States government "had any part in preparing, inciting, or encouraging" the revolt has not been disproved.

On the other hand, orders were sent to American naval forces on November 2 to stop the "landing of any armed force, either Government or insurgent, with hostile intent. . . ." This prevented Colombia from trying to reestablish its authority, and the prompt de jure recognition of Panama on November 13, followed by the Hay-Bunau-Varilla Treaty signed between the United States and Panama on November 18, made later assertion of such authority impossible. Whether or not the action of the United States was ethically correct, the later declarations of Roosevelt that he "took" the Canal Zone and that doing so was justified because the United States held "a mandate from civilization" prejudiced opinion as to the propriety of the course pursued.

The Hay-Bunau-Varilla convention followed the general lines of the Hay-Herrán proposal. Panama granted in perpetuity to the United States a strip of land extending five miles on each side of the canal, with the same rights therein as if it were sovereign. On the other side, Panama's independence was guaranteed and it was promised an immediate payment of $10,000,000 plus an annuity of $250,000 beginning nine years after ratification of the convention.

American occupation of the zone began May 4, 1904. A lock canal, as against a sea level waterway, was decided upon, and construction was begun intensively in 1907 by the United States Army Corps of Engineers with Colonel

G. W. Goethals in charge. Slides from the hills through which the channel was cut were an engineering problem of serious nature both before and after its completion. The canal was opened to commerce on August 15, 1914. Meanwhile sanitary work, under the supervision of Colonel W. C. Gorgas and conducted especially against yellow fever and malaria, made the Canal Zone one of the most healthful of tropical areas. Powerful fortifications for defense were also erected.

The cost of the canal to the end of the period of construction and development, on December 31, 1921, totaled $355,734,673, of which $101,294,309 represented capital expenditures for defense and $254,440,364 represented canal transit and canal business properties. The total capital investment in canal works, exclusive of fortifications, military posts, submarine bases and similar items, on June 30, 1932, was $533,106,009. This figure includes an interest charge at 3 percent on moneys used for building purposes during the period of construction. For the subsequent period interest at 3 percent on the investment has been charged to operating expenses; the same is true of depreciation.

Before the completion of the waterway the question of tolls to be charged became an international issue. Under the Hay-Pauncefote Treaty the canal was to be "free and open," "on terms of entire equality" and with "no discrimination" against any nation as to "conditions or charges of traffic, or otherwise." In 1912, however, Congress, in legislating for the governance of the Canal Zone, provided for the exemption of American coastwise vessels from tolls. Great Britain protested that such action violated the treaty and later this contention was supported by President Wilson. In 1914 before the canal was opened the contested exemption was repealed, the question whether it did in fact violate the treaty being, however, reserved.

The government of the Canal Zone, provided for under the Panama Canal Act of August 24, 1912, is substantially that of a military reservation with authority vested in a governor. It is interesting to observe that many disputes have arisen between Panama and the United States as to the extent of the rights of the latter in the zone. These involve such questions as competition of United States commissaries with business interests in the republic, consular rights and ownership in certain properties of the Panama Railroad, lands in Colon and lands necessary for the efficient operation of the waterway. A treaty of 1926 to settle the controversies was still unratified seven years later.

American action on the isthmus aroused criticism among the Latin American republics. The purpose of building a canal was applauded by the second Pan-American Congress at Mexico city in 1902, where it was declared that the canal would be "in the highest sense a work of civilization." But the role played by Roosevelt in the Panama revolution caused apprehension, as did also the subsequent development of plans to strengthen the international position of the United States. In recent years this feeling has been somewhat modified because of the fact that United States policy has become less forward and adjustments of individual grievances have been arranged.

The most important of these was the settlement of the controversy, dating from the Panama revolution, between Colombia and the United States. Repeated negotiations, begun only to be broken off, finally resulted in 1914 in the writing of a treaty under which the United States was to pay Colombia $25,000,000 and allow her citizens special favors in the use of the canal; also the treaty expressed regret for the events that had interrupted the cordial relations between the republics. Colombia was to recognize Panama's independence. But the friends of Theodore Roosevelt, regarding the treaty as an attack on his personal integrity, opposed its consideration, so that the document was not reported from the Senate Committee on Foreign Relations until March, 1917; even then the minority report openly stigmatized the payment of $25,000,000 as a "blackmail demand." The entry of the United States into the World War postponed the matter; in 1921, with Roosevelt dead, cooler counsels prevailing and the presence of oil in Colombia a not unimportant factor, the Senate consented to the ratification of the treaty. The apology clause was, however, left out.

Naval advantages to the United States were one of the chief motives for building the canal. A fleet which can be shifted from one coast to the other is doubled in availability; hence the canal has become a major factor in American policy. The continued desire of the United States to put itself in a strong strategic position has been revealed by its interest in the petroleum regions in the Caribbean, by treaties concerning naval bases and by the arrangements made with Nicaragua in 1916 and Colombia in 1928 for the use of outlying Caribbean islands. The development of airplanes capable of sustained flights has

emphasized the conviction that defense requires control of more than the nearer approaches of the waterway.

The economic advantages rising from the canal less markedly favor a single country. Ocean routes between great commercial centers have been shortened by the canal. Vessels sailing from New York to San Francisco by the Strait of Magellan travel 13,135 nautical miles and by the canal 5262 miles, making a saving of 7873 miles. The route to Callao is shortened 6250 miles; to Yokohama 3359 miles are saved if the Panama Canal is used instead of the Suez Canal. From Liverpool to San Francisco the saving is 5666 miles. North America stands out as the primary region served. In the fiscal year ended June 30, 1932, about 80 percent of the Atlantic to Pacific cargo originated on the east coast of North America; of the trade in the opposite direction 68 percent came from the North American west coast. Over one third of the cargo passing through the canal was in the intercoastal trade of the United States. This trade through the canal has raised the fear that transcontinental railroads may have to face destructive competition, but opinions differ as to what has been its real influence. Undoubtedly the canal has increased intercoastal water borne traffic and has forced downward certain rail rates. On the other hand, the less costly service created has opened up export markets which formerly could not be reached by American producers and has enabled industries to secure foreign raw materials more cheaply; this process has contributed to rail shipments.

Canal traffic grew slowly to total 11,599,214 tons of cargo in the fiscal year ended June 30, 1921. The peak was reached in 1928–29 with 30,663,006 tons but declined to 19,807,998 tons in 1931–32. Slightly less than half of the cargo passing through the canal in recent years is under the American flag, while about one fourth is under the British. In 1931–32 the proportion of the cargo which passed from the Atlantic to the Pacific was 28.4 percent and from the Pacific to the Atlantic 71.6 percent. The number of commercial vessels using the canal in 1914–15 was 1075. This number reached its highest point in 1927–28 with 6456 and dropped to 4506 in 1931–32. The highest average daily transit was 17.6 vessels in 1927–28; it was 12.3 in 1931–32. The operation account of the canal, including depreciation charges but excluding interest on investment, has shown a surplus each year since 1921. The total net revenues during 1914–32 were $160,888,376. But if interest on the capital account, at 3 percent, is included, there was a deficit at the end of the period 1922–32 of $13,261,695.

Interruptions of traffic due to slides, the problems of flood control and water supply and the increase of traffic during prosperous years have raised questions as to the adequacy of the waterway. Theoretically 48 vessels per day can be locked through; but peak traffic is about 50 percent above average. The addition of a third set of locks at an estimated cost of $140,000,000 would give an actual lockage capacity of 48 per day. Estimates of traffic increase indicate, however, that present capacity, namely, without the third set of locks, will suffice for about forty years.

This question of the adequacy of the Panama Canal has renewed interest in the Nicaragua route. The Bryan-Chamorro Treaty of 1916 granted the United States in perpetuity exclusive proprietary rights for the construction and operation of an interoceanic canal in Nicaragua as well as a ninety-nine-year lease, with option to renew, of Great Corn and Little Corn islands in the Caribbean and the right to establish for a similar period a naval base on the Gulf of Fonseca. Costa Rica, Salvador and Honduras protested that this treaty infringed their rights; a protocol of 1923, however, which by 1933 was still unratified but which Costa Rica apparently regarded as a definite promise, gave assurance that the United States would not construct a canal without negotiating for the satisfaction of Costa Rican rights.

An Interoceanic Canal Board, appointed in 1929, reported in 1931 that a Nicaraguan canal was feasible at an estimated cost of $722,000,000, including cost of defense. In its favor it was pointed out that such a canal would shorten sailing distances for about two thirds of the traffic now using the Panama Canal, would contribute to the national security and would help stabilize Central America. But it was generally felt in the United States that immediate steps looking toward construction were inadvisable because of the great cost of a second waterway and because of the ability of the Panama Canal, with its present plant, to handle traffic for a long time to come.

CHESTER LLOYD JONES

See: INTERNATIONAL WATERWAYS; WATERWAYS, INLAND; MARITIME LAW; FREEDOM OF THE SEAS; MONROE DOCTRINE; PAN-AMERICANISM.

Consult: Bishop, J. B., *The Panama Gateway* (new ed.

New York 1915); Miller, Hugh Gordon, *The Isthmian Highway* (New York 1929); Bakenhus, R. E., Knapp, H. S., and Johnson, E. R., *The Panama Canal* (New York 1915); Bunau-Varilla, P., *Panama; la création, la destruction, la resurrection* (Paris 1913), English translation (London 1913); Smith, G. Barnett, *The Life and Enterprises of Ferdinand de Lesseps* (2nd ed. London 1895); Pierson, W. W., Jr., "The Political Influences of an Interoceanic Canal, 1826–1926" in *Hispanic American Historical Review*, vol. vi (1926) 205–31; Nixon, Lewis, *The Canal Tolls and American Shipping* (New York 1914); Williams, Mary W., *Anglo-American Isthmian Diplomacy, 1815–1915* (Washington 1916); Richards, H. E., *The Panama Canal Controversy* (Oxford 1913); Butte, George C., *Great Britain and the Panama Canal*, United States, Congress, 63rd Cong., 1st sess., Senate Document no. 19 (1913); Mahan, A. T., "The Panama Canal and the Distribution of the Fleet" in *North American Review*, vol. cc (1914) 406–17; Hill, H. C., *Roosevelt and the Caribbean* (Chicago 1927) ch. iii; Lodge, H. C., and others, *The Panama Canal and Our Relations with Colombia, Papers Relating to the Acquisition of the Canal Zone*, United States, Congress, 63rd Cong., 2nd sess., Senate Document no. 471 (1914); Rippy, J. Fred, *The Capitalists and Colombia* (New York 1931); Imberg, K. E., *Der Nikaraguakanal* (Berlin 1920); Foreign Policy Association, "The United States and the Nicaraguan Canal" in its *Information Service*, vol. iv (1928–29) no. 6; Sáenz, Vicente, *El canal de Nicaragua, Conferencias y discusiones de Mesa Redonda, Paraninfo de la Universidad Nacional de México, 24 de Julio de 1929* (Mexico 1929) (text in Spanish and English); United States, Panama Canal, Governor, *Annual Reports*, published since 1914; United States Army and Interoceanic Canal Board, *Report*, United States, Congress, 72nd Cong., 1st sess., House Document no. 139 (1932); Howard, H. N., *Military Government in the Panama Canal Zone* (Norman, Okla. 1931); Smith, D. H., *The Panama Canal*, Institute for Government Research, Service Monographs, no. 44 (Baltimore 1927).

PANICS. *See* BUSINESS CYCLES; CRISES.

PANKHURST, EMMELINE GOULDEN (1858–1928), English suffrage reformer. Mrs. Pankhurst was a dauntless agent in bringing to its climax the democratic trend which involved four generations of the English people. The influences of her early years did much to create her social consciousness: her grandfather had barely escaped with his life from the manhood suffrage meeting which ended so disastrously with the "Peterloo Massacre" of 1819; her father, a calico printer of Manchester, stood unequivocally for abolition of slavery when the American Civil War forced the issue in England in the 1860's; she was deeply affected as a child by the execution in Manchester of men who sympathized with the Fenians of Ireland seeking self-government. Later at school in Paris she came into contact with French revolt through her friendship for Mlle. Rochefort. After her return to England she served as apprentice to her mother in the work of promoting the cause of woman suffrage. Her marriage to Dr. Pankhurst drew her into the Socialist agitation and she joined the Independent Labour party, brilliantly supporting Keir Hardie in the demand for free speech on this issue. Practical experience with politics as a poor law guardian and Trades Council nominee on the School Board of Manchester made her approach to public questions factual as well as theoretical. When her daughter Christabel launched a militant campaign against the opponents of woman suffrage, the mother cast in her lot with tacticians of the intransigent school. Tradition, observation, public work and reading convinced Mrs. Pankhurst, despite the popular notion that England has been the home of compromise, that eternal vigilance and a willingness to face danger and bear suffering were the roads to democracy. She used the appeal to reason when she thought it might suffice but, fragile though she was, she waged nine years of militancy when that seemed the last resort. Time and again under the provisions of the Cat and Mouse Act, passed in 1913, she was arrested and often forcibly fed when she undertook the hunger strike in protest against the refusal of her guardians to recognize her as a political prisoner. Only when the World War seemed to command a greater allegiance did she turn aside from the woman movement to the national movement. The enfranchisement of women was achieved in 1918 and by the time of her death, ten years later, Mrs. Pankhurst was herself a candidate for Parliament, as a Tory.

MARY R. BEARD

Consult: Pankhurst, Emmeline, *My Own Story* (New York 1914); Pankhurst, Estelle Sylvia, *The Suffragette Movement, an Intimate Account of Persons and Ideals* (London 1931); *Suffrage Speeches from the Dock* (London 1912); Sharp, Evelyn, "Emmeline Pankhurst and Militant Suffrage" in *Nineteenth Century*, vol. cvii (1930) 515–25.

PANTALEONI, MAFFEO (1857–1924), Italian economist. Pantaleoni studied in Germany and took his degree in law at the University of Rome. At the age of twenty-five he was appointed professor of economics at the University of Camerino and taught at the schools of commerce in Venice, in Bari and at the University of Naples. After having incurred the wrath of the government authorities because of his criticism of the Italian policy in the African war

Pantaleoni relinquished his post in Naples and went to the University of Geneva, where he lectured for three years. In 1900 he returned to Italy to assume professorship at the University of Pavia, and two years later he succeeded Messedaglia in the chair of economics at the University of Rome. In 1900 he was elected to the Parliament, where he attained considerable distinction. He retired from active politics after a few years but reentered the political arena after the World War, when he acted for a time as d'Annunzio's director of finance in Fiume. He represented the Italian government at the League of Nations Committee of Control for Austria in 1923 and in the same year was appointed senator.

Pantaleoni was a man of broad culture and immense erudition. He was a fascinating teacher and it was largely because of his influence that Pareto, an engineer, and Barone, a staff officer, were attracted to the study of economics. His interests covered almost the entire range of pure and applied economics, and he wrote brilliantly on many topics on the border line between economics and sociology. His main contributions, however, were in the fields of economic theory, public finance and statistics. His chief work was in economic theory, *Principi di economia pura* (Florence 1889, 2nd ed. 1894; tr. by T. B. Bruce, London 1898); here he analyzed in a masterful fashion the theory of marginal utility and attempted to demonstrate that in a regime of free competition marginal utility coincides with marginal subjective costs. He succeeded with great ingenuity in translating in terms of costs the theorems on exchange which he had first expressed in terms of final degree of utility. The book marked a turning point in the history of economics, at least in Italy.

In public finance Pantaleoni is credited with having initiated the revival of interest in fiscal problems which characterized Italian economic literature toward the end of the century. His own works include *Teoria della traslazione dei tributi* (Rome 1882), which still remains the best treatment of the theory of the incidence of taxation; "Considerazioni sulle proprietà di un sistema di prezzi politici" (in *Giornale degli economisti*, vol. xlii, 1911, p. 9–29 and 114–38), in which he demonstrated the usefulness of the concept of political prices—that is, prices charged for the services of government owned utilities—as distinguished from that of economic prices; and "Lo stato azionista e il monopolio dell'emigrazione" (in *La vita italiana*, vol. vii, 1916, p. 111–20), in which despite his stanch opposition to state intervention in economic affairs he supported the view that the state should participate in the profits of private enterprise by receiving stock from certain navigation companies in return for monopoly privileges granted to them.

In the field of statistical research Pantaleoni did pioneer work in several directions. His *Dell'ammontare probabile della ricchezza privata in Italia* (Rome 1884) presents a valuable estimate of the probable national wealth of Italy and a still more valuable analysis of the method of arriving at his estimate. He is to be credited with having elaborated the theory and technique of index numbers. Finally, in reporting on the case of the Frenchman Arbel, who pleaded inability to fulfil the terms of a contract with the Italian government because of an intervening crisis in the iron industry, Pantaleoni developed a theory of industrial fluctuations in which he anticipated some of the results attained by the Harvard Committee on Economic Research; the essential part of the report, which had originally been published but withheld from circulation, was reprinted as "La crisi del 1905–07" in *Annali di economia* (vol. i, 1924–25, p. 301–542).

UMBERTO RICCI

Other important works: *Scritti vari di economia*, 3 vols. (Palermo and Rome 1904–10); *Note in margine della guerra* (Bari 1917); *Tra le incognite* (Bari 1917); *Politica. Criteri ed eventi* (Bari 1918); *La fine provvisoria di un'epopea* (Bari 1919); *Bolcevismo italiano* (Bari 1922); *Temi, tesi, problemi e quesiti di economia, politica* in collaboration with Romolo Broglio d'Ajano (Bari 1923); *Erotemi di economia*, 2 vols. (Bari 1925); a complete bibliography of his works is given in *Giornale degli economisti*, vol. lxv (1925) 230–34.

Consult: Del Vecchio, G., De Viti de Marco, A., Ricci, U., and others, in *Giornale degli economisti*, vol. lxv (1925) 105–236; Sraffa, P., and Loria, A., in *Economic Journal*, vol. xxxiv (1924) 648–54; Pirou, Gaëtan, "M. Pantaleoni et la théorie économique" in *Revue d'économie politique*, vol. xl (1926) 1144–65; Ricci, Umberto, in *Annuario della R. Università di Roma 1924–25*, and in *Riforma sociale*, vol. xxxv (1924) 457–61; Moore, H. L., "Pantaleoni's Problem in the Oscillation of Prices" in *Quarterly Journal of Economics*, vol. xl (1925–26) 586–96.

PANTHEISM. *See* RELIGION.

PAPACY. The origins of papal jurisdiction and prerogatives are to be sought in the transformation undergone by the primitive Christian

church during the first few centuries of its history. With the disappearance of the predominantly charismatic leadership of the early church communities, direction of the local congregation passed gradually from the college of presbyters to a single bishop. By the third century this institutional transformation had been rationalized in the form of a theory of apostolic succession, which ascribed to each bishopric an unbroken line of descent from the original group of apostles. But in the light of the growing conflict of jurisdiction between the incumbents of the various sees it became apparent that the presupposition of equality as between the apostles did not serve to allay immediate rivalries over episcopal rank and power, and around the middle of the third century a new emphasis was given the apostolic theory in the course of the epoch making controversy between Stephen, bishop of Rome, and Cyprian, bishop of Carthage, over the correct interpretation of the *tu es Petrus* text in *Matthew* XVI: 18, 19. Fully cognizant of the prestige which accrued to Rome not only from its traditional role as imperial city but also from its pioneer work in systematizing the dogma and canon of the Christian church, Stephen invoked the authority of Matthew as evidence of the primacy of Peter among the apostles and even suggested the more immediate implication of the text as Scriptural sanction for the primacy of Peter's successor over the other branches of the apostolic line. From a more tangible administrative angle the Edict of Milan (313), by assimilating the church into the institutional apparatus of the empire, bolstered still further the position of the bishop of Rome and gave greater weight to his assumption of primacy. Within the Western church the office of Roman bishop extended its jurisdiction as a court of final appeal; and throughout the fifth century, with growing acquiescence in the universalistic claims of the Roman bishopric, rival jurisdictions were invaded in matters of both church discipline and dogma.

The de facto primacy of Rome received its first fully rounded and systematic articulation in the classic exposition of the Petrine theory by Leo the Great (440–61), who, drawing out to the full the implications of Stephen's earlier speculations, welded together the implicitly centralistic claims of the Roman bishops and the theory of the apostolic succession, hitherto predominantly federalistic in its emphasis. Primacy of honor as well as primacy of jurisdiction was declared to inhere in the Holy See, established by "the Prince of the Apostles" and bequeathed directly to his legitimate successors, the bishops of Rome. Moreover the theory that each and every member of the Christian church was entitled to appeal directly to Rome strengthened still further the jurisdiction of the central bishop, or pope; while the appointment of legates, primates and apostolic vicars to represent the pope in his relations with subordinate bishoprics served to introduce a more standardized regime of ecclesiastical discipline and doctrine.

During the period of institutional dislocation which intervened between the death of Leo the Great in 461 and the elevation of Gregory VII to the papacy in 1073 the heads of the Roman church succeeded but slightly in advancing their claims to universal jurisdiction and dominion. While the sway of Christianity was extended widely among the northern European peoples and a multitude of new churches were set up among the Britons, the Teutons and the Slavs, geographical isolation and imperfect communication precluded any adequate administrative supervision from Rome. Organized either on a local, a sectional or a quasi-state basis, the new churches were predominantly regionalistic in their outlook and loyalties, unaware in the main of a more far reaching allegiance. As a result the papal office remained essentially a central Italian or at best a peninsular institution, deriving its modest prestige and prerogatives chiefly from the effectiveness with which it had taken over from indifferent Byzantine emperors the task of defending the Western Empire against the invading armies from the north. Until the latter half of the eighth century the pope continued to be elected, like any other bishop, by the local clergy and congregation of the diocese of Rome; and even after popular participation in the election had dwindled to a mere formality, eligibility for the office was for a time narrowly restricted to priests or deacons of the leading churches in Rome.

The dependence of the popes during this transitional period on the favor and support of extra-ecclesiastical overlords, whether in the form of confirmation by the Byzantine or at a later date by the Germanic emperors, may be attributed, aside from the general disorder of the period, to the political and economic insecurity of the as yet imperfectly institutionalized papal office. The political quasi-sovereignty which accrued to the papacy in the course of the eighth century, and which varied in extent and effec-

tiveness according to the broader political and military situation prevailing at the moment, was restricted in the main to the duchy of Rome and the exarchate of Ravenna. The alliance with the Carolingian emperors brought about a temporary consolidation of papal dominion in Italy; but with the intensive process of feudalization which began in the ninth century the political power of the popes crumbled rapidly, especially in the outlying areas beyond Tuscany and the Apennines, reaching its lowest ebb in the tenth century. The actual landed estates of the papacy —the Patrimony of St. Peter—attained impressive proportions under Gregory I and even afterward continued to yield varying degrees of return, whether in the form of direct produce from the land or of rent from tenants. But following the widespread confiscations of Emperor Leo III in Sicily in the eighth century this patrimony began to dwindle sharply, and in the ninth and tenth it passed in larger and larger sections into the hands of Roman feudal cliques, who by the middle of the tenth century had secured control of the papal office. The increasing power of the Holy Roman emperors after Otto I, while breaking the hold of the Roman nobility, threatened to reduce the status of the pope to headship of a German state church.

The reaction against the prevailing degradation and secularization of the church found its first expression in the newer churches to the north, but with the elevation (1048) to the papal office of Leo IX, a zealous apostle of the Cluniac reforms, the papacy entered upon a decisive period of regeneration, which was ultimately to augment its powers, institutional no less than spiritual. The full potentialities of the reform movement first became manifest when Gregory VII (pope 1073–85) took over its leadership and by his energetic policy during the investiture conflict (*q.v.*) sustained the pontifical right to compel regeneration by subjecting local churches and church dignitaries to the jurisdiction of the Holy See. The movement toward centralization thus inaugurated continued, with occasional interruptions, until it reached its climax in the fourteenth century. Resurrecting the moribund office of legate and fortifying its incumbents with a wide discretionary authority to execute his will in the localities, the pope extended his lawmaking powers by holding under his personal presidency regular synods at Rome and claiming for their pronouncements the finality of conciliar decrees. The prerogatives of the bishops and metropolitans were further diminished by the systematic transfer of judicial cases from local ecclesiastical courts to the Curia and by the practise, particularly common during the eleventh and twelfth centuries, of exempting from the control of the bishops those monasteries and great orders which agreed to acknowledge the papacy as their direct protector. One of the orders immediately responsible to the papacy, the Dominicans (founded 1216), became the chief administrator of the Inquisition, thus affording an additional instrument for the papal war upon the episcopate. In the course of the twelfth century the legal consolidation of papal claims was initiated and the theory of the universal validity of law emanating from the papacy began to emerge in the writings of canonists like Yves of Chartres and Gratian, who attributed to the pope an unlimited right to nullify any law through the medium of the dispensation. Of particular importance was the codification of canon law, begun under the inspiration of the papacy with the famous *Decretum* of Gratian and continued systematically by Innocent III and his successors. It was Innocent who definitely destroyed local autonomy: from his time on the election of a bishop was normally considered incomplete without papal confirmation, while the lower clergy also became for the most part dependent upon their superiors. Practically and theoretically, by the end of the thirteenth century the pope was accepted not only as the visible head of the church but also as its exclusive lawmaker, the incumbent of the plenitude of power.

It was at the same period and as the result of a process of development parallel to the centralization within the church that the claims of the papacy to direct temporal power received their most extreme formulations (for a comprehensive discussion of the relations between church and state, *see* RELIGIOUS INSTITUTIONS, section on ROMAN CATHOLIC). As the supreme sanctions of the pope excommunication and interdict, often involving an economic and social boycott, had proved to be far from impotent weapons when wielded against a refractory prince. While the pretensions of Boniface VIII (1294–1303) to absolute authority in the political sphere were too extravagant to win general acknowledgment, the prestige of the papacy as it emerged from the great contest with the empire in the thirteenth century was such as to confer upon it for a time a de facto hegemony in European political affairs. The complementary objective of preventing in so far as possible encroach-

ments by the political authorities and other laymen upon the internal autonomy of the church impelled the reforming papacy to introduce various rules of procedure, particularly as regards the nominations and behavior of ecclesiastical officials. Among these was the series of regulations for the first time authoritatively standardizing the mode of papal elections. By the bull of Nicholas II in 1059 the electorate was confined exclusively to the cardinal bishops and the ratification of the Roman clergy was made optional. As epitomized by Peter Damian, the authentic interpreter of the bull, the function of the cardinal bishops was to elect, that of the clergy to give *assensus*, that of the populace to bestow *applausus*; actually, however, the last two elements in the process progressively lost even their meager ceremonial significance. The Third Lateran Council of 1179 extended the body of electors to include the entire College of Cardinals and introduced the majority principle —then an innovation in electoral technique— in the canonical form of a two-thirds vote. Subsequent refinements of this procedure have been aimed solely at greater precision in order that opportunities for external pressure might be minimized. Thus the bull issued by Gregory X in 1274 prescribed that those cardinals present at the death of the pope should without previous consultation repair ten days thereafter to a conclave and there in strictest seclusion choose his successor. While these rules, together with the further restrictions making membership in the Sacred College a prerequisite for eligibility to the papal office, were never proof against evasion and subterfuge, they had an important part in buttressing the independence of the church.

The expense of supporting the expanding central institutions of church government and of maintaining the pope in the role of a European political figure led, beginning particularly with the thirteenth century, to the erection of a highly elaborate fiscal machine. By the eleventh century the shrinkage of the Patrimony of St. Peter had compelled the papacy to place its chief reliance on other sources of revenue, such as the census, a charge levied upon churches, monasteries, kings and lords under the special protection of the papacy and, in the form of Peter's pence, upon Poland, Hungary, England and the Scandinavian countries, which undoubtedly paid chiefly because they also were obligated to the Holy See as its particular protégés. But even when supplemented by the feudal dues paid to the pope in increasing amounts during the twelfth century by the various European empires under his suzerainty, such more or less irregular sources of income soon proved wholly inadequate. The first definite sign of a methodical financial regime at Rome was the drafting of the *Liber censuum*, in which data relating to the census were collected and arranged in the proper legal form. But the urgent need was an expansion of the basis of taxation; the Curia therefore began systematically to lay the entire church under contribution for its maintenance. A first tentative step in this direction appears in the plan which was worked out in detail by Emperor Henry VI and which was subsequently revived by a group of prelates at the Fourth Lateran Council of 1215: namely, that one living in every metropolitan and episcopal district be permanently reserved for the support of the Curia. The second and more fundamental step was the development of a system of direct taxation. First introduced as an emergency measure for the purpose of carrying on the crusades, the papal taxes came to recur at quite regular intervals in the course of the thirteenth century, when they were commonly known as *decimae*, or tithes, since the usual levy amounted to 10 percent of the income from all the benefices and ecclesiastical property in a particular group of states or church provinces or perhaps within the entire church. Sometimes in addition a fixed subsidy was imposed on certain territories, but in any case it was the direct tax gathered by a competent staff of papal collectors and usually flowing to Rome through the medium of the Italian banking houses that constituted the indispensable element in curial finance down to the fourteenth century. During the same period the census gradually began to dwindle in importance, primarily because it was a fixed assessment which could not be increased in proportion to the rising value of gold.

Although the catastrophic reversal suffered by Boniface VIII in his controversy with Philip IV of France fatally punctured the temporal power of the church and led to the removal of the papacy to Avignon, where between 1305 and 1378 it remained within relatively close reach of the French king, there is every indication that the consolidation of papal monarchy continued at an undiminished pace. Particularly is this true in the sphere of fiscal centralization, which, in the policy of the Avignonese papacy, was closely interwoven with the continued invasion of local liberties. In their now established right to bestow

confirmation on episcopal elections as well as in the practise of monastic exemptions the popes found a particularly convenient instrument for extending their right of provision to major benefices (i.e. bishoprics and abbeys); while the entering wedge for papal provision in the case of minor benefices (i.e. canonries, parishes and the like) might be an isolated nomination made by the pope in accordance with some special mandate or decretal *per preces*. An especially useful means of acquiring the provision of both types was the reservation, by which the papacy merely appropriated the right of provision to certain classes of benefices either throughout the entire church or in certain specified territories. While the first general reservation dates back to 1265, it was the Avignonese popes, and John XXII in particular, who most fully exploited the possibilities of this instrument and who in general most thoroughly transferred the collation of benefices to the Curia. The essential motivation in this extreme centralization seems to have been the fee, paid by the appointee for the papal confirmation or provision. This fee was called *servitium* when paid for the receipt of a major benefice and had originally been a gift; but by the end of the thirteenth century it had developed into a regular exaction proportionate to the rent value of the benefice. During the Avignonese period it was increased until it normally amounted to one third of the annual net income, while the analogous charge (termed annates or first fruits) for appointment to a smaller living was one half. The dues collected from the prelates on the occasion of their obligatory visits *ad limen* were similarly augmented. From the broader standpoint of the evolution of papal finance the emphasis placed by the Avignonese popes upon the receipt of fees is indicative of a systematic attempt to find a substitute for general taxation. Although not finally abandoned until many centuries later, the latter was already beginning to decline in its yield, partly because of the obsolete assessments upon which it was ordinarily based after 1300, partly because of the competition of the emerging national state, which grew envious of the taxable wealth of the church and retained a constantly increasing portion of the tithes for its own use. The fee system in its turn, encountering the hostility of the state and the disaffection of those required to pay, soon became unprofitable also. But before the final dénouement the papacy, through its policy of fiscal centralization, had converted a large portion of the ground rents of Europe into liquid capital and, through its close association with the Italian bankers and money dealers, had made possible the diversion of this wealth into the channels of commerce, industry and finance. The papacy thus became one of the fundamental forces in the growth of primitive capitalism in Italy.

In addition to their achievements in the realm of finance John XXII and to a lesser extent the other Avignonese popes greatly elaborated the central administrative machinery of the papacy. Originally divided, in exact imitation of the Byzantine imperial court, into a *primicerius*, *secundicerius*, *schola notarum*, *arcarius* for the care of income and *saccelarius* for the supervision of expenditures, the papal Curia had evolved and changed in a rather haphazard fashion until in the thirteenth century its essential components were the College of Cardinals, with variable duties, and two permanent bureaus, known as the chancery and the chamber, or *Camera apostolica*, the latter serving in the double capacity of court of justice and central office for financial administration. Besides smoothing out the crudities and inefficiencies of the system and defining the precise sphere of each element in the structure, the Avignonese papacy definitely organized the Penitentiary to handle cases involving matters of conscience, perfected the use of legates as a medium of administration and centralized control and introduced a new collegial tribunal, which under the name of Rota later came to be used chiefly for trying appeals to the papacy. The tendency toward specialization of function and bureaucratic expansion continued almost of its own momentum: thus in the fifteenth century the chancery was divided into two separate offices, the *signatura justitiae*, to receive petitions, and the *dataria*, which developed into the central bureau for dispensation and indulgences; and in the following century the *signatura gratiae* was created to take over some of the duties of the *signatura justitiae*.

The first opposition to the progressive consolidation of papal monarchy was precipitated by the exaggerated fiscal centralization achieved by the Avignonese papacy; but once set in motion the reaction rapidly gathered up a wide variety of discontented factions and welded them into an attack upon the prerogatives of the papacy so thoroughgoing as to strike at the roots of the constitution of the church. Especially propitious for the gestation of antipapal forces was the Great Schism (1378–1417), during which there existed two parallel papal lines, one

at Avignon and one at Rome, with occasionally a third claimant in addition. Although the unity of the church ultimately survived the threat inherent in the Schism, the period entailed inevitably a profound relaxation in the activity of the central machinery and permitted regionalistic ecclesiastical movements to spring up and intrench themselves. In these circumstances the organization of the church began to reveal the full effects of the processes which since the thirteenth century had been converting Europe into a mosaic of national, territorial or city-states, and which, somewhat ironically, the papacy itself by its warfare against the Holy Roman Empire had served to accelerate. During the early years of the fifteenth century the territorial church, more or less subject to the will of the prince, which inevitably collided squarely with the fiscal and political policy of the papacy, attained permanent outlines. The primary objective of the prince was, in addition to the abolition of papal taxes, acquisition of control over ecclesiastical appointments and over the rich benefices, which were regarded as convenient means of compensating the members of the rapidly expanding royal bureaucracies. Such a program, although it presaged difficulties in adjustment once the common enemy should be destroyed, provided a natural basis for an alliance between the political power and the disaffected bishops, who united in the reaffirmation of the principles of local autonomy. As reflected in the conciliar movement this union inspired a fundamental challenge to the concept of papal monarchy.

Building upon a groundwork laid by their scattered fourteenth century forerunners, such as Marsilius of Padua and William of Ockham, who had reacted against the papal claims to plenitude of power within the church and to direct authority in temporal affairs, the conciliar theorists, led in the period around 1400 by Gerson, Gelnhausen, Langenstein and Zarabella and later by Nicholas of Cusa and Jüterbogk, restated and developed the doctrine of episcopalism. Along with the more familiar arguments for decentralization there appeared also in these formulations the novel element of popular sovereignty, reflecting the transfer of constitutional antagonisms from the political to the ecclesiastical sphere. Despite the failure of the councils of Constance and Basel to achieve permanent reform the idea of episcopalism, as epitomized in the formula that the unity of the church was represented by pope and general council, long continued to be a dynamic force; while in the more tangible realm of ecclesiastical administration the various concordats negotiated between the papacy and the European states during the first half of the fifteenth century partially restored the lost prerogatives of the bishops by reviving their control over the patronage within their jurisdiction.

Entirely distinct from the regionalistic tendencies represented by the conciliar movement but ultimately chargeable also to the consequences of extreme centralization was the gradual curtailment of the pope's supremacy within the Curia itself. The cardinals of the Sacred College had early given unmistakable evidence of their intention to capitalize their indispensability in the central administrative bureaucracy and the prestige associated with their unique relation to the papacy as electoral body and exclusive élite of potential candidates. Even before 1300 they had established their permanent right to a share of the curial income —sometimes, as revealed by a bull of Nicholas IV in 1289, amounting to one half of the total. The enormous extension of their power as a result of the furtherance of administrative centralization during the Avignonese period is most strikingly indicated by the introduction of a practise whereby the Sacred College exacted the assent of the papal candidate to a series of demands. Already familiar under the name of *Wahlkapitulation* in the process of nominating Holy Roman emperors, the electoral contract was first imposed upon the papacy in 1352 and after an interlude extending down to 1431 became virtually a regular part of the procedure of each successive conclave, attaining its most ambitious form in 1464 at the ascension of Paul II to the pontificate. At this point and in greater or less degree throughout much of the fifteenth century the papacy was in danger of becoming entirely divested of its former monocratic powers and reduced to presiding over an oligarchic council of cardinals. Not infrequently the oligarchy served as a medium for the expression of reform tendencies and as a salutary corrective to nepotism and the abuses associated with papal autocracy. But, interested no less than the papacy in perpetuating the system of bureaucratic centralization, the cardinals were often too profoundly engrossed in furthering their selfish and sometimes purely mercenary ends to devote much attention to the broader problems of curial policy. Control over papal appointments to the Sacred College, pensions for impecunious

cardinals, a share in the government of the Papal States and in the collation of benefices, are typical demands in the electoral contracts of the fifteenth century.

The continued refinement of curial mechanisms for exacting tribute and homage on a continental scale proved increasingly ineffective in the face of the realistic obstacles inherent in the consolidation of the various nation states to the north. As the jealous rivalry of the expanding temporal authority became buttressed by sectarian and, after the Reformation, by openly heretical groups of the population within the more outlying regions of Europe, the post-Schismatic and post-Reformation popes began to be impressed with the necessity of exploiting more effectively and systematically their territorial holdings and dominions in Italy itself. The magnificent gestures of the Renaissance papal Maecenases and the strenuous, if somewhat nostalgic, attempts of the sixteenth and seventeenth century popes to marshal under their leadership a united Christendom against the revived threat of the Crescent created a mounting demand for new sources of revenue. Sensing, in spite of the legalistic reaffirmations of papal supremacy by Torquemada and others, the underlying precariousness of its position, the Renaissance papacy, notably in the person of Julius II, set out to reconsolidate its immediate territorial domain, which except for sporadic revivals had tended to occupy a subordinate place in the papal system since the Europeanization of the papacy by Gregory VII centuries earlier, and which since 1300 had dwindled progressively as a result of encroachments by the rising city-states of central Italy and by rival factions during the Schism. By means of a series of costly wars throughout the peninsula, culminating in the capture of Ferrara in 1597 and Urbino in 1620, the papacy succeeded in restoring its Italian holdings and in setting up as its primary sphere of political sovereignty the Papal States.

During the succeeding two and a half centuries the Papal States remained, notwithstanding recurring invasions and occupations by military forces, not only the foundation of papal sovereignty in a political and diplomatic sense but also the chief source of papal revenue. Before accepting the disintegration of its mediaeval fiscal structure, which had shown unmistakable signs of inevitable collapse from 1400 on, the papacy had made a series of experiments, including the augmentation of chancery and composition fees and the more far famed sale of indulgences. But even during the fifteenth century this income had to be supplemented by substantial amounts accruing to the pope either from his actual territorial holdings, particularly in the period after 1460 from the alum mines of Tolfa, or from such fixed contributions, rent payments and monopolies as he was able to exact as political sovereign. During the sixteenth century, when the potentialities of the Papal States as a source of revenue were first fully realized, there was gradually introduced a radically new system of taxation predominantly indirect in its incidence. The tax on meat, first imposed in 1553 and steadily raised thereafter, and the tax on flour milling in 1643 were but two outstanding instances of a number of small fiscal monopolies and consumption taxes of all kinds. Direct taxation, on the other hand, was curtailed, being limited to a fixed impost known after 1544 as the *sussidio triennale*.

In the period after 1500, however, the really dynamic element in the building up of papal finance was long term credit, which tended to overshadow the earlier system of short term credit as typified in the transactions between the popes and the central Italian bankers of the thirteenth and fourteenth centuries and as revived intermittently in the post-Tridentine period, for example, by the popes of the seventeenth century in their dealings with the bankers of Genoa. Through the medium of the rapidly increasing associations of curial bureaucrats (*uffizi vacabili*) an interest bearing debt was built up in the form of annuities, which were serviced at first with the various fees and other contributions paid to the papal treasury and later also with customs duties collected by the Papal States. There followed in the sixteenth century the emission of a long series of loans beginning with the *monte fede* of 1526, a loan of 200,000 ducats at 10 percent interest. Usually in the form of annuities, either for life (*monti vacabili*) or for a term of years (*monti non vacabili*), these loans were divided into equal shares (*luoghi*) of one hundred ducats or scudi and serviced with the revenue of the Papal States. In the course of these various transactions the papacy made a contribution of the first importance to the evolution of the practises and techniques subsequently to become familiar in the public finance of the European states. The long term interest bearing debt, the division of loans into equal shares and free emissions first acquired their characteristic features in sixteenth century

Rome. After 1580 the ingenuity of the Curia was reflected in a sharp rise in the debt curve, interest on loans absorbing more than 50 percent of all papal revenue. In the seventeenth century there were numerous forced conversions, attempts to simplify the debt structure and consolidations of various issues into a single public debt.

However lucrative as a reservoir of taxable wealth and as the basis for an imposing superstructure of credit, the Papal States proved an altogether inadequate substitute for the less tangible foundation on which the mediaeval papacy had reared its temporal authority. Lacking the two elements which the experience of modern nation states has shown to be indispensable—an effective standing army and an uninterrupted tradition of statecraft—the Papal States consistently failed to achieve any real degree of political stability. The at times hopelessly brief tenure of office, the amateurishness resulting from the common practise of nepotism and the repeated changes in administrative methods precluded the pursuit of a coherent policy from generation to generation. In spite of the vigorous attacks of certain of the popes, particularly Gregory XIII and Sixtus V, against the feudalistic elements in the Papal States, feudalism continued to persist long beyond its day, seriously restricting the sovereignty of the pope. Instead of a well trained bureaucracy and a permanent corps of officials the state was run by holders of benefices who came and went, leaving few traces; from the fifteenth century all of the important administrative positions were conferred exclusively on clericals and prelates. Moreover the administration and execution of justice were subordinated to the fiscal policy, which received exaggerated emphasis. Because of the essential weakness of the Papal States as a basis for the exercise of effective political power the high ambitions of the early modern popes to play a major role in the councils of Europe were foredoomed. Notwithstanding the skilful negotiations of the newly created papal nuncios in the European courts of the sixteenth and seventeenth centuries and the strenuous efforts of the recently erected Institute to formulate a consistent program of papal diplomacy, the temporal position of the popes in the new system of nation states became progressively more modest.

The waning prestige of the papacy in the temporal sphere has been paralleled by, and in part has contributed to, the acquisition of uncontested primacy of honor and jurisdiction within the church itself. Overshadowed for a time by the more dramatic cleavages arising from the Reformation movements, the issue of episcopalism versus papalism flared up again in the final session of the Council of Trent, in the form of a controversy over the question of the origin of the bishop's power. The Spanish as well as the French delegates maintained that both the rank and the jurisdiction of the bishop were divinely ordained, while in addition the French insisted on an abrogation of the papal right of supervision over benefices and a basic limitation of the pope's right of dispensation. Demands were also advanced for a reform of the College of Cardinals and for election of the pope by conciliar bodies. Thanks, however, to the skill of the Jesuit leader Lainez in steering the assembly away from explosive issues, the council closed without committing itself explicitly as to the respective claims of the two rival spheres of jurisdiction. But the decision of the council to leave the matter of the reform of the Curia entirely in the hands of the pope served to assure to the Holy See the power of final review, through a congregation of cardinals, over enactments and doctrinal formulations by conciliar bodies and in effect constituted a lasting triumph for papal authority in its long drawn out struggle with episcopalism. Papal absolutism, having thus been constitutionally grounded and cut free from the restrictions which had threatened to hem it in during the late conciliar and early reform periods, became more and more firmly intrenched in the post-Tridentine era.

The steadily increasing power of the pope within the church may be attributed in no small degree to the zeal with which the papacy since the sixteenth century has devoted itself to the cause of ecclesiastical reform. In contrast to the preceding period, when reformist movements were essentially antipapal in their inspiration and objectives, the significant renovations within the modern church have resulted in the main from the initiative of the popes themselves. The most profound institutional transformation during the early stages of papal reform involved the problem of the relation between the pope and the cardinals. With a view to freeing the papal office from its subservience to the cardinals, who in the later Middle Ages and the Renaissance had constituted, more often than not, a rather narrowly self-interested oligarchic group, the reform popes radically altered the status and function of the Sacred College. As

formulated in the papal bull of Sixtus v in 1588 this change called for the inauguration of a new administrative system built up around fifteen commissions, or *congregationes*, recruited exclusively from the ranks of the cardinals. Six of these congregations were entrusted with the administration of the Papal States, while the remaining nine were authorized to deal with general church questions. Of the latter group of congregations the most important were the "foreign office," in whose province fell all "extraordinary church affairs," and the "conciliar congregation," which constituted the final board of interpretation regarding Tridentine canon. Since each congregation was given a precisely delimited sphere of competence, the individual cardinal came to occupy a circumscribed and essentially bureaucratic position in an administrative system dominated ultimately by the pope as chief executive. At the same time Sixtus v emphasized the more spiritual role of the Sacred College as an ecclesiastical élite which should take the lead in all reform movements and develop within its ranks a worthy successor to the papal office. The profound change in the temper of the post-Tridentine Sacred College is apparent not only in the more spiritual character of the individual cardinal, as typified by Carlo Borromeo, but most strikingly in the tone of the electoral contract (*Wahlkapitulation*) of the successive popes, who used the instrument—formerly manipulated by the cardinal oligarchy in its own self-interest—as a medium for safeguarding the new program of ecclesiastical reform. Despite these changes and despite several attempts on the part of sixteenth and seventeenth century popes to impose more stringent regulations, it was long impossible to free the Sacred College from the informal interference of political rulers in papal elections. To the refined technique which enabled a Philip II of Spain to influence every conclave during his reign the Curia eventually succumbed, legitimizing the practise by investing the Catholic countries of Spain, France and Austria with the right of veto. The veto was not finally abolished until 1904, when its effective exercise had passed chiefly into the hands of Austria.

A second factor which helps to account for the increased power of the papacy within the modern church was the growing realization of the necessity for an outstanding and well equipped leader in the fight against the mounting forces of sectarian heterodoxy and anticlerical secularism. The older episcopal formulae continued to find expression in various essentially nationalistic quarters, notably among the exponents of Gallicanism in France and the leaders of the antipapal movement in eighteenth century Germany which culminated in the Ems Congress of 1786; but as a result of the profound crisis precipitated in the life of the church by the devastating anticlericalism of the French revolutionary period the forces of regionalism within the church lost much of their vitality. The outstanding role of the papal Curia in reestablishing ecclesiastical organization throughout Europe during the early nineteenth century provided a powerful stimulus to ultramontanism.

The final concession of unlimited papal primacy was not unrelated to the sharp reaction engendered throughout a large part of the Catholic world by the militant antipapalism of those leaders of the Risorgimento who were clamoring for the extinction of the Papal States in order to make way for a united Italy. In the same year that the papacy lost the last vestiges of its temporal power through the incorporation of the Papal States into the new kingdom of Italy, the Vatican Council of 1870 promulgated the doctrine of papal infallibility. The jurisdictional and doctrinal primacy of the pope, which had been an age old source of controversy, was at last definitively established in unequivocal and unqualified terms. The final identification of papal law and church law and the arrogation to the papal office of supreme legislative and executive prerogatives within the church were effected in the great work of codification of canon law, the *Codex juris canonici* of 1917. At once the keystone and the foundation of the ecclesiastical hierarchy, the pope was acclaimed as the true representative and embodiment of the *unitas ecclesiae*. The recognition of the City of the Vatican by the Italian government in 1929 served, at least symbolically, to reinvest the papacy with that territorial sovereignty which during most of the modern period had allowed it to maintain at least an independent position among the rulers of Europe.

The prestige of the pope as uncontested head of a world wide international institution numbering its adherents in the millions has continued to lend a more far reaching significance to his pontifical pronouncements, long after the waning of his direct temporal influence. Carrying over his traditional role of spokesman for the collective conscience of a unified European community into the new era of atomistic liberalism and nationalism, he has continued to raise

his voice against the regionalistic antagonisms and warrings characteristic of the modern balance of power system. An observer on the whole rather than a participant in the negotiations which have molded the alliances and counteralliances of the modern period, his repeated proffers of good offices and his readiness to serve as arbitrator and peacemaker have made him an outstanding figure in the growing movement for international good will and cooperation. By every premise of his office an uncompromising traditionalist and authoritarian, he has made few concessions to the subversive liberal ideologies which accompanied the bourgeois thrust to power and which were pontifically proscribed in the *Syllabus of Errors* by Pius IX. The growing plight, however, of the proletarian classes since the middle of the nineteenth century, combined with the spread of atheistic and anticlerical socialism, has brought about the necessity of a less negative social program on the part of the papacy. The various efforts of the popes, notably of Leo XIII in his encyclical of 1891, to ameliorate the lot of the economically distressed sections of the population through clerical or church controlled channels constitute one of the most significant moves of the papacy to come to terms with the economic system at whose birth it assisted.

CLEMENS BAUER

See: RELIGIOUS INSTITUTIONS; PRIESTHOOD; HOLY ROMAN EMPIRE; INVESTITURE CONFLICT; CANON LAW; BULL, PAPAL; EXCOMMUNICATION; INQUISITION; ECCLESIASTICAL COURTS; CONCORDAT; CRUSADES; BANKING, COMMERCIAL; RENAISSANCE; REFORMATION; PROTESTANTISM; CONCILIAR MOVEMENT; GALLICANISM; JESUITS; JANSENISM; ANTICLERICALISM; CATHOLIC PARTIES; SOCIAL CHRISTIANITY.

Consult: Caspar, Erich, *Geschichte des Papsttums*, vol. i– (Tübingen 1930–); Duchesne, L. M. O., *Histoire ancienne de l'église*, 3 vols. (5th ed. Paris 1911), tr. by C. Jenkins (London 1909–24); Shotwell, J. T., and Loomis, L. R., *The See of Peter* (New York 1927); Duchesne, L. M. O., *L'église au VIe siècle* (Paris 1925); Mollat, Guillaume, *Les papes d'Avignon (1305–1378)* (new ed. Paris 1924), and "The Popes of Avignon and the Great Schism" in *Cambridge Medieval History*, vol. vii (Cambridge, Eng. 1932) ch. x; Pastor, L. von, *Geschichte der Päpste seit dem Ausgang des Mittelalters*, 16 vols. (Freiburg i.Br. 1886–1932), English translation ed. by F. I. Antrobus and R. F. Kerr, 22 vols. (London 1891–1932); Bury, J. B., *History of the Papacy in the 19th Century (1864–1878)* (London 1930); Lunt, W. E., "The Financial System of the Mediaeval Papacy in the Light of Recent Literature" in *Quarterly Journal of Economics*, vol. xxiii (1908–09) 251–95; Bauer, Clemens, "Die Epochen der Papstfinanz" in *Historische Zeitschrift*, vol. cxxxviii (1928) 457–503; Watson, E. W., "The Development of Ecclesiastical Organisation and Its Financial Basis" in *Cambridge Medieval History*, vol. vi (Cambridge, Eng. 1929) ch. xvi; Poole, Reginald L., *Lectures on the History of the Papal Chancery Down to the Time of Innocent III* (Cambridge, Eng. 1915); Hinschius, P., *Das Kirchenrecht der Katholiken und Protestanten in Deutschland*, 6 vols. (Berlin 1869–97); Sägmüller, J. B., *Lehrbuch des katholischen Kirchenrechts*, 2 vols. (vol. i 4th ed. Freiburg i.Br. 1930, vol. ii 3rd ed. 1914); Sohm, R., *Das altkatholische Kirchenrecht und das Dekret Gratians* (Munich 1918); Lulvès, Jean, "Päpstliche Wahlkapitulationen" in *Quellen und Forschungen aus italienischen Archiven und Bibliotheken*, vol. xii (1909) 212–35; Duchesne, L. M. O., *Les premiers temps de l'état pontifical (754–1073)* (new ed. Paris 1912); Brosch, M., *Geschichte des Kirchenstaates*, Geschichte der europäischen Staaten, vol. xli, pt. ii, vol. xliii, pt. ii, 2 vols. (Gotha 1880–82); Hergenröther, Joseph, *Joseph Kardinal Hergenröthers Handbuch der allgemeinen Kirchengeschichte*, 4 vols. (5th ed. by J. P. Kirsch, Freiburg i.Br. 1911–17).

Note: Responsibility for translation and editorial condensation of author's original manuscript article assumed by Edwin Mims, Jr.

PAPER MONEY. Popularly the term paper money refers to all types of money made out of paper. In its narrower and more exact usage, however, it applies only to paper notes which are not redeemable in any other type of money and which derive their value solely from the legal tender quality bestowed upon them by the sanction of the state. Paper money proper thus shares the characteristics of all types of money—metallic, or commodity, money—in which the face value is greater than the value of the material substance of the money unit, with the difference that while in the latter the range of depreciation is limited by the intrinsic commodity value of the monetary unit, in paper money depreciation is practically unlimited.

Although monetary systems of coins whose value did not originate with the material from which they were made but from the legal tender quality imparted to them by the state were known in antiquity, for example, the replacement of silver by copper coins in the Roman Empire, the practise of issuing paper money was largely a development of relatively recent times associated originally with the issuance of banknotes. The banknote was a kind of check issued to bearer payable in lawful metallic money upon presentation and demand of the bearer. In times of financial stress, however, the banks were frequently unable to redeem their issues, in which case the government suspended the obligation of the bank to redeem the notes in standard coin; and the note, originally a promise to pay in coin, was thus transformed into paper money

proper. Another source of paper money in modern times is the government treasury; in seeking the means to cover government expenditures in times of fiscal stress it resorts to printing notes, which if irredeemable and endowed with legal tender constitute paper money.

As the paper note was originally introduced as a promise to pay, that is, as a temporary substitute for metallic money, the value of paper money was held to depend upon and to be determined by the degree of confidence which the promise of future conversion into metallic money inspired. This assumption, however, is erroneous; the value of paper money derives principally from the monetary functions which it performs. Its value inheres in its character as legal means of payment of taxes, of liquidating debts and of storing up wealth. This value can be maintained without regard to any promise of future conversion into metal, provided of course that the volume of circulating media is regulated to conform to the monetary requirements of trade. That it is possible to keep the value of paper money stable even when it is divorced entirely from a metallic standard was proved by the Austrian experiment with paper money in 1879 and by that of Russia in 1893.

The advantages offered by the issue of paper money are obvious. It is cheaper to issue paper money than metallic money. It presents a more flexible instrument for adjustment of the volume of circulating media to the requirements of trade. Moreover under a paper money system nations are not exposed to the danger of losing their monetary stock by exportation, as happens in the case of metallic money.

Equally obvious, however, are the limitations of paper money. The problem of regulating the currency constitutes a continuing source of difficulties. The existence of a paper money standard offers the government an ever present temptation to use the printing presses in order to meet government expenditures rather than to resort to the less popular means of increasing the tax rates; the value of the monetary unit is thus threatened. The overissue of paper money invariably leads to depreciation of the money unit, which in turn produces grave social and economic disturbances. Depreciation has sometimes reached extreme limits, as in France under the John Law experiment of 1720 and during the revolutionary period of 1789–96, in the United States during the colonial period and again during the revolution, in Peru in 1887 and more recently during the wave of depreciation which engulfed the monetary systems of Germany, Russia, Austria and other countries. In all these cases persons with fixed incomes, the entire creditor class and holders of cash suffered what amounted practically to complete confiscation.

Of still greater importance is the problem of regulation of foreign exchange under a paper money standard. The great advantage of the gold standard consists in the relative stability which it imparts to foreign exchange by confining the range of fluctuations in foreign exchanges within the limits of the gold points. The existence of a paper money standard inevitably widens the range of fluctuations, thereby causing grave disturbances in international credit relations and world trade. The task of regulating the foreign exchanges under a regime of paper money is one of the outstanding problems awaiting solution.

The frequent abuses of the government printing presses and the general uncertainties prevailing under a paper money regime have brought it into disrepute and induced the various countries which had adopted the system to depart therefrom and to return to a metallic standard. The methods of returning to a metallic standard have varied according to the extent of depreciation. Where depreciation of paper money in terms of gold or other standard metal has not been too extensive and too prolonged, the return has been effected by reestablishment of the convertibility of paper notes on the original basis. This procedure was followed in England in 1821, in the United States in 1879, in France in 1878, in Japan in 1886 and more recently in England in 1925. Where, however, depreciation has been allowed to go too far and endure too long, conversion of the paper notes at par, that is, the return to the original gold basis, is impossible in view of the grave economic disturbances it would involve. The excessive appreciation of the currency would necessitate a drastic decline in prices and thereby create insuperable hardships for the class of debtors and generally for the producers of the country. Moreover it would bring unmerited wealth to many who might not have suffered from previous depreciation of currency. Under such circumstances convertibility is usually reestablished at a lower gold basis, which is generally set in the neighborhood of the average value of the paper currency in terms of foreign exchanges of gold standard countries during a set period preceding the return to the gold standard. This method of return to a gold

standard was followed in Russia in 1897, in Austria in 1892, in Chile in 1895 and in 1925, in Argentina in 1899, in Brazil in 1906 and more recently in France and in other countries which depreciated their currencies during the World War and the post-war period.

Finally, where the depreciation of the paper note has been complete, as in the case of the German paper mark in 1923, the return of the gold standard takes the form of establishment of a new monetary system. The problem of fixing the gold content of the new money unit adopted in place of the depreciated currency presents no great difficulties. In Peru in 1887, when paper money was totally depreciated, the monetary system based upon the Peruvian sol was replaced by a unit corresponding to the British pound sterling. The depreciated German mark was replaced in 1923 first by the Rentenmark and in 1924 by the gold mark with full pre-depreciation value.

GUILLERMO SUBERCASEAUX

See: MONEY; CURRENCY; BANKNOTES; NEGOTIABLE INSTRUMENTS; INFLATION AND DEFLATION; FOREIGN EXCHANGE; MONETARY STABILIZATION.

Consult: Subercaseaux, G., *Le papier-monnaie* (Paris 1920); Wagner, Adolph, *Papiergeld* (Stuttgart 1862), and *Staatspapiergeld* (Berlin 1874); Mitchell, Wesley C., *History of the Greenbacks* (Chicago 1903); Kramář, Karel, *Das Papiergeld in Osterreich seit 1848* (Leipsic 1886); Lotz, Walther, *Das Papiergeld unter besonderer Berücksichtigung der heutigen deutschen Valutafrage*, Volkswirtschaftliche Zeitfragen, vol. xli, pts. i–ii (Berlin 1920); Phillips, H., *Historical Sketches of the Paper Currency of the American Colonies*, 2 vols. (Roxbury 1865–66); Harris, S. E., *The Assignats*, Harvard Economic Studies, vol. xxxiii (Cambridge, Mass. 1930). See also bibliographies on INFLATION AND DEFLATION; MONETARY STABILIZATION; MONEY.

PAPER AND PULP INDUSTRY. *See* PULP AND PAPER INDUSTRY.

PAPINIANUS, AEMILIUS (*c.* 150–212), Roman jurist. It is supposed that Papinian was born in Syria. His nationality is attested by his relationship to the second wife of the emperor Septimius Severus, Julia Domna, who was born in Syrian Emesa. Papinian was a close friend of the emperor, but the belief that he studied with him under the jurist Scaevola and succeeded the emperor as *advocatus fisci* must be attributed to an interpolation of a thirteenth century scribe. He did, however, hold the office of *magister libellorum*, and from 203 until at least the death of Severus he was praetorian prefect. Papinian incurred the enmity of Caracalla and was put to death in February, 212.

Six works of Papinian are known. Of these the thirty-seven books of *Quaestiones* and the nineteen books of *Responsa* are the most important. The former give answers to doubtful legal questions of general significance, while the latter apply undisputed legal rules to particular cases. The last eleven books of the *Responsa* differ from the first eight and more nearly approximate the *Quaestiones*; some scholars explain this on the ground of posthumous publication. The less important works are a Greek treatise on minor provincial municipal officials, two books of *Definitiones* which present a summary of existent legal rules, two books on adultery and a supplemental single book on the same subject.

The acumen and independence of Papinian's criticism together with his recognition and careful evaluation of the practical necessities of life place him high among the juristic thinkers of the world. In postclassical and Justinianian times Papinian occupied a position of major importance. His opinion was decisive in the famous law of citations; third year law students were termed Papinianistae and specialized in his works; and his writings were utilized in various collections, notably the Vatican Fragments and the Digest of Justinian. Excavations in Egypt have recently added new fragments of his *Responsa* to his extant works and modern scholars are prone to agree with the epithets of praise of Justinian, Cassiodorus, Hieronymus and others, although he is no longer regarded as indisputably the greatest of the Roman jurists.

A. ARTHUR SCHILLER

Works: Lenel, O., *Palingenesia juris civilis*, 2 vols. (Leipsic 1889) vol. i, cols. 803–946.

Consult: Costa, E., "La vita e le opere di Papiniano" in his *Papiniano: studio di storia interna del diritto romano*, 4 vols. (Bologna 1894–99) vol. i; Kalb, W., *Roms Juristen, nach ihrer Sprache dargestellt* (Leipsic 1890) p. 107–18; Mommsen, T., *Juristische Schriften*, in his *Gesammelte Schriften*, vols. i–iii, 3 vols. (Berlin 1905–07) vol. ii, p. 64–67; Fitting, H., *Alter und Folge der Schriften römischer Juristen von Hadrian bis Alexander* (2nd ed. Halle 1908) p. 71–78; Krueger, P., *Geschichte der Quellen und Literatur des römischen Rechts* (2nd ed. Munich 1912) p. 220–24.

PARDON. A pardon is an act of grace which results in the remission of the legal consequences of crime. The term pardon is sometimes used in a generic sense, however, and thus includes all forms of clemency. A pardon is to be dis-

tinguished from a reprieve, which is only a suspension of sentence of execution. It is also to be distinguished from an amnesty (*q.v.*), which is rarely if ever invoked in favor of an individual but is commonly employed in favor of classes of persons who are subject to trial but have not yet been convicted. A pardon may be either absolute or conditional.

Evidence of the use of pardons in a crude form extends back to primitive times. The Code of Hammurabi contains no reference to clemency, but it is known that Samsu-iluna, Hammurabi's son, pardoned a slave who had forfeited his life. Although the Mosaic law makes no mention of the subject, King David used the pardoning power, and cities of refuge were provided where fugitives who had innocently shed blood might obtain security from the fury of the avenger. In Athens the assembled people had the right to remit penalties, and the civil law of Rome recognized the right of the emperor as sovereign to grant clemency.

Clemency was practised also among the early Germanic tribes. It was recognized in England in the laws of Aethelberht of Kent, Alfred and Edward the Confessor and later was approved by such early jurists as Glanvill and Bracton. The English conception of clemency was transplanted to the American colonies, where its use by the authorities was regarded as a delegation of the royal prerogative. This view was superseded after American independence by the idea that the power to pardon was a sovereign power inherent in the state, although the principles of English legal construction were retained by American courts.

Because of the multiplicity of jurisdictions the modes of administration of the pardoning power vary greatly in the United States. The power is conferred most frequently on the governor, who may be aided by an advisory pardon board, but it may rest entirely with a state board of pardons of which the governor is a member. The membership of these boards is subject to wide variation in number and character; usually they are composed of various state officials who sit ex officio.

The procedure at hearings for pardons also varies greatly. In some states they are open and in others closed. Evidence is usually not presented under oath, and the conduct of the hearing is quite informal. Some states subpoena witnesses while others do not. In some states applicants are represented by counsel; in others the practise is discouraged.

The president of the United States has full power to pardon for all federal offenses except in cases of impeachment. Petitions for presidential clemency are always submitted to the attorney general, who has them investigated by the attorney in charge of pardons before they are acted on by the president. In Great Britain the crown acts on clemency petitions upon the advice of the home secretary. In Germany the pardoning power is vested in the president of the Reich, whose authority is, however, limited for it extends only to the action of the federal courts. Since the administration of justice is with few exceptions left to the individual states of the Reich, these normally exercise the pardoning power. Although in general the power to exercise clemency is vested in the chief executive of a nation, in the Soviet Union it lies within the jurisdiction of the All-Russian Congress and the All-Russian Central Executive Committee. In Turkey this power rests with the Grand National Assembly.

Generally the executive is restricted in bestowing clemency in cases of treason and impeachment and in grants of general amnesty. In twenty-four states in the United States the governor cannot pardon for treason, and in forty-two states cases of impeachment are excluded from the jurisdiction of the executive pardoning authority. Generally the chief executives are denied the right to pardon in cases of impeachment. If clemency is granted in such instances, the authority is usually exercised by the legislative branch of government. Despite the disuse into which impeachment has fallen as a result of the evolution of the parliamentary control of ministers, it is evidently still regarded as sufficiently valuable to make it desirable to bar executive interference.

Since a pardon is an act of grace it cannot be demanded as a matter of right. It is normally issued on the theory that the person who receives it is guilty. If conviction is the result of error the proper procedure is to attempt to have the verdict modified or set aside. After the lapse of a certain time, however, the courts no longer have the power to take such action. An application for a pardon then becomes the only method of rectifying a miscarriage of justice.

A pardon not only removes the penalty but, in contemplation of law, places the offender in the same position as if he had never committed the offense [*Ex parte* Garland, 71 U.S. 333 (1866)]. The United States Supreme Court also held in this case that the president may pardon

before or during trial as well as after conviction. In the United States a pardon is of no effect until it has been delivered and accepted, but a commutation of sentence is operative without acceptance [Chapman *v.* Scott, 10 Fed. (2nd), 156, 690 (1925–26)]. Although a full pardon restores the usual civil rights it does not restore offices which were forfeited or property interests which have become vested in others as a result of conviction. An unconditional pardon which has been delivered and accepted cannot afterwards be revoked except for fraud, and a court of equity has power to determine if a pardon was procured by such means (196 Iowa 1233).

In 1925 the Supreme Court of the United States held that the president could pardon for indirect judicial contempt (*Ex parte* Grossman 267 U.S. 87). Later in the same year the Supreme Court of New Mexico held that the governor could pardon for direct contempt committed in the presence of the court (*Ex parte* Magee, 242 Pac. 332). Pardon for civil contempt cannot be granted, since the punishment is remedial; that is, for the benefit of the complainant. It is uncertain whether the executive may pardon for legislative contempt.

Any realistic analysis of the pardoning power must also take into account the fact that agencies of government other than those formally entrusted with its exercise do in fact have virtual power to extend clemency. In ancient Rome some offenses were created by edict but the degree of punishment was left to the discretion of the magistrates. Modern courts of justice direct verdicts of acquittal, set aside judgments for mistake or fraud, stay executions of sentence and remit penalties for contempt of court. Prosecuting attorneys may enter a *nolle prosequi* to discharge defendants under certain conditions. The French penal code, which permits the jury to decide when there are mitigating circumstances, requires the judge to take such a finding into consideration by imposing a more lenient sentence; even in the absence of such legal power juries often bring in verdicts which can be regarded only as acts of clemency. Sometimes the pardoning power is delegated, as in Germany and in some other states, where the right to remit certain penalties imposed in the administration of the tax code is conferred on the national minister of finance.

Since the time of Lombroso the scientific study of criminology has greatly altered the attitude toward crime. The present trend is to discount the existence of a hereditary criminal class and to regard environment and circumstances as leading factors in the making of the criminal. His treatment therefore must be directed toward the possibility of cure rather than toward the imposition of punishment. As a result pardon authorities now find themselves in a difficult position. On the one hand, each case should be considered as an individual problem; on the other, inconsistent and arbitrary action should be avoided. Complaints of the abuse of the pardoning power are quite widespread. Hence it has been insisted that the application of fixed rules and regulations will result in a reasonable adherence to constancy and fairness and at the same time will secure individualization of treatment. The indeterminate sentence, parole and judicial discretion in imposing sentence are but preliminary steps. Further advances may involve revision of criminal codes and radical change in the personnel and training of pardoning authorities and even of the judiciary itself.

CHRISTEN JENSEN

See: PUNISHMENT; CRIMINOLOGY; AMNESTY; CONTEMPT OF COURT; PROBATION AND PAROLE; INDETERMINATE SENTENCE; IMPEACHMENT; TREASON.

Consult: Jensen, Christen, *The Pardoning Power in the American States* (Chicago 1922); Bishop, J. P., *Bishop on Criminal Law*, 2 vols. (9th ed. by J. M. Zane and C. F. G. Zollmann, Chicago 1923) vol. i, ch. lix; Social Science Research Council, Committee on Survey of Research on Crime and Criminal Justice, *A Guide to Material on Crime and Criminal Justice*, prepared by A. F. Kuhlman (New York 1929) ch. xiii; Barnett, J. D., "Executive, Legislature, and Judiciary in Pardon" in *American Law Review*, vol. xlix (1915) 684–734, and "The Grounds of Pardon" in American Institute of Criminal Law and Criminology, *Journal*, vol. xvii (1926–27) 490–530; Van Hecke, M. T., "Pardons in Impeachment Cases" in *Michigan Law Review*, vol. xxiv (1925–26) 657–74; Neal, A., and Hager, B., "Summary of the Provisions of the Constitution and Statutes of the Several States Relating to Pardons" in American Institute of Criminal Law and Criminology, *Journal*, vol. xx (1929–30) 364–95; Kenny, C. S., *Outlines of Criminal Law* (13th ed. Cambridge, Eng. 1929) ch. xxxi, sect. 10; Vrabiesco, G. C., *Contribution à l'étude critique du droit de grâce* (Paris 1921); Liszt, Franz von, *Lehrbuch des deutschen Strafrechts* (25th ed. by Eberhard Schmidt, Berlin 1927) sects. 75, 75a; Garafalo, R., "Grazie, amnistie, indulti" in Società Reale di Napoli, Accademia di Scienze Morali e Politiche, *Atti*, vol. xlvi, pt. i (1920) 173–211; Pasche-Oserski, N. N., *Strafe und Strafvollzug in der Sowjet-Union*, tr. from Russian ms. by Axel Rambach (Berlin 1929); Oppenheimer, Heinrich, *The Rationale of Punishment*, University of London, Monographs on Sociology, vol. i (London 1913); Saleilles, Raymond, *L'individualisation de la peine* (3rd ed. by Gaston Morin, Paris 1927), tr. from the 2nd French ed. by R. S. Jastrow (Boston 1911).

PARENT EDUCATION. The parent education movement can best be understood as a mode of cultural adjustment based on the assumption that the home, in spite of the taking over by outside agencies of many of the functions of child care and training, is still the most important influence on the personality development of the child. The basic purpose of the movement is to foster insight on the part of parents into their own personalities and into their family relationships.

Its origin in the United States is fairly recent and is twofold in character: professional on the one hand, and lay on the other. Data collected independently in various branches of the social sciences—particularly in psychiatry and mental hygiene—have in the last decade increasingly impressed educators, social workers, physicians and religious leaders with the importance of the home in child training. As a result parent education has developed from an attempt on the part of agencies which serve children and the community to make parents aware of the new knowledge and technique of child care. On the other hand, parents themselves have begun to realize that the traditional methods of rearing children do not fit individuals to meet complicated modern social and economic conditions, and they are turning to every relevant branch of knowledge for guidance. As early as 1888 such initiative taken by a group of parents under the leadership of an experimentally minded teacher in New York led to the founding of the Society for the Study of Child Nature, which eventually became the Child Study Association of America. Similarly, the forerunner of the National Congress of Parents and Teachers was the Congress of Mothers organized in 1897. Thus parent education, while strictly speaking not a folk movement, resembles one to the extent that it has derived its impulse from the interest and initiative of parents themselves.

The professional status of the movement arises from methodology and point of view rather than from content, since in order to help parents meet actual situations and problems it is necessary to introduce them to knowledge from many disciplines—hygiene, nutrition, sanitation, psychology, mental hygiene, education and others. Its uniqueness lies in the application of varied subject matter to the specific problems of parenthood. Because it implies education for parenthood and includes pre-parental training as a major and integral part of its program, it is more than an auxiliary phase of adult education. In almost every state of the union and in several territories pre-parental instruction, including courses in child care ranging from sixth grade to graduate work, is being given in hundreds of schools and colleges, and programs for adolescents and pre-adolescents are being carried on by churches, settlement houses and such organizations as the Girl Scouts, the Camp Fire Girls, the Young Men's and Young Women's Christian associations.

In spite of a background of forty years of interest in child study the term parent education has been in use hardly more than a decade, dating apparently from a time when various organizations and services realized that they were all engaged in some phase of educating parents and that their common purpose could best be served by cooperation. In anticipation of a rapid development of both lay and professional aspects of the movement the National Council of Parent Education was organized in 1925 to serve as a clearing house for participating agencies and to promote affiliation between adult education and child welfare groups. By 1928 the first informal organization had definitely become a coordinating and consulting center for the various organizations carrying on parent education work, and the aims and policies of the council are representative of the present trend of parent education in the United States and Canada.

In 1925, when the movement was developing rapidly, many leaders expected a distinct profession of parent education to emerge. Others believed that the promotion of additional organizations and specialists would be less effective than the dissemination of the newer knowledge of child development through already functioning social, educational and health agencies. That the latter course has prevailed is doubtless fortunate, since the early diversity of organization, purpose and programs preserved the vitality of the movement and kept it closer to the actual needs of the parents whom it purposed to serve. The relationship between the National Council of Parent Education and its seventy member organizations is loose. Any agency which is working with or for parents is eligible for membership in the council, and no attempt is made to dictate methods or programs. The list of members contains such varied organizations as the American Association of University Women, the Metropolitan Life Insurance Company (the only commercial organization holding membership), the Child Study Association of America, the American Social Hygiene Associa-

tion, the Federal Council of Churches, New York Hospital, Cornell Medical Center, the National Congress of Parents and Teachers, the Federal Board for Vocational Education, the Bureau of Home Economics and the Office of Education. Although approximately half of the member organizations are tax supported, the movement as a whole retains its private character. In institutional programs where parent education is but one phase support is usually derived from foundations, although funds are also contributed from federal, state and city sources. Programs within organizations specially designed for parent education are in general supported by membership dues, gifts and occasional small appropriations from foundations.

The programs carried on by different organizations for parent education are widely varied. Parent education is frequently associated with other activities, as, for example, in the eighteen research and training centers established by grants from the Laura Spelman Rockefeller Memorial, where parent education work is closely related to research in child development carried on in nursery schools, preschool laboratories and child guidance clinics. The majority of the child welfare research centers are connected with state universities, normal schools or teachers' colleges and conduct graduate courses for training professional leaders in parent education. In some states parent education, affiliated with an agricultural program, is part of the home economics extension service; in others it is a phase of the home economics division of vocational education; in still others it is an independent unit.

A survey of typical parent education programs made for the White House Conference on Child Health and Protection in 1930 revealed the following activities carried on in forty national, state, city or university programs: teaching parents in groups or singly; training professional and non-professional leaders; preparing illustrative material for the use of parents or parent educators; conducting research; stimulating interest in parent education activities. National programs for the most part concentrate on the instruction of parents, the provision of material for use in executing projects and the building up of favorable public opinion. State and university programs are primarily concerned with training lay and professional leaders, and city programs with teaching parents and preparing research material for their use.

An analysis of the content and scope of various activities is another index of the present status of the movement, particularly in respect to tendencies toward crystallization of practises and attitudes. In April, 1930, a questionnaire was sent out by the federal Office of Education to 2533 organizations on its mailing list to ascertain the extent of parent education in the United States in terms of the number of agencies, their geographic distribution and the prevailing types of program. Of the 619 replies that were received 378 reported work consciously recognized as parent education, involving a total of 2161 workers in parent education and 5687 study groups, reaching during a year an estimated number of 500,000 parents. Regardless of whether the programs were major, minor or incidental, they all closely followed the same method. Although parents are to some extent taught in groups, consultations are the most frequent method of instruction and are carried on in connection with group technique so far as the personality, time and training of the leader permit. Significantly, half of the programs base their choice of content on the needs expressed by the parents themselves. The subject matter topics which follow are given in descending order of interest as reported by the agencies: behavior problems; child care; mental development; family relationships; physical development; sex education; mental hygiene; toys and play equipment; clothing; literature; recreation; adolescent problems; home hygiene; family nutrition; home management; handicapped and retarded children; special abilities; heredity; speech development; educational techniques; religious education; vocational guidance. The composite picture shows lessened interest as the topics go from subjects of immediate concern to parents to the more specialized subjects of child care and training. Beyond the highly important fact that the present emphasis is placed on the behavior of the child, it is difficult to interpret these data. They do not reveal another tendency which other evidence renders unmistakable. Within the last decade emphasis has shifted from a predominant interest in the child to interest in the parent and finally to relationships within the family. This trend has closely paralleled the findings of psychiatry and is the direct contribution of mental hygiene. It indicates a conscious attempt on the part of educators and specialists to utilize the interests of parents and to recognize them as personalities apart from their parental function, in contrast to older methods of propaganda and indoctrina-

tion. The National Council of Parent Education is assuming leadership in the endeavor to find more effective methods of helping parents and teachers to utilize scientific knowledge in their daily activities. To this end a committee on studies and researches was organized following the third biennial conference of the council in 1932. This committee aims to study and clarify the field of parent education and family relationships in terms of educational methods and social policies, to prepare and keep before interested workers a comprehensive plan for research in parent education and family relationships and to counsel with research centers upon request regarding problem areas in which research may be needed and regarding feasible and fruitful methods of research in this general field.

Before an attempt is made to evaluate the parent education movement as a whole, a comparison of its development abroad with that in the United States is pertinent. The origins and trends of the movement already described are also evident in England and continental Europe, although in almost no other country has progress been as rapid as in the United States. This retardation has been due chiefly to economic and political conditions in post-war Europe rather than to lack of interest in or responsibility for child welfare.

In Russia parent education work is undertaken in connection with health centers and nursery schools. All teachers are expected to work with mothers to try to transform home environments, at least along sanitary lines. Agencies serving children under three years of age are the responsibility of the Commissariat of Health; all other institutions concerned with children are under the direction of the Commissariat of Education. Instructions published by the People's Commissariat of Health for summer rural nurseries are typical of the Soviet attitude toward parent education: "All this work will be of maximum value only if those in charge maintain the most intimate relations with parents. Of paramount importance are talks with mothers, observations of children at home, directing attention of parents to defects in bringing up, and offering practical suggestions." In connection with every trade union and factory there are nursery schools for the education and care of children. Exhibits, posters and various forms of personal instruction are carefully worked out for the education of illiterate mothers. These methods are all designed to free the working and peasant women from household cares and to include them in the social life of the country as well as to instruct them in the care of their children. In Russia pre-parental education may be said to begin in the nursery school.

In England parent education has from the first been closely integrated with the educational system, especially with the nursery schools and kindergartens, most of which were philanthropic in purpose. The two organizations most active in the field of parent education are the Home and School Council and the Parents' National Educational Union, both organized in connection with primary and secondary schools. Their programs and methods are similar to those of parent-teacher organizations in the United States.

Parent education in Germany is unique in one respect, in that the fathers are equally concerned with the mothers. In every German school a parents' council represents the fathers and mothers of the district—one member being elected for each fifty children—and acts in an advisory capacity to the teaching staff. These councils (*Elternbeiräte*), whose meetings are attended by teachers as well as parents, endeavor to promote cooperation between the home and school and to some extent serve the same purpose as the parent-teacher organizations in the United States. Through health clinics connected with the schools a further effort is made to develop in parents a sense of community responsibility.

Among the organizations furthering the same purpose internationally that is served by the National Council in the United States are the Commission Internationale de l'Éducation Familiale and the International Federation of Home and School. The former, organized at Liége in 1905, distributes an annual questionnaire to its members in order to find out the extent of work that is being done in parent education, specifically in terms of organizations, cooperation with churches and schools, conferences, current publications and the use of films, radio and other publicity media. The International Federation of Home and School was organized at a meeting of the World Federation of Education Associations at Toronto in 1927 chiefly to encourage the formation of national parent education groups in its member countries, which in 1932 numbered thirty-one.

An important development in the parent education movement in all countries is the increasing use of current magazines and journals as channels for the dissemination of information.

The significance of this literature lies in the number of parents who are reached directly. There are three types of publication offering material for parents and teachers: journals designed especially to serve parents and parents' interests; periodicals serving special fields of education or science which include parent education material relevant to the specialists concerned; popular women's magazines with occasional articles or special departments for parents. Newspapers frequently furnish similar reading matter, chiefly through syndicates which provide daily or weekly articles on child training to many papers throughout the country. The use of the radio as well as the press has proved especially effective in making parent education available to families in rural districts.

The limitations of the parent education movement are inherent in its loose organization and rapid growth. Specialization often conceals a lack of concern for child welfare, and the individual limitations of leaders prevent the necessary correlation of programs. The future of the movement depends on its success in making parents class conscious and aware of their responsibility for what special groups and agencies are doing to their children. To this end educational facilities for parents must be developed as a normal part of a broad educational program which is truly social and suited to fathers as well as mothers, while the training of all those who work with children and parents must include the fundamental facts of mental hygiene, child development and family relationships. Finally, the effectiveness of the movement will depend in large measure on the extent to which it becomes a community responsibility incorporated in the public education program.

MARY S. FISHER

See: CHILD; FAMILY; ADOLESCENCE; EDUCATION; PRESCHOOL EDUCATION; ADULT EDUCATION.

Consult: White House Conference on Child Health and Protection, Section III: Education and Training, Committee on the Family and Parent Education, *Parent Education* (New York 1932); National Society for the Study of Education, "Preschool and Parental Education," ed. by G. M. Whipple, in *Yearbook*, vol. xxviii (Bloomington, Ill. 1929) pts. i–ii; *Parent Education; Yearbook*, vols. i–iii (Washington 1930–32); Brill, A. C., and Youtz, M. P., *Your Child and His Parents* (New York 1932); Northwest Conference on Child Health and Parent Education, 1st, Minneapolis, 1927, *Parent Education*, ed. by R. O. Beard (Minneapolis 1927); Lombard, E. C., *Parent Education 1926–1928*, United States, Bureau of Education, Bulletin, 1929, no. 15 (1929); *Concerning Parents: a Symposium on Present Day Parenthood* (New York 1926); Richardson, A. E., and Miller, M. L., *Child Development and Parental Education in Home Economics* (Baltimore 1928); Blatz, W. E., and Bott, H. M., *Parents and the Pre-school Child* (London 1928); Lindeman, E. C., "Sociological Aspects of Parent Education" in *Journal of Educational Sociology*, vol. v (1931–32) 500–07; Bridgman, R. P., "Ten Years' Progress in Parent Education," and Groves, E. R., "Parent Education" in American Academy of Political and Social Science, *Annals*, vol. cli (1930) 32–45, and vol. clx (1932) 216–22; Dix, K. W., *Brauchen wir Elternschulen?*, Pädagogisches Magazin, no. 693 (2nd ed. Langensalza 1918); Farez, Paul, "L'école des parents" in *Journal des débats*, vol. xxxviii, pt. ii (1931) 914–17.

PARETO, VILFREDO (MARCHESE DI PARIGI) (1848–1923), Italian economist and sociologist. Pareto came into the social sciences late in life after an education mainly in mathematics and physical science and some twenty years' experience as a practising engineer. He then interested himself both in the economic implications of contemporary political questions and in the applicability of mathematics to the formulation of economic theory. His work in the latter field attracted the attention of Léon Walras and led to Pareto's appointment in 1893 to succeed him as professor of political economy at Lausanne.

The best known of his earlier contributions is the much discussed Pareto's law of income distribution, the statistical basis of which has been so severely criticized that it is not now generally accepted. Pareto's most important contributions to economics, however, lie in the field of general economic theory. Here, although he was an "orthodox" economist, his position differs in important respects from that generally held in Anglo-Saxon countries. He went farther than anyone in his generation to work out a mathematical formulation of the system of economic equilibrium as a whole. In spite of the fact that, as Pareto was well aware, his equations could not be solved, on account both of lack of data and of the great number of variables, his achievement was of the greatest importance from the point of view of logical clarity.

Furthermore Pareto realized and emphasized the abstractness of economic theory. He held that it deals with type actions which are logical with reference to the processes of securing means to satisfy wants. Both the wants themselves and the ultimate obstacles to their satisfaction must be taken as data by economic science. Above all Pareto showed that by the use of indifference curves it was possible to formulate all the equations of economic equi-

librium without recourse to the concept of utility, and he thus emancipated economic theory from the last vestiges of dependence on psychological hedonism. He also departed from orthodoxy by working out a complete theoretical framework not only on the usual competitive assumptions but also on those of monopoly and of collectivism, all three being of concrete importance. Clearly he did not hold that economic theory alone is capable of an adequate complete explanation of concrete social events.

Acutely conscious of the concrete problems his economics could not solve, he felt an intense need for a broader science to supplement it and so turned to sociology. For material he depended largely on two sources: first, his encyclopaedic knowledge of the history and literature of classical antiquity, the fruit of a lifelong interest in these subjects; and, second, his detailed knowledge of the inner workings of modern government, acquired from years of study of contemporary politics. Although he was unable here to carry the application of the methods of the physical sciences as far as in economics, their influence was of the greatest importance to his sociology as a model of method as well as for the central position of the problem of the role of scientific knowledge in human action.

In fact his whole sociological theory turns on the concepts of "logical" and "non-logical" action. The former is formulated with the type of economic action primarily in mind, as action rational with reference to a given subjective end. The main analytical problems of Pareto's sociology, however, concern the other type. Once having abstracted the logical elements he attempts to study non-logical action inductively and on this basis distinguishes two main elements. One, a highly variable factor, consisting of logical or pseudo-logical reasoning about action, he calls "derivations." The other, the relatively constant element, a "manifestation of sentiments" not rationally based or justified, he calls "residues."

In attempting to interpret these concepts one finds a very serious ambiguity, of which Pareto himself apparently was not aware. When thinking of logical action mainly in economic terms, he conceives action as non-logical only in so far as it is not determined by the conscious purpose of the acting individual. Here the main factors in non-logical action become the instincts and drives of anti-intellectualist psychology, and "ideas" play at best a minor part. But intertwined with this is an entirely different strand of thought. Its starting point is a narrower concept of logical action in terms of scientific knowledge alone, where from the point of view of the acting individual only knowledge of empirical external facts and strictly logical deductions from such knowledge enter into action. All subjective ends thus become non-logical elements. Here Pareto does not question the role of subjective ends, but rather the scientific status of such ends, denying that they are scientific facts. On this line of thought the residues turn out to be precisely these non-scientific subjective ends; in short, ideals or values. His theory of the residues instead of being a means of minimizing the role of values in history is thus an affirmation of it. His attack is on a very different thesis: that the really important ideas for action are those of science.

While the first strand of thought furnishes the usual interpretation of Pareto's concepts, the second may be considered the more important, particularly in its theoretical consequences. Furthermore the ideal ends on which Pareto lays stress, those of religious and ethical systems, are in a sense essentially social, marked off sharply from the essentially individual wants of economics. Thus Pareto may with proper precautions be claimed as an adherent of social "realism," an aspect of his thought which obtrudes most sharply in his discussion of the theory of social utility, where, for instance, he speaks of "the end which a society pursues" as distinct from those of its individual members.

Pareto's most important contribution to the concrete interpretation of social phenomena lies in his cyclical theory of social change. This is conceived of as the alternate predominance in the governing groups of two classes of residues, the instinct of combinations" and the "persistence of aggregates." The latter describes a type of action in which ideal ends are predominant and is characterized by subordination of individual and immediate interest to them; the former type is that of absorption in immediate and tangible interest.

The cycle has three main aspects, political, economic and ideological. The political cycle starts with the accession to power of men strong in the persistence of aggregates, the "lions," who because of the very absoluteness of their belief in ideal ends use force to pro-

mote them. But the exigencies of maintaining power, especially the inconvenience of force as an instrument, causes them to turn to "ruse," to become "foxes." This in turn favors the rise from below of men skilled in ruse and prevents that of those strong in the persistence of aggregates. The result is a dilution of these residues in the governing classes and finally a state of disequilibrium leading to their overthrow. In the economic field there are the "rentiers," who though savers are timid and have little enterprise, and the "speculators," the economic counterpart of the political foxes, strong and daring but tending to extravagance and instability. Finally, there is a similar alternation of predominant skepticism in the intellectual sphere, accompanying the rule of the foxes and speculators, and of faith at the opposite extreme.

Contemporary society Pareto regarded as nearing the extreme of possible predominance of the residues of combination. The Fascist movement, of which he was sometimes held to be a prophet, may be regarded as one element in the expected reaction toward the opposite phase of the cycle. Pareto's intellectual detachment, however, made it quite impossible for him to be an ardent adherent of any political movement.

In spite of its inconsistencies and incompleteness Pareto's sociology may be considered as one of the first and thus far one of the few most important attempts to rebuild on the ruins of the fallen classical positivism, as represented, for instance, by Spencer. While Pareto was himself too deeply embedded in positivistic thought to achieve complete emancipation, he nevertheless broke through the old shell and took long steps toward the construction of a new edifice of theory.

TALCOTT PARSONS

Works: *Cours d'économie politique*, 2 vols. (Lausanne 1896–97); *Manuale d'economia politica* (Milan 1906); "Anwendung der Mathematik auf Nationalökonomie" in *Encyklopädie der mathematischen Wissenschaften*, vol. i, pt. ii (Leipsic 1904) p. 1094–1120; *La mythe vertuiste et la littérature immorale* (Paris 1911); *Les systèmes socialistes*, 2 vols. (Paris 1902–03); *Trattato di sociologia generale*, 2 vols. (Florence 1916; 2nd ed., 3 vols., 1923); *Fatti et teorie* (Florence 1920). For bibliography of Pareto's works see Rocca, G., and Spinedi, F., in *Giornale degli economisti e rivista di statistica*, 4th ser., vol. lxiv (1924) 144–53.

Consult: Pantaleoni, Maffeo, and others, in *Giornale degli economisti e rivista di statistica*, 4th ser., vol. lxiv (1924) 1–144; Sensini, Guido, "La sociologia generale di Vilfredo Pareto," and "Le equazioni dell' equilibrio economico-finanziario, per un punto dato, nel caso delle imposte e in un regime di libera concorrenza economica" in *Rivista italiana de sociologia*, vol. xxi (1917) 198–253 and vol. xxiv (1920) 420–37; Carli, Filippo, "Paretos soziologisches System und der 'Behaviorismus' " in *Kölner Vierteljahrshefte für Soziologie*, vol. iv (1924–25) 273–85; Spirito, Ugo, in *Nuovi studi di diritto economico e politica*, vol. i (1927–28) 24–35, 105–21; Bousquet, G.-H., *Vilfredo Pareto, sa vie et son oeuvre* (Paris 1928), *The Work of Vilfredo Pareto*, tr. from ms. by McQuilkin DeGrange (Hanover, N. H. 1928), *Précis de sociologie d'après Vilfredo Pareto* (Paris 1925), and *Introduction à l'étude du Manuel de V. Pareto* (Paris 1927); Bompaire, François, *Du principe de liberté économique dans l'oeuvre de Cournot et dans celle de l'école de Lausanne (Walras, Pareto)* (Paris 1931); Michels, Roberto, *Bedeutende Männer* (Leipsic 1927); Ziegler, H. O., "Ideologienlehre" in *Archiv für Sozialwissenschaft und Sozialpolitik*, vol. lvii (1927) 657–700; Sorokin, P. A., *Contemporary Sociological Theories* (New York 1928), especially p. 37–62; Bongiorno, Andrew, "A Study of Pareto's Treatise on General Sociology" in *American Journal of Sociology*, vol. xxxvi (1930–31) 349–70.

PARIS, MATTHEW (*c.* 1199–1259), mediaeval chronicler. A writer of supreme energy and an exquisite draftsman (he had had a goldsmith's training), under Abbots William and John II he was appointed to continue the St. Albans chronicle at the point where Roger of Wendover stopped, and he is accordingly responsible for the section from 1235 to 1259 together with the revision of the chronicle as Wendover left it. He wrote an abridgment of this (the *Cronica maiora*), known as the *Historia Anglorum* or *Historia minor*, containing one of the earliest maps of England, as well as the *Lives* of the first twenty-three abbots of St. Albans down to 1255, later incorporated by Walsingham into the *Gesta abbatum*; he also compiled the greater part of the *Liber additamentorum*, or document book to his larger chronicle. Paris was so occupied in the *scriptorium* that he never received office in the abbey and seldom left it. Outside his writing his only important mission was to Norway in 1248 when he was sent at King Haakon's request to instruct the Benedictine Abbey of Holm in the statutes of the order; but he must have interviewed and questioned every visitor of importance at St. Albans, and he was intimate with Henry III as well as with royal justices and governmental officials. With his little staff of writers he had full access to all abbey charters and muniments, papal bulls and letters from correspondents abroad. As a result his chronicle is the fullest and most informing English narrative source for the period, valuable

for the contest of empire and papacy as well as for the reign of Henry III. Paris was a bold and patriotic Englishman who viewed with suspicion the activity of aliens in church and state, could not understand religious "enthusiasm" (as a conventual he disliked the Franciscans), admired the clerical and baronial critics of royal policy and criticized bitterly Henry III's extravagance and love of foreign enterprise. His heroes were Hubert de Burgh, and Robert Grosseteste, whose opposition to Innocent IV he exaggerated considerably; significantly, he wrote lives of Thomas Becket and Stephen Langton. He has been called "Macaulay minus the style," a phrase which is apt as regards his Whig principles but does scant justice to his literary gifts. His influence has been powerful in establishing the hostile view of Henry III, particularly in regard to the papacy. It may be doubted whether, for all his ability, he understood the higher politics of Christendom; but he had the historian's requisite, love of a good story and an incomparable way of telling it.

E. F. JACOB

Works: *Chronica majora*, ed. by H. R. Luard, Great Britain, Public Record Office, Chronicles and Memorials of Great Britain and Ireland during the Middle Ages, no. 57, 7 vols. (London 1872–84); *Historia Anglorum*, ed. by Frederic Madden, Great Britain, Public Record Office, Chronicles and Memorials of Great Britain and Ireland during the Middle Ages, no. 44, 3 vols. (London 1866–69), tr. by J. A. Giles (London 1852–54); *Gesta abbatum monasterii Sancti Albani*, ed. by H. T. Riley, Great Britain, Public Record Office, Chronicles and Memorials of Great Britain and Ireland during the Middle Ages, no. 28, pt. iv, 3 vols. (London 1867–69) vol. i, p. 1–324; *Vie de Saint Auban*, ed. by Robert Atkinson (London 1876); *La estoire de Seint Aedward le rei*, ed. by M. R. James (Oxford 1920).

Consult: Jenkins, C., *The Monastic Chronicler and the Early School of St. Albans* (London 1922); Plehn, H., *Der politische Charakter von Matheus Parisiensis*, Staats- und socialwissenschaftliche Forschungen, vol. xiv, pt. iii (Leipsic 1897); Poole, R. L., *Chronicles and Annals* (Oxford 1926); Liebermann, F., preface to excerpts from Matthew Paris in *Monumenta Germaniae historica, scriptorum*, vol. xxviii (Hanover 1888) p. 74–106; Smith, A. L., *Church and State in the Middle Ages* (Oxford 1913).

PARKER, CARLETON HUBBELL (1878–1918), American economist. Miner and bond salesman before he entered academic work, Parker did not begin his teaching at the University of California until 1913; in that summer occurred the hop pickers' riot which precipitated his characteristic interest in labor psychology. During the five remaining years of his life he served for a year as executive secretary of the State Immigration and Housing Commission, became head of the department of economics and dean of the University of Washington College of Business Administration and engaged in the wartime mediation of industrial disputes with marked success and the reckless vigor that led to his early death.

His one book, *The Casual Laborer, and Other Essays* (ed. by C. S. Parker, New York 1920), describes the "indignity, dirt and sexual apologies" of the migratory worker's life and interprets the Industrial Workers of the World as the natural outcome of "the condition of mind" of the "neglected and lonely hobo." For Parker the strike was an "inferiority compensation" rather than an instrument, and a union less an agency than a symptom whose presence raised the question why individuals were unhappy in modern society. Conventional economics, with its emphasis on production and its neglect of human motives, supplied no answers to this question; and in search of them he read eagerly and eclectically in the current psychology. In McDougall's and Thorndike's "instincts" he found what he believed to be "the standard of human values" which economics lacked and in the psychoanalytic doctrine of repression the clue to industrial disorders. The trouble lay in the conflict between "a fixed human nature" and a world which warped and thwarted it; the social program which Parker sought was therefore the creation of an environment in which these fundamental urges should find free expression.

Since Parker's time psychology has given up the conception of the complex instincts on which he relied, and few scholars are likely to believe that any "twenty odd . . . unit characters . . . present under the laborer's dirty blouse" contain in themselves the criteria of an ideal social order. The harnessing of psychological insight to the service of economics has proved harder than Parker realized, but no one has been more effective in arousing colleagues and students to a sense of the importance of the task.

CARTER GOODRICH

Consult: Parker, C. S., *An American Idyll: the Life of Carleton H. Parker* (Boston 1919); Bruère, R. W., in *New Republic*, vol. xv (1918) 82–84; Cory, H. E., in *University of California Chronicle*, vol. xx (1918) 244–50; Fetter, F. A., and Mitchell, W. C., discussion following Parker's "Motives in Economic Life" in *American Economic Review*, vol. viii, supplement no 1 (1918) 232–37.

PARKER, FRANCIS WAYLAND (1837–1902), American educator. From 1853 to 1872, with the exception of the Civil War years, Parker was engaged as school teacher, principal and later superintendent in his native New Hampshire, in Illinois and in Ohio. Entering the Union army in 1861, he served with distinction throughout the war and rose to the rank of colonel. In 1872 he went to Germany to study philosophy, psychology and education. Upon his return in 1875 he was appointed superintendent of the Quincy, Massachusetts, schools and in five years made Quincy the educational Mecca of the country. Thousands of teachers visited the schools and enrolled in Colonel Parker's institutes to study the reform of educational theory, curriculum and method. Here they saw put into practise certain basic theories of Comenius, Herbart and Fröbel and the doctrine of concentration developed by Herbart's disciples Ziller, Stoy and Rein. At Quincy the memorization of textbooks was abolished and the child instead of the subject became the correlating center of education. Science and geography were based on outdoor observation. In reading emphasis was placed on meaning rather than on exactness of pronunciation. The schoolroom became a pleasant place of varied activity, combining discussion and manual work with art and dramatics.

These initial experiments were expanded into a broader program in Chicago, where Parker served as principal of the Cook County Normal School for sixteen years (1883–99). In spite of attacks from politicians and intrenched textbook interests the Normal School became a national center of educational demonstration and teacher training. Here Parker expounded novel concepts which are characteristic of current progressive education: for example, the school as a community and the teacher as a builder of community life; child interest as the motivating foundation of educative effort; self-activity as the first law of growth; the balancing of freedom with responsibility; and the constant utilization of the social motive. Thus in a very real sense Parker was the founder of the modern progressive school in the United States.

In 1899 Parker began the third phase of his career as head of the Chicago Institute, a private center of educational experimentation. Two years later the institute was combined with three existing schools to form the School of Education of the University of Chicago, with Parker as director. His plans for the development of the new institution were cut short, however, by his death early in 1902, after which leadership was taken over by John Dewey.

HAROLD RUGG

Works: *Notes of Talks on Teaching* (New York 1883); *Course in Arithmetic* (New York 1884); *How to Study Geography* (New York 1890); *Talks on Pedagogics* (New York 1894).

Consult: Reisner, E. H., *The Evolution of the Common School* (New York 1930) p. 506–18; Dewey, John, *Characters and Events*, 2 vols. (New York 1929) vol. i, p. 95–99; Fitzpatrick, F. A., in *Educational Review*, vol. xxiv (1902) 23–30; Jackman, W. S., in National Educational Association, *Journal of Proceedings and Addresses of the Forty-first Annual Meeting* (Chicago 1902) p. 399–405.

PARKER, THEODORE (1810–60), American preacher, scholar and social reformer. Parker broke with the orthodox Unitarian church and organized in 1845 the Twenty-Eighth Congregational Society in Boston, serving as its pastor until his death. A disciple of Emerson and Channing, he attempted to revitalize the formal and intellectual Unitarianism of the 1840's and to liberate it from the trammels of philosophical sensationalism and the formalism of creeds. He unhesitatingly placed his pulpit and his pen at the service of the great reform movements of his generation—antislavery, temperance, women's rights, education, labor and peace. He held that society rather than the individual was responsible for crime, vice and poverty and denounced the evils of industrialism and the maldistribution of wealth. An indefatigable and eloquent lecturer, Parker stirred thousands throughout the entire north and his printed sermons had an enormous circulation and an incalculable influence. Like Garrison and Phillips he admitted no compromise with slavery and his philippics against the institution and its defenders, north and south, are unmatched in American pulpit eloquence. He was the counselor of Sumner and Seward, Chase and Hale, and, with his immense and loyal following, a power to be reckoned with in the politics of the 1850's. His participation in the attempted rescue of Anthony Burns brought him into conflict with the federal authorities, but his prestige and power were so menacing that the indictment was quashed and he continued his antislavery activities until the end of his life.

Parker also found time to achieve a massive learning that was unrivaled in his generation. He was chiefly instrumental in introducing to the United States the methods and conclusions of German theological scholarship, and by his

insistence upon the application of historical and scientific methods to the problems of theology he may be said to have inaugurated the "higher criticism" in the United States. Although his *A Discourse of Matters Pertaining to Religion* (Boston 1842, 4th ed. 1856) and the volume *Sermons on Theism, Atheism and the Popular Theology* (Boston 1853) were the only original scholarly works he completed, his erudition in the fields of literature, philology, languages, philosophy, history and law was phenomenal. His private library, one of the largest and finest in the country, he bequeathed to the city of Boston, and it remains a noble monument to his love of learning, his catholicity of intellect and his faith in education and in democracy.

HENRY STEELE COMMAGER

Works: *The Collected Works of Theodore Parker*, ed. by Francis Power Cobbe, 14 vols. (London 1863–71).

Consult: Weiss, John, *Life and Correspondence of Theodore Parker*, 2 vols. (New York 1864); Chadwick, J. W., *Theodore Parker, Preacher and Reformer* (Boston 1900); Commager, H. S., "The Dilemma of Theodore Parker" in *New England Quarterly*, vol. vi (1933) 257–77; Frothingham, O. B., *Theodore Parker: a Biography* (Boston 1874), *Transcendentalism in New England* (New York 1876) ch. xii, and *Recollections and Impressions. 1822–1890* (New York 1891) ch. v; Parrington, V. L., *Main Currents in American Thought*, 3 vols. (New York 1927–30) vol. ii, p. 414–25.

PARKES, SIR HENRY (1815–96), Australian statesman. Parkes was born in England and endured great poverty in his youth. He became interested in radical political movements and was an active Chartist before emigrating to New South Wales in 1839. There he worked as a farm laborer, customs official and ivory turner, finally giving up this trade to devote himself entirely to journalism and politics. From 1850 to 1858 his newspaper, the *Empire*, led the attack on Wentworth and the squatting interests and helped to secure a democratic constitution. Parkes' parliamentary career began in 1854; between 1872 and 1891 he was five times premier of the colony and became the leading figure in Australian politics.

A radical democrat anxious to further Australian nationalism within the British Empire, Parkes was typical of the Australian townsmen of his time, whose aspirations he voiced and even anticipated. Among his outstanding achievements were the education acts of 1866 and 1880 which established free, compulsory and secular education. He did much to insure a free trade policy in New South Wales when the other colonies went protectionist and was responsible for a great deal of progressive legislation, including the Municipalities Act of 1867, which remained in force until 1905, and the Government Railways Act of 1888. The latter was intended to eliminate politics from the state railroad administration. Parkes was in accord with the popular antipathy to Chinese immigration and not only gave it a coherent theoretical basis, asserting that a vast increase in the Asiatic population would change the essential character of British Australia, but also promoted legislation restricting such immigration.

Tariffs, Asiatic immigration and Pacific policy were all-Australian questions and Parkes appreciated the need for federal machinery to deal with them. In 1881 he suggested an Australasian Federal Council. When it was formed in 1883 New South Wales did not join, but Parkes brought forward the larger idea of federation, for which he carried on tireless propaganda. Although his advanced years and the course of local politics prevented him personally from bringing his plan to fruition, his name is linked indissolubly with the establishment of the federal commonwealth.

W. K. HANCOCK

Consult: Parkes, Henry, *Fifty Years in the Making of Australian History*, 2 vols. (London 1892); Lyne, C. E., *Life of Sir Henry Parkes* (Sydney 1896); Jose, Arthur, *Builders and Pioneers of Australia* (London 1928) p. 66–97; Spaull, G. T., *The Educational Aims and Work of Sir Henry Parkes*, New South Wales, Teachers College (Sydney), Records of the Education Society, no. 43 (Sydney 1920).

PARKMAN, FRANCIS (1823–93), American historian. Born of a distinguished and wealthy Boston family, Parkman spent the greater part of his life in New England. For most of his adult years he was an invalid suffering from partial blindness and severe nervous disorders which at times made sustained work impossible, so that the very completion of his history was one of his greatest triumphs. The romantic cast of his mind governed his choice of field. With Emerson and Thoreau he was deeply interested in nature; like Irving and Prescott, when he turned to history, he sought a remote subject characterized by high adventure, in his case the struggle of England and France to possess North America. He called his theme "the history of the American forest." Once romanticism had given him his subject, however, Parkman became a realist. He spared no effort to accumulate full data from source material scattered over two continents, displaying not only persistence but

unusual ingenuity in ferreting out the location of papers lost to sight. He trained himself in the technique of what was later to be called scientific history. He added travel to the investigation of documents and visited the scenes of the drama he was seeking to reconstruct. In Europe, in search of health, he sought for a prolonged period close contact with the Catholic church, so important in his story, in order to mitigate somewhat his New England prejudices. His most famous expedition, that to the Indians of the western plains where he studied aboriginal culture at first hand, resulted in *The Oregon Trail* (first published as *The California and Oregon Trail*, New York 1849) and gave Parkman a place beside Schoolcraft and Gallatin among the pioneers in American anthropology. In his study, working over the accumulations of his vast researches, his romanticism again expressed itself in a rich imagination which touched with life the past which he sought to recreate. Parkman's history of the rise and fall of French power in North America is one of the outstanding intellectual achievements of nineteenth century America. The separate volumes of this work, in the order of their appearance, were as follows: *History of the Conspiracy of Pontiac* (Boston 1851); *Pioneers of France in the New World* (Boston 1865); *The Jesuits in North America in the Seventeenth Century* (Boston 1867); *La Salle and the Discovery of the Great West* (Boston 1869); *The Old Regime in Canada* (Boston 1874); *Count Frontenac and New France under Louis XIV* (Boston 1877); *Montcalm and Wolfe*, 2 vols. (Boston 1884); and *A Half Century of Conflict*, 2 vols. (Boston 1892).

RALPH HENRY GABRIEL

Other works: *Vassall Morton* (Boston 1856), a semi-autobiographical novel; *The Book of Roses* (Boston 1866).

Consult: Farnham, C. H., *A Life of Francis Parkman* (Boston 1900); Sedgwick, H. D., *Francis Parkman* (Boston 1904); Schafer, Joseph, in *Mississippi Valley Historical Review*, vol. x (1923–24) 351–64; Alvord, C. W., in *Nation*, vol. cxvii (1923) 394–96; Bourne, E. G., *Essays in Historical Criticism* (New York 1901) ch. xii.

PARKS. The development of publicly owned and used parks is a relatively recent phenomenon. The cities of antiquity had their fora and market places; the nobility of Egypt and of Rome their hunting preserves; but the setting aside of open places for the use of all inhabitants was a practise which followed in the wake of industrialization. Most of the early parks and gardens in Europe were associated with the seats of royalty and nobility. Constructed often on a grand scale of formal axial relationship about the palace or castle, they provided background for gorgeous functions of the court. As a rule the common people were privileged to use such parks and gardens only on special occasions or when the owner happened to have democratic leanings.

Changing ideas of city building first led to the introduction of public gardens and parks open to poorer classes and, with restrictions on their play, to children, but for long a park was regarded merely as a place for passive enjoyment and quiet. Increasing urbanization and industrialization in the nineteenth century not only made city parks more necessary—as offering relief to workers confined for long hours in buildings with poor lighting and ventilation, as play spaces in congested areas, and as aids in the purification of city air—but led to a new conception of parks as places for active enjoyment, sport and recreation.

In the United States the precedent for the provision of public open spaces was set by the early colonists. The commons in New England, like those in the mother country, were originally used for pasturing stock as well as for market places and drill fields; the plazas and pueblos in the southwest introduced by the Spanish and the parades and squares in the south laid out by the cavaliers from England were centers for community social life as well as for dramatic and musical events. These original public functions were gradually outgrown, but the open space idea was retained. The earliest development for outdoor recreation was a city park, the Boston Common, established in 1634. With the growth of towns in area and in density of population and with the consequent disappearance of adjoining woodlands the value of preserving or reclaiming areas of open space within the city came to be realized. The result was the landscape park. Such parks were developed in many of the larger cities of the United States during the nineteenth century: in New York City, Central Park with 843 acres, in 1853; in Boston, Franklin Park with 527 acres, in 1883; in Philadelphia, Fairmount Park with 2816 acres, in 1867.

As the limitations of such facilities were recognized, the combination of several types of park was seen to be necessary to the provision of adequate space for recreation. In 1892 a careful study made in Boston of the needs of the city

and its surrounding area led to the passage of constructive enabling legislation and to the setting up of a unified metropolitan park commission which became a model for other cities. A similar program for a unified system of parks, parkways and boulevards drawn up in anticipation of further expansion was initiated about the same time by Kansas City; another noteworthy park system was that initiated by the city of Hartford with the development of Bushnell Park in 1853.

Several influences effected a change in the character of parks in the twentieth century. Greater concentration of population attendant upon increasing industrialization brought a greater demand for facilities; at the same time the automobile made possible the location of parks in places formerly inaccessible. Municipalities acquired park reservations at some distance beyond their boundaries; while an impetus was given to the development of park systems by the larger governmental units. A park system had been begun in 1895 by Essex county, New Jersey, but the provision of parks by counties did not occur generally until considerably after 1900. By 1930 seventy-four counties had established parks. During the same period the states and the national government were increasing their activities in this sphere. The growing interest in active recreation, which led on the one hand to the campaign for children's playgrounds, was expressed also in a demand for neighborhood parks with facilities for tennis, baseball and football, swimming, boating and other sports. The large county, state and federal reservations were provided with camping sites, cabins and hiking trails, and streams and lakes were made available for fishing or swimming. Although the conception of a park as a landscape area did not disappear, it was realized that the preservation and conservation of natural beauty need not preclude active enjoyment and recreation.

A modern park system serves a great variety of purposes. The arboreta, the botanical and zoological gardens and aquariums to be found in many park systems, the natural history and art museums, outdoor theaters and music pavilions as well as the picnic grounds and sports areas afford opportunity for a considerable range of cultural and social activities. In the modern park system separate areas are generally developed to serve specific functions. The city square or circle serves chiefly as a decorative setting for public buildings or as a point of emphasis in the street vista. The well designed neighborhood park, ideally a community center to be found within walking distance of every home, offers recreation for those of all ages, with playgrounds for children, athletic grounds for young people and quiet spots for the aged. The large park outside or at the outskirts of the city provides public golf courses, picnic grounds, swimming, boating and other facilities and should ideally be an area of natural scenic beauty, large enough to allow for extensive undeveloped territory. A well planned park system may also include a parkway—a connecting chain of specialized, elongated parks, ordinarily 200 feet or more in width, forming a means of travel by vehicle or on foot throughout a city or area. The express route type of parkway designed especially for automobile traffic, first developed by Westchester county, New York, promises to be an important model for the future. The park system is indeed a fundamental part of city and regional planning and involves attention not only to recreational needs but also to problems of traffic circulation and land use. Sound planning is often more feasible in suburban areas than in already overcrowded sections; while a further extension of the desire for adequate open spaces leads to the garden city.

In the development of parks local governmental agencies are most concerned with the provision of adequate recreational facilities. While state and national parks also serve this purpose, their chief functions are somewhat different. The preservation of areas of natural beauty, which although unevenly distributed throughout a nation are of interest to all its citizens, is essentially the province of a national government. In the United States the Yellowstone and Yosemite National parks, and the Chickamauga and Gettysburg National Military parks are representative examples of federal activity. Areas of less than national interest, such as those found in the Adirondack State Park, New York, the Palisades Interstate Park, New Jersey and New York, or the Custer State Park, South Dakota, may be considered proper objects for state development.

In the United States the federal government, beginning with Hot Springs (1832) and Yellowstone (1872), has developed 22 national parks, 75 national monuments and 12 other types of open spaces, having a total area of over 12,957,000 acres. Yellowstone, noted for its geysers, hot water springs and great canyon, remains the largest of the national parks, with 2,192,640 acres. The various states have established 578 state parks or equivalent areas, covering nearly

2,600,000 acres. Among the more notable state parks are the great wilderness park of Minnesota, Itasca Lake State Park, and Jones Beach, Long Island, only 34 miles from the heart of New York City but comprising 2245 acres, with 5½ miles of ocean beach.

In both national and state parks the primary purpose is to make available to the public certain exceptional natural features. Increasingly, however, here as in local parks, facilities are provided for camping and hiking, fishing, swimming and other activities which can be enjoyed by large numbers of people without injury to the natural conditions. The national and state governments and to some extent local governments have also been setting aside and developing forest areas which, while primarily for the conservation and development of existing timber and the reforestation of denuded areas under modern scientific methods, are open to the public for recreational activities of a character not inconsistent with their chief purpose.

Before 1850 there were no specific legal measures directing the establishment of parks or setting up forms of administration; nor was there in the entire United States any municipal park or recreation department. In the 1890's park commissioners and boards were set up in a number of cities. In recent years there has been a multiplication of agencies. The powers and duties of those charged with park administration are extremely varied in the legislation of the different states and municipalities and in that of the federal government. Administrative control of national or state parks is particularly apt to be scattered among various agencies, although the tendency is toward consolidation and concentration of control. Administration may rest in the hands of an individual, requiring all or most of his time and involving payment of a salary; on the other hand, members of park boards or commissions, varying usually from three to nine or more persons, are more often unpaid although reimbursed for actual expenses incurred. Whatever the administrative authority, it is usually charged with the planning, financing and acquisition of land and with the construction, operation and maintenance of the park or park system. Park boards are as a rule responsible to some legislative body or executive head and ordinarily retain an executive or technical director, empowered to employ a permanent staff and to hire technical consultants. The director frequently becomes the superintendent of operation and maintenance of the completed system.

Park financing is effected in various ways: through direct appropriations from general funds by the legislative body; through direct taxes levied for the purpose; and through bond issues, either sinking fund or serial or a combination of both. Frequently gifts of land and money from private sources have been of material aid in establishing and enlarging municipal, county, state and federal parks. In recent years park authorities have found that small fees charged for various types of services have, without restricting the use of the park, yielded a substantial return and in some cases actually met the maintenance and operation costs. A notable case is that of the Park Commission of Westchester county, New York, which during 1929 not only operated and maintained a great park system without cost to the taxpayers but also accumulated a surplus of $39,000 for the year.

For the achievement of efficiency and economy in the development and management of parks there should be the closest cooperation between the park authority and the other executive and administrative agencies of the municipal, county, state or federal government. An important tendency which is becoming increasingly widespread is that toward the elimination of all political influence in park and recreational activity.

The provision of parks has come to be an accepted governmental activity. At the same time there have developed standards of what constitutes adequate park and recreation space, the generally accepted proportion in the United States being 1 acre for every 100 persons. A limited but growing number of cities measure up to this standard. Reports are available from 898 of the 1833 cities with a population of 5000 or more in 1930. Together these had 11,686 parks, with a total of 308,804 acres. Of these cities, however, 171 had no parks. Comparison of reports for 1930 with those for 1925 shows an increase in park acreage of 38 percent during the five-year period, with more than a doubling of acreage in cities with a population of 25,000 to 50,000. Three of the six largest cities of the country, New York, Chicago and Cleveland, more than kept pace with population growth in their park acquisitions during this period. Of the 898 cities reporting in 1930, 22 percent of the 93 cities having a population of 50,000 to 100,000 and 16 percent of the 124 cities with 25,000 to 100,000 inhabitants had at least 1 acre of park space for every 100 persons. The situation in a selected group of cities in 1930 is shown in the accompanying table

City	Number of Parks	Population per Acre of Park
New York	331	485
Chicago	228	566
Cleveland*	56	285
Boston	171	269
Hartford	27	61
Washington	658	114
Kansas City	70	116
Minneapolis	140	90
Dallas	61	42
San Diego	47	57

* It should be noted that some cities, such as Cleveland, which have small municipal park acreage are well provided with parks outside of city limits.

Source: National Recreation Association, *Park Recreation Areas in the United States, 1930*, United States, Bureau of Labor Statistics, Bulletin no. 565 (1932).

Industrialization and growing concentration of population raised the issue of the provision of public park space in England and other western countries also toward the end of the nineteenth century. In England the fight for the municipal park did not gather momentum until the 1860's, although as early as 1846 a city park had been established in Manchester and about ten years later Battersea and Victoria embankments had been laid out under national supervision in London. The inadequacy of the royal parks of London, to which the public had long been admitted, became more evident with the rapid disappearance of the commons under the pressure of rising land values, as areas formerly fit for nothing but grazing of stock or for sport were used for building and railway developments. The demand for the protection of the commons from such encroachments crystallized in the Metropolitan Commons Act of 1866, which with subsequent legislation empowered first the Metropolitan Board of Works and later the County Council to take over all commons and to purchase for park development additional lands within and beyond the city limits. By 1930 the London County Council had jurisdiction over 18,000 acres of green and open spaces, including 980 public play and recreation grounds. In Greater London the national government and the borough and urban authorities together maintained about 33,000 acres of open land to which the public had access. This represents, however, only 1 acre to about 600 people. Many of the smaller cities of England are even less well supplied with open spaces. The Town and Country Planning Act of 1932 was designed to remedy this condition both locally and nationally.

On the continent by the middle of the nineteenth century most of the larger cities had become aware of the need for open park spaces for their increasingly dense populations. In addition to the parks established on former royal hunting grounds municipal zoological and botanical gardens were developed in almost every city of considerable size. German cities were most active in the distribution of small parks and playgrounds in congested districts; at the beginning of the twentieth century Berlin had about 100 such open spaces within the city limits. Paris not only had about the same number of small city parks but was the richest of the continental cities in total park acreage, with about 200,000 acres. Nevertheless, other French cities as well as most of those in Germany lagged behind British towns of approximate size and population.

After the World War park planning and development, spurred on by the physical culture and youth movements and by a new interest in town planning, were accelerated throughout Europe and particularly in Germany and in the city of Vienna. In the new republics of Austria and Germany and in Soviet Russia confiscated crown property was turned into public parks and gardens, while Cologne, Paris and other cities continued their pre-war schemes of transforming mediaeval ramparts and fortifications into beautiful boulevards and parks. Town planning schemes in German cities like Breslau and Leipsic provided for increased park and playground acreage; Leipsic by 1930 had a giant green throughout its entire length, consisting of 5700 acres and providing about $\frac{4}{5}$ of an acre to every 100 inhabitants. Most remarkable was the tremendous growth in the urban park and playground facilities of the U.S.S.R. At the beginning of the century Moscow had over 3000 inhabitants to 1 acre of park space; by 1933 parks of culture and rest had been established throughout Moscow, Leningrad, Tiflis, Odessa, Kiev and other cities, while in new industrial centers, like Dnieprostroy, provision was made from the beginning for a green belt and sufficient park and playground space. Moscow parks in particular, with their "children's villages," their huge stadia, enormous playground space, provision for winter sports, houses of rest for week ends, solaria, library and other cultural facilities, exemplify new applications of modern theories of public health, child welfare and education.

The older and smaller countries of Europe have been unable to develop national and state reservations of large area, such as those in the United States, Canada, Hawaii, Argentina or Chile. Having few large virgin regions to protect, they have had to recreate original wild conditions. Most European national reserves were

designed primarily for the encouragement of scientific research, the foundation of agronomical laboratories or the establishment of museums for the preservation of living records of the evolution of plant life rather than for the maintenance of beautiful scenery or the provision of large recreational areas, although the latter objectives are sometimes given serious consideration.

The oldest and largest of the European national reservations are in Poland; perhaps in no other country are interests supporting the movement for their preservation better organized. Originally game preserves of Polish kings and of the Russian czar, they now serve mainly scientific purposes. Forest Bialowieza in Ecartom is the largest reserve in Europe and the only virgin forest of considerable size on level land, part of which is open to the public as a general park. It and the other reservations are supported by the national budget under the jurisdiction of the National Commission for the Protection of Nature in the Ministry of Religious Worship and Public Instruction.

In many countries reservations have been established by private societies, which alone or with the cooperation of the state then supervise their administration and direct activities connected with them. One of the earliest of such societies, the Schweizerische Bund für Naturschutz, was organized in 1909 and by 1927 had a membership of 30,000. It was influential in the establishment by the Swiss government of the 67-mile tract in the lower Engadine in east Switzerland as a reserve for scientific research. Another early scientific society, the Dutch Society for Preservation of National Monuments, founded in 1906, purchases and leases land for reservations; in 1929 it had thirty such plots, comprising 13,832 acres. Two important national parks were established in Italy after the World War, the Gran Paradiso National Park in 1922 and the Abruzzi National Park converted from a hunting estate in 1923 to serve scientific, educational and recreational purposes. Both are administered by a general commission under the Ministry of Agriculture. National parks have likewise been established in Denmark, Sweden, Bavaria, Bohemia and Spain; a large project is under way for two adjoining national parks on the boundary between Poland and Czechoslovakia. A unique proposal is that for British national parks in Africa, which would not only preserve wild animal and plant life but control their development as part of a public health program.

The increasing leisure time available to the great masses of people in the modern world is but one factor in the growing awareness of the importance of parks to general welfare. In a sense the provision of park recreation constitutes a form of investment and insurance for a nation as well as a guaranty of happiness for the individuals comprising it. Adequate park development is becoming more and more closely bound up with comprehensive city and regional planning, based as it is upon recognition of modern social and economic needs and upon coordinated public action. So conceived it ministers to the health, the moral standards and the cultural growth of community and state.

JUSTIN R. HARTZOG

See: RECREATION; PLAYGROUNDS; COMMUNITY CENTERS; CAMPING; ATHLETICS; FORESTS; CITY AND TOWN PLANNING; URBANIZATION; LEISURE.

Consult: *A Manual of Municipal and County Parks*, ed. by L. H. Weir, 2 vols. (New York 1928); "Public Recreation Facilities," ed. by E. R. Johnson in American Academy of Political and Social Science, *Annals*, vol. xxxv, no. 2 (Philadelphia 1910); Kunz, G. F., "The Economic Value of Public Parks and Scenic Preservation" in *Scientific Monthly*, vol. xvi (1923) 374–80; Maltbie, M. R., "Municipal Functions" in *Municipal Affairs*, vol. ii (1898) 676–84; McFarland, J. H., "General Recreation Facilities" in *City Planning*, ed. by John Nolen (2nd ed. New York 1929) ch. vii; Lewis, Nelson P., *The Planning of the Modern City* (2nd ed. New York 1923) ch. vii; National Recreation Association, *County Parks: a Report of a Study of County Parks in the United States* (New York 1930); Torrey, R. H., *State Parks and Recreational Uses of State Forests in the United States* (Washington 1926); Nelson, B. M. W., *State Recreation* (Washington 1928); United States, National Park Service, *Annual Report of the Director*, vol. xvi (1932); Hall, H. M., "European Reservations for the Protection of Natural Conditions" in *Journal of Forestry*, vol. xxvii (1929) 667–84; Cornish, Vaughan, *National Parks, and the Heritage of Scenery* (London 1930); Great Britain, National Park Committee, *Report*, Cmd. 385 (London 1931); Cecil, A. M., *London Parks and Gardens* (London 1907); Chubb, L. W., "The Common Lands of London: the Story of Their Preservation" in Royal Society of Arts, *Journal*, vol. lxiv (1915–16) 186–99; London, County Council, *London Parks and Open Spaces* (London 1924); Chubb, Lawrence, "The Provision of Open Spaces and Playing Fields as Affected by the Town and Country Planning Act, 1932" in Commons, Open Spaces and Footpaths Preservation Society, *Journal*, vol. iii (1933) 8–18; Hingston, R. W. G., "Proposed British National Parks for Africa" in *Geographical Journal*, vol. lxxvii (1931) 402–28; Jäger, Hermann, *Gartenkunst und Gärten sonst und jetzt* (Berlin 1888); Lichtwark, Alfred, *Park- und Gartenstudien* (Berlin 1909); Wagner, Martin, *Städtische Freiflächenpolitik*, Zentralstelle für Volkswohlfahrt, Schriften, no. xi (Berlin 1915); Dietrich, Ulf, "Die Stadt der Volksgärten' in *Wester*

nanns Monatshefte, vol. cliii (1932–33) 337–44; Vienna, *Das neue Wien; Städtewerk herausgegeben unter offizieller Mitwirkung der Gemeinde Wien*, 4 vols. (Vienna 1926–28) vol. ii, p. 24–33; Wildeman, F., "Parks Replace the Ramparts of Cologne" in *American City*, vol. xlv (1931) 86–90; Rasmussen, S. E., "Kongens Have en Nyorientering" in *Arkitekten; Maanedshaefte*, vol. xxxiii (1931) 57–87; "En Enquête om Kongens Have" in *Arkitekten; Maanedshaefte*, vol. xxxiii (1931) 88–104.

PARLIAMENT. *See* LEGISLATIVE ASSEMBLIES.

PARLIAMENTARY PROCEDURE. *See* PROCEDURE, PARLIAMENTARY.

PARNELL, CHARLES STEWART (1846–91), Irish politician. On his father's side Parnell came of English Protestant landlord stock which since the seventeenth century had produced a poet, a baron and numerous Irish political and legal functionaries. His mother was a daughter of Commodore Stewart of the United States Navy. Educated at Cambridge and elected to Parliament in 1875 as a follower of Isaac Butt, Parnell became associated with a group of political adepts who were bent on obstructing parliamentary action in order to obtain concessions for Ireland. Although he opposed physical force and agrarian outrage, Parnell was induced by Michael Davitt to accept American physical force money for parliamentary agitation as well as to sponsor the Land League. Charged by the government with attempting to thwart the operation of the Land Act of 1881, Parnell was arrested and lodged in Kilmainham jail. The murder of two British government officials in Phoenix Park, Dublin, shortly after his release in 1882, so disheartened Parnell that he withdrew temporarily from public activity, solacing himself with scientific pursuits. He was recalled to action by the pivotal position of his party after the election of 1885 and negotiated with both English parties until in desperation Gladstone sponsored the first Home Rule Bill of 1886. When this momentary triumph had been swept away in the election of that year, the Irish party paid for its exaltation of the individual by suffering eclipse with him. Even before parliamentary investigation had had time to clear him of the charges based on the forged letter in which he was purported to have condoned the Phoenix Park murders, the O'Shea divorce suit naming Parnell as co-respondent was under way. Torn between the ignominy of pulling down the idol they had created and the difficulty of outfacing liberal Protestant morality before a Catholic country, the majority of his colleagues unhesitatingly deposed their leader. At its zenith Parnell's prestige had been used by Davitt to advance a work on which Parnell had not set his heart—the reordering of Ireland's agrarian system. When his prestige was at its nadir the Irish political movement became dependent upon the politically moribund Gladstone, and the Unionists were permitted to solve the agrarian problem on their own terms. The avowed goal of Parnell's ambition—local political autonomy for Ireland—had to wait for other times and other men.

JESSE DUNSMORE CLARKSON

Consult: O'Brien, R. Barry, *The Life of Charles Stewart Parnell*, 2 vols. (London 1898); Bryce, James, *Studies in Contemporary Biography* (New York 1903) ch. xi; Ervine, St. John G., *Parnell* (London 1925); Leslie, Shane, *Studies in Sublime Failure* (London 1932) p. 59–112.

PAROLE. *See* PROBATION AND PAROLE.

PARRINGTON, VERNON LOUIS (1871–1929), American literary historian. Parrington spent his formative years in the middle west and while a student at the College of Emporia in Kansas, during the agrarian discontent of the 1890's, openly championed the cause of the Populists. These sympathies were intensified by two years of postgraduate work at Harvard, where Parrington found the "genteel tradition" unsatisfying and artificial. In his teaching at Emporia and the University of Oklahoma, however, his training in English literature and his preoccupation with aesthetic problems tended to obscure his earlier social interests. It was not until 1908, after he had become a member of the faculty of the University of Washington, that these were revived; and profoundly dissatisfied with the usual belletristic or chronological survey of American literature, he now set himself the task of writing a new history which was to exhibit literature as growing out of a social context.

Parrington found inspiration for the synthesis he was contemplating in Taine's critical method. Even more important perhaps was the encouragement he received from his colleague J. Allen Smith, who was a pioneer in the economic interpretation of American political theory. Parrington's studies led him to the conclusion that the pattern of American life was formed essentially by the impact of a new world on an old world culture; this in turn gave rise to

two native tendencies, the one democratic, agrarian and decentralizing, the other conservative, capitalistic and centralizing. In brief much of American development could be read in terms of a struggle between Jeffersonianism and Hamiltonianism; this hypothesis, which was basic to the work of the historians Frederick J. Turner and Charles A. Beard, Parrington sought to apply to his examination of the intellectual and sociological content of American literature.

The result was a literary history notable not only for its keen evaluation of social and economic forces but for its treatment of neglected aspects of writers like J. F. Cooper and for its attention to the poets and novelists of the south, who had been largely overlooked. It is true that Parrington's progressive and agrarian sympathies are evident in his judgments; but it can scarcely be said that his viewpoint militates against the accuracy of his work. The first two volumes of *Main Currents in American Thought* (New York 1927), which won the Pulitzer prize for American history, went as far as 1860. The third volume, which Parrington's death in England left unfinished, was nevertheless sufficiently written and outlined to be published as an indication of his complete intention (New York 1930).

E. H. EBY

Consult: Cohen, Morris R., "Parrington's America" in *New Republic*, vol. lxv (1930–31) 303–04; Canby, H. S., "The American Mind" in *Saturday Review of Literature*, vol. iii (1927) 925–26; Beard, C. A., "Fresh Air in American Letters" in *Nation*, vol. cxxiv (1927) 560–62.

PARRY, DAVID MACLEAN (1852–1915), American manufacturer and leader of the open shop movement. Born on a Pennsylvania farm, Parry led a varied career as salesman, journalist, lawyer, chain store merchant, manufacturer and director of banking and public utility corporations. The numerous strikes from 1898 to 1903 and the corresponding growth of trade unionism and socialism led Parry to conclude that capital must organize to meet the challenge of organized labor. He believed that organized labor and its demands were absolutely antagonistic to the principles of an individualistic social order and rejected conciliation as "an attitude of compromise with regard to fundamental convictions." Individualism he interpreted to mean the right of employers to conduct their businesses "untrammeled by the many petty exactions" of "un-American unionism" and he was unswervingly opposed to strikes and to labor and social legislation. As president of the National Association of Carriage Builders, the Indiana Manufacturers' Association and the Citizens' Industrial Association of America, of which he was one of the founders, Parry conducted a belligerent struggle against trade unionism. His activities culminated in the successful effort, aided by John Kirby, to convert to his policy the National Association of Manufacturers. During his presidency of this association from 1902 to 1906 Parry transformed it into the vanguard of the open shop movement, a bitter antagonist of trade unionism, which helped to break many strikes, and an organizer of a powerful lobby against progressive legislation. Under his leadership the association grew rapidly, and it was he who was largely responsible for the formation and coordination of similar employers' associations. Believing that the middle class frequently plays a decisive part in labor disputes, Parry tried to arouse it as well as the working class against the "dangers" of trade unionism and socialism, and distorted the character of both movements. His tactics antagonized many non labor elements which favored collective bargaining; and in 1913 a congressional investigation condemned the lobbying activities of the National Association.

GEORGE MARSHALL

Consult: National Association of Manufacturers, *Proceedings of the Annual Convention*, vols. vii–xx (New York 1902–15), especially Parry's "Annual Report of the President" in vol. viii (1903) 13–87; National Association of Manufacturers, *Eight Hours by Act of Congress: Arbitrary, Needless, Destructive, Dangerous* (New York 1904); Parry, D. M., *The Scarlet Empire* (Indianapolis 1906); Bonnett, C. E., *Employers' Associations in the United States* (New York 1922) ch. x; Taylor, A. G., *Labor Policies of the National Association of Manufacturers*, University of Illinois, Studies in the Social Sciences, vol. xv, no. 1 (Urbana 1928).

PARSONS, ALBERT ROSS (1848–87), American labor leader and "anarchist martyr." Parsons was born in Montgomery, Alabama, of prerevolutionary New England stock, was orphaned at the age of five and reared by a brother on the Texas frontier. He joined the Confederate forces in the Civil War when he was but thirteen years old and after serving four years returned to Texas, was apprenticed to a printer and in 1868 founded a weekly Republican periodical, the Waco *Spectator*.

From 1870 to 1873, when he moved to Chica-

go, Parsons held a number of political offices in Texas.

During the depression of 1873–78 he worked as a printer in Chicago, becoming increasingly interested in economic problems and in the numerous programs of the rising labor movements of the time. He joined the typographical union, helped to found a branch of the Knights of Labor and became a member of a socialist party in 1876. A year later, when the socialists met with a fair degree of success in political campaigns in and about Cook county, Parsons ran for office but was not elected. From the railroad strikes of 1877 he emerged a popular orator and a leading American socialist agitator. In 1879 he became secretary of the Eight Hour League in Chicago, then the center of revolutionary activity, and in 1881 after the split within the socialist party he joined the left wing, which helped to organize the American section of the Anarchist, or "Black," International. As editor of the revolutionary *Alarm* from 1884 he carried on a successful agitation among English speaking workers for direct trade union as against political action and in contrast with the German revolutionaries was one of the aggressive leaders in the nation wide eight-hour demonstration of May 1, 1886.

He was one of the speakers at the meeting on May 4 called as a protest against the killing of strikers at the McCormick Harvester Works, but he had been absent from Chicago the previous day when the *Alarm* published the call for the meeting at which a bomb was thrown, killing seven policemen. After going into hiding for a brief time Parsons surrendered, was indicted for murder with seven other anarchists, among whom he was the only native born American, and on November 11, 1887, was hanged with three of them—August Spies, Adolph Fischer and George Engel. The fifth man sentenced to death, Louis Lingg, committed suicide in his cell. Parsons' contention that these men were condemned not for murder but for being anarchists and for fighting against economic injustice was sustained in Governor John P. Altgeld's scathing review of the prosecution in 1893 which resulted in the pardoning of the remaining three men.

NORMAN J. WARE

Consult: Parsons, Lucy E., *Life of Albert R. Parsons with Brief History of the Labor Movement in America* (2nd ed. Chicago 1903); Commons, J. R., and associates, *History of Labour in the United States*, 2 vols. (New York 1918) vol. ii, especially p. 386–94; Ware, Norman J., *The Labor Movement in the United States, 1860–95* (New York 1929) p. 313–19.

PARTIES, POLITICAL

THEORY ..... ARTHUR N. HOLCOMBE
ORGANIZATION ..... HAROLD F. GOSNELL
UNITED STATES ..... ARTHUR W. MACMAHON
GREAT BRITAIN ..... W. A. RUDLIN
CANADA ..... FRANK H. UNDERHILL
AUSTRALIA ..... W. K. HANCOCK
NEW ZEALAND ..... J. B. CONDLIFFE
UNION OF SOUTH AFRICA ..... EDGAR H. BROOKES
IRISH FREE STATE ..... WARNER MOSS
FRANCE ..... LINDSAY ROGERS
BELGIUM ..... FRANS VAN KALKEN
ITALY ..... *See* FASCISM; GOVERNMENT, section on ITALY
GERMANY ..... SIGMUND NEUMANN
SWITZERLAND ..... W. E. RAPPARD
NETHERLANDS ..... FREDERICK J. A. HUART
SCANDINAVIAN STATES AND FINLAND ..... HERBERT TINGSTEN
BALTIC STATES ..... MALBONE W. GRAHAM
RUSSIA ..... *See* COMMUNIST PARTIES; GOVERNMENT, section on RUSSIA
SUCCESSION STATES ..... ROBERT BRAUN
BALKAN STATES ..... R. H. MARKHAM
TURKEY ..... *See* GOVERNMENT, section on TURKEY
SPAIN AND PORTUGAL ..... RECAREDO F. DE VELASCO
LATIN AMERICA ..... WILLIAM SPENCE ROBERTSON
JAPAN ..... HAROLD S. QUIGLEY
CHINA ..... *See* KUOMINTANG; GOVERNMENT, section on CHINA

PARTIES, POLITICAL

THEORY. A party, in the most general sense of the word, is a body of persons who are united in opinion or action, as distinguished from or opposed to the rest of a community or association. Parties therefore are classified in the first instance in accordance with the kind of community or association to which they belong. Political parties are those which belong to states or municipalities. They are distinguishable from other kinds of parties by the nature of the purposes of states and municipalities. They differ from ecclesiastical parties, for example, as states differ from churches. An ecclesiastical party might seek to influence political affairs and a political party might seek to influence ecclesiastical affairs without destroying the essential nature of the parties. It is not the immediate object of partisan activities that determines the general nature of a party but the purposes of the state, church or other association which is divided into parties. Particular political parties do of course gain their individual character from the special purposes of their members, both leaders and followers, and consequently reflect the special conditions under which the government of particular states or municipalities is conducted and the transitory circumstances of the struggle for power. In short, a political party may be more precisely defined as one of the parts into which a state or municipality may be divided by questions of public policy or elections of public officers.

A distinction is often made between parties and factions. It is not clear, however, that there is any essential difference between them. Formerly, when all parties were under suspicion, as when Washington uttered the familiar warning against the dangers of partisanship which appears in his *Farewell Address*, the two words were used indiscriminately. In modern times, since parties have been accepted as indispensable and hence justifiable divisions of well governed states, factions have often been regarded simply as the more pernicious or less useful kind of parties. More logically a faction has been defined as "any constituent group of a larger unit which works for the advancement of particular persons or policies." This suggests that factions are divisions of parties, as parties are divisions of states. Thus the progressive and conservative Republicans or the gold and silver Democrats, once familiar expressions in American politics, were presumably factions within the two major parties. But it is not always so easy to distinguish between party and faction. Are the various socialist and communist parties, for example, which have participated in American presidential campaigns in recent years, independent parties or factions within one general although loosely organized labor party? More explicitly, is the Socialist Labor party a party or a faction? The British Labour party is doubtless a true party, but is the Independent Labour party a party or a faction? Again, parties may cooperate for the further advancement of their candidates and measures and political associations may result, such as the Weimar and Harzburg coalitions in Germany or the *cartel des gauches* and *bloc national* in France. In these cases the smaller units are the better organized and more durable, and custom sanctions their claim to the name of parties. On the whole, faction seems to be a word more appropriate for an organization of inferior dignity as well as smaller size; and the boundary between factions and minor parties is one to be determined by convenience rather than by logic.

There is no uniformity in the party systems of modern states. In all states with representative forms of government parties exist both in the governmental bodies which represent the people and among the people who choose the representatives. Sometimes, as in France, the parties in the representative bodies do not exactly correspond with the parties among the voters. Generally the popular and legislative parties are the same. They vary greatly in different states in number, durability and importance. In many states there are only two or three parties of major importance in the legislative bodies, although there may be others of minor importance. This is the rule in the English speaking states. In other states, particularly the parliamentary republics and monarchies on the continent of Europe, the number of organized parties is much greater. In several of these states the number of parties represented in parliament has exceeded a dozen, and in Poland it has been as great as twenty. In a few states a single major party dominates the government and other parties are either excluded altogether from any share in the conduct of public affairs or, if permitted to function, play only a minor part. In Italy, for example, the government is so organized that the Fascist party possesses a practical monopoly of political power; in Hungary, on the other hand, although there is only one major party, which has controlled the government since the overthrow of the Communist

dictatorship under Bela Kun, minor parties continue to be represented in parliament. This system by which a single major party controls the government with or without toleration of minor parties is so different from other party systems, in which two or more parties struggle for power, and is so important in the modern world that it must be regarded as a distinct kind of party system. Other party systems may be conveniently divided into two separate classes: the systems in which two major parties contend for the control of the government upon fairly equal terms; and the systems in which a greater number of parties join in the struggle for power on such terms that none of them by itself can ordinarily expect to control the government.

The single party system is an instrument of dictatorship. Besides Italy the principal states in which there is only one recognized party are the Union of Soviet Socialist Republics, Turkey and China. In these states the Communist party, the People's party and the Kuomintang, respectively, keep their leaders at the head of public affairs and tolerate no partisan rivals. Stalin, Mustafa Kemal and Chiang Kai-shek like Mussolini have been successful dictators because they were powerful party leaders. Military reputations were also helpful, where available; but Mussolini could derive little help from his military reputation and Stalin began with no military reputation. Besides Hungary other states in which at present there is only one major party, although minor parties are also represented in parliament, are Poland, Rumania and Jugoslavia. Poland must be included among these states, since Marshal Pilsudski has succeeded in building up a government party with a clear parliamentary majority, despite the multiplicity of opposing parties. Germany under the Nazi-Nationalist coalition may also be added to this list. In Jugoslavia a royal decree of September, 1931, ordering the election of a new parliament expressly prohibited all the old parties which had existed in that country before the dissolution of the previous parliament, as well as new parties organized on racial, religious or class lines. If this decree should prove to be something more than a desperate effort to perpetuate a discredited dictatorship, the Jugoslavian party system would become one of the Italian rather than the Hungarian type. Other important states in which those who control the government generally belong to a single party are Brazil and Mexico. In all these states the government of the party supplies the active element in the government of the state itself, and party leadership is inseparable from public dictatorship.

In modern times, in consequence of the growth of popular respect for law and of public dependence upon the uninterrupted operation of the public services, the foundation of the authority of rulers upon the good opinion of their subjects has become increasingly important. Enlightened dictators, although they may obtain their power by fighting, do not wish to fight more than is necessary to retain it. Four centuries ago Machiavelli argued convincingly that dictators, while maintaining sufficient force to secure their power, should make every effort to build up a body of unconstrained opinion favorable to their rule. In the establishment of dictatorships the organization of parties reenforces or even replaces the appeal to arms. Plebiscites may be as decisive as battles; general strikes as terrifying as insurrections. Plebiscitary dictatorships were first popularized by the Bonapartes, who discovered the secret of confusing the reign of law with the personal rule of masterful men. The followers of Karl Marx, noting how the bourgeoisie had checked the power of the sword by that of the purse, undertook to check both by the organization of labor. But a dictatorial plebiscite is a cruder instrument than a Fascist party, and a communist party is indispensable for a dictatorship of the proletariat. There can be no question of the superiority of these partisan dictatorships over the dictatorships which have been established in recent years by military force alone. Yet these single party systems all seem transitory and ephemeral. To endure, a dictatorship must be transformed into either a monarchy or a republic. In either case new parties will spring up or the old will split into pieces. Eventually success will ruin a dictatorial party as surely as failure.

The double party system was formerly a great favorite of the political theorists. Two major parties, they said, which contend for power on fairly equal terms, afford the best security that a representative government will actually be carried on with the consent of the governed. Each party may adopt a set of principles and pledge its leaders to the conduct of public affairs upon those principles. The voters may then choose between the two, and the candidates of the party which gains a majority of the votes will occupy a majority of the offices. Thus the government will fall into the hands of men who are pledged to operate it upon principles which

the people have endorsed. Such was the system supposed to have been established in England following the great revolution in the seventeenth century and to have flourished during the two succeeding centuries, when British parliamentary institutions presented to the world a model of representative government. Such a system was in the mind of Burke when he defined a political party as "a body of men united for promoting by their joint endeavours the national interest, upon some particular principle in which they are all agreed."

But the practise in states where the double party system has prevailed has not conformed to the theory. The two major parties have had principles, but the principles have tended to be the same. If they had not been substantially the same, submission to the victor would have been intolerable to the vanquished. In the United States, as Jefferson with little exaggeration declared in his first inaugural address, the people were all Republicans and they were also all Federalists. The present Republican and Democratic parties are both democratic-republican parties. In Canada Liberals and Conservatives alike wish to conserve certain ideas and ideals and to liberate others from existing inhibitions and restraints. In Great Britain likewise the two great historical parties, during the periods when they really contended for control of the government on equal terms, were agreed upon fundamentals. Otherwise His Majesty's Opposition, as the phrase ran, could not have lived harmoniously with the party in power.

The double party system has worked well only when the circumstances have been specially favorable. It has been essential that the bulk of the people should be agreed upon the general principles of the constitution and the vital policies of the government and should not feel too intensely about measures over which they disagreed. The British Tories were excluded from the government for many years, until they became reconciled to the house of Hanover; and the double party system broke down in the United States when the struggle over slavery approached its climax. In matters of minor importance there may be numerous differences between the parties; but since in large states there are many such matters, it can rarely happen that the voter finds himself in complete agreement with either of the parties. The party alignment is obscured by the confusion of issues, and the decision at the polls may decide little more than the possession of the offices. The voters can determine whether those in power shall stay in power or yield their places to their rivals. The determination of public policy continues in the hands of the officeholders, while the members of the public remain the spectators of the process of government. Special interests strong enough to attract substantial groups or classes of voters may become identified with one or the other of the parties, and the struggle for power may involve the fortunes of such groups or classes as well as those of particular candidates for office. But in that case the struggle between the parties becomes a clash of conflicting interests rather than a competition of principles, and the will of the majority a triumph of private rather than public purposes. The double party system is doubtless a convenient system for contented peoples, but it is not an efficient system for the expression of public opinion when the variety of opinion and intensity of conviction are great.

The multiple party system is an instrument of government by coalition. Since no one party can ordinarily expect to secure a majority of the seats in the representative body, no one group of leaders can expect to carry on the government without the collaboration of other groups. If a majority is to rule, it must rule by means of combinations and compromises between competitors for power. If the executive of the state is independent of the legislature, majorities may be secured for its measures by means of temporary coalitions. If the active executive is dependent upon the legislature for its continuance in office, as in the states with cabinet government and responsible ministers, coalitions must be formed to support a general program rather than particular measures. Coalition government presents some manifest disadvantages as compared with the double party system. It has less prestige, because its mandate comes from the various parliamentary groups which form the coalition instead of directly from the people, as is the case when a party comes into power under the double party system. It is really less powerful, because its leaders possess less unity of purpose than the leaders of major parties. It is also less durable, because coalitions are more unstable than parties. On the other hand, it is more flexible, since it can be dissolved and reorganized without a fresh election. It is more favorable to deliberation, since its component groups have more opportunity for reflection than the supporters of a rigidly organized major party government. It is more responsive to pub-

lic opinion, since its components have greater freedom of action than the members of a single party. Under favorable circumstances these advantages seem to outweigh the disadvantages. The government of France under the Third Republic has often been compared unfavorably with that of Great Britain during the same period. During the World War, however, when both governments were subjected to an extraordinary strain, the French government functioned with less deviation from its normal processes than the British. Long under suspicion by political theorists as well as by many of its own people, both because of its many departures from the British model and because of the uncertain future of the republic itself, the government of the Third Republic was better than it seemed. Coalition government has on the whole served the French people reasonably well.

The general preference for multiple party over double party systems on the continent of Europe since the World War was doubtless encouraged to some extent by the comparison of party government in Great Britain with coalition government in France. Yet circumstances clearly favored the French rather than the British system. In the new states which came into existence after the war as well as in most of the old ones where revolutions occurred, there were an unusual variety of political opinion and extraordinary intensity of conviction among those affected by the shifting of political power. It was not practicable to express the opinions of the various groups of voters through the rigid forms of the double party system. Methods of election favorable to the multiplication of parties had been in general use before the war in most European states, and after the war such electoral methods continued in favor. Systems of proportional representation, the most favorable method for the multiplication of parties, were widely adopted and the right of parties as well as of persons to be represented in the conduct of public affairs was explicitly recognized. In Great Britain also circumstances became less hospitable to the double party system. Even before the war the growth of the independent Irish Nationalist party and of the Labour party had compelled Liberal cabinets to rely upon coalitions for their continuance in power or to govern by the tolerance of partisan opponents. Since the war the double party system has broken down at two general elections. In the self-governing dominions, where the double party system formerly prevailed, similar complications have arisen and in the Irish Free State the framers of the new constitution deliberately favored a multiple party system by the adoption of proportional representation. Although in several of the European states which encouraged the multiple party system after the war parliamentary government has subsequently given way to dictatorship in some form, the manifest defects of the multiple party system seem to have been less responsible for the rise of dictators than the lack of agreement among the peoples upon fundamentals, the political strain of the peace treaties and economic depression. Even in Great Britain efforts were made on two occasions, in 1915 and again in 1931, to supplant the double party system by a national coalition, a mild form of dictatorship.

It is evident that the characters of political parties are determined by a multitude of considerations relating to the policies of states and the methods of electing public officers. It is also evident that the more numerous the parties in any state, the more clearly defined are their particular characters. In states where the multiple party system exists there are religious, nationalistic, economic class and even personal parties. The Catholics are separately organized in a majority of the non-dictatorial parliamentary republics and monarchies of continental Europe, and in a few of these states there are also independent Protestant parties. The workers and peasants also have numerous separate organizations, the Social Democrats being represented in all these states and the Communists and sundry agrarians in most of them. Both nationalist minorities and nationalist majorities have numerous parties of their own, the latter forming generally the dominant influence in the dictatorial parties. To segregate the special influence of nationalist and economic class interests is difficult. In the states with double party systems it is impossible. In party systems of this type the interests of the dominant economic class become so identified with those of the dominant race or nationality that the important special interests within a major party are likely to be geographic (sectional or regional) or industrial. Such is the case, for example, in the United States, where the double party system is most strongly established. In Canada, on the other hand, where geographical influences are strong, religious and racial interests also are leading factors in the party alignment. In general, the less numerous the parties in any state the more important is the form of government within the

party. In the single party states the form of party government may be even more important than the form of government of the state itself, since the party dominates the state. But in such states partisanship masquerades as statesmanship and the theory of political parties merges into the general philosophy of politics.

ARTHUR N. HOLCOMBE

ORGANIZATION. The concept of party organization refers to the inner core of a political party—the leaders and the rank and file of the militant adherents who can be counted upon to carry on the routine work in the winning and maintenance of political power. Under two-party or multiparty systems, allowing freedom of association and expression, the party organization must select candidates for public office, determine party issues, raise party funds, electioneer, bring the voters to the polls on election day and conduct or criticize the government. It must include persons who are trained and willing to perform such tasks as canvassing, distributing literature, arranging political meetings, directing publicity, looking after the technical details of the election process, organizing legislative assemblies and managing administrative offices. The leaders and workers may be fired with sacrificial zeal or they may receive material rewards for their services. Under a dictatorial single party system the tasks of the organization are centered rather on the suppression of opposition, the maintenance of contact with the masses, the creation of favorable mass attitudes by propaganda, the raising of the general morale of the masses, the leadership in the performance of civic tasks and the formulation of plans for social and economic reconstruction. But both in a democracy and in a dictatorship a party organization proper is always a small fraction of those who support or tacitly accept the guidance of the party.

The rules for membership in a party organization are most rigid in those political movements which have established dictatorial powers, like the Russian Communist party, the Italian Fascist party and the German National Socialist party. Membership in these parties carries special privileges and duties and is greatly sought after. Following the Russian model, extreme care is taken in the admission of new members, and the old membership lists are constantly purged of those suspected of disloyalty to the leaders in power. Admission into a party like the Russian Communist party is preceded by a period of probation, and the candidate must be sponsored by party members in good standing Communists and Fascists alike emphasize the recruitment of new members from their respective youth organizations. Candidates for membership must pledge their personal loyalty to the leader in power, they must be thoroughly familiar with the party dogmas and they must be willing to sacrifice time and material goods in the service of the party.

In democratic countries the parties with the most rigid membership rules are the socialist, communist, labor and Catholic parties. Adherence to the party principles, payment of party dues and membership in the appropriate auxiliary organizations of the party are the usual requirements demanded of those who wish to remain on the party rolls. The socialist and communist parties are the most successful in making effective the requirement of the regular payment of contributions. In the case of labor parties, such as are found in Great Britain, the British dominions and Belgium, membership in the trade unions affiliated with the party carries with it membership in the party itself and the party dues are collected for the most part by the trade unions. In some of the Catholic parties, like the Belgian Catholic party, the Swiss Catholic Conservative party and the German Center party (before 1933), the members in agricultural regions are organized in peasants' unions and the members in industrial sections in Christian trade unions. Labor and Catholic party organizations are frequently federations of regional and class associations.

Non-socialist and non-confessional parties in democratic countries are usually very loosely organized with few or no formal rules regulating membership. Most of the major parties in English speaking countries tend to cut across class lines and include in their membership persons with widely divergent views on social and economic questions. Only rarely are dues required of those who belong to local party clubs or associations. The bonds which unite the members of such parties are vested interests in a given economic and social system and expectations of political power. It is as easy to join one of the major parties in the United States as one of the older British parties, but in the United States party membership has been brought partially within the scope of the law. In order to participate in a primary election at which party committeemen are elected and party candidates nominated, the individual must in most states either

be enrolled as a voter of a given party or prove that he has not voted in the primary of some other party within a specified period of time. In the southern states the rules regulating party membership are usually made by the party committees, which have virtually excluded Negroes from participation in the primaries. Two Texas laws which attempted to restrict the primaries to whites were declared unconstitutional. Except for these efforts at racial discrimination, the major parties in the United States have placed few barriers in the way of those applying for affiliation.

The work required to maintain a successful political party is so heavy that it has been necessary in all countries to establish party bureaucracies. The party hierarchy may be composed largely of public officeholders or office seekers, as in the United States; of salaried election agents, as in the older British parties; of key men in the economic, military and political institutions in a dictatorship; or of trade union secretaries, cooperative officials or peasants' union agents in a class party. While varying widely in structure, all successful party bureaucracies take care of every unit of government from the smallest to the largest. In his study of continental socialist parties Michels has pointed out the inevitable development of oligarchies even within the proletarian parties. He finds the principal cause of oligarchy in these parties to be the technical indispensability of leadership. A customary right to the office of delegate is established; the leaders become professional and stable; and principles of authority and discipline, resembling those characteristic of the state, are fixed within the party.

Party leaders are recruited from the party members in legislative bodies, from the active party organizers outside the government, from the party journalists and orators, from the affiliated party organizations, from those who occupy or who have occupied civil or military positions and from the business and professional men associated with the party. In parliamentary countries the most successful legislative debaters, committee members and cabinet executives emerge as party leaders. The control of the parties is centralized in the hands of the parliamentary leaders, who pass upon nominations, manage the party funds and determine the party policies. In the case of labor parties this control of the parliamentary leaders may be divided with the trade union leaders. In countries having party dictatorships the leaders arise out of the stress of the revolutionary situation and the exigencies of social reconstruction. Where the presidential or congressional form of government prevails, party leadership is divided and may develop in a variety of ways. In the United States the president, the ex-presidents, the defeated presidential candidates, the party leaders in Congress, the national, state and local committees, the governors, the party leaders in the state legislatures, the mayors of important cities and the party bosses share the leadership of the political parties. Unified party control even for limited objectives is attained only on rare occasions, and even then there are dissensions which can readily rise to the surface. Under American conditions the development of party leadership is not systematic. State governors, cabinet officers, congressmen or business men may emerge as party leaders upon occasion. Such constitutional devices as the separation of powers, the federal system and the guaranties of local self-government retard the establishment of centralized party control.

One of the prime requisites of any party organization is the ability to secure funds for promotional activities and propaganda. Parties which have a strong theoretical foundation and appeal to the imagination of a determined minority may rely to an extent upon volunteer services, but activities requiring printing, office space, auditoriums, loud speakers, sound motion pictures and other technical equipment demand huge outlays of money. In raising funds a party may incur obligations which compromise its effectiveness as an interpreter and defender of mass interests. Plutocratic influences may thus come to dominate a party which ostensibly appeals to the masses. In democratic countries like Great Britain, France and the United States many of the large contributors to campaign funds are public spirited men who expect no concrete reward for their gifts to the party, but there are others who look for a return upon their investment. In all these countries the single member district system facilitates the nomination of wealthy candidates who are willing to pay their election expenses. In the United States business men desiring tariff favors, utility magnates seeking to escape public regulation, tax dodgers, gambling house keepers, bootleggers and others with more or less sinister aims are anxious to place the party organizations in their debt. While the relationship between party funds and the honors system in Great Britain is shrouded in secrecy, it is clear that many persons

elevated to peerages have been heavy contributors to party funds. In France corporate contributions and purchased newspaper support are subjected to criticism from time to time. In republican Germany banks, corporations and large landowners supported generously the parties of the right, including the National Socialists. In democratic countries labor parties are financed frequently out of trade union funds, which means that the trade union leaders exercise important powers over the party organization. Socialist parties following the model of the German Social Democratic party as it existed before 1933 rely almost entirely upon party dues. An elaborate collection system is worked out and stamps are issued to those who have fulfilled their obligations. This is the most democratic form of party financing yet devised, but non-proletarian parties have had little success with it. A few revolutionary parties have secured financial assistance from abroad. The Irish *Fianna Fail* has been aided by funds from American sympathizers. It is widely believed that the Third International assists Communist parties in various parts of the world, but the existence of gold in Moscow which could be used for these purposes has been shown to be legendary.

The problems of party discipline vary with the type of governmental institutions. In parliamentary countries the main problem of party discipline is to secure united action in the legislative body. The government and opposition parties in Great Britain have shown a high degree of cohesiveness, and since the advent of Labour as the second largest party the cleavage between the two leading parties has been sharp. Discipline is maintained by reason of the supremacy of the leaders who direct the party whips, control the central offices which administer the party funds and pass upon the nomination of candidates. Party discipline is much weaker in the French Chamber of Deputies than in the British House of Commons, but it is stronger than in American legislative bodies. An examination of votes in the Chamber of Deputies shows that the parties of the right and the left are most cohesive. In the Reichstag of republican Germany the party delegations were highly disciplined because of the system of binding party lists. The voters had no voice in the selection of candidates and the party leaders could recall recalcitrant members and replace them with others. Party discipline for the ruling group in dictatorial governments involves a different set of techniques. Members in responsible positions are carefully watched, and considerable severity is shown toward divergences from the established party position or toward the abatement of party zeal.

The close relation which the modern state establishes between parties as political organizations with general aims and the particular associations and interest groups involves a problem of considerable gravity. In countries with representative institutions attempts have been made by legislation to limit the influence of money in elections. Publicity regarding campaign finance, the prohibition of particular election practises, and the limitation of total expenditures have been among the devices employed. While legal regulations are helpful, they will not in themselves solve what are inherently problems of the struggle for political power.

HAROLD F. GOSNELL

UNITED STATES. The forms of party institutions in the United States have been shaped largely by the interaction of certain features of governmental structure, but the energies flowing through these forms have been coextensive with the total operative social forces of the country. The system of separately elected state executives, capped by the presidency, has disposed political groups toward a two-party alignment. The federal principle, extended in effect by the widespread election of local officers, has decentralized party organization. The detailed statutory regulation which has become so markedly characteristic of party government in the United States has subjected the affairs of ostensibly national entities to the disparate though imitative legislation of forty-eight states. Through forms thus conditioned a spirit of controversy has operated which has been part of the strains accompanying two great processes—the peopling of a nearly empty continent and the uneven, still incomplete, advance of industrialization.

Considered nationally political parties in the United States may be described as loose alliances to win the stakes of power embodied in the presidency. The centripetalism generated by this office more than any other factor discouraged the development of the multiplicity of parties anticipated by the founders of the constitution. So far as the draftsmen of 1787 revealed their thought regarding this crucial aspect of government upon which the fundamental law was silent, they seem to have held this assumption. James Madison, writing in number ten of the *Federalist*, argued that safety would result from the process of cancellation and compromise

among the numerous political groups sure to be engendered by the various kinds and degrees of property. On the formal side this forecast missed the course upon which politics almost immediately entered. In essence, however, his expectations have been realized; diversity, balance and concession (with the immediate security and the long run dangers which attend deadlock and inertia) have been provided at most periods in American history by factional divisions within each of the two country wide organizations.

The reflexes of presidential government have been paradoxical. On the one hand, it has invited multiplicity, for it has freed legislative bodies from the impulse toward combination involved in creating and maintaining administrations. On the other hand, centrifugal tendencies have been offset by the fact that in the face of the necessity of choosing a single candidate the alternatives open to electorates have been sharply narrowed. Marginal groups, which might otherwise have given rise to separate parties, have seldom been able to resist the temptation to aid in choosing the lesser evil. There has been a further seeming inconsistency. In its relation to politics generally the separate choice of chief executives has had both an energizing and a weakening effect. The almost revolutionary potentialities which reside in offices of such scope were illustrated when a presidential election precipitated the Civil War. But the system has not encouraged effective party rivalry, let alone the equipoise of government and opposition. The post of president or even of governor possesses incalculable sentimental advantages. The party which does not hold it is weakened by lack of a comparable focus and by the discontinuity of political leadership. The practise of politics therefore has refused to conform to the ideal of two evenly matched parties which has been drawn largely from the conditions of British public life in the nineteenth century, although the nearly universal acceptance of this ideal in the United States has doubtless helped in some slight degree to maintain the two-party system.

The emphasis properly laid upon the presidency in an explanation of the development and persistence of two parties does not deny the role of other factors. In all countries seeking to base popular institutions upon the majority principle the practical need for organization in order to gain and hold power contends with the interplay of numerous interests and issues. Combination is encouraged by two very different sets of circumstances: under conditions which approximate revolution, when the maturing of a transcendent controversy subordinates lesser questions; or when opinions are so lightly held that they do not interfere with the realistic arts of cooperation through barter. The latter situation has been prevailingly characteristic of the United States. Intransigence has not been its mood. In view of nearly universal lip service to the constitution the rallying points of dynastic loyalty have been absent. In a new country fed by immigration class lines have been blurred and the preoccupations of race and religion, although insistent and influential, have taken forms which inclined them to action through inclusive parties rather than in isolation. Large scale business methods, catering through mass production to a standardized market, have strengthened the attitudes which have caused voters in the United States to find pleasure in affiliation with vast if amorphous political associations.

A real two-party division moreover was induced by the existence of two major complexes of interest in the country. A long standing opposition prevailed between independent farming and the mercantile and financial activity out of which industry grew. This conflict was the common feature which related, in an essentially unbroken alignment, political division in the colonies, the split in opinion regarding the adoption of the constitution, and the cleavage in national politics during the following century.

The first decade after the constitution brought the consolidation and avowal of parties. For a time Federalist leaders retained power by virtue of the momentum of the masterful stroke by which the constitution had been established. It was apparent, however, that the program of quickening industry by "the incitement and patronage of government" as outlined by Alexander Hamilton was premature. More suited to the forces at hand was the combination engineered by Thomas Jefferson and his anti-Federalist associates, which as a party was first called Republican and later Democratic. In bringing about its decisive triumph in 1800 shrewd organizers found an ally for the small farmers and backwoodsmen in a spirit of self-assertion which was at work among humbler people in the larger cities. The resulting coalition became a durable feature of the Democratic party. It was strengthened by the equalitarian ferment in the second quarter of the century, when something like a mild social revolution transformed many institutions. In the period of political reorganization

connected with the Civil War moreover the attitude of recent Irish immigrants toward the Negro, partly explicable as fear of a competitor, facilitated cooperation between southern agriculture and such political machines as Tammany Hall in New York City. It was significant that the urban element in the Democratic party continued to come from cities more commercial than industrial, in which vaguely restless masses reacted in politics primarily as consumers. This fact in addition to the sharing of enemies afforded ground for common action with the countryside. But the incongruities were always troublesome and metropolitan growth was destined later to make the party's center of gravity uncertain.

Originally and predominantly, however, land was the factor which gave the Democratic party its character and direction. At the outset, when the advance agents of industrialism talked of tariffs and of stimuli even more direct, it was natural that agricultural spokesmen should stress laissez faire and state autonomy. These aspects of policy were in fact superficial and temporary. So far as there has been an underlying harmony in the behavior of the groups composing the Democratic party, it has been the fundamental support of economic deconcentration. Its consistency, like that of other major parties in the United States, has rested not in ideas but in the persistent coherence of interests. The real party division in the United States has been based on the reality of the conflict between wealth in the land and wealth seeking outlets in industry.

The process by which parties gathered around the nuclei of these two forms of property was complicated by sectionalism, a word which is inadequate to describe the peculiar role of spatial considerations in American society. The size and physiographic diversity of the country are likely at all times to accentuate questions of distance and position. In the past the rapid territorial expansion has had as a concomitant a heightening of geographical consciousness. The grievances thus engendered are the sort which may be sharpened rather than lessened by the standardizing of ideals. For in the United States sectionalism has involved more than merely the control of the politics of each region by the strongest economic element in it. The further and distinctive characteristic has been the collaboration of diverse interests related by neighborhood.

In the face of this deep tendency anything like the cohesion of the varied agricultural interests throughout a continent in course of settlement could not be maintained. The resulting bifurcation of agriculture became the most decisive fact in the making of the historic parties. The sectional division had a commodity basis. Rifts between cotton and grain producers would doubtless have become serious even if the issue of slavery had not existed. The very different relation of the two products to foreign trade (toward which cotton culture was primarily directed and from which it feared no competition) would have been ground enough for lack of unity in agriculture as a whole and for the receptiveness of those engaged in grain growing and mixed farming to an alliance with manufacturers. Slavery deepened the fissure. Having languished elsewhere, it was vitalized in the south when the enlarged markets attendant upon the mechanization of textile manufacture transformed plantation economy into a vigorous and expanding industry. Two forms of agriculture, slave and free, raced westward for possession of the unsettled lands; the future control of the country seemed to be at stake. During the first half of the nineteenth century, while the discordant elements held together, agriculture exercised hegemony through the instrumentality of the Democratic party. Its rule was not essentially interrupted by Whig victories in the presidential elections of 1840 and 1848. Industry meanwhile was restive; the downward course of the tariff after 1833 seemed a symbol of its disadvantage. Nevertheless, it was the small farmer rather than the cautious capitalist who eventually forced a recombination of political elements. The preliminary multiplication of parties which marks the early stages of a passionately felt, fundamental controversy was evidenced in the appearance of the Liberty, or Abolition, party in 1840 and the Free Soil party in 1848. The Republican party, emerging in the congressional elections of 1854, followed the latter in proposing in the spirit of partial compromise that slavery should be confined to the states in which it then existed. The new party quickly replaced the incoherent Whigs, whose respectable ranks (originally gathered under the common name National Republican in opposition to Andrew Jackson) had included some of the wealthiest families of the lower south. The sectional cleavage was completed by the rupture of the Democratic party in 1860, opening the way for the election of a Republican president and leading to the attempted secession of the southern states. Party realignment became fixed in four years of

war and in the decade and a half of coercion that followed the northern victory. The factory on the one side and on the other the husbandry of pasture, cornfield and prairie wheatland joined in an alliance which was the more tenacious because the cold bargains it involved were overspread with sentiment. The basis was laid for the nearly unbroken control of national affairs by the Republican party for half a century as well as for the restive agrarian insurgency within that party which was to be one of the most influential features of later politics

In the decades following the Civil War the most insistent cause for the spasmodic rise of minor parties was the attempt of the farmers (especially uneasy during the long price decline which ended in 1897 and again in the drop after 1920) to unite southern and western elements against a triumphant industrialism. Outstanding were the Independent National (Greenback) and People's (Populist) parties, which attained their high points in 1878 and 1894 respectively. The fact that these peaks were reached in congressional rather than in presidential elections illustrates the absorptive tendencies against which so-called third party movements must contend in the United States. Populism was strong enough to exercise a decisive influence upon the Democratic party. Previously, when Republican possession of the presidency was interrupted by the election of Grover Cleveland in 1884 and 1892, the candidate of the Democratic party was an easterner and the program of reform which attracted the gathering discontents of the time was cautious and essentially negative. In 1896, however, the nomination of William Jennings Bryan challenged the east on the outright issue of inflation. The sortie was spectacular but unsuccessful; it may truly be regarded as the last occasion when agriculture was strong enough to stand alone and to take the offensive. One effect was to alienate Democratic support in the seaboard states; years passed before the Democrats could again win electoral college votes in that region. Even in 1912, at the culmination of the muckraking and progressive movements, Woodrow Wilson, with all the advantage of a reassuring orientation, was successful only by reason of the Republican schism. In 1928 the Democrats hoped that the candidacy of Alfred E. Smith of New York would enlist the support of new frontiers embodied in urban life generally. But the nomination was ironically inapposite at a time when deflation and depression, soon to spread, still affected agriculture primarily. In 1932 the universality of discomfort gave the west and south a new kind of support in the east in the person of an eastern candidate, Franklin D. Roosevelt.

The recurrent hope of the promoters of third parties has been to unite farmers and industrial wage earners. It has been assumed that the maturing of industry created a three-cornered alignment of interests—farmers, industrialists, workers—which could soon be turned into a new dual alignment. The hope was symbolized in the name given to the Farmer-Labor party of 1920; this stillborn movement, whose immediate impetus had been the appearance of sporadic labor parties in the two preceding years, is not to be confused with the more durable party of the same name in Minnesota, which after 1922 gained a foothold in Congress. While in general the worker has shown less zest than the farmer for combination, the agrarian attitude itself has presented formidable obstacles. Some of the agrarian movements have been emotional, fortified by evangelical affiliations. A deeper difficulty has been that the defenders of agriculture have disbelieved in industrial evolution. The peculiar tone of national politics in the United States is traceable in large part to the fact that movements of reform have depended for practical support upon a body of criticism of the growth of industrialism. Agricultural opinion, with that of the village folk associated with it, has been stubborn in its preference for business enterprise of moderate scale, locally owned and vigorously competitive. In the Progressive party of 1912, when humanitarian zeal was available as a catalytic agent, an attempt was made to unite the agrarian insurgency of the upper Mississippi valley with a twice born capitalism which, conscious of sin as well as destiny, was willing that the solid advantages of integrated organization should be surrounded by safeguards in the form of governmental control. From the standpoint of agrarian attitude the situation was fundamentally changed in the decade after 1921, when, with a bipartisan farm bloc in Congress as a focus, agriculture was consolidating in favor of a program of regimented stabilization. It was preparing to join business enterprise in exchanging the ideal of unlimited expansion for that of security. This, however, was very different from acceptance of proletarian ideals.

From the side of the industrial worker there has been little disposition to force a political realignment in behalf of a new philosophy. What is loosely called labor was indeed politically in-

fluential in an earlier period, although rather as a consuming than a producing element, in behalf of such causes as the extension of public education. Toward the close of the nineteenth century and during the first three decades of the twentieth, however, the trade unions generally stiffened in their refusal to "accept government as the solution of the problems of life." Their interest in politics therefore has been incidental and defensive; and for such limited purposes the guerrilla tactics of rewarding friends and punishing enemies individually have not been inappropriate. Despite the national avowal of a policy of energetic independence local labor leadership where politically active at all has tended to seek favors by becoming an adjunct of the dominant urban machine. To the extent that the agricultural interests have threatened to impede industrial development, wage earners, animated as producers, have been disposed to make common cause with employers. Political socialism, which entered the presidential campaigns in 1892, has been disturbed from the outset and sometimes divided by the question of its policy toward a labor movement so oriented.

Ethnic differences (with which those of religion have been confused) have continued to crisscross American politics. From the standpoint of immigrants and their children the issue has been primarily their desire for recognition in the face of the contempt which the older stocks have felt toward each fresh wave. The formation of small, separate parties has been the thing least suited to such assimilationist purposes. The major parties have taken advantage of the situation by allocating nominations among racial groups with substantial voting power; the multiplicity of petty elective offices has facilitated this process. A kind of assimilation has resulted, although the main effect has been to trivialize public life by diverting discontent from fundamental objectives. These tactics have been practised by all parties, except in the period before the Civil War, when, on the heels of greatly increased immigration, hostility to aliens was organized as the American (Know Nothing) party with implicit Whig affiliations, which correspondingly quickened the appeal of the Democratic party to new arrivals. In later decades there was enough mutual dislike among the various elements of foreign stock to prevent its wholesale affiliation with a single national party. The general tendency has been for the immigrants to associate with the ruling organization of neighborhood or region. An analogous drift has been observable among Negroes in northern communities, where the notable cityward migration of the Negro population in the decade and a half before 1930 has rendered their vote significant. In their case race has seemed likely to remain stronger than class, to the disadvantage of such radical parties as seek to appeal to them. On the other hand, as their traditional allegiance to the Republican party has relaxed, the strategy of seeking protection through association with strength has seemed likely to carry voting Negroes beyond the alertly eclectic position urged by many of their leaders.

The loose linking of principalities of political power in country wide parties—a relationship suited to the social materials which have been reviewed—has been helped by the paradoxical nature of party structure in the United States. Formal organization has been relatively elaborate. In areas larger than counties, however, the parts have been slackly joined.

Control of the machinery has pivoted in the nominating process. The emphasis thus given has been distinctive of politics in the United States. During the first few decades under the constitution nominees to high executive office were sometimes selected by the adherents of the respective parties in the legislative body. In the era when polite drawing rooms ceased to be important arenas for the making of party plans and when travel became easier, a notable transformation took place. The choice of candidates for elective office and of interim committees was vested in representative conventions, rising pyramidlike from an original base in neighborhood meetings of party supporters (caucuses) or elections held for the choice of local delegates (primaries). The system was universal from the fourth decade until the close of the nineteenth century. From the outset its operation under party rules was attended by irregularities; corrective state legislation began in 1866. A more inherent characteristic than irregularity was indirection, accompanied by slight participation of the rank and file in the caucuses or primaries. Despite these serious elements of misrepresentation, however, it is doubtful that the convention system would have been supplanted by a system of preliminary elections (direct primaries) for the choice of party nominees if it had not been for the concurrence of several circumstances. The underlying cause was the prevalence in the north as well as in the south of areas in which the strength of the major parties was so disproportionate that nomination was equivalent to

election. The immediately impelling cause was the widespread factional strife which accompanied the "progressive" era, with its characteristics of partial disenchantment, optimism and belief in a "public" which would act if given opportunity. In the space of a dozen years after 1903 laws were passed in all but a handful of states making it obligatory upon political parties (defined for the purpose as groups receiving more than a stated minimum of votes in a preceding election) to nominate candidates directly in primary elections conducted under official auspices at public expense. The new instrument was two-edged: on a larger scale than the so-called non-partisan methods gradually introduced in municipal elections the direct primary facilitated recombinations and released what were virtually disguised parties within the shell of the old; but this very fact dulled the appeal of avowedly separate movements. The flexible use of the new machinery was a distinguishing feature of the resurgence of agrarian discontent in the spring wheat area between 1915 and 1921, organized as the National Non-Partisan League in behalf of a program of state capitalism. A counter attack on the direct primary as a system was in progress by 1920. In states like New York it was said that primary elections were prearranged and perfunctory, with few contests and declining popular participation. The ground of complaint in other sections, however, was not desuetude but excess of vitality. In such places it was possible to see what was likely to be the very real historical significance of the direct primary as an episode in the temporary accommodation of an aging sectionalism to new planes of controversy and cleavage.

The pageantry of the national conventions in which presidential candidates are chosen has survived as a symbol of the conservatism of professional politicians in the United States. The fact that they are quadrennial, that they resolve party problems largely in terms of a personal synthesis and that no formal conclaves take place between times illustrates the caution with which party managers have minimized the discussion of policy. This chariness has been related to a pervasive contradiction. Congress and the state law-making bodies have been organized on a rigorous partisan basis, but the voting on measures has seldom followed strict party lines. The making of opinion has passed from the parties to numerous specialized and continuously active forms of association. Periodically of course there has been a prodigious show of partisan propaganda, since the highly regulated tenure, the overlapping areas of self-government and the election of numerous officers have created the habit of long and expensive campaigns. The commandeering of the gratuitous services of officeholders and public employees has been curtailed by the beginnings of a competitive civil service. The use of money has led in nearly all the states to detailed statutory restriction by corrupt practises acts, but, apart from other reasons for their innocuousness, the multiple candidacies characteristic of elections in the United States have made it difficult to establish responsibility. In the dynamic play of special groups the great parties have sometimes been intermediaries, garnering popular demands in platforms which have been like highest common multiples. On occasion the interests composing them have dictated intervention to censor proposals. Most often the parties have been neutrals. The effect has been to fray the threads of controversy and to dissipate coherence. This result has been offset in increasing measure, however, by a national zest for concerted movement which belies both the individualistic tradition of the United States and also the professed theory of party balance.

ARTHUR W. MACMAHON

GREAT BRITAIN. The modern party system began to take shape as an essential institution of representative government only when the affairs of state ceased to be exclusively the prerogative of the crown and became the province of the king in Parliament. The constitutional and religious struggles of the seventeenth century gave rise to a twofold division of political allegiance which has tended to persist in form, if not in the substance, of policy. Between the Restoration and the Revolution of 1688 the issue of prerogative remained unsettled, and the names Whig and Tory were by 1680 commonly used to designate respectively the opponents and supporters of the Stuart claim that sovereignty resided solely in the crown. In Hobbes the Tories found justification for a doctrine of non-resistance, while the Whigs turned to Locke for support of their theory of limited monarchy.

After the Revolution of 1688 the great Whig landed families, the commercial interests and non-conformists were able to maintain an unshaken supremacy until 1760. Toward the end of this period the efforts of Bolingbroke to give his party a new spirit and a more rational orientation, supplemented by the attacks of a would be patriot king and by a growing disintegration

within the Whig party, resulted in the termination of that ascendancy. The following fifty years of Tory preeminence together with the national emergencies of the wars with France led to a partial eclipse of the party system. The Whigs were weakened as the more conservative members of their party went over to the Tories, largely on the war issue. Not until the Whig party was reduced to a compact and more homogeneous group did it begin to form a new party destined to be the forerunner of the Liberalism of the next century.

The slow rise of the cabinet system as a means of reconciling the claims of crown and Parliament, the growing responsibility of the executive to the legislature and of the legislature to the electorate, led to a degree of party organization in both Parliament and the constituencies. This development did not always, however, pursue an uninterrupted course. The period following the Reform Bill of 1832 saw the weakening of the existing party bonds, the embarrassment of the Whigs by an insistent radical wing and the division of the Tories over the repeal of the corn laws. The majority of the party which Peel carried with him remained for years a separate group. Between 1850 and 1860 this disintegration resulted in a series of coalition ministries, most of which were soon terminated by the divergent attitudes of the constituent sections. This period, which witnessed the gradual substitution of the names Liberal and Conservative for Whig and Tory, came to an end with the adoption of the Peelites, including Gladstone, into the Liberal party. The more stable party relations of the next twenty-five years were the foundation of the classic period of English parliamentary government, the finest harmonies of which were marred only by the rise of the Irish Home Rule party with its manipulation of the devices of concession and compromise.

At the turn of the century the influence of the Labour party began to be felt (*see* LABOR PARTIES, section on GREAT BRITAIN), and by 1906 the new party had taken up a normal position in a system already familiar with the arrangement of compromise. The aftereffects of the World War and the history of the coalition government weakened the position of the other parties, while Labour had outgrown its earlier form of organization. The membership and influence in the party, however, continued to be largely that of the trade unions, a fact which has had its influence upon the party policy.

The party's easy acceptance of a policy of parliamentary opportunism lies at the root of the difficulties which it has encountered since the economic condition of the post-war world became acute. A gradualist policy of socialism presupposes the continued efficient working of the capitalist system. When the existing economic and social system deemed it imperative to take back the concessions already made, the Labour party was forced to choose between the logical but unsocialistic course of participation in a national coalition, with economy as the watchword, and an appeal to the people on the basis of a policy which on its own declared assumptions was not appropriate for the times. The party's recovery from a small minority to a position from which it can perform the normal functions of an alternative government is dependent on its discovery of a new policy.

Although the Labour party is largely proletarian it shares the working class vote with the Liberals and Conservatives. The party is supported also by many members of the lower grades of the civil service and by members of the upper and middle classes who have no material interest in the party's success but are attracted by its promise of social justice.

The severe decline of the Liberal party has followed its abandonment of the principles upon which its success in the last century was founded. The conditions of the industrial revolution seemed to prescribe the social necessity of freedom from state interference and restriction, but the results of the policy of laissez faire forced the party to adopt regulation in order to achieve the aim of individual freedom. This shift of ground initiated the process by which the line between Liberal and Conservative has become blurred. During the nineteenth century differences between the Liberal and Conservative parties were never fundamental because no issues arose which went directly to the roots of the social structure. As soon as socialism with its implications for the fundamentals of society became a question for debate, the attitude of the Liberals proved in the main to be very much like that of the Conservatives.

The Liberal strength has been drawn largely from non-conformity and from those individuals whose interests are adversely affected by Conservative economic policy. The doctrines of free trade and of qualified and moderate state intervention still command the support of those who, although not in sympathy with Tory policy, are yet not prepared to go the whole way with Labour. But there is so little internal cohesion

within the party that it is difficult to regard it as anything more than a traditional allegiance of those political elements which have not yet found a resting place in the other extremes.

Philosophically modern Conservatism derives largely from Burke, on whose conception of a nation state as a historical community marked by a spiritual unity Disraeli in the 1860's rebuilt the weak and disorganized Conservative party. Behind all Conservative policy lies the belief that any radical change in political and economic institutions must harm seriously an organism so delicately contrived and balanced. There follows from this a reverence for the crown as the historic symbol and instrument of authority and of national and imperial unity. The Church of England has also been a Tory institution, ever since the seventeenth century struggles were fought out over the combined questions of prerogative and toleration. But while the church remains predominantly Conservative in social doctrine and in personnel, the party's enthusiasm for it has declined with the recession of the church as an effective social force.

The belief of Conservatives in the necessity for a privileged governing class and the fierceness of their resistance to the Reform Bill of 1832 are explainable in terms of their own realistic analysis, which understands that the possession of power means the acquisition of property and that to widen the franchise is to endanger the existing distribution of property. With the destruction of this principle in 1832 they had no other alternative than to gain electoral approval by the introduction of their own franchise bills. At the root of the Conservative defense of the House of Lords lies the conviction that heredity will perpetuate, if nothing else, at least the ability to govern. Only with the decline in popular belief in heredity is the Conservative forced to defend the upper House on simple grounds of utility.

Since 1832 the party's main strength has been in the counties, except for the Liberal southwest and north. With the issue of free trade settled in the nineteenth century, the upper middle class of manufacturers saw nothing to keep them in the Liberal fold. Nor under the changed conditions of twentieth century international trade does the Conservative policy of protection weaken their allegiance. The emotional appeal of the imperialist idea, resentment at high taxation for social services, and protectionist promises of high wages and employment, all account for a large proportion of the Conservative vote. Since the World War the Conservatives have been dominant continuously except for two brief periods of minority Labour government (1924 and 1929–31).

Until after 1832 there was little extraparliamentary organization in politics. With the widening of the franchise in 1832 and 1867, local associations began to be formed, and in 1861 the Liberals set up a central body—the Liberal Registration Association. In 1867 the National Union of Conservative and Constitutional Associations was formed, sharing in party work with the whips and the central office. Extraparliamentary organization on the modern scale began virtually with Chamberlain's highly disciplined Liberal Association in the late 1870's. The success of the Birmingham association led to the general adoption of similar measures by both parties; and in 1877 there was formed the National Federation of Liberal Associations, which has since existed concurrently with the Central Liberal Association.

The part played by the central offices has become increasingly more important. They now direct and control in varying degrees almost every party activity, and more and more they are depended upon by the local associations for guidance. They have assumed most of the work of the National Union of Conservative and Constitutional Associations and of the National Liberal Federation in directing party organization and in formulating policy. The central office has a considerable voice in the selection of candidates, particularly as the local associations so often rely upon it for funds and other assistance. Control is exercised also over the policies and programs of candidates, while within Parliament members are expected to support the decisions of the caucus. The party organization of the country as a whole is constantly under the supervision and the direction of the large traveling professional staffs of the central offices and of their subsidiary provincial branches, which provide information, money, speakers and guidance to constituencies and candidates in their districts.

The chief party whip no longer holds his former position of control over the work of the central organization, which is now under the direction of the chairman or, in the case of the Labour party, the secretary of the party organization. This growth in the importance of the central office has been a necessary result of the enormous increase in the size and scope of party activity. The grant of full party membership to women in 1902 and of the vote in 1918

and 1928 and the organization of junior associations upon a large scale have entailed a striking development in party activity. The work of political colleges, summer schools and research and propaganda services is also becoming increasingly important under a system in which the voter and his unspecialized representative are required to legislate for the state in its social service and world economic aspects.

The local association depends largely upon the efforts of the paid agent in its work of electioneering, selection of candidate and organization of the constituency. With the development of party activity, the position of the agent is becoming almost a profession. In 1929 Great Britain spent £1,213,507 on recorded election expenses, exclusive of the amount disbursed by central headquarters. Party funds are obtained locally from members' contributions and from candidates, while the central office depends upon industrial and social organizations and upon private donors. Private contributions play a large part in the finances of the older and wealthier parties, while the Labour party is forced to rely more upon the contributions of the local caucuses and upon affiliated organizations, such as the trade unions and the cooperative societies. The position with regard to the sale of honors in return for party funds remained substantially unchanged after the report of the Royal Commission on Honours of 1922. It is a matter of opinion how far the publication of party accounts, which the Labour party has always demanded, would affect electoral allegiance.

Party discipline within Parliament is enforced, failing the efforts of the whips to maintain obedience to the party leader, by the threat of dissolution, which is usually sufficient since no member relishes the prospect of an election and the possible withdrawal of his party's support. On the opposition side when electoral success is not anticipated the threat or expectation of dissolution may give rise to a less independent attitude. The position of the private member is one of subordination to the cabinet, since the government has complete control of the time of the House of Commons. The local caucuses sometimes retain sufficient independence to be able to provide backing for a member's heterodoxy. But to defy both the constituency and the central office is to invite political extinction. The grounds for resignation are not clearly defined, for although consistent failure to support the party in the House or a crossing of the floor is usually regarded as a reason for resignation, there have been exceptions, in which members refused to comply with local demands.

The House of Lords is overwhelmingly Conservative. It traditionally rejects non-Conservative measures, and since the Parliament Act it has been able either to hold up legislation or to bargain for concessions with any non-Tory government which prefers the emasculation of a bill to the complete crippling of its program.

The king's role has been historically to represent the nation as a unity as against the factional strife of parties. With the partial decline of prerogative into political influence the crown has insisted on its right to be consulted, to encourage and to warn. It has been recently suggested that the king should exercise his own judgment in the granting of a dissolution. But this right has been in abeyance for more than a century and if exercised it would destroy the crown's present party neutrality. The crown also appoints the prime minister, but unless there are two possible candidates for the post of party leader it exercises no real choice; it is at the party conferences and by the influence of prominent party men that the actual choice is made. Since 1837 the crown has grown in social prestige. It has never repeated the attempt of George III to wreck the party system in order to reverse the slow transition of the crown's position from one of power to one of influence. It has become an accepted formula of the constitution that the monarch will abide by the results of the party struggle, although the accession to power of a determined Labour majority, bent upon the institution of socialism, might conceivably change his position.

W. A. RUDLIN

CANADA. In Canada as in the English speaking countries generally political divisions have taken the two-party form. During the struggle for colonial self-government in the first half of the nineteenth century reformers, or Liberals, fought against Conservatives in all the British North American colonies. The British names for the parties continued after responsible government was established; and the British system of cabinet government tended to give the parties a unity and continuity in leadership and policy which were lacking in the United States. But the influence of North American environment, the amalgamation and expansion of the colonies into a loosely knit continental nation with the inevitable sectionalism which resulted, the concentration of public policy upon the rapid exploita-

tion of natural resources, the steady growth of urban industry within a community composed primarily of pioneer farmers, the increasing stream of foreign immigration—all these forces tended to make the Canadian party system similar to that of the United States in organization, methods and personnel.

Fundamentally the division of interests in Canada has been between agriculture and capitalistic finance industry, but this has never been clearly expressed in party alignments. The Liberal-Conservative party, founded in 1854 under the leadership of John A. Macdonald, was a coalition of three groups in the then province of Canada—the Orange-Loyalist group of Upper Canada, the French Catholic group under clerical control in Lower Canada, and Montreal big business as represented chiefly by the Bank of Montreal and the Grand Trunk Railway. Opposed to this party were the French Rouge group of anticlericals in Lower Canada and the Clear Grits of Upper Canada, who were the political expression of the views of the western pioneer wheat farmers. These two oppositior groups gradually formed an alliance which became the Liberal party.

After 1867 these party divisions were extended from the two central provinces to the outlying sections of the dominion. The Conservatives in office applied Hamiltonian ideas to the building up of the new nation as expressed in the "National Policy" of industrial protection and in the construction with government help of the Canadian Pacific Railway. The Liberals, coming into power in 1896 after a generation of opposition, continued the policy of protection and railway building; and under Laurier's leadership the party became generally identified with the encouragement of capitalistic business enterprise. By the first decade of the twentieth century both parties were national in the North American sense; that is, their membership was drawn from all geographic and economic sections of the country, and their policy, because of this composite membership, had become completely opportunistic. Each party, however, depending for campaign contributions upon wealthy business men, was primarily an instrument for carrying out the policies favored by the dominant business interests of Montreal and Toronto. The Liberals remained in power until 1911 and again almost continuously from 1921 to 1930, when the Conservatives came in.

The "reciprocity" election of 1911, like the election of 1896 in the United States, is important chiefly as a revolt of the western farming interests against this domination. The revolt was unsuccessful. But it was renewed in 1921 after the World War, when sixty-five Progressive members—more than a quarter of the House of Commons—were elected. These were mostly farmers from the prairie provinces and Ontario, with a few western Labour members. The Progressive movement disintegrated during the next decade. But in 1932 the Co-operative Commonwealth Federation (C. C. F.) was launched in western Canada by the same farmer and labor elements, and it has since extended to Ontario, although it has not as yet made much impression east of the Ottawa River. It has adopted a definitely socialistic program and seems more likely than previous movements of protest to break up the solidarity of the old two-party system.

Cutting across all economic and sectional divisions in Canada has been the cleavage between the English speaking, mostly Protestant, majority and the French speaking Catholic minority. Racial and religious antagonisms, expressed in contests over education and language (also over patronage and pork), have aroused much fiercer passions than merely economic issues and have blurred all party divisions based on economic issues. The French, as a minority community, have been much more cohesive than the English. The great majority of them supported the Conservatives for a generation after 1854 and switched to the Liberals with the rise of Laurier. The conscription issue has kept them in the Liberal fold since 1917.

Party machinery in Canada has not been so elaborate as in Great Britain or the United States. There is little of the constant work of education and propaganda which is carried on by English parties. The domination of a political machine by party bosses has not been so marked as in the United States and there have been no efforts to correct abuses of this kind by such expedients as the direct primary. The parties tend to follow the American practise of holding conventions to choose leaders and to draw up programs. Corruption in many forms is widespread; but Canadian political scandals, like other Canadian phenomena, seldom attain the magnitude of those in the United States.

FRANK H. UNDERHILL

AUSTRALIA. Wool was the first Australian product, and the leaders of the wool industry, the "squatters," were the first class to play an

effective part in political struggles. It was their task to hasten the passage of Australia from military autocracy, through a steadily developing representative system, to full self-government, which they came to demand as a result of their opposition to the land policy of the British government. By self-government, however, they meant government by "the pastoral interest." They were therefore opposed by what their leader Wentworth called "mere numbers," whose triumph was assured by the gold rushes which in ten years (1851–61) raised the population of Australia from 405,000 to 1,145,000. The mass of the newcomers were imbued with the ideas of Chartist democracy and succeeded in realizing them early in the second half of the nineteenth century. Interwoven with their struggle for political democracy was a struggle for economic advantages. They wanted to break the squatters' land monopoly and in Victoria they demanded fiscal protection in order to make industrial employment. Politics thus gained coherence as a struggle between "conservatives," representing the pastoral and importing interests, and "liberals," who represented small farmers, artisans, manufacturers and middle class enthusiasts. The liberals won support from the rapidly developing sentiment of Australian nationalism. This sympathy between radical democracy and nationalism was inherited by the Labour party; it remained unshaken until the World War.

The Labour party was formed after the strike of 1890, and in the New South Wales elections of 1891 won 36 seats. It inherited much of the old liberal mentality and policy. It approved and wished to carry further the liberal policies of immigration restriction, land subdivision and closer settlement, governmental development and industrial enterprise. After some hesitation it adopted, during the first decade of the twentieth century and of the commonwealth, the Victorian liberals' policy of protection. It added two things, however, which transformed Australian politics. The first was a new discipline. The second was a new creed—socialism.

The discipline of the Labour party is founded on the class solidarity of the trade unions. Labour sympathizers who are not unionists may easily join a local branch of the party, but the unions are its core. The state and federal conferences of the party appoint executives to watch over the parliamentary caucus, which in turn controls the individual Labour parliamentarian. As for Labour's socialism, it is a creed which remains vague, despite an attempt at precise formulation in 1921 and despite current doctrinal struggles. It is an emotional ideal, an objective, not a policy. Conflict between the ideal, which repudiates existing society, and the actual policies of Labour politicians, who accommodate themselves to existing society in order to win power and to govern, creates a constant tension within the party. From the 1890's onward this tension has repeatedly led to splits and expulsions. Until the depression of 1931 these expulsions did not break the unity of the Labour machine, although for a time (as after 1916) they lessened its power in the electorate. But in 1931–32 the machine itself was split when J. T. Lang, premier of New South Wales, placed the objective before the necessities of the present situation, allied himself wholeheartedly with the local guardians of party orthodoxy and set the New South Wales party machine into opposition with the federal machine. The result has been a widening confusion of splits, factional fights and expulsions which will make the reconstitution of unity difficult.

Until recent years the potential disruptive force of the tension within the Labour party was not apparent on the surface. Labour's discipline was the determining force in Australian politics. This discipline, directed to the achievement of popular reformist policies and exploiting the nationalistic-democratic sentiment of Australians, had rapidly advanced Labour from its original position as a third party bargaining for concessions. In 1915 the party held office in the commonwealth and in every state save one. Already in 1909 the old liberal and conservative forces, hitherto divided chiefly by the fiscal issue, had closed their ranks to resist Labour. All the non-Labour forces may be called parties of resistance. But in order to resist Labour they had to compromise by competing with Labour policies and accepting expelled Labour leaders. Three anti-Labour prime ministers, Cook, Hughes and Lyons, began as Labour politicians. Just as the actual policies of the Labour party bear little relation to socialistic theory, so the actual policies of Labour's opponents bear little relation to the theory of laissez faire. Both groups need the support of a large unattached floating vote, and both have sought this support by offering government action, for example, the developmental expenditure of loan money, to foster individual and sectional well being. Thus the much talked of class war has seldom been present in Australian party conflicts. It was im-

minent for the first time in 1932, when J. T. Lang was premier of New South Wales.

The lack of theory in the anti-Labour forces is indicated by their search for a convincing label; since the fusion in 1909 they have called themselves in turn Liberals, Nationalists (after 1916) and (since 1931) the United Australia party. Their organization is also loose in comparison with Labour's. They have their branches and committees and conferences but these lack the Labour rigidity and discipline. The individual parliamentarian is therefore freer than the Labour member. This is because the propertied, business and professional classes, which are the most faithful anti-Labour voters, lack the close vocational association of trade unionists. Business interests can usually be depended on to contribute ample political funds, although manufacturers frequently support Labour as the high protection party par excellence.

Since the end of the World War there has existed a Country party, based on the rural interests, which has copied the tight discipline of Labour and has reproduced in part Labour's original role of a third party exacting sectional advantages. Its chief declared policy is tariff reduction. It suffers, however, from the diversity of interests between the various rural elements. In the commonwealth the Country party joined the Nationalists in a composite government (1923–29), and it still supports, sometimes grudgingly, the present anti-Labour government. In some of the states the membership of the Country party or Country party groups is agrarian and not unwilling on occasion to support Labour.

The rise of the Country party and the splits in the Labour party evidence a swing away from the simpler two-party system. At the present time there are Labour governments only in Queensland and Western Australia. The effect of the depression has been to strengthen in the industrial east and particularly in New South Wales the left wing socialistic forces in the Labour party. The electorate, by repulsion, has in the eastern states swung strongly from Labour. Very important for the future will be the issue of the struggle between the socialistic believers and the political tacticians within the Labour party. Whether or not there emerges a reunited party and under what conditions it is achieved, if at all. will determine the future not only of the Labour party but also of its opponents.

W. K. HANCOCK

NEW ZEALAND. Parties divide in New Zealand upon domestic rather than external issues. Loyalty to the crown and support of British foreign policy are traditional, although, especially since the World War, the Labour party has been critical in these and related matters, such as defense expenditure.

The main division of parties from the establishment of self-government in 1853 to 1876 was between Centralists and Provincialists. The latter were strong in the southern provinces, which had led the struggle for self-government. Southern progress, while North Island suffered from the Maori wars (1860–72), strengthened their dominance. Vogel's policy, launched in 1870, of borrowing for public works and land settlement resulted in the death of provincialism. When his plans were mutilated to insure provincial control of lands, Vogel secured a majority in 1875 for the abolition of the provincial councils.

Between 1870 and 1890 party lines were redrawn and party allegiances reshuffled. Except for two interludes (1877–79 and 1884–87) the so-called Continuous Ministry held office, evolving from a Centralist to a purely Conservative party, representing primarily the landowning interest. The first opposition of Provincialists was led by Sir George Grey, who made the Provincialists a party of Gladstonian Liberalism. It gathered together all the opponents of the landed party and its conservative, laissez faire policies. Vogel's accession to the party in 1884 added state socialism and developmental borrowing to its program. Its support of trade unionism and its policy of protection to local industries were strong factors in gaining popular favor as the economic depression deepened in the late 1880's.

The Liberal-Labour party thus created was kept in power from 1891 to 1906 by a combination of town workers and small farmers. This was the period of experimental legislation. Seddon's death in 1906 weakened the combination. The trade unions formed an independent Labour party in that year and the small farmers, who had become more prosperous, began to demand the freehold. Mainly with farming support the Conservatives, reorganized as the Reform party, gained power in 1912.

The Reform party not only reversed the Liberal-Labour land legislation but stiffened the resistance to trade union demands. In the ensuing struggle, which came quickly to a head in the breaking of the 1913 strike by the use of

free labor and special constables, the Liberal party lost ground. A national cabinet was formed in 1915 and party politics were suspended until 1919. The Reform party continued in power until 1928 but began to lose ground in the towns because of its low tariff and retrenchment policy and in the country because of its opposition to demands for rural credit. Labour representation grew steadily but it was the Liberals, who had sunk to the smallest party but had been reorganized first as the National and then as the United party, that gained power in the 1928 election. For some months they relied upon Labour support and passed heavy graduated land taxation and similar measures. In the face of the depression, however, this policy was reversed, and in 1931 the United and Reform parties joined in a coalition government. The strength of the respective parties after the election of 1931 was Reform 30, United 21, Labour 24, Independent 5.

In general, party politics and party organization in New Zealand are very closely modeled upon the English pattern. The parties are organized and financed by voluntary effort and party government proceeds according to English law and precedent. The trade union organization is powerful in the Labour party, which defends working class interests, including the civil service claims, and advocates nationalization policies, including a state bank. The Labour gains have been made in the towns, the farming constituencies remaining Reform or United. The demarcation between the latter is not very clear, as their recent coalition proves. The Reform party's low tariff policy is opposed to the protectionism of the small scale industrialists and in general the Reform party represents the more conservative, big business, export group, both in country and towns, while the United party represents the smaller scale industries of local demand and to some extent the struggling small farmer, especially in times of crisis. Recent history has shown that the Labour and Reform parties, representing mainly urban labor on the one hand and the important farming and business interests on the other, are fairly stable, whereas there is fluctuating support for the United party.

Political developments in Britain exercise a strong influence upon party politics in New Zealand, as, for example, in the formation of a national cabinet during the World War and a coalition cabinet with Labour opposition during the depression of the early 1930's. This influence is equally apparent in current political debates. The coalition government is carrying through a policy of retrenchment in order to balance the budget. Following the recommendations of royal commissions, drastic economies are being effected in government services and salaries have been lowered. Unemployment relief is provided from the proceeds of special, regressive taxation and administered largely in connection with rural developmental projects. The Labour party criticizes and resists this program in principle and in its specific applications. It also offers consistent opposition to assisted immigration, and it voted against the ratification of the agreements made at the Ottawa Conference in July, 1932.

J. B. CONDLIFFE

UNION OF SOUTH AFRICA. When the Union of South Africa was formed in 1910, there was a similar party alignment in three of the four colonies which merged into the union. In Cape Colony, the Transvaal and Orange River Colony the division was primarily on racial and linguistic lines, with so-called Dutch parties in power opposed by the English speaking element. The division, however, was not entirely on racial lines, especially in the Transvaal, where *Het Volk* (The People), the Afrikaans speaking party led by Botha, had formed a coalition with the predominantly English speaking Nationalist party against the opposition of the English speaking Progressive party. In Cape Colony the ruling South African party—a continuation of the Cape section of the Afrikander Bond which had been formed in 1879 to promote a strong Dutch nationalism, but which under Hofmeyr's leadership had modified its platform to equality between the two races and a broad South African nationalism—had attracted some of the English speaking element, but the majority were in the opposition Progressive (later Unionist) party. In Orange River Colony the *Orangia Unie* was also overwhelmingly Dutch, the Constitutional party essentially English. In the fourth colony, Natal, with the exception of the Labour party, the party lines of cleavage were of a nebulous and essentially temporary character, as is illustrated by the fact that at the first union elections eleven of the seventeen Natal representatives were elected as an Independent block, organized rather on provincial than on party lines. Labour parties, not very strong outside the Transvaal, existed in all the colonies.

At the first union election the South African

party, *Het Volk*, the Nationalist party and the *Unie*, organized as a single entity, which bore the name of the South African (later Nationalist) party and carried the election, and Botha became first prime minister. The united opposition, led by Jameson, was known as the Progressive (later Unionist) party. In general the former was overwhelmingly rural, Afrikaans speaking and conservative, while the latter, almost entirely English speaking, combined an essentially urban and progressive character with loyalty to the British traditions and to imperialism as interpreted in 1910. Somewhat accidentally it supported the great mining interests of Witwatersrand.

In 1913 the Nationalist party split, principally over the language question and the imperial connection. The seceding minority under General Hertzog kept the former name of Nationalist (or National) party, while the large majority remained faithful to Generals Botha and Smuts and, reenforced by the adhesion of the Natal Independents, took the name of the South African party. This division and nomenclature have dominated union politics ever since.

The Nationalist party was overwhelmingly Afrikaans speaking, enthusiastic for the development of the Afrikaans language and traditions, committed to a policy of "segregation" as regards the large native population and somewhat hostile to the imperial connection as understood at that date. Its relation to republicanism is somewhat difficult to describe. Every republican was a Nationalist, but not every Nationalist was a republican. With certain lapses organized Nationalism has stood rather for independence and equality within the British Commonwealth than for secession. The points of view of moderate Nationalists and of moderate supporters of the South African party have tended to agreement on this point, except at times of excitement.

The outbreak of the World War, accompanied as it was in South Africa by a rebellion supported by the more extreme Nationalists, did much to intensify the bitterness of party feeling. After the war, when in the Parliament of 1920 the four parties—South African, Nationalist, Unionist and Labour—were so nearly equal in number that no one could govern alone, General Smuts held out the olive branch to the Nationalist party; the anticipated combination failed, however, when this party refused to sacrifice its objective of "sovereign independence." General Smuts then turned to the Unionists, who, spurred on by the growing strength of the Nationalists, made the extraordinary gesture of dissolving as a party and joining the South African party, which thenceforth possessed a much more urban and English speaking character.

General Hertzog countered in 1924 by forming an electoral pact with the Labour party, which had become increasingly hostile to the government party, both because of the latter's absorption of the Unionist party, the representative of the mining interests, and because of the suppression by the government of industrial disturbances in Witwatersrand in 1922. The Nationalist-Labour combination carried the election of 1924 and established a coalition government, the result of which, however, was the disruption of the Labour party into two warring factions. The rapid movement toward republicanism and secession which was expected to follow Hertzog's rise to power did not materialize, partly because of the attitude of his Labour allies, partly because Hertzog himself apparently did not really want secession and partly because of the changed status which the dominions acquired as a result of the imperial conferences of 1926 and 1930.

The official programs of the South African party and the National party reveal few startling differences. Both accept the new conception of imperial relationships enunciated by the conferences of 1926 and 1930. The divergencies are in tendency and tradition more than in program. The support given to the National party comes almost exclusively from Afrikaans speaking sources, although a considerable minority of Afrikaans speaking voters give their support to the South African party. Nationalism is stronger in the rural than in the urban districts. Certain areas, such as Natal, vote solidly for the South African party and others, such as the Orange Free State, as solidly for the National party. The most uncertain and incalculable area is the gold mining center of Witwatersrand. Of recent years, although the parties have been very evenly divided, Nationalism has commanded a small majority.

Early in 1933 a coalition between these two historic parties was formed and a National Government called into existence under General Hertzog as prime minister and General Smuts as deputy prime minister. In the election of May, 1933, the coalition secured 139 of the 150 seats, of which 75 were held by the Nationalists, 62 by the South African party and 2 by a Coalition Labour group. The opposition Labour

party gained only 2 seats. As a nation wide reconciliation after years of very bitter opposition the coalition phenomenon is almost unique. Its effect on the future political development of South Africa is difficult to estimate.

EDGAR H. BROOKES

IRISH FREE STATE. A single deep cleavage, nominally on constitutional issues, has assured the existence of two major parties in the Irish Free State despite proportional representation. The existing parties emerged when the negotiation of the Anglo-Irish Treaty in 1921 destroyed the political unity of the war period. Sinn Fein then split into the pro-treaty party (organized as *Cumann na nGaedhal* in 1923) led by William T. Cosgrave and the anti-treaty, or Republican, party (organized as *Fianna Fail* in 1926) led by Eamon De Valera. The Irish Farmers' Union and the Irish Labour party also entered the election of 1922. The rift in Sinn Fein followed a fundamental division in Irish society. The more prosperous farmers, tradesmen and white collar workers had become incorporated to a large extent in the social, economic and cultural system of Britain. On the other hand, the small farmers, especially in the poverty stricken west, remained outside this system and their economic fate prompted rebellion; they were joined by the youth of the nation, since the door of opportunity has been closed to the young men and women of Ireland and they can find few jobs, cannot establish new farms, must marry late and remain under the parental roof abnormally long. Irish politics are therefore divided into conservative and Republican camps, within which there are subdivisions due to historical, social and economic factors.

The conservatives are united in favoring low taxes, the union of all Ireland in a single state, the economic development of the country with special regard for the opportunities in the British market and the maintenance of the imperial connection or its gradual change by negotiation. The ex-Unionists enter elections as independents. The farmers, organized for economic purposes, form the next group to the left. A third group, the remnant of Redmond's Irish Nationalist party, organized as the National League in 1926, urges the formation of a national coalition without Cosgrave or De Valera. In 1932 a Center party was organized with support from the large farmers and Nationalists. *Cumann na nGaedhal* is pledged to foster economic development and the Gaelic language and has leaned toward the Republican economic policy. The conservative groups support Cosgrave, but a move to unite all of them in a National party was interrupted by the 1933 election.

The Republicans, led by De Valera, are united in favoring the political and economic independence of the country and the establishment of a common government for the whole island. The principal political aims are the revision of the Anglo-Irish agreements, the abolition of the oath to the king, the decentralization of government and the extension of social services. The economic objective is the maximum development of Ireland's resources and a more equal distribution of wealth. The means to this end include tariff protection, the development of widely dispersed small industries to balance agriculture, the retention of the annuities collected under the Land Purchase Acts and formerly paid over to the British government and, finally, the substitution of tillage for grazing. The Irish Republican Army, which still refuses to recognize the existing constitution, and *Saore Eire*, which advocates a collectivist republic, are led by a small group of intellectuals who regard De Valera as too moderate.

The Irish Labour party, based upon the unions of skilled labor, is really a center party which urges the shelving of constitutional issues until economic problems are settled. It is strongest in a belt of constituencies from Dublin to Limerick.

SEATS WON IN ELECTIONS

	1923	JUNE 1927	SEPTEMBER 1927	1932	1933
Cumann na nGaedhal	63	47	62	57	48
Farmers	15	11	6	4	—
National League	—	8	2	—	—
Center Party	—	—	—	—	11
Labour	14	22	13	7	8
Republicans	44	44	57	72	77
Sinn Fein	—	5	—	—	—
Independents	17	16	13	13	9

Irish party organizations resemble those in Britain. The local clubs are usually moribund between elections. The annual conventions are relatively unimportant and real power lies with the standing committees of the national executives, which control the administrative machinery and may veto nominations made locally. The national executives are composed of men chosen by the convention, by the local organizations, by the parliamentary representatives and

by cooptation. Party funds are raised by affiliation fees and popular subscriptions in Ireland and, especially in the case of *Fianna Fail*, abroad; the funds are spent upon the upkeep of the central offices, the conduct of party newspapers, extensive speaking tours and poster campaigns. Patronage plays a very minor part in Irish party functioning, since the executive has relatively few positions at its disposal. Violence in Irish campaigns has received unwarranted attention, but in 1933 conflicts between the Republican extremists and the pro-treaty Army Comrades' Association threatened to become serious. The Roman Catholic church is officially non-partisan, but the bishops' pastorals and the activity of some of the older clergymen have aided Cosgrave. Party allegiances are stable in Ireland and the Republican success is due more to the winning of new voters than to proselyting among conservatives.

WARNER MOSS

FRANCE. French political parties, in respect of lack of organization, vagueness of programs, willingness to compromise and the indiscipline of those who are elected, differ vastly from political groups elsewhere. They are in some cases generals without troops; in others, masses of men without important leaders. Some of the political groups are of only local importance. They have a high death rate and a high birth rate as well. The so-called political parties are much less important than the groups into which the members of the Chamber of Deputies segment themselves—sometimes because of party policy or program, but not infrequently because of more probable preferment in the selection of the personnel of parliamentary commissions and cabinets and sometimes because of unwillingness to be the known associates of politicians who are in certain groups.

To the foreign observer there are only imperceptible nuances which separate some of these groups, and even to the initiated Frenchman the divergencies are sometimes not translucently clear. The party system, however, has its roots in the great moments of French history. There has been a steady shifting of labels so that the conservative parties now call themselves Republican and the moderate parties have adopted the appellation Socialist. In a considerable measure the framework and programs of modern French parties have been fixed by the controversies which, in modern times, have caused ancient alignments to reappear. The Dreyfus affair and the great struggle between church and state, which marked the turn of the century, are largely responsible for the lines that are at present drawn between French political parties.

Thus the Republican Democratic Alliance in its present form dates from 1901. It has no definite party organization and no separate group in the Chamber. It permits its members to belong to the left center groups, but it leans strongly toward social conservatism with "neither reaction nor revolution" as its watchword. The Republican Democratic Federation, formed in 1903, is the real conservative party—aggressively nationalistic, opposed to the separation of church and state and particularly to civic discrimination against the clergy. Its adherents in the Chamber, for the most part, join the *Groupe de l'Union républicaine démocratique* and in the Senate the *Gauche républicaine* and the *Groupe de l'Union républicaine*. These are the principal right and center parties.

On the left there are three major electoral associations, the first two of which have organizations in the country and some discipline over their members: the Communists, the Socialists and the Radical Socialists. The Communists, who broke away from the Socialists in 1921, are much the same as Communists elsewhere. The Socialists are a class party aiming at the socialization of the means of production and exchange; that is, the transformation of capitalistic society into collective society by means of the economic and political organization of the proletariat. The parliamentary members form a cohesive group in the Chamber and are not averse to participation in bourgeois governments. Their wishes have been overruled, however, by the national council of the party on the ground that such participation would obscure the party's class basis and would help to maintain the domination of the middle classes. The Radical Socialists consider themselves the heirs of the Jacobins, of the revolutionaries of 1848 and of the founders of the Third Republic. This party, whose present orientation was determined by the Dreyfus affair, aims to be broad bottomed and to select its adherents from all classes. It champions the absolute laicity of the state and gratuitous secular education. Deputies belonging to the party adhere to the Radical Socialist group in the Chamber and those

who are senators ally themselves with the *Groupe de la gauche démocratique radicale et radicale-socialiste*. Of the minor parties which are important enough to justify mention the Popular Democrats, recently formed, have as their motivating force *le christianisme social*; the Republican Socialists eschew revolutionary Marxism and do not differ vastly from the Radical Socialists; and on the right the royalist Action Française, which since 1925 has been inactive electorally, continues to exert some intellectual influence. These are the principal groups that appeal for the suffrages of French electors.

France, it is frequently said, has an extremely multiple party system; but the phrase is somewhat misleading. To a greater extent the multiplicity is one of groups in the Chamber of Deputies. There are, as has been said, a half dozen party labels which are used at elections and a half dozen party organizations which attempt to propagandize throughout the country. After they get into the Chamber, however, the deputies segment themselves into groups which may or may not have any relation to the so-called political parties. Candidates may even run under no party label at all. Thus Tardieu was elected as a *Républicain de gauche*, which is the designation not of a political party but of a group in the Chamber. The members of the different groups moreover may shift during a legislative season. A new group may be organized and draw its members from several sources. Save for the groups of the extreme right and the extreme left, there are no easily discernible differences of doctrine or program. The groups are important in that in proportion to their number they are represented on the grand commissions of the Chamber. A deputy not infrequently chooses his group solely because he will thereby have a better chance of securing a place in an important commission. The members of a group may see eye to eye with the prime minister on foreign policy but oppose him on domestic policy. Save for the groups of the extreme right and the left, cohesiveness can rarely be depended upon in important votes. The rule rather than the exception is for the groups not at the extreme right or the extreme left of the Chamber to divide in three varying proportions: on every vote some members vote yes, some no and some abstain. This is true particularly of the groups of the center, the so-called *charnières*, or "hinges," of the majority. The situation can clearly be seen, for example, from the vote of confidence in the Steeg ministry in December, 1930, and the accompanying Table I serves to show as well the extreme divisions of the Chamber.

TABLE I

Number Voting	Groups	For	Against	Abstaining	Absent on Leave
18	Démocrates populaires	–	18	–	–
85	Union républicaine démocratique	–	85	–	–
31	Action démocratique et sociale	–	31	–	–
64	Républicains de gauche	5	53	6	–
17	Gauche sociale et radicale	1	14	2	–
51	Gauche radicale	24	18	8	1
22	Indépendants de gauche	13	6	3	–
15	Républicains socialistes	12	1	2	–
14	Parti socialiste français	14	–	–	–
113	Radicaux et radicaux socialistes	112	–	1	–
107	Socialistes	106	–	1	–
9	Communistes	–	9	–	–
41	Députés indépendants	–	37	3	1
13	Aucun groupe	3	7	3	–
7	"Non inscrits"	1	5	1	–
607		291	284	30	2

The right may be said to consist of the following groups: *Démocrates populaires; Union républicaine démocratique; Action démocratique et sociale*. There is a group of independent deputies who are mostly of the right, while some deputies are so independent that they either refuse to belong to any group at all or put themselves down as *non inscrits* in any group. The center includes the *Gauche radicale*, the *Républicains de gauche* and the *Gauche sociale et radicale*. The left takes in the Socialists of various shades and the *Indépendants de gauche*.

Despite vagueness of programs and unreality of groupings the fact is that the French elector in being forced to choose between a number of candidates in a single member constituency is not confronted by an unmanageable task. The right and left candidates are clearly marked. The principal difficulty arises in respect of the center candidates, but these express their political opinions with sufficient clearness to indicate to their constituents whether they wish to appeal to the left or to the right. The situation furthermore is clarified on the second ballot when candidacies are withdrawn and the right and left, particularly the latter in its "republican discipline," concentrate

in support of the leading contenders for the Chamber.

French publicists have shown a singular neglect of the phenomena of political parties. Interest has been confined almost exclusively to political anatomy and has not extended to political physiology. With the exception of André Siegfried's studies, there has been scant attempt at an analysis of parties and their workings. Siegfried argues that a more or less regular swing from the right to the left and then from the left to the right is a principal characteristic of French parliamentary politics. If a government is based on the left, its fiscal policy is uncertain and its administrative achievements are limited. Hence the support of certain interests is alienated. On the other hand, if a cabinet of the left in an attempt effectively to govern draws to itself the support of "reactionary" interests, the "pure" elements are made uneasy. If a left cabinet simply carries on current affairs it has no *raison d'être*. If, on the other hand, it attempts to carry out its social program, the danger is that its moderate wing may be alienated. When affairs become critical a coalition of the center and the right forms spontaneously. Thus the *bloc national* came into existence, but the formation of the *cartel des gauches* almost immediately followed and was successful in the elections of 1924. In much the same way the Meline regime prepared the way for the "republican defense" of Waldeck Rousseau and the *bloc de gauche* of Combes. A permanent concentration of the middle groups directed against the extremes has never been able to establish itself in France. The reasons for this are the French passion for logic and the electoral system with the second ballot. "With this system," says Siegfried, "the center of gravity passes successively from the Left to the Right and vice versa but, happily, without being able to get far from the center, where, however, it is never exactly fixed. The center, which reasonable people would wish to be a large plateau with a square base, is unfortunately only a thin ridge with two slopes, or rather—for this again would be too simple—an entanglement of ridges which nevertheless inexorably share the tendencies between the two declivities." Every time this center of gravity changes even slightly there is a French cabinet crisis. In England, on the other hand, the center of gravity can change but the cabinet stays in power. The swing of this pendulum is illustrated by the period since the World War: the *bloc national* from 1919 to 1924 and then the *cartel des gauches* from 1924 to 1926 and the Poincaré regime, with left representation from 1926 to 1928 and afterwards in a changed form

Because of the French party set up and the electoral system a small swing of votes in the country has a marked effect on the composition of the Chamber of Deputies. It was estimated in 1924 that a change of 3 percent in the popular vote caused a change of 33 percent of the deputies. In the last election of 1932, the Chamber swung sharply to the left. Its support is shown in the following table.

TABLE II

Groups	Number of Votes	Number of Seats Obtained
Conservateur	82,859	5
Union républicaine démocratique	1,233,360	76
Indépendant	499,236	28
Démocrates populaires	309,336	16
Républicains de gauche	1,299,936	72
Radicaux indépendants	955,990	62
Radicaux-socialistes	1,836,991	157
Républicains socialistes	515,176	37
Socialistes	1,964,384	129
Communistes-socialistes	78,472	11
Communistes	796,630	12
Total	9,575,370	605

Lachapelle, the authority on French electoral statistics, estimates that the ministerial majority of 1928, composed of 334 deputies in the first six of these groups, obtained 4,500,000 votes. In 1932 the vote for candidates of these groups was 4,380,000. This small deflection of the popular vote meant a loss of 75 seats in the Chamber. On the other hand, the parties of the left in 1932, polling a popular vote which was only 446,000 in excess of the 1928 total, gained 70 seats in the Chamber. It is in this fashion that the party system, aided by the large number of candidates for the Chamber (in 1932 the number was 3617), the number of independent candidacies, the vagueness of programs and the second ballot, influences French political life.

LINDSAY ROGERS

BELGIUM. The revolution of 1830, which created independent Belgium, was engineered by Liberals and Catholics united in a *Union des oppositions*. The young lawyers and journalists of French education who composed the active liberal elements were descended from the various bourgeois groups which had supported centrali-

zation and secularization since the time of Joseph II of Austria, Napoleon and William I, king of the Netherlands. Dedicated to the principles of 1789, they took as their political ideal English parliamentarism—based on a narrowly restricted electorate. The Catholic party, represented by the clergy, nobility and large landowners and passively favored by the masses, was stanchly traditionalistic and regionalistic. After the termination of the *Union* in 1846 the cleavage between Catholics and Liberals gradually crystallized, becoming accentuated after 1860 by developments within both parties. While the doctrinaire, moderate wing of the Liberal party was losing ground to the progressive left, which was clamoring for democratic reforms and radical anticlericalism, the Catholic party encouraged by the accession of new dynamic supporters, particularly from the nascent Flemish movement and the antimilitarists, followed the general trend of the church toward ultramontanism. The government's Manchesterian economic and social policy during the period of liberal hegemony (1846–70) aroused little concern in the traditionally anti-étatist Catholics and the issue between the two parties was joined on the question of public education, which still remains the crux of the struggle between Belgian clericals and anticlericals.

With the rapid industrialization of Belgium during the 1870's and 1880's and the extreme oppression of the new mining and factory proletariat, this clear cut biparty system was broken by the entry of the Labor party, or *Parti ouvrier belge*, founded in 1885 by César de Paepe and Édouard Anseele. A policy of practical reformism realistically adapted from the Marxism of the Second International under the talented leadership of Émile Vandervelde has characterized the Belgian Labor party almost from its inception. The party has developed an organization which has been consciously accommodated to the traditional propensity of the Belgians for corporate activity. The party is in fact a complex of political and economic organizations—consumers' and producers' cooperatives, labor unions, mutual aid societies, art and education groups—most of them created through the initiative of the party itself and all coordinated through a closely knit party structure, consisting of district federations, which are in turn affiliated with the General Council. The cooperative has been of especial importance not only as the nucleus of party growth but as the source of its financial support.

The political program of Labor until after the World War revolved about the attainment of equal suffrage. Following the enactment of universal suffrage modified by plural voting in 1893 and the establishment of proportional representation in 1899, the strength of the Labor party in the Chamber remained at about 30, as against an equal number of Liberals and about 80 Catholics. Although unable to break the unintermittent hold which the Catholics, supported chiefly by the numerous and prosperous class of small cultivators, maintained over the ministry for thirty years (1884–1914), the Labor party compelled the Catholic party to compete for working class favor and to adopt such social legislation as the Sunday holiday and workmen's compensation. As a reaction against the Labor party, there grew up within the Catholic party a Young Right with socialist leanings, most influential in the strongly clerical Flemish provinces. Also related at least partially to the growth of Labor was the disappearance of the antidemocratic features in the right wing of the Liberal party. After 1900 progressives and doctrinaires effected a working union on the platform of equal suffrage, universal liability to military service without privilege of commutation, and compulsory, non-sectarian education. At various times Labor and Liberals joined forces in a cartel, but in view of the deep seated confidence of the former in the effectiveness of the general strike as an emergency weapon, this alliance was essentially a fair weather arrangement.

The introduction of equal suffrage (1919–21) overthrew the Catholic hegemony, reduced the Liberal party to a subordinate position and reenforced the Labor party, which in addition to being dominant in many industrial centers, particularly in Wallonia, has maintained about 70 or 80 members in the Chamber of Deputies against about 80 Catholics and 30 Liberals. Without sacrificing its characteristic patriotism, Labor took full advantage of the unsettled conditions following the war and of its crucial position for national reconstruction. In the field of social legislation its successes, which include the eight-hour day, compulsory old age insurance and the abrogation of restrictions upon trade unions, have been so extensive as seriously to threaten the liquidation of its program and to jeopardize its capacity to hold its followers without going over to more radical Marxism. Antimilitaristic propaganda has not infrequently served as a temporary tonic. But at present the party is on the defensive, assailed not only by the current

anti-Marxism but, as indicated by the uprising at Hainaut in 1932, by Communism, which had hitherto failed to make any appreciable progress.

The Liberal party, supported by the professional classes, big business and to a large extent by the well to do and well educated urban elements, is suffering still more acutely from a liquidated program. With its major objectives realized by the pre-war Catholic ministries, its only strong rallying cry, radical anticlericalism, is an added source of weakness, since it divides the progressive left wing from the opportunistic right. Its organization, compared with that of the other parties, is decidedly loose, although it has attempted to coordinate the various Liberal professional, vocational and mutualist associations through a national Council. Nevertheless, a certain survival value inheres not only in its connection with industrial and financial capital but in the fact that it wields the balance of power between socialists and Catholics: since the war the most enduring cabinets have consisted of allied Catholics and liberals.

The Catholic party has since the war definitely abandoned the die hard sectarianism which characterized it during the pre-war period, when it was generally dominated by the Fédération des Cercles Catholiques. The first attempt to organize the party along vocational or class lines was made by the Christian socialists of the Ligue Démocratique Belge (founded in 1891), which has articulated, in a structure similar to that of the Labor party, the various Catholic labor unions, cooperatives, mutual aid societies and educational leagues. In extension of this principle the whole party was reorganized in 1927 by the creation of the Union Catholique (strengthened 1932), into which were incorporated the Fédération des Cercles, the Fédération des Classes Moyennes, the powerful Boerenbond —a Flemish agricultural cooperative league— and the Ligue des Travailleurs Chrétiens. A priest is attached to every local guild of the Boerenbond, as well as to every Catholic working class organization. Despite this elaborate mechanism for maintaining clerical control the leaders are experiencing considerable difficulty in preserving cohesion in a party of such heterogeneous group interests. In an effort to prevent schism the party has made constant concessions to the Christian socialists—a policy not without peril for its hold over the conservative bourgeoisie. The recent tendency of many young Catholic intellectuals toward Fascism presents new sources of dissension.

With the formation of the *Front partij*, or Flemish Nationalist party, as an aftermath of the war, the smoldering threat of radical sectionalism and race conflict assumed a concrete form, accentuated in 1929 when the party won 11 seats in the Chamber. The legislation of 1932, reforming the linguistic system in use in the administrative, judicial and educational spheres, seems, however, to have averted the danger.

FRANS VAN KALKEN

ITALY. *See* FASCISM; GOVERNMENT, section on ITALY.

GERMANY. Although it was not until the Revolution of 1848 that the first organized parties emerged in Germany, the cleavage of opinion which they represented had long existed in the realm of thought. The liberals could trace their ancestry to the age of the Enlightenment and could point to Lessing, Kant and Humboldt as their spokesmen, while conservatism, although slightly younger as an intellectual tradition, was rooted still more deeply in the history of Germany. A compound of elements drawn from the legitimistic ideas of the Restoration, Pietism and the historical school, conservative theory owed its formulation to Adam Müller, Karl Ludwig von Haller and Friedrich Julius Stahl. This close relation to ideology has remained characteristic of the German party system throughout its entire development. Likewise typical of this system and equally embedded in its history is the multiplicity of parties. Clearly foreshadowed as early as 1848 by the contest over the mode of unification, the schism of the liberal opposition into moderates and radicals became inevitable after 1866, when Bismarck brought the bitter conflict of king and parliament to a close by recognizing formally the right of parliament to control the budget. By restoring constitutional government Bismarck satisfied the right wing of the opposition and definitely separated it from the unappeased left, which demanded a parliamentary democracy. The latter became organized as the Progressive party (*Fortschrittspartei*), while the Moderates passed over to the National Liberal party, which during the 1870's when it was led by Bennigsen developed into the mainstay of constitutionalism and the most powerful of the parties.

The basic disharmony arising from confessional differences, which have been of crucial importance as a key to German national psychology, was reflected in the foundation of the

Catholic, or Center, party (*see* CATHOLIC PARTIES). The actual organization of the Center party was delayed until the unification of Germany confronted the Catholics with the urgent necessity of championing the rights of the church in Protestant Prussia and throughout the new empire, in which Protestant Prussia enjoyed a position of hegemony. Precisely because it was a minority party and on the defensive, the Center managed to preserve a united and determined front, which often enabled it to outweigh the divided and indifferent majority, as was indicated as early as the Kulturkampf (1871–87). Through its successes in the Kulturkampf it gained so enormously in strength as to acquire a key position, which was in part conditioned by the fact that, in complete contrast to all other parties, it was heterogeneous both in ideological basis and in the classes and interests which it represented. Under a clever leader like Windthorst it could tilt the scales in either direction.

If the strategic position of the Center and the split of the liberals effectively forestalled a simple alternation between right and left, the situation was rendered even more complicated by the withdrawal of the working classes from the bourgeois left and the formation, during the economic prosperity of the 1860's, of Lassalle's Allgemeiner Deutscher Arbeiterverein (1863) and, under the leadership of Liebknecht and Bebel, of the *Sozialdemokratische Arbeiterpartei* (1869), the two organizations which were united at Gotha in 1875 as the Social Democratic party of Germany (*see* SOCIALIST PARTIES). Because of the bitter persecution which it continued to suffer even after the abrogation of the antisocialist laws in force between 1878 and 1890, the relationship of the party to the Bismarckian state was one of persistent hostility.

To the threat held out by the entry of the proletariat into the political arena, the bourgeoisie, already disillusioned by the failure of the Revolution of 1848, responded by a complete abdication of political ascendancy in favor of the traditional ruling classes—the agrarian and feudal elements which dominated the conservative party. In return the latter protected the bourgeoisie in the economic sphere. However, while the economic measures resulting from this arrangement satisfied the national liberal industrialists who, because of their need for protective tariffs, were in accord with the economic as well as the political policy of the agrarian and feudal elements, they fatally antagonized the commercial capitalists whose interests lay in the export trade and in economic freedom. Representing the extreme left of the middle class parties, the latter tended increasingly to join forces with the Social Democratic party.

Another important change precipitated at least partly by Bismarck's protective tariff legislation of 1879 was the incipient acquisition of control over party activities by external economic associations. This development laid the foundation for the transition, more evident since the World War than before, from the type of party oriented essentially about a particular ideology to that based on solid interest.

The November revolution of 1918, which terminated the second empire and inaugurated the republic, produced virtually no change in the general scheme of party alignments. Almost all new parties soon turned out to be little more than old groups under new names, with the term *Volkspartei* inserted in order to legitimize them under the young republic. The various pre-war conservative factions, including the *Deutschkonservative*, the *Freikonservative*, the *Völkische* and the *Christlichsoziale* parties, became united as the *Deutschnationale Volkspartei*, which gathered up the opponents of the democratic republic. The Center was split in 1920 by the formation of the federalistic *Bayerische Volkspartei* (BVP), which inclined on the whole more to the right; but the two remained in close working cooperation and the schismatic party was moreover confined to Bavaria, where until the upheaval of 1933 it played a dominant part in the state government. The National Liberals and the Progressives, after an initial attempt in 1918 to consolidate as the *Deutsche Demokratische* party, continued in existence with new names, the adherents of the former passing over to the *Deutsche Volkspartei* (DVP) founded under the leadership of Gustav Stresemann, while even before the spectacular decline of the *Deutsche Demokratische* party (*Deutsche Staatspartei* since 1930), its supporters showed an increasing tendency to narrow down to the former members of the Progressive party. In a certain sense even the split of the Marxist front, upon the foundation of the Communist party (*see* COMMUNIST PARTIES) in 1919, represented merely the organized form finally assumed by the conflict which had long existed within pre-war German socialism between a radical and a reformist wing Theoretically defined in the revisionist controversy and practically reflected in the bitter disputes between party and trade unions, the basic difference of outlook behind this conflict may be

traced through the split of the antimilitarists with Social Democracy in 1916, the foundation of the Independent Social Democratic party the following year, the subsequent disintegration of the latter into irreconcilable right and left and the ultimate, although still imperfect, resolution of the antinomy by the flowing of the revolutionary, pro-Soviet elements into the Communist party and the identification of the Social Democrats with parliamentarism and democracy —a decision which inevitably implied renunciation of the class war and ratification of a policy of non-Marxist reformism.

The principal effect of the November revolution, so far as the party system as a whole was concerned, was to alter its function in the state structure. Whereas the second empire had vouchsafed the parties merely subordinate roles, they became under the republic a decisive factor in the control of public policy. So far as the particular parties were concerned, the revolution resulted in a shift in their relative strength and in their position with regard to the state. Aided by the Center and the Democrats, their allies in the Weimar coalition, which had constructed the Weimar constitution and which was essentially identical with the opposition to the second empire, the Social Democrats shouldered the brunt of the responsibility for the republic. Under Stresemann's leadership the *Volkspartei* also gradually became republican in tinge, while even the conservative *Deutschnationale Volkspartei* became sufficiently reconciled to the constitution to participate in the government when opportunity offered, which occurred on several occasions.

In this alignment of parties and in the Weimar system which it supported the first decisive changes occurred with the great social upheaval for which a large share of the responsibility must be ascribed to the inflation. The economic ruin of the middle class not only favored the growth of a type of party dedicated solely to the representation of special economic interests, such as the *Wirtschaftspartei* (*Reichspartei des deutschen Mittelstandes*, founded in 1920) but also produced in this class a psychological and moral shock, the seriousness of which was only outwardly indicated by the collapse of the liberal parties, once the political representatives of "property and culture."

To a certain extent the great social dislocations and more specifically the accentuation of impoverishment since the withdrawal of foreign credit in 1929 help to explain the growth of National Socialism (*q.v.*) as represented by the *Nationalsozialistische Deutsche Arbeiterpartei*. But in a much deeper and broader sense that movement represented, prior to its acquisition of power in 1933, a protest against the crisis in its totality, against the entire range of shortcomings and procrastinations which beset the public life of post-war Germany. Setting activity against political theory, discipline against conviction, feeling against reason, blood against mind, it is part of an international reaction against the materialism and rationalism of a positivistic *Weltanschauung*. Economically it is antipathetic not only to the monopolistic stage of capitalism, international finance and large scale industry but also to the proletariat, the alleged enemy of property and tradition; the small independent entrepreneur and tradesman, the modest peasant on his own land, the worker imbued with the psychology of the artisan and the autonomy of a closely knit national organism, constitute elements in the party's economic ideal, the whole of which is colored by a vague nostalgia for a precapitalistic or early capitalistic society. Of particular importance has been its condemnation of the Versailles Treaty, since, as is well known, party alignments in post-war Germany have been determined to no small extent by matters of foreign policy. Thus the great coalition of the pro-republic parties from Social Democracy on the left to the *Volkspartei* on the right was held together chiefly by Stresemann's policy of reconciliation and disintegrated in 1930 with the termination of that policy. It was the storm raised by the Young plan which precipitated the subsequent wave of nationalism. Following the accession of Hugenberg to the chairmanship in 1928, the Nationalist party renounced its former compromise with the Weimar system. Although this change of policy produced a number of schisms, leading to the formation of the *Christlichsozialer Volksdienst*, the *Christlichnationale Bauern- und Landvolk Partei* and the conservative *Deutsche Volkspartei*, which supported Brüning in his vain efforts to reconcile the right to the republic, the new groups were unable to attract an appreciable following, and from 1930 on the overwhelming majority of the German right, with the National Socialists in the van, was agreed on the necessity of a radical transformation of the system—the termination of parliamentarism and the emancipation of the nation from what they decried as the ineptitude of party rule.

In matters of organization, leadership and in-

ternal structure National Socialism gradually became the typical expression of the German party system; yet on the whole it merely accentuated characteristics to be found even before the war in Social Democracy, which, in sharp contrast to the loose organization and passive membership of most western European parties, had developed a widely ramified and tightly integrated party machinery calculated to touch its adherents in every phase of their activity. Until 1933 the party was very closely associated with the largest German trade unions, the Allgemeiner Deutscher Gewerkschaftenbund and the Allgemeiner Freier Angestelltenbund (AFA-Bund), as well as with the working men's sport and gymnastic associations; it had highly active organizations for youth and controlled the entire socialistic press. A similar type of party organization was adopted by the other parties particularly in the period following the war. Although not always so well equipped to control affiliated organizations as the Socialist party, the *Deutsche Volkspartei* became connected with the Reichsverband der Deutschen Industrie, the Democratic party with the influential commercial Hansa-Bund für Gewerbe, Handel und Industrie, the *Deutschnationale Volkspartei* with the agricultural associations and the Center with Christian labor unions as well as with the Catholic church. Unfortunately for the parties these developments were accompanied by a progressive expansion of their bureaucracies, which weighed upon their vitality, the more heavily because with a few notable exceptions, such as Ebert, Otto Braun and Severing in the Social Democratic party and Stresemann and Brüning outside, leaders with genuine initiative and a capacity to stimulate the young and dynamic elements of the nation failed to appear. The sterility of the parties as a soil for leadership and the mechanical autonomy of the bureaucracies were only intensified by the introduction after the war of proportional representation and the list system.

In National Socialism those features by virtue of which the Social Democratic, the Communist and the Center parties had each tended to become a state within a state appeared in heightened form: the Brown House in Munich became the center of a vast network, the threads of which touch at present 2,000,000 active members—twice as many as the Social Democratic party boasted at its peak—and articulate the activities of youth and cultural societies like the Hitler-Jugend and Kampfbund für Deutsche Kultur, economic and social groups like the Nationalsozialistische Betriebszellen Organisation. What preserved National Socialism from the paralytic malady affecting most other parties was in part the vigor of its superbly managed propagandist methods and journalism but more fundamentally its introduction of two new elements, the military motif, concretely reflected in the "Brown Army," and the apotheosis of the ideal of leadership, which in itself has been to a large extent conditioned by the military inspiration. So pronounced is the exaltation of personal loyalty to the leader above the common interests and aims of the group that National Socialism may be said to bear in many ways less resemblance to the normal party type than to such post-war political leagues as the Stahlhelm, the Jungdeutsche Orden and the Reichsbanner. Herein lies the explanation for the enthusiasm with which it was welcomed by the youth, previously the bitterest enemies of the party system.

Inasmuch as such tendencies precluded the possibility of a coalition between National Socialism and other parties on the basis of a common platform, the parliamentary system in Germany has been fatally crippled since September, 1930. Under the impact of National Socialism the other parties also became more inflexible and intransigent than before and the struggle as-

Party	March 1933	November 1932	July 1932	September 1930	1928	December 1924	May 1924	1920	1919
Nationalsozialistische Deutsche Arbeiterpartei	43.9	33.1	37.3	19.0	2.5	3	7		
Sozialdemokratische Partei Deutschlands	18.2	20.4	21.6	25.0	31.0	27	21	24	39
Kommunistische Partei Deutschlands	12.3	16.9	14.3	14.0	11.0	9	13		
Zentrumspartei and Bayerische Volkspartei	14.0	15.0	15.6	16.0	16.0	18	17	19	21
Deutschnationale Volkspartei	8.0	8.7	5.9	7.5	16.0	23	22	14	10
Deutsche Volkspartei	1.1	1.9	1.2	5.0	9.0	10	9	13	5
Deutsche Demokratische Partei*	0.8	0.9	1.0	2.0	5.0	7	6	10	17

* Deutsche Staatspartei since 1930.

sumed the quality of a religious war, in which the only possible issue for any contestant was overwhelming victory or ultimate annihilation. It is of course impossible to predict the effect of the victory won by National Socialism, together with the Nationalist party and the Stahlhelm, in the spring of 1933. It seems, however, safe to say that the Communist and Social Democratic parties, both of which have been suppressed, will not be revived in their old forms. With the Center and Nationalist parties also dissolved, Germany seems to be headed in the direction of a one-party system. In such an eventuality the inevitable clashes of political purpose must necessarily be worked out within the framework of the single party.

The relative numerical strength of the major parties in post-war Germany, as represented by the percentage of total votes cast for them in general elections, was as shown in the accompanying table.

SIGMUND NEUMANN

SWITZERLAND. The political parties like the politics of Switzerland were originally and are still primarily cantonal. But as the federal state, founded in 1848, has been progressively extending its domain at the expense of the cantons, each principal local party has increasingly been joining hands with kindred groups in other cantons for concerted action in national affairs.

The continued preponderance of cantonal over federal elements in the political parties rests, aside from its historical origin, on the following four circumstances. In the first place, the cantons are quite heterogeneous in professional and social structure, in language and in religion. Therefore such national political parties as do exist are composed of cantonal contingents whose common regional characteristics are often more striking than their respective party diversities. Secondly, there are no nation wide popular elections. The federal executive, the federal judiciary and, in case of mobilization, the commander in chief of the army are elected by the Federal Assembly. Thirdly, the federal referenda are by no means always—not even as a rule—conducted on party lines. On the rare occasions therefore when the national parties might wage a nation wide popular campaign they are as often as not divided among themselves and allied with other parties or fractions of other parties. Finally, no federal constituency extends beyond the bounds of one canton, and it is very exceptional for a candidate to the federal legislature to stand in any canton but that of his principal residence. Even the federal elections are therefore primarily cantonal affairs. For these reasons the people are never as conscious of their national party allegiance as is the case in almost any other democracy.

This is, however, far less true of the Socialist party than of the others. This party is of relatively recent origin. Foreign influences have always been potent throughout its evolution. Its members are in the main urban and often freshly naturalized wage earners and as such much less attached to any one canton than their rural neighbors. The rigidity of their Marxist program and of their class discipline prevents them from ever officially taking opposite sides on national issues. They are also less disinclined than other parties to set up candidates in cantonal constituencies other than those of the candidate's residence. Thus paradoxically the political party least national in its general policies is the most national in its organization.

On the federal plane the political parties are not in the first instance electoral organizations. They are formed primarily by and for the members of the Federal Assembly. They exist mainly for the election of the federal government and for the constitution of legislative committees. The accompanying statistics, relating to the representation of the parties in the National Council since the introduction of proportional representation in 1919, must be considered in the light of these peculiarities of Swiss political parties. The figures show that four major political parties together hold more than nine tenths of the seats in the National Council. These parties are, however, of very unequal historical significance.

PARTY	NUMBER OF REPRESENTATIVES				
	1919	1922	1925	1928	1931
Radical Democratic	59	58	59	58	52
Socialist	41	43	49	50	49
Catholic Conservative	41	44	42	46	44
Farmers and Artisans	31	35	31	31	30
Liberal Democratic	9	10	7	6	6
Communist	—	2	3	2	3
Social Policy	5	5	5	3	2
Evangelical	1	1	1	1	1
Union of Economic Defense	—	—	1	1	—
Grutli	2	—	—	—	—

The Radical Democratic party, from which the Liberal Democrats gradually drew away after 1860 and from which the Farmers and Artisans seceded in 1918, was responsible for the

adoption of the federal constitution in 1848. It has always stood for centralization in national affairs and representative as opposed to direct democracy. In the early days of the constitution of 1848 it was strongly anticlerical and antitraditional. Since the emergence of socialism it has become less radical, while still favoring state and particularly federal intervention.

The Catholic Conservatives, against whose opposition the constitution of 1848 was adopted, were the sole opponents of the Radical Democrats in the early days of the federal state and constituted the principal parliamentary opposition until this role was taken over by the Socialists. It is a confessional party, representing the interests of the Catholic minority. As such it is the main exponent of what is called federalism in Switzerland; that is, states' rights. In the cantons which are entirely or preponderantly Catholic and in the purely rural districts, which are usually Catholic, it is extremely conservative. Elsewhere, especially in the urban communities, it tends to stress the religious and the social elements in its program.

The Liberal Democratic party is a relic of the past. It is made up of Protestant conservatives who, while loyal to the federal constitution, stress the rights of the cantons and advocate economic liberalism as opposed to state intervention. It survives today only in four cantons; in the others the corresponding elements constitute the right wing of the Radical Democratic party.

The Farmers and Artisans are essentially a recent protectionist party. They demand ever more favors for agriculture, threatened by foreign competition, and for handicraft, threatened by large scale industry.

The Socialists, whose progress in the last half century has corresponded roughly to the industrialization of the country, claim to be the sole representatives of the wage earners. They have completely superseded the former Grutli party, which for several generations represented labor. They have in most cantons been able to prevent the formation of a distinct Communist party; in the largest industrial districts, however, where as a majority they have taken office locally, Communism tends to spread. The strength of the Socialist party lies in the fact that it represents not only the industrial wage earners but, in many parts of the country, the lower federal, cantonal and state officials and other citizens living on fixed salaries.

From 1848 until the World War the Radical Democrats, long allied with the present Liberal Democrats, enjoyed undisputed preponderance in parliament and were the sole masters of the government. In 1891 they reluctantly admitted one and in 1919 a second Catholic Conservative into the federal executive. In 1929 a representative of the Farmers and Artisans party was elected to succeed a Radical. The Radical Democrats therefore, while still ruling Switzerland, do so only as the head of a coalition government in which three of the seven members belong to other parties.

W. E. RAPPARD

NETHERLANDS. The formation of political parties in the modern sense first took place in the Netherlands in the second half of the nineteenth century. Under William I (1813–40) and William II (1840–49) parties were not yet regarded as a normal instrument of government but rather as "factions" that menaced the royal authority and the free and facile cooperation of king and parliament. Ministerial responsibility, introduced in the 1848 constitutional revision, favored the formation of homogeneous cabinets dependent on a majority in parliament, but even this failed to establish organized parties. The parties were in the main still somewhat fluctuating groups of members of parliament ranged about a leader. The formation of great party organizations proceeding from the people themselves was achieved only slowly, as a consequence of the functioning of the parliamentary system and of the parliamentary struggle over the two questions that so largely dominate Dutch politics—the broadening of the franchise and the subsidizing of private (mainly denominational) education.

In the period between the constitutional revisions of 1848 and 1887 four principal groups can be distinguished: the Liberals, adherents of the principles of 1848; the Conservatives, whose action was determined less by principles than by their antagonism to the Liberals and the Liberal leader Johan R. Thorbecke; the Antirevolutionists, an orthodox Protestant party which owed its growth especially to the controversy over the schools; and the Catholics, who at first sided with the Liberals because the revision of 1848 had benefited them in several respects but who later, on account of the attitude of the papal court toward modernism and on account of their wishes regarding the educational question, sought a rapprochement with the Antirevolutionists. The Conservative party gradually

blended with the Liberals and Antirevolutionists. After 1866 two groups of Liberals—a conservative and a progressive—are distinguishable. The final cleavage was caused by the question of universal suffrage, the advocates of which split off in 1901 as a Liberal Democratic party, into which was admitted the Radical party that had meanwhile been formed. The rest again split in two but in 1921 reunited in the League of Freedom. In 1896 the Antirevolutionists also split into a democratically inclined group (the "small folk") and one of more conservative-liberal leanings; the latter joined the Christian Historical group in 1909. Meanwhile the Social Democratic party had appeared in 1894.

As a consequence of the educational struggle, the "antithesis" that was said to exist between the Catholics and the two Protestant groups on the one hand and the left parties on the other has often been emphasized, although their differences were settled by the constitutional revision of 1917 and the Education Act of 1920. More recently, however, this opposition between "right" and "left" has lost much of its former significance, especially since the three parties of the right, in spite of their parliamentary majority, are not generally able to cooperate.

Since the adoption of universal suffrage and proportional representation, as a result of the legislation of 1917, the parties of both left and right have broken up to some extent. This "splintering" has been more evident in the electorate than in the legislature, however, because the electoral law provides that parties which do not poll at least 75 percent of the electoral quotient are ignored in the distribution of parliamentary seats. Of the many small parties, which are started by discontented or ambitious persons and often have only a single concrete goal instead of a comprehensive political program, most do not generally succeed in gaining seats in parliament. The accompanying table shows the strength of the different parties in the Second Chamber at four-year intervals since 1917. The system of proportional representation, by making the whole country practically a single electoral district, has contributed to the centralization of party organization and leadership and has made even most of the minor parties national rather than sectional in character.

Second Chamber

	1917	1921	1925	1929	1933
Catholic	25	29	30	30	28
Christian Historical	9	6	11	11	10
Antirevolutionary	11	13	13	12	14
Social Democratic	15	21	24	24	22
Liberal	21	15	9	8	7
Liberal Democratic	8	5	7	7	6
Communist	—	3	1	2	4
Miscellaneous	11	5	5	6	9
Total	100	97*	100	100	100

* Three seats vacant.

FREDERICK J. A. HUART

SCANDINAVIAN STATES AND FINLAND. The party systems in the larger Scandinavian states rest on similar social and economic factors. Against a bourgeois majority stands a strong socialist minority. The socialists in Sweden and Denmark as well as in Finland after the civil war have wholly accepted revisionism, while Norwegian socialism has remained more radical. In all these countries communism has had a weak parliamentary representation. Bourgeois left groups have held the balance of power, cooperating with the Right or with the socialists. Party strengths have changed but little since the World War. No single party has been able to muster a majority and minority governments have therefore been more common than in other parliamentary states. The methods and organization of Scandinavian parties reveal few unusual traits. Their activities have not been regulated by legislation. In general freedom of political action is permitted; only in Finland have special measures been applied against the Communist party.

Sweden. In Sweden the first party with a fully formulated program as well as an electoral organization was the Social Democratic party, formed in 1889 but with no representation in the Riksdag until 1896. The restricted suffrage hampered the party. In 1900 the Liberal Alliance was formed with democratization as its chief aim. Subsequently these two parties combined as the Left to work for democratic reform; in 1908 they obtained a majority in the Second Chamber. Their opponents, the conservatives, or the Right, united in 1912 into a party (called the National party in the First Chamber and the Farmer and Burgher party in the Second) which held a majority in the First Chamber until the democratic constitutional changes after the World War.

Partly in connection with and partly as a result of the constitutional modifications of 1918–21 the party system has undergone sig-

nificant changes: new parties have been formed; the opposition between the right and the left is less marked than formerly; and the governments have represented definitely organized parties.

The Right is nationalist and moderately conservative, favoring strong national defense and protectionist measures and opposing socialization. Its leading circles accept parliamentary democracy. It is supported by a large proportion of the more well to do farmers but especially by the upper classes, the bureaucracy, the business men and in general the wealthy and the well educated.

Close to the Right stands the Agrarian League (*Bondeförbundet*), organized in its present form in 1921. It has worked for increased duties on grain and for other measures regarded as favorable to the farmers. It has often cooperated with the Right but has consistently rejected all proposals for united action in the formation of governments; and on certain recent questions, such as school reform, it has worked with the left. The party's support comes almost exclusively from the farmers.

After the democratic reforms the Liberal movement receded; many of its electors went over to the Right, the Agrarian League or the Social Democrats. In 1923 the party split. The old name was retained by a minority, which has held its adherents only in the larger cities, especially among the intellectuals. It has played an insignificant role in the Riksdag, but its press has exercised considerable influence. The majority formed the Independent People's party (*Frisinnade folkpartiet*), which advocated a nation wide prohibition of alcoholic liquors. Even after this question lost all importance, the two liberal parties remained separate. The strength of the Independent People's party is primarily in the middle classes, the small shopkeepers, minor officials and artisans, but also among groups of Free Church and Prohibitionist farmers. Both the Liberal and the Independent People's party have as a rule opposed the protective tariff proposals of the Right and the Agrarians, but they have also fought socialist tendencies.

The program of the Social Democratic party is Marxist, but its tactics are revisionist. Since the death of Hjalmar Branting in 1925 the internal differences of opinion have been accentuated. Some sections have stressed far reaching demands, such as disarmament and partial socialization. Others are hardly distinguishable from the bourgeois left. The party represents the greater part of the industrial workers and also many farm hands and poorer farmers. In 1919 a Communist party was formed, affiliated with the Communist International; since then a faction which adheres in principle to the Communist program but which has withdrawn from the Komintern has split off. A National Socialist party appeared in the elections of 1933 but won no seats.

Relative party strength after democratization has been quite stable. The following table shows party strength in the Second Chamber since 1925. Relative party strength in the First Chamber has been approximately the same as in the Second, although the position of the bourgeois left is stronger in the former. In recent years nearly all the governments have been formed by a single party.

	1925	1929	1933
Right	65	73	58
Agrarian League	23	27	36
Liberal	4	4	4
Independent People's	29	28	20
Social Democratic	105	90	104
Communist	4	8	8

Norway. As long as Norway was united with Sweden, the party positions were determined by questions connected with the problem of union. The Left worked for independence, while the Right long remained relatively friendly to the union. Later social and economic questions chiefly decided the party divisions. The Right, with which the so-called Independent Left cooperates, has opposed social reforms and has stressed nationalism. An agrarian party, formed in 1921, has sought to represent the special interests of the farmers, regarding the policies of the Right as influenced too much by urban industrial interests. The Left in general corresponds to the Independent People's party in Sweden. The largest socialist party, the Norwegian Labor party, was attached to the Communist International from 1919 to 1923; since its withdrawal it has supported an extremely radical program. The less radical Social Democratic Labor party combined with this party in 1927. Prior to 1927, when prohibition was repealed, the liquor question was for many years a decisive factor in parliamentary politics. In general the radicals and the Social Democrats supported prohibition, while the Right and a portion of the Agrarians demanded its repeal. Since 1924 the various parties have had the following representation in the Storting:

	1924	1927	1930
Right and Independent Left	54	31	44
Agrarian	22	26	25
Left	34	30	33
Social Democratic Labor	8	—	—
Norwegian Labor	24	59	47
Communist	6	3	—
Scattered	2	1	1

Minority governments have been the rule. In general they have been formed by the Right or the Left; in 1928 the Labor party and in 1931 the Agrarians held power. The Labor government stressed its opposition to the bourgeois parties by submitting a very far reaching program, including among other things a demand for disarmament and heavily increased property taxes. Within two weeks it was forced to resign.

Denmark. During the closing years of the nineteenth century, the political battle in Denmark was between the left, which demanded a parliamentary democracy, and the right, which wanted to preserve the king's personal power and the aristocratic privileges. After the constitutional changes in 1915 the constitutional question receded into the background and party lineups changed. The Conservative People's party, the right, represents the upper classes and especially the more well to do landowners; it favors protective tariffs and a strong national defense. As a rule it has cooperated with the so-called Left (agrarian, or moderate, Left), which gained the support of the great mass of farmers and after the termination of the constitutional battle developed on the whole a conservative character, although it still favors free trade in principle. The radical movements are represented by the Radical Left, with support from the city liberals and the small tenant farmers, and by the Social Democrats. Two coalitions have thus regularly opposed each other; in one the agrarian Left has taken the lead and in the other the Social Democrats. In the Folketing the two coalitions have for many years held about equal voting strength, while the aristocratic right and the agrarian Left have dominated the Landsting.

There are also a so-called Justice League, primarily single tax, a Communist party, and in Schleswig a German language minority group. The strength of the various parties in the Folketing since 1926 is indicated in the following figures. The mandates from the Faroe Islands are not included.

	1926	1929	1932
Conservative People's	30	23	27
Left	46	44	38
Radical Left	16	16	14
Social Democratic	53	61	62
Justice League	2	3	4
Communist	—	—	2
Schleswig	1	1	1

In recent years the Social Democrats and the Radical Left have cooperated among other things to force through a disarmament proposal; the question of national defense has received considerable attention in Danish politics.

Finland. In Finland a fairly distinct party system arose in connection with the introduction of universal suffrage for the parliamentary elections in 1907. But so long as the Russian regime lasted, the question of the relations with Russia continued to dominate political life. In connection with the events of 1917–19, the declaration of independence, the Communist revolt of 1918 and the adoption of the new constitution, new party groups were formed, which have in general remained unchanged to the present.

The real party of the right is the National Union, representing the greater part of the Finnish upper class and the wealthy Finnish landowners. Before the present constitution was adopted the party worked for a monarchy and since then has followed a conservative nationalistic policy, supporting the Finnish interests against the Swedish minority. The National Progressive party is liberal, and its chief support is urban. The more radical Agrarian party represents the small landowners and by virtue of its central position has often played a decisive part. Both the National Progressive party and the Agrarians draw their adherents almost exclusively from the Finnish speaking population. The Social Democratic party is distinctly revisionist in policy. The Communists figured in the elections of 1922 as an independent party; in 1923 the party dissolved, but it was reorganized and reappeared at succeeding elections. The Swedish People's party, which represents the Swedish speaking minority (about 10 percent of the population), has above all opposed attempts at Finnification and accordingly has at times cooperated with the Social Democratic party, although in economic and social questions it is relatively conservative. Party strength in parliament is shown by the following table:

	1924	1929	1930	1933
National Union	38	28	42	32
Swedish People's	23	23	21	21
National Progressive	17	7	11	11
Agrarian	44	60	59	52
Social Democratic	61	59	66	79
Communist	17	23	—	
Scattered	—	—	1	5

Most governments have been coalitions which nevertheless have not had a majority in the parliament. The Agrarians have usually formed the nucleus, cooperating with the National Unionists or with the National Progressives. On a few occasions all the bourgeois parties have been represented in the government. In 1926–27 a Social Democratic cabinet which did not have definite support from any other party acquired bourgeois support on a few questions of the day by pursuing a moderate policy.

During 1930 a nationalistic and anti-Communistic movement called the Lapua movement (from its headquarters in the parish of Lapua) appeared as a powerful factor in Finnish politics. Its support comes chiefly from the Finnish farming population but also from the army and from certain industrial and business circles. In its literary expression it is akin to Fascism and national socialism in its special criticism of the parliamentary system and in its insistence upon the necessity for a dictatorship independent of parties. In the summer of 1930 its activities, supported by the National Union in particular and by scattered groups within other parties, led to the overthrow of the conservative cabinet and to the enactment of legislation which deprived the Communists of their seats in the parliament. Later a constitutional amendment made ineligible to the parliament all members of organizations striving for violent social change. The Lapua movement has since lost strength.

Iceland. In Iceland the party divisions used to be determined by the question of the relations with Denmark. Since Iceland's independence in 1918, three principal parties have appeared: the Independence, which is conservative; the Progressive, representing the demands of the poorer farmers for reform; and the Socialist, with adherents from the small class of industrial workers. The latter two parties have often cooperated, but not in the formation of governments. In recent years the Independence and Socialist parties have demanded proportional representation, because the present system favors the Progressives. In the 1931 elections the Progressive party received 23 seats in the Althing, the Independence party 15 and the Socialists 4.

HERBERT TINGSTEN

BALTIC STATES. The development of political parties in Russia was hampered down to the beginning of the twentieth century by the absence of representative institutions. Even before the revolution of 1905, however, organization of the peasantry in the Baltic region had begun along clearly defined lines of nationality and religion, while radical groups of urban workers learned from compatriots in Germany, western Europe and America the technique of partisan group organization. Differences of language accentuated regional or quasi-separatist movements, while differences in religion split the populace of the Baltic provinces and Congress Poland, whether Protestant, Catholic or Uniat, into sharply defined groups basically irreconcilable with orthodox Russia.

In the decade following 1906 the few representatives of the Estonian, Lettish and Lithuanian people in the dumas tended to submerge their identity in that of the Russian parties politically most akin to them. Only the Poles, primarily through the National Democratic Union, maintained their distinctive party organization. After the March revolution in 1917 political groups intensified their activity with a view to obtaining more adequate representation in the All-Russian Constituent Assembly. When that body met in January, 1918, deputies from the Baltic provinces came no longer as Russians of a particular political creed but as Estonians, Letts or Lithuanians openly demanding independence. With the dispersal of the Assembly their sense of constitutional obligation to Russia was overriden by the superior law of self-determination. Down to the end of the World War, however, open political activity was impossible, because of the iron hand of German military occupation or of Soviet efforts to impose Communist rule on the Baltic areas. Only after the withdrawal of the invader could freely organized political life begin.

With land reform a burning issue, with control of education at stake, with the organization of society on individualistic or collectivistic lines in the balance, lines of cleavage quickly began to appear. When provisional governments summoned constituent assemblies in each country, party groups previously colloid suddenly crystallized. The foci around which parties were formed were basically national, religious and economic; in addition the national minorities organized to preserve their respective cultural rights. In each country therefore parties of militant nationalist patriots, fundamentally conservative, were quick to assert their programs, uniformly anticommunist in character yet conceding the necessity of far reaching land reform as indispensable to the organization of a stable social order. Such were the National Demo-

crats (Populists) in Estonia, the National Union in Latvia, the dominant Nationalist Union in Lithuania and, at least until 1926, the National People's Union in Poland. In each country the nationalists found powerful allies among the religious conservatives—Lutherans in Estonia and Latvia, Catholics in Lithuania and Poland. Thus the Christian Nationalist and Christian Democratic parties, united in support of the existing economic order, are found under virtually the same name in all four countries and have exercised a powerful influence on their constitutional development.

The problem of land distribution, initially a vital measure for social stabilization, called into being powerful agrarian parties (the Agrarian Union in Estonia, the Farmers' Union in Latvia, the Farmers' Union in Lithuania and the Peasant party and its allies in Poland), which bore the brunt of land reform and national financial and economic reconstruction. Their numbers are gradually being reenforced by a rising generation of homesteaders, except in Poland, where the colonies following Pilsudski have entered the government bloc. It is to the liberal-radical bourgeois parties, with their democratic ideology, and to their more radical yet evolutionary socialist allies that the Baltic states primarily owe their post-war constitutions. With a permanent service to perform these parties (Labor and Socialist in Estonia, Democratic and Socialist in Latvia, Populist and Socialist in Lithuania and in Poland) contributed heavily in influence and ideas to the framing of the constitutional and administrative structure of the new states. In no instance did Communist groups—whose allegiance was basically to Russia—exert any appreciable influence.

In the Baltic states today political parties rest juridically upon constitutional recognition of their status and statutory definition of their functions, usually in connection with election laws. This was the logical outcome of the demand for proportional representation voiced by virtually all groups at the moment when independence was proclaimed. Proportional representation having been decreed by provisional regimes for constituent assembly elections, the assemblies thus chosen further anchored the established position of parties in the final constitutions and in the necessary implementing legislation, leaving open, however, the possibility of forming new groups. The principal recessions from this initial position, brought about by the instability of multiple party coalitions, have taken the form of legislation designed to proscribe communism, primarily in Estonia and Latvia, and to discourage the formation of minute fractional groups. Otherwise, particularly in Lithuania and Poland, repression of certain party activities has been effected chiefly by administrative means—in Poland not infrequently at the expense of the national minorities, Lithuanian, White Russian, Ukrainian and German. Only in Estonia and Latvia have the racial, religious and linguistic minorities, as politically organized, been accorded genuine governmental protection. Originally allowed the widest latitude and liberty in all four states, political parties today operate normally and freely only in Estonia and Latvia, having become somewhat futile in Lithuania since the 1926 coup d'état wiped out representative institutions and severely restricted in Poland by the "preventive" and "pacificatory" measures of the Pilsudski regime.

Throughout the Baltic states political parties today reflect in their composition and programs the evolving structure of new political societies. At the extreme right are found the defenders of an obsolete order of society—surviving large landowners, tenacious of the vestigial privileges of an outworn feudal regime; their principal allies, in press and parliament, are the religious conservatives, whether Greek Orthodox, Protestant or Catholic, who desire to perpetuate authoritarian government on the foundations of authoritarian religion. Their principal political concern is to control the educational system in each country and to make it conform to their inherited conception of the social order. Except in the case of the Ukrainian minority in Poland, where repressed nationality has taken refuge in the Uniat church, religious radicalism is practically unknown. The agrarian parties are today intensely democratic and stand for the interests of free farmers under a system of individual land tenure; with them must be classed the more radical nationalist homesteaders, who are more inclined to welcome governmental interference in the national economy. The bourgeois democratic parties, once leaders in the nationalist movement up to the point of its constitutional realization, are today suffering a steady decline, because of the realization of their original programs, the development of more radical parties and the inadequacy of laissez faire individualism in solving contemporary economic problems. They tend therefore to instability and progressive disintegration. Of the left parties the radical agrarian Populists, particularly of Lithuania and

Poland, have either liquidated their program by the enactment of land reform or else, failing legally to attain their objectives, have degenerated, under the duress of dictatorship, into impotent demagoguery. In this position they have been joined by the Polish and Lithuanian Socialists. In Latvia and Estonia, by contrast, the Social Democratic parties, as residuary legatees of the nationalist revolutionary spirit, have evolved by intermittent participation in the government a constructive constitutional program designed to coordinate the retention of individual political liberty under democratic forms of government with the broad outlines of a planned economy.

MALBONE W. GRAHAM

RUSSIA. *See* COMMUNIST PARTIES; GOVERNMENT, section on RUSSIA.

SUCCESSION STATES. Party division in the old Austro-Hungarian monarchy was based primarily upon national, religious and class differences. These were often interlocked with a struggle for territorial autonomy or even for complete independence. In general this state of things is still characteristic of the succession states, particularly of the new or aggrandized states like Czechoslovakia, Rumania and Jugoslavia. Since 1918 none of these states has produced a truly national party in the classic Anglo-Saxon sense, a party which might embrace more than one race, one religion, one social class or one region. The only exception is the Communist party of Czechoslovakia. No other party can boast, for example, of including in its membership both Germans and Czechs in Czechoslovakia, Rumanians and Hungarians in Rumania or Serbs, Croats and Slovenes in Jugoslavia (except for the sham party in the present sham parliament).

The registration of parties is only a legal formality in all the succession states, except Jugoslavia. The Communist party, however, is legal only in Czechoslovakia, where it ranks among the strongest parties. The organization of the Social Democratic party serves generally as the model for all the other parties. These copy as closely as possible its scheme of a salaried bureaucracy, its educational activities, its membership fees, its close relations with trade unions and cooperative organizations, its juvenile and women's groups and especially its strict party discipline.

The peasants constitute the majority of the population in all the succession states except Austria, and this fact has an important bearing on the political party structure. There are gradations in education and political experience among the peasantries of the various countries. Thus as regards technical and cultural education the peasants of the old Austrian parts of Czechoslovakia and of Austria proper rank highest; on the other hand, as regards length of experience in political activity the peasantry of the old Serbian kingdom take the lead. The Hungarian peasants are the most backward politically. On the whole, however, and disregarding the relative variations in the different countries, the peasantry is the least organized of all the social classes, and its conquest forms the aim of many of the urban parties as well as of the party of landed aristocracy, which is still a power in Hungary. All the ruling parties in the succession states have a more or less pronounced agrarian character, and all the Catholic parties depend for their strength on their hold on the peasantry. Neither the Greek Orthodox church nor the Protestant churches have their own religious political parties, but there are small and unimportant Jewish parties in some countries (Rumania, Austria, Czechoslovakia); and until the recent ban on all but one party in Jugoslavia, Mohammedan parties existed in that country. Except in Czechoslovakia, where there is still a strong, liberal minded bourgeoisie, liberal middle class parties either have dwindled in importance or else never counted at all.

Although all the succession states started in 1918 with strongly marked democratic institutions based on party government, these institutions proved unable to resist the onslaught of antidemocratic forces. Czechoslovakia comes perhaps nearest to being governed by democratic party rule in the accepted Anglo-Saxon sense. It is the only one of the three new countries in which a national minority party is represented in the government. In Austria normal government is greatly handicapped by party differences, with both great parties ready to resort to open violence. In Hungary the ruling party has never allowed other parties to compete on an equal footing at elections, although this right has been granted at least occasionally and to a certain degree in Rumania and in Jugoslavia and has been the rule in Austria and Czechoslovakia. In both Rumania and Jugoslavia the royal power can and often does thwart the power of any party.

Austria. The two great parties, the Christian

Socialistic and the Social Democratic, reflect on the whole the fundamental cleavage between the rural mentality and the urban. Although the Christian Socialists dominate in the rural sections, that part of the rural class which is permeated more with nationalist than with religious sentiment early went over to the program of the German National Socialists. With the victory of the Nazis in Germany, the movement spread rapidly in Austria; despite the repressive measures of the Dollfuss Christian Socialist government, it has absorbed almost wholly the pan-Germanists and the urban Christian Socialists. In the country, however, the Christian Socialists are holding out against the Nazis through the influence of the priesthood among the peasantry.

Party life and political interest are quite vigorous in Austria. The parties are well organized and conduct active propaganda, particularly the Social Democrats and the Nazis. All the parties have funds, collect membership fees and publish daily newspapers as party organs. The almost total disappearance of liberal bourgeois parties, the growth of Fascist doctrines and the rise of semimilitary organizations are noteworthy as indicating the great decline of democratic parliamentarism in Austria since the World War.

Czechoslovakia. In Czechoslovakia race constitutes the dividing line in party set ups. Within the race party division follows either the line of classes (e.g. the agrarian, socialist and trade union parties) or that of religion (the Catholic parties). Generally speaking, the parties are well organized, they often have considerable funds, own their party press (daily papers and reviews) and printing plant and collect membership fees. Since freedom of press and of assembly are more widespread in Czechoslovakia than in any other succession state and there is a lively interest in politics, the party activities are steady and vigorous. Discipline is very strict and is supervised by the secretaries of the parties, who watch carefully the attendance and the vote of the party members in the legislature. Legislative members and all paid party functionaries must contribute usually about 20 percent of their salary to the party funds. Members of the legislature and of the executive are controlled wholly by their parties, and when in power they are much more anxious to please their parties than the government or the prime minister. Opinion within the party is formed by the interaction of the local organizations and the national secretariat. Legal devices permit the party to deprive a recalcitrant member of the legislature of his seat should he incur its displeasure. Personality counts for little since voting is by lists and nothing can curb the domination of the parties save their great number. Of 300 members of the lower chamber the most numerous party counts but 46. Coalition ministries are thus inevitable. National minorities may justly complain of unequal treatment in several fields of public life, but their representation in the legislature is more in keeping with their numerical strength than is the case in any other succession state. The rule of democratic parliamentarism is more firmly established in Czechoslovakia than in any other country east of Switzerland.

Hungary. Political party life in Hungary is held in close check by the prevalence of the open ballot and by the interference of the administration with the organization of opposition parties, especially in the rural sections. The Party of National Unity, representing the landowners, the manufacturers and the bureaucracy, has been in power almost continuously since the overthrow of communism in 1919. The remaining parties are weak and inefficient, and their sphere of activity is very limited. Except for the otherwise rather weak Social Democratic party, all parties have very loose organizations, which function only at elections and collect no membership fees.

Jugoslavia. Although there is only one legally recognized party, the *Jugoslovenska radikalna seljacka demokracija* (Jugoslav radical peasant democracy), a party for dictatorial and Serbian nationalistic centralization but not opposed to social legislation, the old parties still survive, partly as unorganized cliques within the legal party, partly as illegal formations. Thus far the government has not confiscated (except in the case of the Communist party) the rather considerable property of the old parties, which indicates that the dictatorial government lacks either self-confidence or rigorous aims. The new constitution empowers the leader of the electoral list (i.e. the prime minister) to exclude from the parliamentary party any member who violates party loyalty, thus automatically depriving a member of his seat in parliament. The constitution did not, however, provide for the eventuality of the resignation of the leader of the list, and when Prime Minister Živković resigned, members of the national party found it possible to desert the party and form new parties without losing their legislative seats. There are at present three such new parties, represented by a total of 20 members in parliament. It is believed that

the king looks with favor on the new situation, preferring party anarchy to party dictatorship. The old outlawed parties maintain their existence as regional groups but cannot participate in the national elections.

Rumania. There are two great parties in Rumania: the Liberal party, which is backed by the big banks and represents the political traditions of pre-war Rumania, and the National Peasant party, which includes the radical elements of the old kingdom as well as the majority of the Transylvanian Rumanians. The Liberal party favors strong centralization, which the Peasant party opposes. With the introduction of the new Fascist electoral system, the principle of proportional representation has been sacrificed to obtain a workable majority. The government exerts a decisive influence in the elections but is itself subject to control by the king. Since the World War no government has failed to obtain a majority at the elections which it called. Thus party changes occur only when the king summons a new government and allows it to control the subsequent elections. This arrangement accounts for the great fluctuations in the representation of the Liberal party, the best organized party, in the lower chamber. In 1922 the representation was 250; in 1926, 15; in 1927, 298; and in 1928, 13. The Liberal party has considerable funds at its disposal, while the other parties call upon their wealthy members for support at election time as well as for subsidies for the party press. National minorities are weaker in Rumania than in Czechoslovakia, and there are no movements for territorial autonomy like that of the Slovaks in Czechoslovakia or the Croats and Slovenes in Jugoslavia.

ROBERT BRAUN

BALKAN STATES. Before the World War the struggle of the various great powers for control of the Balkans largely dominated internal Balkan politics, the parties being generally friendly to a particular power or group of powers. Since the war the Balkan states have been divided into Greece, which is satisfied with the existing status, and Bulgaria and Albania, which desire revision (for Rumania and Jugoslavia, *see* section on SUCCESSION STATES). Foreign influences, however, are much less important than before the war. Party alignment now follows to some extent economic and social lines. Thus there are agrarian, landowners', bourgeois, bureaucratic and workers' parties. Communism is strong in Bulgaria and in Greece. The weak Socialist party in Bulgaria serves in a measure as a check on corruption.

Individual ambition and governmental coercion, however, play the main role in politics. When a politician is empowered to conduct an election, he uses whatever methods are necessary to secure a majority. A government never loses an election in Albania and only rarely in Bulgaria. In Greece parties are more frequently voted out.

Both the People's, or National, party of Bulgaria and the Liberal party of Greece have a rich tradition and considerable stability. Formed by semirevolutionary leaders with radical programs, these parties later developed into bulwarks of conservatism and dispensers of privilege and wealth. Theoretically Balkan parties are directed by the members through a congress, which usually meets annually and is composed of delegates of the local organization. The congress elects a governing council of 40 or 50 members; this in turn chooses an executive committee of 7 or more, which manages party affairs. The parliamentary group also exercises considerable influence. But the whole apparatus is in the hands of the boss, who is an absolute master. The congresses are hand picked, made up of his delegates. No deputy or even a village mayor can be elected without the consent of the boss, who controls all the patronage. Stambulisky in Bulgaria and Venizelos in Greece have exercised such unrestrained control over powerful party machines.

In most countries the civil service is theoretically stable but actually on a spoils basis. New ministers effect an upheaval of personnel sometimes including even the humblest railroad workers and doorkeepers in state institutions. Only partisans get jobs. Aspirants therefore pass from party to party, seeking favor and position or merely a livelihood. For the sake of security some civil servants possess membership cards in two or three parties. Political struggles thus have an important economic significance for many individuals and are therefore marked by extremes of bitterness and corruption.

Most parties are financed largely by money obtained ultimately from the state. A long period in opposition is therefore a great handicap. Since there are many parties in Bulgaria and Greece, all governments are necessarily coalitions. In Bulgaria, where each party must have a color, there are none left for new groups.

Greece. In the early period of independence, parties attached themselves to the three pre-

tecting powers, Great Britain, France and Russia. Little scope was afforded them, however, until the revolution of 1843 forced King Otto to abandon absolutism for parliamentary democracy. In the ensuing party struggles a coalition of French and Russian parties, which advocated nationalism and immediate expansion, usually triumphed over the English party, which urged internal stability as a prerequisite to expansion. The rise to power of Trikoupis in 1875 marked the triumph of the latter policy over the policy of expansion, which continued to be advocated by his powerful opponent Deligiannis. These two personalities succeeded in a measure in crystallizing the various personal factions into parties subject to their leadership and achieved a degree of party discipline and stability previously unknown. Under their successors in the early twentieth century parties again tended to become personal factions, and party instability and ineptitude finally resulted in the successful intrusion of the Military League in 1909.

Eleutherios Venizelos, a Cretan called into Greek politics in 1910 by the Military League, has been the dominating figure since that time. At least in the first years, and again from 1928 to 1933, he succeeded in placing Greek politics upon a firmer basis. His pro-ally policy led to a bitter struggle between Venizelos and the pro-German king, Constantine. Later, when the republican movement, which culminated in the establishment of the republic in 1924, was gaining ground rapidly, he expanded his Liberal program to embrace it. He now heads the Republican Liberals, the chief party in a Liberal coalition containing several wings or factions and a small agrarian group, which sometimes works independently of Venizelos but almost never against him.

The chief opposition group is the advanced Monarchist, or Royalist (Popular), party, which is perhaps not so much in favor of restoration as against Venizelos. In the elections of March, 1933, the Monarchists defeated the Liberal coalition and Panayote Tsaldaris, leader of the Popular party, displaced Venizelos as premier. The third important party group is the Communist, which is under strict control of the government and which finds its chief support among the workers of Athens, Piraeus, Salonika and other industrial and tobacco producing centers. Military factions, quickly formed, altered and dissolved, play a very important role in Greek politics.

Bulgaria. After Bulgaria became a constitutional monarchy in 1879 two groups developed: a Conservative, favoring Russia and a limitation on democracy, and a Radical, or Liberal, one, opposing Russian domination and reaction and demanding complete popular sovereignty. The Liberals, the stronger of the two in the earlier years, split successively into many groups, including four kinds of Liberals, the Democrats and the Radical Democrats. The People's, or National, party, which constituted the backbone of the Conservatives, is still the best conducted political organization, with a loyal membership of bankers, the wealthier merchants, village saloon keepers, priests and in general the more prosperous section of the population. A Social Democratic party organized in 1894 split in 1903 into Revisionists, who favored cooperating with the bourgeoisie, and orthodox, or Narrow, Socialists, who opposed it. In 1899 a group of village school teachers organized the Agrarian League on the basis of a loose pre-existing organization. Its original activity was non-political; it sought to raise the standards of the peasants through education and cooperative organizations, but a radical wing led by Stambulisky succeeded in converting it into a political party with a fairly radical program.

The elections of 1919 resulted in an overwhelming victory for the left forces, especially for the Agrarian League. With Stambulisky as prime minister the party followed a radical program, in close alliance with the Narrow Socialists, who in 1919 had become affiliated with the Communist International. A coup d'état by the Conservatives unseated the Agrarians in 1923, whereupon the former organized the Democratic Entente, a coalition of Democratic, Radical, Progressive, National and Unionist parties, to support the new conservative government. Although the Democratic and Radical parties soon broke away, the Entente remains the largest bourgeois party. It was defeated in 1931 by a liberal-agrarian coalition composed of Democrats, Agrarians, Radicals and one wing of the National Liberals. Despite repressive measures the Agrarian League constitutes the largest political organization in the land; it is, however, poorly organized and led, and its chiefs, who show little devotion to the village masses, are intent principally on getting into office.

The Communists are an aggressive, exceedingly well organized group, ready to make remarkable sacrifices. In general the party is supported by the youth, intellectuals, ambitious lawyers, provincial civil servants and the urban

poor. Outlawed in 1925, it reappeared as the Labor party and subsequently as the Independent Labor party. In 1931 under the latter name it captured 31 seats, all of which, however, were declared vacant by parliament in April, 1933. Its victory in the Sofia municipal elections in 1932 was also nullified by the authorities.

Because of the formidable revolutionary organization behind it (*see* COMITADJI) the small Macedonian party exercises enormous influence and is largely responsible for the fact that there is more political violence in Bulgaria than in any other European country.

Albania, which became an independent principality in 1912, has had practically no experience with party government. From 1921 until the revolution of 1924 some semblance of party government existed; the Conservative party, led by Ahmed Zogu and representing the large landowning beys and the bureaucrats, ruled the country, while the Liberal Democrats, led by Fan Noli and seeking political and agrarian reform, were in the opposition. No political parties now exist in Albania; political life is under the complete control of King Zog. There are elections, but all the candidates are the king's men.

R. H. MARKHAM

TURKEY. *See* GOVERNMENT, section on TURKEY.

SPAIN AND PORTUGAL. *Spain.* Political parties arose after the introduction of the constitutional regime in 1812. The issues of absolutism, popular sovereignty, democracy and the position of the church brought about constant changes in party names, membership and alignments. In opposition to the liberal and conservative royalists, the adherents of the Carlist pretender represented the absolutism of the old regime. The primary force determining the rise and fall of parties was the military, brought into the political field by the liberals in their struggle with Ferdinand VII and continuing to dominate it until the restoration of 1874. Republicanism incorporating federalist and social reform doctrines gained ground after 1848 and a coalition of dissatisfied army officers, liberals and republicans brought about the Revolution of 1868, which culminated in the short lived republic of 1873–74.

The restoration resulted in a cessation of party strife, at the expense, however, of the political education of the people. The Conservative and Liberal parties, both accepting the monarchy, agreed to a system of alternation in office which was carried out through elections manipulated by the corrupt caciques and professional politicians. The Carlists, supported by the Catholic peasantry of the Basque provinces, Navarre and Catalonia, and the republicans, divided as to both objective and tactics, at first constituted the antidynastic opposition. The system of rotation was continued until the World War, although with increasing difficulty because of the disintegration of all the old parties as a result of the death of the leaders and dissension as to their successors, the frequent ministerial changes by the king, the increasing urgency of social questions and the rise of new parties.

Of the new parties the most significant was the *Partido democrático socialista obrero*, organized in 1879 by workers led by the Marxian Iglesias (*q.v.*). Nominally indifferent to the form of government and comparatively moderate in program, its strength lay in its control of the trade union organization—the Union General de Trabajadores—established in 1888, which represented the urban workers of northern and central Spain. The party was slow, however, to achieve political successes. Meanwhile anarchism was spreading in the agrarian south and in highly industrialized but individualistic Catalonia. Although at times the anarchists were numerically stronger than the socialists, they had no effective organization until 1910, when anarcho-syndicalist influences established the Confederación General de Trabajo. Catalonian regionalism gave rise to a number of diverse groups, particularly a traditionalist and a rationalist group. Most of the Catalan groups combined for political action in 1892, but a consistent united front proved impossible. The *Lliga regionalista*, founded in 1901, was long the strongest Catalan party; headed by Francisco Cambó, it evolved a conciliatory policy demanding only autonomy. Opposed to it was the Radical Republican party, organized by Alejandro Lerroux in 1903 on a unitary radical republican platform. The Basque regionalist movement acquired homogeneity through its strong Catholic tendency, but its political influence was slight.

Because of the individualism and localism of the Spanish people, the patriarchal character of society, the ignorance of the masses, the sham elections and the backwardness of communications party organization was not highly developed. In general, party organization consisted

of local clubs and committees, provincial juntas and central directorates in Madrid. The major parties were controlled by the parliamentary clique and especially by the party chief, but all parties revolved more or less about personalities. The Socialist party was distinguished by relatively democratic organization, discipline, interest in education of the electorate and attention to questions of immediate practical concern.

During the World War the ineffectiveness of the parties increased as the king turned toward coalition governments and assumed an increasingly important role in politics, while army juntas reestablished the practise of military interference in civil affairs. Economic radicalism of a revolutionary communist or non-political anarcho-syndicalist nature increased tremendously. The perennially troublesome Morocco question finally precipitated a political crisis, from which the dictatorship emerged in 1923 as an attempt to maintain the monarchy and conservative clerical domination. The *Unión Patriótica*, organized by Primo de Rivera to support his regime, was the only party permitted to function freely during this period, although the Socialist party was given certain consideration in order to forestall the rise of labor extremists.

In 1930 the antimonarchical forces effected a coalition including conservatives like Alcalá Zamora, the various Republican parties, Catalan and other regionalists, syndicalists and later the socialists. The coalition sought the overthrow of the monarchy and the establishment of a Cortes Constituyentes which, once the republic was proclaimed, would consider self-government statutes prepared by Catalonia and other regions.

Since the establishment of the republic in 1931, the monarchists have endeavored to consolidate their forces but they have been hampered by the repressive measures of the authorities. The republican parties, however, have achieved a signal expansion. Their tactical unity has been in part abandoned because of the movement of the government to the left and its religious and autonomist policies; new parties are emerging, although they have not yet altogether crystallized.

Of the government parties the largest is the Socialist, with 114 deputies. The *Acción republicana*, represented by 30 deputies, was founded in 1925 by Manuel Azaña, present prime minister, and was the nucleus of the revolutionary coalition; it is composed of able men, conservatively trained but with radical tendencies, as exemplified by their sponsorship of the agrarian reform and divorce laws. The Radical Socialist party, with 55 deputies, an offshoot of the Radical Republicans, is modeled after its French namesake and shows no particular originality other than defiance of tradition. The Catalan left, or *Esquerra*, with 42 deputies in the Cortes, controls 68 seats in the autonomous Catalan *Generalidad*. Its only rival in the *Generalidad*, the older *Lliga*, controls 19 seats. The *Esquerra* seems to stand for increased autonomy and, in Catalan affairs, for a radical left orientation, which has gained the support of both syndicalists and communists. The Galician Federation, with 17 deputies, seeks a measure of regional autonomy. The slight ministerial shuffle which followed conservative and monarchist gains in the municipal elections of April, 1933, left Azaña prime minister with the additional support of a Federalist group of 15 members.

The chief opposition group is the Radical Republican party, with 90 deputies. Based on the classic principles of French liberalism, it apparently suffers from the lack of a proper social or interventionist program. The Progressive Republican party, a conservative group led by Miguel Maura and President Alcalá Zamora, has 17 deputies. The *Acción nacional*, whose watchword is "Religion, fatherland, family and property," attempts to act as a curb on the revolution, although it seems disposed to work with the republic. It possesses a modern organization and carries on an effective propaganda. A traditionalist party aiming at the restoration of the monarchy is now being formed. Among other minor parties are a Fascist group and the Communist party, which faces a serious problem of survival in traditionally anarchistic soil.

Portugal. The development of political parties largely followed that of Spain. A *modus vivendi* between the conservatives, or *Regeneradores*, and the liberals, or *Progressistas*, was reached even earlier than in Spain, the two parties rotating in office with the assistance of the caciques. From about 1890 difficulties of an international and financial character together with the trend of the crown toward dictatorship caused the parties to degenerate into personal factions unable to form a stable government or to effect reforms. Republicanism gathered strength with the downfall of the monarchy in Brazil, the mounting discredit of the regime in Portugal and the increasing radicalism of the urban masses. The

republic, established in 1910, was unable to solve the economic and political problems, however, or to improve the quality of party politics. The Republican forces disintegrated into factions of which the Democratic party alone could be termed a party. Liberal in character and representing the middle and lower classes, it inherited the secret Carbonari organization, which, frequently guilty of excesses, was used with effect against royalist and radical extremists. The Republican period was marked by intrigues and armed uprisings, culminating in the establishment of the dictatorship in 1926. In 1930 the National Union party was organized to support the dictatorship which on March 19, 1933, won approval, by a plebiscite, of a new constitution establishing a semidictatorial presidential type of government. Likewise in 1930 the Democrats, Socialists, Nationalists and other republican parties, many of whose leaders were exiled, united against the dictatorship. The monarchists maintain their cohesion.

The situation and characteristics of political parties in the Iberian Peninsula are still very uncertain, especially in Portugal. Even in Spain they are not likely to work out their essential programs and positions in the near future.

RECAREDO F. DE VELASCO

LATIN AMERICA. Political parties in Latin American countries originated during the struggles for independence, which lasted from 1810 to 1824. During the early stages of the struggle a large party, comprised in the main of priests, merchants and officeholders, favored the motherland; the Tories of the Indies followed Spain's banner on many widely separated battlefields. The Patriots, consisting chiefly of creoles who were dissatisfied with Spanish rule because of their heavy economic burdens and their exclusion from public office, were at times little more than a determined and vigorous minority which took advantage of political fluctuations in Spain. But with the gradual spread of the revolutionary movement among the uneducated native masses the Spanish troops suffered a succession of defeats, which steadily diminished the prestige of the royalist party. Peru was the last bulwark of the royalists in continental America.

As the revolution progressed, various factions appeared—notably in La Plata in 1819 and in Mexico in 1821—which favored the establishment of monarchical governments. The distinguished patriot commander General José de San Martín did not believe that the South Americans were ready for democratic government; neither did the Mexican liberator, Agustín de Iturbide, who was crowned emperor in 1822. In his later years Simón Bolívar dreamed of founding a monarchical regime in northern South America. Eventually, however, the republicans triumphed in their desire to create governments patterned after that of the United States, and there emerged in certain sections republican factions called Federalists to distinguish them from the opposing Centralists.

In Portuguese America political parties ran a somewhat different course, since Brazil inherited a monarchical form of government. Although a small republican faction had made its appearance as early as 1817, monarchical traditions and institutions persisted for more than seventy years. In 1889, after a protracted campaign of propaganda in favor of a democratic regime, the Republican party triumphed by means of a revolution which was precipitated by the abolition of slavery. Soon after the exposure of an alleged monarchical conspiracy in 1900 led by remnants of the Monarchist party, the Republican party divided into two wings, the Conservative Republicans, or federalists, and the Liberal Republicans.

During the nineteenth century political parties in Latin America were affected profoundly by the conditions which prevailed in the different regions. In general in both Spanish and Portuguese America only the educated class was much interested in political affairs. The lower strata of society were composed in varying degrees of Indians, Negroes and mixed classes. Large sections of Brazil and Spanish America were sparsely populated by Indians, who were in a barbarous condition. In settled regions where civilization was backward political cliques did not always unite even to nominate their respective presidential candidates. On the other hand, the upper classes in Latin America were composed mainly of aspiring creole leaders who had participated in the revolutionary struggles but had had little experience in the art of government. Under such conditions it was natural that membership in political parties should often become restricted to the aristocratic class and that vested interests should exercise a powerful influence upon party action. Where distinct political parties actually existed, this century was preeminently an era of personal politics—an era which has not

yet passed away in some portions of Spanish America.

During the protracted wars for independence there developed a strong tendency for political parties to group themselves around leading personalities. In Chile the adherents of the Carrera family were known as *Carreristas*; in Mexico the adherents of Iturbide formed a political faction; and in Colombia the devoted followers of Bolívar eventually founded a Bolivarian party. In many sections party issues continued to be dependent in the main upon the achievements of party leaders. Political action was frequently influenced by the attitude of prominent families and there was even a tendency toward the formation of ruling oligarchies or dynastic political groups. Here and there political parties took sides with regard to the type of government existing in their respective countries. In other sections party alignments were determined by the relative influence of civilian or military classes in the administration. In many countries religious issues provoked bitter political dissensions. Almost everywhere the distribution of the spoils of office was the great issue in political conflicts, which sometimes developed into civil wars. In fact the struggles of political parties were not infrequently mere contests between the "ins" and the "outs." In certain states more or less acrimonious controversies with foreign nations seriously complicated the problems of domestic politics.

Political parties in Latin America have been designated by many different names: in Argentina the leading parties were the Unitarians and the Federalists; in Venezuela, the *Azules* and the *Jaunes*; and in Uruguay, the *Blancos* and the *Colorados*. Although not always known by the same name in different countries, probably the most significant and long lived party alignment was that of the Conservatives and the Liberals. The Conservative party, composed mainly of the clergy and influential landowners, stood in general for the maintenance of the established regime in politics and religion, the retention of large landed estates by the ruling aristocracy, the exercise of special privileges by Catholic ecclesiastics and a close relation between church and state. Occasionally this party became a clerical faction. On the other hand, the Liberals stood for reform in politics, which generally included a democratic system of political organization, the abolition of special ecclesiastical privileges and the complete separation of church and state.

Party practises as known in the United States have developed very slowly in Latin America. Very often the control of a party was in the hands of political leaders residing in the capital of the country. Frequently the chief executive of the respective state undertook to exercise a dominant influence upon the national elections. For a long period even in Argentina, Brazil and Mexico a succession of military commanders monopolized important national offices. When such chieftains were elected to the presidency or when they became dictators they often used the soldiery to intimidate voters and to secure the forms of political action which they desired. In Central America this militant policy occasionally led an ambitious president to undertake armed interference in the political affairs of a neighboring country.

After a clique or a party had remained in power for some time, a tendency almost inevitably manifested itself toward the formation of a political party which supported the administration. A rudimentary political machine was thus brought into existence, constituting a bulwark in support of dictatorial rule. In local districts the management of political affairs was often in the hands of a few leaders who maintained intimate relations with political chieftains in the capital city. Except in rare cases party leaders in Latin America during the nineteenth century made no effort to frame a platform which would furnish a program for political action. Politicians often deliberately refrained from making any declarations as to political issues that might serve to guide the voters.

During the last decades of the nineteenth century, in the A B C countries at least, there was a marked increase in the political influence of middle class liberals. In Chile there appeared various new factions professing descent from the old Liberal party, including the National party, the Radical, or progressive, party, the Democratic, or Labor, party and the Liberal Democratic party. Coalitions or alliances of parties and factions often took place. A striking indication of changing times was the founding in Argentina in 1890 of the so-called Radical party as a protest against the domination of the National party, which was controlled by aristocratic and by conserva-

tive elements residing mainly in the capital city.

Early in the twentieth century fresh trends became apparent. National issues began to gain inclusion in the platforms of political parties. Foreign influence became clearly apparent in new party alignments and in electoral reforms. Ruy Barbosa, the distinguished Brazilian publicist and presidential nominee in 1910 of the newly formed Liberal Republican party, formulated a party program which threw its chief emphasis upon the popular will and thereby repudiated the older type of militaristic domination. Socialistic groups or parties came to play an increasing part in the political life of Argentina, Chile and Mexico. Reforms in election methods were introduced into a number of countries. In 1912 President Roque Sáenz Peña of Argentina signed a law introducing the modified Australian ballot system into his country. In 1925 a new constitution adopted in Chile made a concession to the unrepresented classes by providing that proportional representation should be used in the election of senators and deputies. To eliminate the danger arising from election disputes a Chilean electoral tribunal was created to scrutinize the returns in presidential elections. In Chile and Argentina there may now be found political machinery in the form of local committees, party conventions and organizations for the nomination of candidates for important national offices.

In 1930 and 1931 uprisings in Spanish America caused important political changes which promise significant reforms in the conduct of party affairs. In 1930 a military revolution in Brazil led by the defeated candidate of the Liberal party for the presidency overthrew the conservative administration, which was supported by the coffee planters. As a result a new constitution for Brazil is under contemplation and fresh political alignments will probably result. In Argentina, Bolivia, Peru, Ecuador and Chile revolts against dictatorial rule overthrew the existing regimes and installed new parties which have made repeated and loud professions of liberal principles. President Leguía of Peru, who since 1919 had exercised the power of a dictator so despotically that parties opposed to his administration had practically disappeared, was deposed by a military revolution led by Colonel Sánchez Cerro. After a military dictatorship was overturned in Chile in July, 1931, Arturo Alessandri, an ex-president and a Moderate Socialist, was elected president by a large majority. In September of the same year an Argentinian faction known as the National Democrats, which was apparently composed largely of the old conservative elements, displaced the personalist faction of the Radical party which had been dominated by the veteran leader, President Irigoyen. In some cases there were unmistakable signs that these spectacular changes were directed against nepotism, graft, excessive taxes, misapplied loans and government by corrupt cliques. The time is ripe for a new alignment of parties in the leading Latin American countries.

WILLIAM SPENCE ROBERTSON

JAPAN. The two major political parties of Japan are the *Seiyukai* and the *Minseito*. The parent of the *Seiyukai* was the *Jiyuto*, founded in 1881. The *Minseito* line runs back to 1882, when the *Kaishinto* was organized. Rivalry between Itagaki Taisuke and Ōkuma Shigenobu, leaders respectively of the *Jiyuto* and the *Kaishinto* and also of the Tosa and Hizen clans, prevented fusion into one party. The formation of both parties was due to dissatisfaction on the part of their founders with the distribution of offices, a distribution too favorable in their view to the Satsuma and Chōshū clans. They organized parties to agitate against clan control and to prepare for the new order which the establishment of a parliament was expected to inaugurate.

The two parties controlled a majority in the House of Representatives from their first appearance in 1890, and they consistently obstructed budgetary action, until within six years they had forced an oligarchical government opposed to parties to recognize the necessity of establishing working relations with them. From sporadic alliances with both parties the leaders of the Chōshū clan passed to formal headship of the *Jiyuto*, when in 1900, after the failure of a coalition with the *Shimpoto*, that party was reorganized as the *Seiyukai*. The *Seiyukai* has had continuously closer contacts with the traditional forces which sway the government and in consequence it has remained the larger and stronger. Its tendency is toward conservatism and imperialism; its support comes largely from the country districts.

The *Shimpoto*, as the *Kaishinto* was renamed in 1896, was reorganized in 1910 as the *Kokuminto*, which continued until 1922 as the most liberal group in the Diet, led vigorously by Inukai but never attaining a large membership.

It was disrupted in 1913 by the defection of more than half its members to a new party, the *Doshikai*, which in turn was changed in 1915 into the *Kenseikai*, led by Count Ōkuma. In 1927 a group of seceders from the *Seiyukai*, who called themselves the *Seiyuhonto*, joined with the *Kenseikai* to form the *Minseito*. The *Minseito*, drawing its support largely from the cities, is more liberal and internationalist than the *Seiyukai*. It has to its credit the manhood suffrage act of 1925 and the London Naval Treaty.

Neither party, however, represents the people of Japan in any real sense; they are both primarily alliances of politicians, industrial leaders and large landowners. So closely are they affiliated with the great vertical trusts that they are commonly dubbed the *Mitsui* and *Mitsubishi* parties respectively. Scandals involving bribery by business concerns seeking special legislation have been so frequent that criticism of the parliamentary system has become widespread and vehement. Elections are regularly followed by numerous convictions of candidates and their supporters for corrupt practises. On the other hand, it is appreciated that the courageous liberalism of such leaders as Ozaki Yukio, Hamaguchi Yuko and Inukai Ki, for which the latter two suffered assassination, has had results which have in part compensated for the derelictions of their weaker colleagues. While both parties have opposed the so-called Fascist movement, both have been embarrassed by Fascist elements. This movement grew out of the general disgust with the weaknesses of party politics intensified by the depression and strengthened by the prestige gained by the army in the Manchurian adventure. Instigated by army and navy officers, it is aimed at the power of capitalism and consequently at the whole parliamentary system, which is held responsible for that power.

Criticism has not yet affected membership rolls or voting strength. In 1930 the *Seiyukai* had 3,000,000 members, the *Minseito* 2,600,000. In the election of 1932 the former polled more than 5,500,000, the latter about 3,300,000 votes, out of a total of 9,500,000. The *Seiyukai* returned 304 members, the *Minseito* 147, the *Kakushinto* 2 and the *Kokumin domei* 5. In the previous election in 1930 the *Minseito* won 273 seats, the *Seiyukai* 174, the *Kakushinto* 3 and the *Kokumin doshikai*, a business men's group, 6. In the interval the *Seiyukai* had acceded to power. The government party, thanks to its absolute control over election machinery, has never lost an election; in all but one election it has won an absolute majority.

Passage of the manhood suffrage act in 1925 brought labor and farmer parties on to the scene. These have suffered from severe governmental restrictions, poverty and interparty rivalry. Their members come chiefly from the unions of laborers and peasants and they have all espoused socialistic principles. The principal existing proletarian parties were organized by a process of coalition in 1932, following a general split caused by the growth of national socialism. The growing communistic movement is prevented by law from participating openly in party life. Labor elected 8 members in 1928 but was reduced to 5 in 1930 and 1932. Labor's largest poll in 1930 totaled about 500,000 votes.

Those members of the House of Peers who are elected by large taxpayers divide along major party lines. The remaining members are grouped in some half dozen parties, which are distinct from but at times make working arrangements with the lower House organizations. The *Kenkyukai*, largest of the Peers' parties, tends to friendship with the *Seiyukai*, while the *Doseikai* inclines toward the *Minseito*. Rank and status rather than principle distinguish the groupings of the upper House from one another.

Although the Japanese explain the almost canine devotion of party members to their leaders rather than to the parties themselves as a feudal heritage, this trait might otherwise be viewed as an importation by students of American and European parties along with other features of party organization and procedure. This together with the lack of party tradition is responsible for the fluidity of Japanese parties. The defection of a leader from one party to another or into a new party draws with him the large group who are his personal followers before they are members of the party. The organization of the parties does not differ essentially from the western model. Men of tried ability and leadership are chosen president of a party or of its executive committee by an annual conference composed of Diet members, ex-members and prefectural delegates. Great reliance is placed on a small group of advisers, party elders of experience and wisdom. Younger members are appointed directors and secretaries. Regional officers, committees and conferences carry on the work in the prefectures and localities. Party life is vigorous and, in spite of its deficiencies, promising.

HAROLD S. QUIGLEY

CHINA. *See* KUOMINTANG; GOVERNMENT, section on CHINA.

See: GOVERNMENT; LEGISLATIVE ASSEMBLIES; DEMOCRACY; REPRESENTATION; PUBLIC OPINION; MAJORITY RULE; DICTATORSHIP; COALITION; BLOC, PARLIAMENTARY; CAUCUS; MACHINE, POLITICAL; CLUBS, POLITICAL; FACTION; ELECTIONS; CAMPAIGN, POLITICAL; NOMINATIONS, POLITICAL; CONVENTION, POLITICAL; PRIMARIES, POLITICAL; INSURGENCY, POLITICAL; INDEPENDENT VOTING; SPOILS SYSTEM; PUBLIC OFFICE; PUBLIC EMPLOYMENT; CORRUPTION, POLITICAL; INTERESTS; LOBBY; PRESS; LEADERSHIP; MINORITY RIGHTS; PROPORTIONAL REPRESENTATION; APPORTIONMENT; GERRYMANDER; CONSERVATISM; LIBERALISM; FASCISM; NATIONAL SOCIALISM, GERMAN; SOCIALIST PARTIES; LABOR PARTIES; CATHOLIC PARTIES; AGRARIAN MOVEMENTS.

Consult: GENERAL: Ostrogorsky, M. Y., *La démocratie et l'organisation des partis politiques*, 2 vols. (Paris 1903), tr. by Frederick Clarke (New York 1902); Michels, Roberto, *Zur Soziologie des Parteiwesens in der modernen Demokratie* (2nd ed. Leipsic 1925), tr. from 1st ed. by E. and C. Paul as *Political Parties* (New York 1915); Bryce, James, *Modern Democracies*, 2 vols. (London 1921) vol. i, ch. xi; Lowell, A. Lawrence, *Public Opinion and Popular Government* (new ed. New York 1914) chs. v–viii, and *Governments and Parties in Continental Europe*, 2 vols. (Boston 1896); Minghetti, Marco, *I partiti politici e la ingerenza loro nella giustizia e nell' amministrazione* (Bologna 1881); Sulzbach, Walter, *Die Grundlagen der politischen Parteibildung* (Tübingen 1921); Weber, Max, "Politik als Beruf" in *Gesammelte politische Schriften* (Munich 1921) p. 396–450; Gosnell, H. F., *Why Europe Votes*, University of Chicago, Local Community Research Committee, Social Science Studies, no. 19 (Chicago 1930); Finer, Herman, *The Theory and Practice of Modern Governments* (London 1932); *Partei und Klasse im Lebensprozess der Gesellschaft*, Forschungen zur Völkerpsychologie und Soziologie, ed. by R. Thurnwald, vol. ii (Leipsic 1926); Catlin, G. E. G., "The Doctrine of Power and Party Conflict" in *American Political Science Review*, vol. xix (1925) 718–34; Lewinsohn, Richard, *Das Geld in der Politik* (Berlin 1931); Pollock, J. K., *Money and Politics Abroad* (New York 1932); Benoist, Charles, *Les maladies de la démocratie* (Paris 1929) p. 153–201; Lagardelle, Hubert, "Die syndikalistische Bewegung in Frankreich" in *Archiv für Sozialwissenschaft und Sozialpolitik*, vol. xxvi (1908) 96–143, 606–48; *Demokratie und Partei*, ed. by Peter R. Rohden (Vienna 1932); *Die politischen Parteien der Staaten des Erdballs*, ed. by F. Stricker, 11 vols. (Münster 1923–24).

FOR UNITED STATES: Turner, F. J., *The Frontier in American History* (New York 1920); Ford, Henry J., *The Rise and Growth of American Politics* (New York 1898); Goodnow, F. J., *Politics and Administration* (New York 1900); Ostrogorsky, M. Y., *La démocratie et l'organisation des partis politiques*, 2 vols. (Paris 1903), tr. by Frederick Clarke (New York 1902; vol. ii revised 1910); Smith, J. Allen, *The Spirit of American Government* (New York 1907); Wilson, Woodrow, *Constitutional Government in the United States*, Columbia University, Lectures, George Blumenthal Foundation New York 1908) ch. viii; Bentley, A. F., *The Process of Government* (Chicago 1908); Boothe, V. B., *The Political Party as a Social Process* (Philadelphia 1923); Macy, Jesse, *Party Organization and Machinery* (2nd ed. New York 1912); Beard, Charles A., *An Economic Interpretation of the Constitution of the United States* (New York 1913), *Economic Origins of Jeffersonian Democracy* (New York 1915), and *The American Party Battle* (New York 1928); Bryce, James, *The American Commonwealth*, 2 vols. (3rd ed. London 1893–95) vol. ii; Sloane, W. M., *Party Government in the United States of America* (New York 1914); Merriam, C. E., *American Political Ideas* (New York 1920) ch. x; Merriam, C. E., and Gosnell, H. F., *The American Party System* (rev. ed. New York 1929); Brooks, R. C., *Political Parties and Electoral Problems* (New York 1923); Sait, E. M., *American Parties and Elections* (New York 1927); Ray, P. O., *An Introduction to Political Parties and Practical Politics* (3rd ed. New York 1924); Bruce, H. R., *American Parties and Politics* (rev. ed. New York 1932); Holcombe, Arthur N., *The Political Parties of To-day* (New York 1924); Woodburn, J. A., *Political Parties and Party Problems in the United States* (3rd ed. New York 1924); Robinson, E. E., *The Evolution of American Political Parties* (New York 1924); Kent, Frank R., *The Democratic Party: a History* (New York 1928); Lewis, Stuart, *Party Principles and Practical Politics* (New York 1928); Leutscher, G. D., *Early Political Machinery in the United States* (Philadelphia 1903); Bowers, C. G., *Jefferson and Hamilton* (New York 1925), and *The Party Battles of the Jackson Period* (Boston 1922); Carroll, E. M., *Origins of the Whig Party*, Duke University, Publications (Durham, N. C. 1925); Cole, A. C., *The Whig Party in the South*, American Historical Association, Prize Essays, 1912 (Washington 1913); Smith, T. C., *Parties and Slavery, 1850–1859*, The American Nation, a History, vol. xviii (New York 1906); Crandall, A. W., *The Early History of the Republican Party* (Boston 1930); Curtis, Francis, *The Republican Party . . . 1854–1904*, 2 vols. (New York 1904); Myers, William S., *The Republican Party: a History* (rev. ed. New York 1931); Kent, Frank R., *The Great Game of Politics* (rev. ed. Garden City 1930); Haynes, F. E., *Social Politics in the United States* (Boston 1924); Buck, S. J., *The Agrarian Crusade*, The Chronicles of America, vol. xlv (New Haven 1920); Hicks, J. D., *The Populist Revolt* (Minneapolis 1931); Rice, Stuart A., *Farmers and Workers in American Politics*, Columbia University, Studies in History, Economics and Public Law, whole no. 253 (New York 1924); Carroll, M. R., *Labor and Politics* (Boston 1923); Fine, Nathan, *Labor and Farmer Parties in the United States, 1828–1928* (New York 1928); Oneal, James, *American Communism* (New York 1927); Douglas, Paul H., *The Coming of a New Party* (New York 1932); Stanwood, Edward, *A History of the Presidency*, 2 vols. (new ed. by C. K. Bolton, Boston 1928); Morse, A. D., *Parties and Party Leaders* (Boston 1923); Munro, W. B., *The Invisible Government* (New York 1928).

FOR GREAT BRITAIN: Blauvelt, M. T., *The Development of Cabinet Government in England* (New York 1902); Trevelyan, G. M., *The Two-party System in English Political History* (Oxford 1926); Dickinson, G. Lowes, *The Development of Parliament during the Nineteenth Century* (London 1895); Hobhouse, L. T.,

Liberalism (London 1911); Cecil, Hugh R. H., *Conservatism* (London 1912); Labour Party, *Labour and the New Social Order* (London 1918); Ostrogorsky, M. Y., *La démocratie et l'organisation des partis politiques*, 2 vols. (new ed. Paris 1903), tr. by F. Clarke (London 1902); Hobhouse, L. T., *Democracy and Reaction* (2nd ed. London 1909); Lowell, A. L., *The Influence of Party upon Legislation in England and America* (Washington 1902); Laski, H. J., *The Position of Parties and the Right of Dissolution*, Fabian Tract, no. 210 (London 1924), and *Democracy in Crisis* (Chapel Hill, N. C. 1933); Laski, H. J., and others, *Where Stands Socialism Today?* (London 1933).

FOR BRITISH DOMINIONS: GENERAL: Keith, A. B., *Responsible Government in the Dominions*, 2 vols. (2nd ed. Oxford 1928) vol. i, ch. vii. CANADA: Brady, Alexander, *Canada* (London 1932) ch. iii; Wallace, William Stewart, in *Cambridge History of the British Empire*, vol. vi (Cambridge, Eng. 1930) chs. xx–xxi; Bryce, James, *Modern Democracies*, 2 vols. (London 1921) vol. i, chs. xxxiii–xxxvii; Siegfried, André, *The Race Question in Canada* (London 1907) pt. ii; Reid, E. M., "The Rise of National Parties in Canada," and Underhill, F. H., "The Party System in Canada" in Canadian Political Science Association, *Papers and Proceedings*, vol. iv (1932) 187–200 and 201–12; Wood, L. A., *A History of Farmers' Movements in Canada* (Toronto 1924); Munro, W. B., *American Influences on Canadian Government*, University of Toronto, Marfleet Lectures (Toronto 1929) ch. ii; Skelton, O. D., *Life and Letters of Sir Wilfrid Laurier*, 2 vols. (Toronto 1921) vol. i, chs. ii–ix, vol. ii, ch. xiv. AUSTRALIA: Hancock, W. K., *Australia* (London 1930), especially pt. iii; Shann, E. O. G., Hancock, W. K., and Scott, Ernest, in *Cambridge History of the British Empire*, vol. vii, pt. i (Cambridge, Eng. 1933) chs. xi, xiii, xvii, and p. 566–85; Manes, Alfred, *Das australische Arbeiterparadies in Gefahr*, Finanz- und volkswirtschaftliche Zeitfragen, no. xlviii (Stuttgart 1928); Sutcliffe, J. T., *A History of Trade Unionism in Australia* (Melbourne 1921); Goodrich, Carter, "The Australian and American Labour Movements" in *Economic Record*, vol. iv (1928) 193–208; Portus, G. V., "The Labour Movement in Australia (1788–1914)" in *Australia: Economic and Political Studies*, ed. by Meredith Atkinson (Melbourne 1920) ch. iv, and "Labour in Australia" in *The Story of Australia*, ed. by James Colwell, 6 vols. (Sydney 1925) vol. v, ch. iii; Childe, V. G., *How Labour Governs* (London 1923); Grattan, C. H., "Australian Political Seesaw" in *Current History*, vol. xxxvii (1933) 433–37. Summaries of Australian politics with conservative comment appear regularly in the *Round Table*, published quarterly in London since 1910. NEW ZEALAND: Condliffe, J. B., *New Zealand in the Making* (London 1930), especially chs. v–vi; Reeves, W. P., *The Long White Cloud* (3rd ed. London 1924) chs. xx–xxiii; Parsons, Frank, *The Story of New Zealand* (Philadelphia 1904), especially ch. xxxv; Lloyd, H. D., *Newest England* (New York 1900), especially ch. x; Siegfried, André, *La démocratie en Nouvelle-Zélande* (Paris 1904), tr. by E. V. Burns (London 1914), especially pt. ii; Condliffe, J. B., "Political Parties and State Experiments, 1876–1921" in *Cambridge History of the British Empire*, vol. vii, pt. ii (Cambridge, Eng. 1933) ch. ix; Russell, C. E., *The Uprising of the Many* (New York 1907) chs. xxviii–xxxv; Drummond, James, *The Life and Work of Richard John Seddon with a History of the Liberal Party in New Zealand* (London 1907). UNION OF SOUTH AFRICA: Theal, G. McC., *South Africa* (8th ed. London 1917); Millin, S. G., *The South Africans* (London 1926) pt. v; Nathan, Manfred, *South Africa from Within* (London 1926); Brookes, E. H., *The Political Future of South Africa* (Pretoria 1927), especially ch. ix; Walker, E. A., *A History of South Africa* (London 1928); Hofmeyr, J. H., *South Africa* (London 1931), especially ch. vii. IRISH FREE STATE: Gwynn, Denis, *The Irish Free State, 1922–1927* (London 1928); Moss, Warner, *Political Parties in the Irish Free State* (New York 1933); Malone, A. E., "Party Government in the Irish Free State" in *Political Science Quarterly*, vol. xliv (1929) 363–78; Clarkson, J. D., *Labour and Nationalism in Ireland*, Columbia University, Studies in History, Political Science and Public Law, no. 266 (New York 1925); Gwynn, Denis, *De Valera* (London 1933). Summaries with conservative comment have appeared in the *Round Table*, published quarterly in London since 1910.

FOR FRANCE: Soltau, Roger H., *French Parties and Politics* (new ed. London 1930); Siegfried, André, *France: a Study in Nationality* (New Haven 1930) ch. v, and *Tableau des partis en France* (Paris 1930); Rogers, Lindsay, "Ministerial Instability in France" in *Political Science Quarterly*, vol. xlvi (1931) 1–24; Bodley, J. E. C., *France*, 2 vols. (London 1898) vol. ii, bk. iv; Middleton, W. L., *The French Political System* (London 1932) ch. iv; Berl, Emmanuel, *La politique et les partis* (Paris 1932); Fournol, Étienne, *Manuel de politique française* (Paris 1933); Bourgin, G., Carrère, J., and Guérin, A., *Manuel des partis politiques en France* (2nd ed. Paris 1928); Laurent, Raymond, and Prelot, M., *Manuel politique* (new ed. Paris 1928), and *L'échiquier politique* (Paris 1928); Lachapelle, Georges, *Élections législatives, 1 and 8, Mai, 1932: résultats officiels* (Paris 1932); Weill, Georges, "Die sozialistische Partei (Parti socialiste) in Frankreich, 1920–1928" in *Archiv für die Geschichte des Sozialismus und der Arbeiterbewegung*, vol. xiv (1929) 67–87, and *Histoire du Parti républicain en France, 1814–1870* (Paris 1928).

FOR BELGIUM: Kalken, Frans van, *La Belgique contemporaine (1780–1930)* (Paris 1930), and *Histoire de Belgique* (3rd ed. Brussels 1932); Piérard, L., *Belgian Problems since the War* (New Haven 1929); Pirenne, Henri, *Histoire de Belgique*, 7 vols. (Brussels 1932) vol. vii; Reh, H., "Die belgische Volkschule im Parteikampf" in *Pädagogisches Magazin*, no. 730 (1919); Reed, T. H., *Government and Politics of Belgium* (Yonkers, N. Y. 1924) ch. ix; Terlinden, C., and others, *Histoire contemporaine de la Belgique, 1830–1914*, 3 vols. (Brussels 1928–30) vol. ii, p. 7–239.

FOR GERMANY: Bergsträsser, Ludwig, *Geschichte der politischen Parteien in Deutschland* (6th ed. Mannheim 1932), with bibliography; Neumann, Sigmund, *Die deutschen Parteien: Wesen und Wandel nach dem Kriege* (Berlin 1932); Koellreutter, Otto, *Die politischen Parteien im modernen Staate* (Breslau 1926); Posse, Ernst H., *Die politischen Kampfbünde Deutschlands* (2nd ed. Berlin 1931); Salomon, Felix, *Die deutschen Parteiprogramme*, 3 vols. (new ed. by W. Mommsen and G. Franz, Leipsic 1931–32); Sultan, Herbert, "Zur Soziologie des modernen Parteiensystems" in *Archiv*

für Sozialwissenschaft und Sozialpolitik, vol. lv (1926) 91–140; *Die Entwicklungsgeschichte der grossen politischen Parteien in Deutschland*, Schriften der deutschen Gesellschaft für Politik an der Universität Halle, vol. ii (Bonn 1922); Hesnard, O., *Les partis politiques en Allemagne* (Paris 1923); Pollock, James K., Jr., "The German Party System" in *American Political Science Review*, vol. xxiii (1929) 859–91; Bachem, Karl, *Vorgeschichte, Geschichte und Politik der deutschen Zentrumspartei*, vols. i–ix (Cologne 1927–32); Mehring, Franz, *Geschichte der deutschen Sozialdemokratie*, 4 vols. (12th ed. Berlin 1922); Lipinski, Richard, *Die Sozialdemokratie von ihren Anfängen biz zur Gegenwart*, 2 vols. (Berlin 1927); *Die Parteien: Urkunden und Bibliographie der Parteienkunde*, ed. by Richard Schmidt and Adolf Grabowsky, Zeitschrift für Politik, Beihefte, vol. 1, pts. 1–3 (Berlin 1912–13).

FOR SWITZERLAND: Zurlinden, S., "Politische Parteien" in Reichesberg, N., *Handwörterbuch der schweizerischen Volkswirtschaft, Sozialpolitik und Verwaltung*, 3 vols. (Berne 1903–11) vol. iii, pt. i, p. 254–94; Switzerland, Eidgenössisches Statistisches Amt, "Statistik der Nationalratswahlen 1919, 1922, 1925 und 1928" in *Schweizerische statistische Mitteilungen* (in French and German), vol. xi (1929) no. 1; Fueter, Eduard, *Die Schweiz seit 1848* (Zurich 1928) p. 23–31, 181–88, 232–41; Brooks, R. C., *Civic Training in Switzerland* (Chicago 1930) ch. iii; Gosnell, H. F., *Why Europe Votes* (Chicago 1930) ch. v; Schenker, Ernst, *Die sozialdemokratische Bewegung in der Schweiz von ihren Anfängen bis zur Gegenwart* (Appenzell 1926).

FOR THE NETHERLANDS: Blok, P. J., *Geschiedenis van het nederlandsch volk*, 8 vols. (Groningen 1892–1908), tr. by O. A. Bierstadt and R. Putnam, 5 vols. (New York 1898–1912) vol. v; Hoffman, A. C. A., and others, *Onze politieke partijen* (2nd ed. Baarn 1918); Beaufort, J. A. A. H., *Vijftig jaren uit onze geschiedenis, 1868–1918* (Amsterdam 1928); Huart, F. J. A., "Die Entwicklung des öffentlichen Rechts in den Niederlanden seit 1922" in *Jahrbuch des öffentlichen Rechts*, vol. xviii (1930) 274–323; Verschave, Paul, *La Hollande politique* (Paris 1909) pt. i.

FOR SCANDINAVIAN STATES AND FINLAND: SWEDEN: Herlitz, Nils, *Grunddragen av det svenska statsskickets historia* (Outlines of Sweden's political history) (Stockholm 1928); Thörnberg, E. H., *Samhällsklasser och politiska partier i Sverige* (Social classes and political parties in Sweden) (Stockholm 1917); Hallendorff, C., and Schück, A., *History of Sweden* (Stockholm 1929) p. 387–404; Janson, F. E., "Minority Governments in Sweden" in *American Political Science Review*, vol. xxii (1928) 407–13; Magnusson, G., *Socialdemokratien i Sverige* (Social democratic movement in Sweden), 3 vols. (Stockholm 1920–24); Rönblom, Hans-Krister, *Frisinnade landsföreningen 1902–1927* (National liberal union 1902–1927) (Stockholm 1929). NORWAY: Knaplund, P., "Norwegian Elections of 1927 and the Labor Government," and Arneson, B. A., "Norway Moves toward the Right" in *American Political Science Review*, vol. xxii (1928) 413–16, and vol. xxv (1931) 152–57. DENMARK: Christensen, Jörgen V., *Venstres historie i korteste traek* (Brief history of the left) (2nd ed. Ringsted 1924); *Det radikale venstre 1905–1930* (The radical left, 1905–1930) (Copenhagen 1930); Schovelin, Julius, "Blade af Höjres Historie" (Pages from the history of the right) in *Det nye Danmark*, vol. iv (1931) no. 10; Moritzen, J., "The New Danish Government" in *Nation*, vol. cxxiv (1927) 126. FINLAND: *Finland, land, folk, rike*, 3 vols. (Helsingfors 1924–25), abridged translation, 1 vol. (Helsingfors 1926) pt. ii; Öhquist, Johannes, *Finnland* (2nd ed. Berlin 1928) p. 128–34.

FOR BALTIC STATES: Demorgny, Georges, *Les partis politiques et la révolution russe* (Paris 1919); Zalevski, K., "Natsionalniya partii v Rossii" in *Obshchestvennoe dvizhenie v Rossii v nachale XX-go veka* (Social development in Russia at the beginning of the twentieth century), vol. iii (St. Petersburg 1914) p. 227–344; Rolnik, H., *Die baltischen Staaten Litauen, Lettland und Estland und ihr Verfassungsrecht*, University of Leipsic, Institut für politische Auslandskunde, Abhandlungen, vol. ii (Leipsic 1927); Graham, Malbone W., *New Governments of Eastern Europe* (New York 1927). POLAND: Smogorzewski, Kazimierz, *La Pologne restaurée* (Paris 1927) ch. viii; "Political Parties in Poland" in Polish Handbook, 1925, ed. by F. B. Czarnomski (London 1925) p. 34–42; Styra, R., *Das polnische Parteiwesen und seine Presse*, Historische Gesellschaft für Posen, Schriftenreihe Polen, no. 2 (Poznań 1926); "Die politischen Parteien" in *Jahrbuch für Polen 1929–30* (Warsaw 1930) p. 74–83; Smogorzewski, K., *Le jeu complexe des partis en Pologne* (Paris 1928). LITHUANIA AND LATVIA: *Lithuania, 1928*, ed. by Ernest John Harrison (London 1928); Bihlmans, A., *Latvia in the Making, 1918–1928* (Riga 1928) p. 27–36; Salts, A., *Die politischen Parteien Lettlands* (Riga 1926). ESTONIA: Villecourt, L., *L'Esthonie* (Paris 1932); "Political Parties" in *Estonian Year-book, 1929*, ed. by Albert Pullerits (Tallinn 1929) p. 31–35.

FOR SUCCESSION STATES: GENERAL: Crane, John O., *The Little Entente* (New York 1931). AUSTRIA: Strele, Kurt, *Rechtstaat und Demokratie im neuen Österreich*, Innsbruck Universität, Institut für Sozialforschung in den Alpenländern, Schriften, no. viii (Innsbruck 1931) p. 6–41; Hugelmann, K. G., "Die politischen Parteien und die Anschlussfrage" in *Die Anschlussfrage in ihrer kulturellen, politischen und wirtschaftlichen Bedeutung*, ed. by F. F. G. Kleinwaechter and H. von Paller (Vienna 1930) ch. viii; Seipel, I., "Christlichsoziale Partei in Österreich" in *Staatslexikon*, ed. by Hermann Sacher, vol. i (5th ed. Freiburg i. Br. 1926) cols. 1270–73; Goldberg, Benjamin Zion, "Austria Resists Nazi Imperialism" in *Current History*, vol. xxxviii (1933) 541–46. CZECHOSLOVAKIA: Darras, M., "Les partis en Tchécoslovaquie" in *Monde slave*, vol. ii (1925) 294–308; Zaděra, V., *Politické strany v národním shromáždění* (Political parties in the national Parliament) (Prague 1930); Mertl, Jan, "Das politische Parteiwesen in der Tschechoslowakei" in *Zeitschrift für Politik*, vol. xx (1930) 502–19; Čapek, Emanuel, "The Background of Political Parties in Czechoslovakia" in *Slavonic Review*, vol. x (1931) 90–104; Chmelař, Josef, *Political Parties in Czechoslovakia* (Prague 1926). HUNGARY: Pernot, M., "La politique et les partis en Hongrie" in *Europe nouvelle*, vol. xvi (1933) 675–77; Scheu, Friedrich, "How They Win Elections in Hungary" in *Nation*, vol. cxxxiii (1931) 167–68. JUGOSLAVIA: Beard, C. A., and Radin, G., *The Balkan Pivot: Yugoslavia*

(New York 1929) ch. vi; "The Government's Programme" in *Near East and India*, vol. xli (1932) 702–03; Živanović, Ž., "Političke stranke u Srbiji" in his *Politička istorija Srbije*, 4 vols. (Belgrade 1923–25) vol. i, p. 21–31. RUMANIA; Roucek, J. S., *Contemporary Roumania and Her Problems* (Stanford University 1932) chs. vi–vii; Manoliou, F. E., *La reconstruction économique et financière de la Roumanie et les partis politiques* (Paris 1931) pt. ii; Hoffmann, Walter, *Südost-Europa* (Leipsic 1932) p. 32–38.

FOR BALKAN STATES: GENERAL: Evelpidi, C., *Les états balkaniques* (Paris 1930). GREECE: Miller, W., *Greece* (London 1928); Polyzoides, A. T., "Greece's Experiment with Proportional Representation," and "Greece Abandons Proportional Representation" in *American Political Science Review*, vol. xxi (1927) 123–27, vol. xxiii (1929) 459–61; Djinas, A. C., *L'organisation politique de la Grèce d'après la constitution républicaine* (Paris 1927). BULGARIA: Khristov, Teodor, *Das heutige Bulgarien* (Berlin 1930) p. 51–74; *Slavonic Nations of Yesterday and Today*, ed. by M. S. Stanoyevich (New York 1925) p. 404–11; Gabe, P., *Narodnata partiya* (Sofia 1921); Sertoli, M., "I partiti politici in Bulgaria" in *Nuova antologia*, vol. cclxxvi (1931) 522–27. ALBANIA: Rathjens, Karl, "Die Politik Albaniens seit dem zweiten Balkankrieg" in *Zeitschrift für Politik*, vol. xiv (1925) 158–69.

FOR SPAIN AND PORTUGAL: Azcarate, G. de, "Les partis politiques in Espagne," tr. by F. Lepelletier in *Revue de droit public et de la science politique*, vol. v (1896) 1–22; Costa y Martinez, J., *Oligarquía y caciquismo como la forma actual de govierno en España* (Madrid 1901); Deakin, F. B., *Spain To-day* (London 1924) chs. iv, viii; Madariaga, Salvador de, *Spain* (London 1930); Maura Gamazo, Gabriel, *Historia crítica del reinado de Don Alfonso XIII*, 2 vols. (Barcelona 1919–25); Altamira y Crevea, R., *Ideario político* (Valencia 1921); Maura y Montaner, A., *Treinta y cinco años de vida pública*, 2 vols. (Madrid 1917); Albornoz, A. de, *El partido republicano* (Madrid 1918); Marvaud, Angel, *La question sociale en Espagne* (Paris 1910); Morato, J. J., *El partido socialista obrero* (Madrid 1918); Araquistain, Luis, *Il ocaso de un régimen* (Madrid 1930); Garcitoral, Alicio, *España en pie* (Madrid 1931); Marvaud, A., "La seconde république espagnole" in *Revue des sciences politiques*, vol. liv (1931) 492–521; Korsch, K., "Die spanische Revolution" in *Neue Rundschau*, vol. xlii, pt. ii (1931) 289–302; Gamillscheg, E., "Vom heutigen Spanien" in *Neuphilologische Monatsschrift*, vol. iii (1932) 209–27; Solà Cañizares, F. de, *El moviment revolucionari a Catalunya* (Barcelona 1932); Aiguader y Miró, J., *Catalunya i la revolució* (Barcelona 1931); *El año político*, ed. by Fernando Soldevilla y Ruiz (Madrid 1895); Almeida, Fortunato de, *História de Portugal*, 6 vols. (Coimbra 1922–29) vol.v; Young, George, *Portugal Old and Young* (Oxford 1917); Marvaud, A., *Le Portugal et ses colonies* (Paris 1912); Figueiredo, Fidelino de, *O pensamento politico do exercito* (Lisbon 1926); Benitez, Cristobal, *Los horizontes de la política* (Caracas 1925).

FOR LATIN AMERICA: GENERAL: Jane, Cecil, *Liberty and Despotism in Spanish America* (Oxford 1929); Carranca y Trujillo, Raúl, *La evolución política de Iberoamérica* (Madrid 1925) ch. v; James, H. G., and Martin, P. A., *The Republics of Latin America* (New York 1923); Robertson, W. S., *History of the Latin-American Nations* (rev. ed. New York 1932); Colmo, Alfredo, "Politica negativa que reclaman nuestros paises" in his *Política cultural en las paises latinoamericanos* (Buenos Aires 1925) ch. vii; Norton, Henry K., *The Coming of South America* (New York 1932) ch. iii. ARGENTINA: Ayarragaray, L., *La anarquía argentina y el caudillismo* (Buenos Aires 1904); Dominguez, C. V., "Veinte años de gran alcance en la vida política argentina" in *Nosotros*, vol. lvii (1927) 451–61; Weil, F., "Die Arbeiterbewegung in Argentinien" in *Archiv für die Geschichte des Sozialismus und der Arbeiterbewegung*, vol. xi (1925) 1–51; Orione, F., "Los partidos políticos en teoría y en la práctica argentina" in *Revista argentina de ciencias políticas*, vol. viii (1914) 70–88; Colmo, A., *La revolución en la América latina* (Buenos Aires 1933). BRAZIL: Oliveira Vianna, F. J., "O problema dos partidos" in his *Problemas de política objectiva* (São Paulo 1930) p. 103–45; Mello Franco, V. A. de, *Outubro, 1930* (4th ed. Rio de Janeiro 1931). CHILE: Subercaseaux, G., *Estudios políticos de actualidad* (Santiago, Chile 1914); Reinsch, P. S., "Parliamentary Government in Chile" in *American Political Science Review*, vol. iii (1908–09) 507–38; Haring, C. H., "Chilean Politics, 1920–1928" in *Hispanic American Historical Review*, vol. xi (1931) 1–26. URUGUAY: Melian Lafinur, Luis, *La acción funesta de los partidos tradicionales en la reforma constitucional* (Montevideo 1918). PERU: Stuart, G. H., *The Governmental System of Peru*, Carnegie Institution, Publication, no. 370 (Washington 1925) ch. viii; Haya de la Torre, V. R., *Por la emancipación de América latina* (Buenos Aires 1927). COLOMBIA: Colombia, Liberal Party, *Los partidos políticos en Colombia* (Bogotá 1922); Rippy, J. F., "Colombia's New Regime" in *Current History*, vol. xxxiii (1930–31) 82–87. VENEZUELA: Gil Fortoul, José, *Historia constitucional de Venezuela*, 3 vols. (2nd ed. Caracas 1930). MEXICO: Jones, C. L., *Mexico and Its Reconstruction* (New York 1922); Callcott, Wilfrid H., *Church and State in Mexico, 1822–1857* (Durham, N. C. 1926), and *Liberalism in Mexico, 1857–1929* (Stanford University 1931). CENTRAL AMERICA: Munro, D. G., *The Five Republics of Central America* (New York 1918). CUBA: Chapman, C. E., *History of the Cuban Republic* (New York 1927).

FOR JAPAN: Yoshino, Sakuzo, "Politics in Japan" in Nitobé, I. O., and others, *Western Influences in Modern Japan* (Chicago 1931) p. 256–70; Nitobé, Inazo O., *Japan* (London 1931) ch. iv; Kitazawa, Naokichi, *The Government of Japan*, ed. by W. S. Myers (Princeton 1929) ch. xi; Quigley, H. S., *Japanese Government and Politics* (New York 1932) p. 201–51, 411–25; Satoh, Henry, *The Evolution of Political Parties in Japan* (Tokyo 1914); Lay, A. H., "A Brief Sketch of the History of Political Parties in Japan" in Asiatic Society of Japan, *Transactions*, vol. xxx (1902) 363–462; Colegrove, K. W., "Labor Parties in Japan" in *American Political Science Review*, vol. xxiii (1929) 329–63; Anstice, E. H., "Japan's Labour Parties" in *Japan Chronicle: Weekly Edition* (November 24, 1932) p. 712–13; Yoshino, Sakuzo, "Fascism in Japan" in *Contemporary Japan*, vol. i (1932–33) 185–97.

Encyclopaedia of the SOCIAL SCIENCES

Encyclopaedia of the SOCIAL SCIENCES

EDITOR-IN-CHIEF

EDWIN R. A. SELIGMAN

ASSOCIATE EDITOR

ALVIN JOHNSON

VOLUME TWELVE

PARTNERSHIP-PUNISHMENT

THE MACMILLAN COMPANY
MCMLIX NEW YORK

COPYRIGHT, 1934, BY THE MACMILLAN COMPANY
All rights reserved—no part of this book may be reproduced in any form
without permission in writing from the publisher except
by reviewers who wish to quote brief passages in
connection with a review written for
inclusion in magazines or
newspapers
Published February, 1934
Reprinted April, 1935

Reissued (Volumes XI and XII combined), November, 1937.

Thirteenth Printing 1959

THE MACMILLAN COMPANY
NEW YORK • CHICAGO
DALLAS • ATLANTA • SAN FRANCISCO
LONDON • MANILA
IN CANADA
BRETT-MACMILLAN LTD.
GALT, ONTARIO

: Printed in the United States of America :

EDITORIAL STAFF

EDITOR-IN-CHIEF

EDWIN R. A. SELIGMAN

McVickar Professor Emeritus of Political Economy in Residence, Columbia University; LL.B., Ph.D. and LL.D.; Hon. D., University of Paris and Heidelberg University; Corresponding Member of the Institut de France; Member of the Accademia dei Lincei, of the Russian Academy of Science, of the Norwegian Academy of Science, of the Cuban Academy of Political and Social Science and of the Accademia delle Scienze Morali e Politiche; Laureat of the Belgian Academy of Science; Foreign Correspondent of the Royal Economic Society; Ex-President of the American Economic Association, of the National Tax Association and of the American Association of University Professors

ASSOCIATE EDITOR

ALVIN JOHNSON, PH. D.

Director of the New School for Social Research

ASSISTANT EDITORS

LEWIS COREY
BENJAMIN GINZBURG
ELSIE GLÜCK
LOUIS M. HACKER
SOLOMON KUZNETS
MAX LERNER
IDA CRAVEN MERRIAM
GLADYS MEYERAND
EDWIN MIMS, JR.
FLORENCE MISHNUN
KOPPEL S. PINSON
NATHAN REICH
WILLIAM SEAGLE
JOSEPH J. SENTURIA
BERNHARD J. STERN
HELEN SULLIVAN

Advisory Editors

American

Anthropology

A. L. Kroeber

Economics

Edwin F. Gay
Jacob H. Hollander
E. G. Nourse

Education

Paul Monroe

History

Sidney B. Fay
A. M. Schlesinger

Law

Roscoe Pound

Philosophy

John Dewey

Political Science

Charles A. Beard
Frank J. Goodnow

Psychology

Floyd H. Allport

Social Work

Porter R. Lee

Sociology

William F. Ogburn
W. I. Thomas

Statistics

Irving Fisher
Walter F. Willcox

Foreign

England

Ernest Barker
J. M. Keynes
Sir Josiah Stamp
R. H. Tawney

France

Charles Rist
F. Simiand

Germany

Carl Brinkmann
H. Schumacher

Italy

Luigi Einaudi
Augusto Graziani

Switzerland

W. E. Rappard

CONSTITUENT SOCIETIES

AND

JOINT COMMITTEE

AMERICAN ANTHROPOLOGICAL ASSOCIATION
ROBERT H. LOWIE AND CLARK WISSLER

AMERICAN ASSOCIATION OF SOCIAL WORKERS
PHILIP KLEIN AND STUART A. QUEEN

AMERICAN ECONOMIC ASSOCIATION
CLIVE DAY AND FRANK A. FETTER

AMERICAN HISTORICAL ASSOCIATION
CARL BECKER AND CLARENCE H. HARING

AMERICAN POLITICAL SCIENCE ASSOCIATION
WILLIAM B. MUNRO AND JOHN H. LOGAN

AMERICAN PSYCHOLOGICAL ASSOCIATION
GEORGINA S. GATES AND MARK A. MAY

AMERICAN SOCIOLOGICAL SOCIETY
HARRY E. BARNES AND KIMBALL YOUNG

AMERICAN STATISTICAL ASSOCIATION
R. H. COATS AND ROBERT M. WOODBURY

ASSOCIATION OF AMERICAN LAW SCHOOLS
EDWIN W. PATTERSON AND EDWIN D. DICKINSON

NATIONAL EDUCATION ASSOCIATION
E. L. THORNDIKE AND J. A. C. CHANDLER

Board of Directors

Academic

Franz Boas
Walter Wheeler Cook
John Dewey
John A. Fairlie
Carlton J. H. Hayes
Jacob H. Hollander
Alvin Johnson
Wesley C. Mitchell
John K. Norton
Edwin R. A. Seligman
Mary van Kleeck
Margaret Floy Washburn
Howard B. Woolston

Lay

James Couzens
Thomas W. Lamont
John J. Raskob
Robert E. Simon
Jesse I. Straus
Silas H. Strawn
Owen D. Young

CONTRIBUTORS TO VOLUME TWELVE

Albion, Robert G.
Princeton University
Allix, Edgard
University of Paris
Altavilla, Enrico
University of Naples
Angell, Norman
London

Baldwin, Roger N.
New York City
Barker, Ernest
University of Cambridge
Bauer, John
New York City
Bauer, Wilhelm
University of Vienna
Beardwood, Alice
Philadelphia
Becker, Carl
Cornell University
*Belasco, Philip S.
Institute of Political Studies, Leicester
Berglund, Abraham
University of Virginia
Berl, Emmanuel
Paris
Bertholet, Alfred
University of Berlin
Bonn, Moritz Julius
London School of Economics and Political Science
Bordewijk, H. W. C.
University of Groningen
Borgese, G. Ant.
Smith College
Botsford, Jay Barrett
Brown University
Bouglé, C.
University of Paris
Brailsford, H. N.
London
Brandt, Walther I.
College of the City of New York
Bréhier, Louis
University of Clermont-Ferrand
Briefs, G.
Technische Hochschule, Berlin
Brinkmann, Carl
University of Heidelberg
Brunschvicg, Léon
University of Paris
Budge, Siegfried
University of Frankfort
Bühler, Charlotte
University of Vienna
Burns, Arthur Robert
Columbia University
Butler, Pierce
University of Chicago
Buxton, L. H. Dudley
University of Oxford

Cabral de Moncada, Luis
University of Coimbra
Carr-Saunders, A. M.
University of Liverpool
Cassau, Theodor
Berlin
Childe, V. Gordon
University of Edinburgh
Clarkson, Jesse Dunsmore
Brooklyn College
Coker, Francis W.
Yale University
Cole, G. D. H.
University of Oxford
Coleman, McAlister
New York City
Collin, Fernand
University of Louvain
Colm, Gerhard
New School for Social Research
Commager, Henry Steele
New York University
Commons, John R.
University of Wisconsin
Cooper, Lyle W.
Marquette University, Milwaukee

Daszyńska Golińska, Zofja
Free University of Warsaw

Davis, Horace B.
New York City
Dession, George H.
Yale University
Dewey, John
Columbia University
Diehl, Charles
University of Paris
Dietze, C. von
University of Jena
Dilliard, Irving
St. Louis, Missouri
Duffus, R. L.
New York City
Dunoyer, L.-H.
Paris
Durfee, Edgar N.
University of Michigan

Einaudi, Luigi
University of Turin
Epstein, F.
Oberursel, Germany

Faulkner, Harold U.
Smith College
Feller, A. H.
Harvard University
Figueiredo, Fidelino de
Academy of Sciences, Lisbon
Forbes, Russell
New York University
Ford, Grace
Southampton, England
Forest, Ilse
Bryn Mawr College
Fréchet, Maurice
University of Paris
Friedrich, Carl Joachim
Harvard University

Galdames, Luis
University of Chile
Gayer, Arthur D.
Columbia University
Gettell, R. G.
University of California
Gillespie, Frances E.
University of Chicago
Ginzburg, Benjamin
New York City
Glover, T. R.
University of Cambridge
Goetz, Walter
University of Leipsic
Goldschmidt, James
University of Berlin
Gosnell, Harold F.
University of Chicago
Goyau, Georges
Académie Française
Graham, Malbone W.
University of California at Los Angeles
Graziani, Augusto
University of Naples
Gruening, Ernest
New York City
Gurvitch, Georges
Paris

Hall, Walter Phelps
Princeton University
Halphen, Louis
École des Hautes Études, Paris
Hamilton, Walton H.
Yale University
Hancock, W. K.
University of Adelaide
Hart, Richard H.
Baltimore
Hayek, Friedrich A.
University of London
Heaton, Herbert
University of Minnesota
Heckscher, Eli F.
University of Stockholm and *Superior School of Commerce, Stockholm*
Heichelheim, Fritz
Cambridge, England
*Heller, Hermann
University of Madrid
Hemmeon, J. C.
McGill University
Hentig, Hans von
University of Kiel
Heuss, Theodor
Deutsche Hochschule für Politik, Berlin
Hill, Patty S.
Columbia University
Hormell, Orren C.
Bowdoin College
Howard, Pendleton
University of Idaho
Hudson, Manley O.
Harvard University
Husik, Isaac
University of Pennsylvania

Isaacs, Nathan
Harvard University

Jastrow, Joseph
New School for Social Research
Jessup, Philip C.
Columbia University
Jèze, Gaston
University of Paris

Kallen, Horace M.
New School for Social Research
Kantorowicz, Hermann
New School for Social Research
Keezer, Dexter Merriam
Baltimore
Kirby, Ethyn Williams
Providence
Knight, Frank H.
University of Chicago
Knight, Melvin M.
University of California
Kohn, Hans
Jerusalem
Koyré, A.
École Pratique des Hautes Études, Paris
Kuczynski, R. R.
Berlin
Kuznets, Solomon
Encyclopaedia of the Social Sciences

Ladas, Stephen P.
New York City
Lasswell, Harold D.
University of Chicago
Lehmann, Heinrich
University of Cologne
Lerner, Max
Sarah Lawrence College, Bronxville, New York
Leroy, Maxime
Paris
Levy, Ernst
University of Heidelberg
Lindeman, E. C.
New York School of Social Work
Locklin, D. Philip
University of Illinois
Louis, Paul
Paris

McBride, George McCutchen
University of California at Los Angeles
MacElwee, Roy S.
Cambridge, Massachusetts
MacIver, R. M.
Columbia University
McKeon, Richard
Columbia University
Macmahon, Arthur W.
Columbia University
Maguire, John MacArthur
Harvard University
May, Geoffrey
Johns Hopkins University
Merriam, Ida Craven
Encyclopaedia of the Social Sciences
Meusel, Alfred
Technische Hochschule, Aachen
Miliukov, Paul
Paris
Millar, Robert W.
Northwestern University
Mills, Frederick C.
Columbia University
Mises, R. von
University of Berlin
Mondolfo, Rodolfo
University of Bologna

Nash, Jay B.
New York University
Nevins, Allan
Columbia University
Niboyet, J. P.
University of Paris
Niebuhr, H. Richard
Yale University
Nock, Arthur Darby
Harvard University

Oertel, Friedrich
University of Bonn
Overacker, Louise
Wellesley College

Patterson, Ernest Minor
University of Pennsylvania
Perreau, E.-H.
University of Toulouse
*Phillips, Ulrich B.
Yale University
Pietra, Gaetano
University of Padua
Pipkin, Charles W.
Louisiana State University
Pollaczek-Geiringer, H.
University of Berlin

Potresoff, A.
Paris
Powell, Richard R.
Columbia University
Power, Eileen
London School of Economics and Political Science
Procopovicz, S.
Prague

Quigley, Hugh
Central Electricity Board, England

Radin, Max
University of California
Reale, Egidio
Geneva
Rees, J. F.
University College of South Wales and Monmouthshire
Reich, Nathan
Encyclopaedia of the Social Sciences
Reisner, Edward H.
Columbia University
Riaza, Román
University of Madrid
Rice, Emmett A.
Normal College of the American Gymnastic Union, Indianapolis
Richards, R. D.
Cambridge, England
Robbins, Lionel
London School of Economics and Political Science
Robinson, Edward S.
Yale University
Robinson, Howard
Miami University, Oxford, Ohio
Robinson, Louis N.
Swarthmore, Pennsylvania
Rodee, Carlton C.
Yale University
Rogers, Lindsay
Columbia University
Rosmarin, Trude W.
New York City
Rubinow, I. M.
Cincinnati
Ruggiero, Guido de
Regio Istituto Superiore di Magistero, Rome
Ruyssen, Th.
University of Bordeaux

Sapir, Edward
Yale University
Saposs, David J.
Brookwood Labor College
Sauer, Carl
University of California
Schapiro, Meyer
Columbia University
Schnabel, Franz
Technische Hochschule, Karlsruhe
Seligman, Edwin R. A.
Columbia University
Sellin, Thorsten
University of Pennsylvania and *Bureau of Social Hygiene, New York City*
Senturia, Joseph J.
Encyclopaedia of the Social Sciences
Sharp, Walter R.
University of Wisconsin
Shoup, Carl
Columbia University
Silva, Pietro
Regio Istituto Superiore di Magistero, Rome
Silvermaster, Nathan G.
University of California
Smellie, K.
London School of Economics and Political Science
Smith, Bruce
Institute of Public Administration, New York City
Sommer, Louise
University of Geneva
Spranger, Eduard
University of Berlin
Stern, Bernhard J.
Encyclopaedia of the Social Sciences
Stocking, George Ward
University of Texas
Strieder, Jakob
University of Munich
Studenski, Paul
New York University
Sullivan, Harry Stack
New York City

Taeusch, C. F.
Harvard University
Taylor, George R.
Amherst College
Taylor, W. S.
Smith College

Tead, Ordway
Columbia University
Theis, Sophie van S.
New York City
Thomson, J. A. K.
University of London
Thorp, Willard L.
Amherst College
Till, Irene
National Board, Y.W.C.A.
Townsend, Mary E.
Columbia University
Trimble, E. G.
University of Kentucky
Trimborn, Hermann
University of Bonn

Vambéry, Rusztem
Budapest
Veatch, Roy
Washington, D. C.
Völker, Karl
University of Vienna

Walz, Gustav Adolf
University of Marburg
Wambaugh, Sarah
Cambridge, Massachusetts
Waples, Douglas
University of Chicago
Warburton, Clark
Brookings Institution, Washington, D. C.
Ware, Norman J.
Wesleyan University
Warne, Colston E.
Amherst College
Watkins, Frederick Mundell
Harvard University
Watkins, Myron W.
New York University
Wehberg, Hans
Institut Universitaire des Hautes Études Internationales, Geneva
Wendel, Hermann
Neuilly-sur-Seine
Wilson, P. A.
University of Liverpool
Winslow, C.-E. A.
Yale University
Wissler, Clark
Museum of Natural History, New York City
Wolfe, A. B.
Ohio State University

* Deceased.

CONTENTS

Contributors to Volume Twelve ix

Articles

PARTNERSHIP	*Arthur Robert Burns*
PARUTA, PAOLO	*Rodolfo Mondolfo*
PASCAL, BLAISE	*Léon Brunschvicg*
PASCOLI, LEONE	*Augusto Graziani*
PAŠIĆ, NIKOLA	*Hermann Wendel*
PASSIVE RESISTANCE AND NON-COOPERATION	*H. N. Brailsford*
PASSPORT	*Egidio Reale*
PASSY, FRÉDÉRIC	*Th. Ruyssen*
PASTEUR, LOUIS	*Benjamin Ginzburg*
PASTOR, FREIHERR LUDWIG VON	*Walter Goetz*
PATENTS	*Stephen P. Ladas*
PATERNALISM	*See* PUBLIC WELFARE; SOCIAL INSURANCE; WELFARE WORK, INDUSTRIAL
PATERSON, EMMA	*Grace Ford*
PATERSON, WILLIAM	*R. D. Richards*
PATRIOTIC SOCIETIES	*See* PATRIOTISM
PATRIOTISM	*Francis W. Coker*
PATRONAGE	*See* LITERATURE
PATRONAGE, POLITICAL	*See* SPOILS SYSTEM
PATTEN, SIMON NELSON	*Ernest Minor Patterson*
PAUL IV	*Georges Goyau*
PAULSEN, FRIEDRICH	*Eduard Spranger*
PAULUS, JULIUS	*Ernst Levy*
PAUPERISM	*See* POOR LAWS
PAVLOV-SILVANSKY, NIKOLAY PAVLOVICH	*Solomon Kuznets*
PAWNBROKING	*Solomon Kuznets*
PEABODY, ELIZABETH PALMER	*Patty S. Hill*
PEACE CONFERENCES	*See* TREATIES; WAR; WORLD WAR
PEACE MOVEMENTS	*Norman Angell*
PEARSON, CHARLES HENRY	*Ernest Barker*
PEASANTRY	*C. von Dietze*
PECQUEUR, CONSTANTIN	*Maxime Leroy*
PEDRO I and PEDRO II	*Fidelino de Figueiredo*
PEEL, SIR ROBERT	*Walter Phelps Hall*
PEERS, HOUSE OF	*See* LEGISLATIVE ASSEMBLIES
PÉGUY, CHARLES	*Emmanuel Berl*
PELAGIĆ, VASA	*Hermann Wendel*
PELLOUTIER, FERNAND-LÉONCE-ÉMILE	*Paul Louis*
PENAL COLONIES	*See* PENAL INSTITUTIONS; TRANSPORTATION OF CRIMINALS
PENAL INSTITUTIONS	*Thorsten Sellin*

PENAL TRANSPORTATION	*See* TRANSPORTATION OF CRIMINALS
PENN, WILLIAM	*Philip S. Belasco*
PENSIONS	*Paul Studenski*
PEONAGE	*George McCutchen McBride*
PEOPLE'S PARTIES	*See* PARTIES, POLITICAL, sections on separate countries
PEOPLE'S UNIVERSITIES	*See* UNIVERSITIES AND COLLEGES; WORKERS' EDUCATION
PÉREIRE, JACOB-ÉMILE	*Edgard Allix*
PÉRIN, HENRY XAVIER CHARLES	*Georges Goyau*
PERJURY	*George H. Dession*
PERMANENT COURT OF ARBITRATION	*Manley O. Hudson*
PERMANENT COURT OF INTERNATIONAL JUSTICE	*Manley O. Hudson*
PERPETUITIES	*Richard R. Powell*
PERSECUTION	*Horace M. Kallen*
PERSONAL LOANS	*See* LOANS, PERSONAL
PERSONALITY	*Edward Sapir*
PERSONNEL ADMINISTRATION	*Ordway Tead*
PERSONNEL MANAGEMENT	*See* PERSONNEL ADMINISTRATION
PERTZ, GEORG HEINRICH	*Franz Schnabel*
PESCH, HEINRICH	*G. Briefs*
PESCHEL, OSKAR	*Carl Sauer*
PESHEKHONOV, ALEXEY VASILYEVICH	*S. Procopovicz*
PESSIMISM	*See* PROGRESS
PESSINA, ENRICO	*Enrico Altavilla*
PESTALOZZI, JOHANN HEINRICH	*Edward H. Reisner*
PESTEL, PAVEL IVANOVICH	*Paul Miliukov*
PETER I	*Paul Miliukov*
PETER OF ANDLO	*See* ANDLO, PETER OF
PETER LOMBARD	*Richard McKeon*
PETERS, CARL	*Mary E. Townsend*
PETITION, RIGHT OF	*K. Smellie*
PETRARCH, FRANCESCO	*Guido de Ruggiero*
PETRAZHITSKY, LEV IOSIFOVICH	*Georges Gurvitch*
PETROLEUM	*See* OIL INDUSTRY
PETTY, SIR WILLIAM	*J. F. Rees*
PEUTINGER, KONRAD	*Jakob Strieder*
PFEIFFER, EDUARD VON	*Theodor Cassau*
PFEIFFER, JOHANN FRIEDRICH VON	*Louise Sommer*
PHARMACY	*See* MEDICAL MATERIALS INDUSTRY
PHILANTHROPY	*See* CHARITY
PHILIP II	*Walter Goetz*
PHILIP IV	*Walther I. Brandt*
PHILIP AUGUSTUS	*Louis Halphen*
PHILIPPINE PROBLEM	*Roy Veatch*
PHILIPPOVICH VON PHILIPPSBERG, EUGEN	*Friedrich A. Hayek*
PHILIPPSON, LUDWIG	*Trude W. Rosmarin*
PHILLIP, ARTHUR	*W. K. Hancock*
PHILLIPS, WENDELL	*McAlister Coleman*
PHILO JUDAEUS	*Isaac Husik*
PHILOSOPHY	*John Dewey*
PHOTIUS	*Louis Bréhier*

PHYSICAL EDUCATION — *Emmett A. Rice*
PHYSIOCRATS — *See* ECONOMICS, section on PHYSIOCRATS

PI Y MARGALL, FRANCISCO — *Román Riaza*
PICAVEA, RICARDO MACÍAS — *See* MACÍAS PICAVEA, RICARDO
PICKETING — *See* STRIKES AND LOCKOUTS
PIERSON, NICOLAAS GERARD — *H. W. C. Bordewijk*
PIETISTS — *See* SECTS
PILLET, ANTOINE — *J. P. Niboyet*
PINEL, PHILIPPE — *W. S. Taylor*
PINHEIRO FERREIRA, SILVESTRE — *Luis Cabral de Moncada*
PINSKER, JEHUDA LOEB — *Hans Kohn*
PIRACY — *Jay Barrett Botsford*
PIRRIE, VISCOUNT WILLIAM JAMES — *Abraham Berglund*
PISAN, CHRISTINE DE — *Eileen Power*
PITKIN, TIMOTHY — *Harold U. Faulkner*
PITT, WILLIAM and WILLIAM — *Howard Robinson*
PITT-RIVERS, AUGUSTUS HENRY LANE-FOX — *Clark Wissler*
PIUS II — *R. G. Gettell*
PIUS IX — *Pietro Silva*
PLACE, FRANCIS — *G. D. H. Cole*
PLACENTINUS — *Max Radin*
PLACING OUT — *Sophie van S. Theis*
PLANCK, GOTTLIEB — *Heinrich Lehmann*
PLANCK, GOTTLIEB JAKOB — *Karl Völker*
PLANCK, JOHANN JULIUS WILHELM VON — *James Goldschmidt*
PLANTATION — *George McCutchen McBride*
PLANTATION WARES — *Nathan G. Silvermaster and Melvin M. Knight*

PLATFORM, POLITICAL — *See* CAMPAIGN, POLITICAL
PLATO AND PLATONISM — *Léon Brunschvicg*
PLAY — *Edward S. Robinson*
PLAYGROUNDS — *Jay B. Nash*
PLEBISCITE — *Sarah Wambaugh*
PLEDGE — *Nathan Isaacs*
PLEKHANOV, GEORGY VALENTINOVICH — *A. Potresoff*
PLUNKETT, SIR HORACE CURZON — *Jesse Dunsmore Clarkson*
PLURALISM — *Francis W. Coker*
PLUTARCH — *J. A. K. Thomson*
PLUTOCRACY — *Carl Joachim Friedrich*
POBEDONOSTSEV, KONSTANTIN PETROVICH — *A. Koyré*
POCKET BOROUGHS — *See* ROTTEN BOROUGHS; REPRESENTATION

POGODIN, MIKHAIL PETROVICH — *A. Koyré*
POGROM — *See* MASSACRE
POHLE, LUDWIG — *Siegfried Budge*
PÖHLMANN, ROBERT VON — *Friedrich Oertel*
POISSON, SIMÉON-DENIS — *Maurice Fréchet*
POKROVSKY, MIKHAIL NIKOLAEVICH — *F. Epstein*
POLE FAMILY — *Alice Beardwood*
POLICE — *Bruce Smith*
POLICE COURTS — *See* COURTS; JUSTICE OF THE PEACE; MUNICIPAL COURTS

POLICE POWER — *Walton H. Hamilton* and *Carlton C. Rodee*

POLICING, INDUSTRIAL	*Horace B. Davis*
POLISH CORRIDOR	*Malbone W. Graham*
POLITICAL CLUBS	*See* CLUBS, POLITICAL
POLITICAL ECONOMY	*See* ECONOMICS
POLITICAL MACHINE	*See* MACHINE, POLITICAL
POLITICAL OBEDIENCE	*See* OBEDIENCE, POLITICAL
POLITICAL OFFENDERS	*Max Lerner*
POLITICAL PARTIES	*See* PARTIES, POLITICAL
POLITICAL POLICE	*Roger N. Baldwin*
POLITICAL REFUGEES	*See* REFUGEES
POLITICAL SCIENCE	*Hermann Heller*
POLITICS	*Lindsay Rogers*
POLL TAX	*Carl Shoup*
POLLS	*See* ELECTIONS
POLYBIUS	*T. R. Glover*
POLYTHEISM	*See* RELIGION
POMBAL, MARQUEZ DE	*Fidelino de Figueiredo*
POMERANUS	*See* BUGENHAGEN, JOHANNES
POMEROY, JOHN NORTON	*Edgar N. Durfee*
POOLS	*See* TRUSTS
POOLS, SPECULATIVE	*See* SPECULATION
POOR LAWS	*Charles W. Pipkin*
POOR RELIEF	*See* POOR LAWS; POVERTY
POORHOUSE	*See* ALMSHOUSE
POPŁAWSKI, ANTONI	*Zofja Daszyńska Golińska*
POPOV, KIRIL	*Gaetano Pietra*
POPULAR ASSEMBLIES	*Orren C. Hormell*
POPULAR SOVEREIGNTY	*Ulrich B. Phillips*
POPULATION—HISTORY AND STATISTICS	*R. R. Kuczynski*
THEORY	*A. B. Wolfe*
POPULISM	*See* AGRARIAN MOVEMENTS; RUSSIAN REVOLUTION
PORTALES, DIEGO	*Luis Galdames*
PORTALIS, JEAN ÉTIENNE MARIE	*E.-H. Perreau*
PORTS AND HARBORS	*Roy S. MacElwee*
POSITIVISM	*Guido de Ruggiero*
POSOSHKOV, IVAN TIKHONOVICH	*Paul Miliukov*
POSSESSION	*See* OWNERSHIP AND POSSESSION
POST, ALBERT HERMANN	*Hermann Trimborn*
POST, LOUIS FREELAND	*Irving Dilliard*
POSTAL SAVINGS BANKS	*J. C. Hemmeon*
POSTAL SERVICE	*J. C. Hemmeon*
POST-GLOSSATORS	*See* GLOSSATORS
POTASH	*George Ward Stocking*
POTHIER, ROBERT-JOSEPH	*L.-H. Dunoyer*
POTTER, GEORGE	*Frances E. Gillespie*
POTTERY—PRIMITIVE	*Bernhard J. Stern*
HISTORICAL	*Meyer Schapiro*
POVERTY	*I. M. Rubinow*
POWDERLY, TERENCE VINCENT	*Norman J. Ware*
POWELL, JOHN WESLEY	*Bernhard J. Stern*
POWER, INDUSTRIAL	*Hugh Quigley*
POWER, POLITICAL	*Hermann Heller*
PRAETORIANISM	*Frederick Mundell Watkins*
PRAGMATISM	*Horace M. Kallen*

PRATO, GIUSEPPE — *Luigi Einaudi*
PRECIOUS STONES — *Melvin M. Knight*
PREEMPTION, RIGHT OF — *See* PUBLIC DOMAIN; HOMESTEAD
PREHISTORY — *V. Gordon Childe*
PRENATAL CARE — *See* MATERNITY WELFARE
PREPAREDNESS — *See* NATIONAL DEFENSE
PREROGATIVE — *Carl Joachim Friedrich*
PRESCHOOL EDUCATION — *Ilse Forest*
PRESCOTT, WILLIAM HICKLING — *Henry Steele Commager*
PRESCRIPTION, LEGAL — *See* LIMITATION OF ACTIONS
PRESS — *Dexter Merriam Keezer*
PRESSURES, SOCIAL — *R. M. MacIver*
PREUSS, HUGO — *Theodor Heuss*
PREVENTIVE MEDICINE — *See* MEDICINE; PUBLIC HEALTH
PREYER, WILHELM THIERRY — *Charlotte Bühler*
PRICE — *See* PRICES
PRICE, RICHARD — *Benjamin Ginzburg*
PRICE DISCRIMINATION — *Myron W. Watkins*
PRICE REGULATION — *Moritz Julius Bonn*
PRICE STABILIZATION — *John R. Commons*
PRICES
THEORY
PRICE — *See* VALUE AND PRICE
THE PRICE SYSTEM — *Myron W. Watkins*
PRICE HISTORY — *Willard L. Thorp* and *George R. Taylor*
PRICE STATISTICS — *Frederick C. Mills*
PRICHARD, JAMES COWLES — *L. H. Dudley Buxton*
PRIESTHOOD — *Alfred Bertholet*
PRIESTLEY, JOSEPH — *Benjamin Ginzburg*
PRIMARIES, POLITICAL — *Louise Overacker*
PRIMITIVE ECONOMICS — *See* SOCIAL ORGANIZATION; ORGANIZATION, ECONOMIC
PRIMITIVE LAW — *See* LAW, section on PRIMITIVE LAW
PRIMITIVISM — *G. Ant. Borgese*
PRIMOGENITURE — *Carl Brinkmann*
PRINCE, MORTON — *Joseph Jastrow*
PRINCE-SMITH, JOHN — *Siegfried Budge*
PRINCIPAL AND AGENT — *See* AGENCY
PRINS, ADOLPHE — *Fernand Collin*
PRINTING AND PUBLISHING — *R. L. Duffus*
PRISON DISCIPLINE — *See* PENAL INSTITUTIONS
PRISON LABOR — *Louis N. Robinson*
PRISON REFORM — *See* PENAL INSTITUTIONS
PRISONERS OF WAR — *E. G. Trimble*
PRISONS — *See* PENAL INSTITUTIONS
PRIVATEERING — *Robert G. Albion*
PRIVILEGE, PARLIAMENTARY — *See* IMMUNITY, POLITICAL
PRIZE — *Philip C. Jessup*
PROBABILITY — *R. von Mises* and *H. Pollaczek-Geiringer*
PROBATION AND PAROLE — *Thorsten Sellin*
PROCEDURE, LEGAL — *Robert W. Millar*
PROCEDURE, PARLIAMENTARY — *Joseph J. Senturia*

PRODUCERS' COOPERATION	*David J. Saposs*
PRODUCTION—THEORY	*Lionel Robbins*
STATISTICS	*Gerhard Colm*
PRODUCTION, METHODS OF MEASUREMENT	*See* PRODUCTION, section on STATISTICS
PROFESSIONAL ETHICS	*C. F. Taeusch*
PROFESSIONALISM	*See* PROFESSIONS; PROFESSIONAL ETHICS
PROFESSIONS	*A. M. Carr-Saunders* and *P. A. Wilson*
PROFIT	*Frank H. Knight*
PROFIT SHARING	*Lyle W. Cooper*
PROFITEERING	*Ida Craven Merriam*
PROGRESS	*Carl Becker*
PROGRESSIVE PARTIES	*See* PARTIES, POLITICAL, sections on separate countries
PROHIBITION	*Clark Warburton*
PROHIBITION, WRIT OF	*See* WRITS, LEGAL
PROLETARIANISM	*See* PROLETARIAT
PROLETARIAT	*Alfred Meusel*
PROMOTION	*Myron W. Watkins*
PROPAGANDA	*Harold D. Lasswell*
PROPERTY	*Walton H. Hamilton* and *Irene Till*
PROPERTY TAX	*Edwin R. A. Seligman*
PROPORTIONAL REPRESENTATION	*Harold F. Gosnell*
PROSECUTION	*Pendleton Howard*
PROSELYTISM	*Arthur Darby Nock*
PROSTITUTION	*Geoffrey May*
PROTAGORAS	*See* SOPHISTS
PROTECTION	*Eli F. Heckscher*
PROTECTION, DIPLOMATIC	*See* DIPLOMATIC PROTECTION
PROTECTORATE	*A. H. Feller*
PROTESTANTISM	*H. Richard Niebuhr*
PROUDHON, PIERRE JOSEPH	*C. Bouglé*
PROUTY, CHARLES AZRO	*D. Philip Locklin*
PRYNNE, WILLIAM	*Ethyn Williams Kirby*
PSELLOS, MICHAEL	*Charles Diehl*
PSYCHIATRY	*Harry Stack Sullivan*
PSYCHOANALYSIS	*Horace M. Kallen*
PSYCHOLOGY	*Joseph Jastrow*
PUBLIC ACCOUNTS	*See* ACCOUNTS, PUBLIC
PUBLIC ADMINISTRATION	*See* ADMINISTRATION, PUBLIC
PUBLIC CONTRACTS	*Russell Forbes*
PUBLIC DEBT	*Gaston Jèze*
PUBLIC DEFENDER	*John MacArthur Maguire*
PUBLIC DOMAIN	
GENERAL	*Fritz Heichelheim*
NEW COUNTRIES	*Herbert Heaton*
LATIN AMERICA	*George McCutchen McBride*
PUBLIC EDUCATION	*See* EDUCATION, section on PUBLIC EDUCATION
PUBLIC EMPLOYMENT	*Walter R. Sharp*
PUBLIC EXPENDITURES	*See* EXPENDITURES, PUBLIC
PUBLIC FINANCE	*Edwin R. A Seligman*

PUBLIC HEALTH	*C.-E. A. Winslow*
PUBLIC LANDS	*See* PUBLIC DOMAIN
PUBLIC LAW	*Gustav Adolf Walz*
PUBLIC LIBRARIES	*Pierce Butler, Richard H. Hart* and *Douglas Waples*
PUBLIC MONOPOLIES	*See* MONOPOLIES, PUBLIC
PUBLIC OFFICE	*Arthur W. Macmahon*
PUBLIC OPINION	*Wilhelm Bauer*
PUBLIC REVENUES	*See* REVENUES, PUBLIC
PUBLIC UTILITIES	
GENERAL	*Carl Brinkmann*
UNITED STATES AND CANADA	*John Bauer*
EUROPE	*Carl Brinkmann*
PUBLIC WELFARE	*E. C. Lindeman*
PUBLIC WORKS	*Arthur D. Gayer*
PUBLICITY	*Ernest Gruening*
PUCHTA, GEORG FRIEDRICH	*Hermann Kantorowicz*
PUFENDORF, SAMUEL VON	*Hans Wehberg*
PULITZER, JOSEPH	*Allan Nevins*
PULLMAN, GEORGE MORTIMER	*Colston E. Warne*
PULP AND PAPER INDUSTRY	*Nathan Reich*
PULSZKY, ÁGOST	*Rusztem Vambéry*
PUNISHMENT	*Hans von Hentig*

Encyclopaedia of the SOCIAL SCIENCES

Encyclopaedia of the Social Sciences

PARTNERSHIP. The essence of partnership lies in joint contribution of either labor or property or both for the purpose of economic activity, joint control of such activity and the division of the resulting profits or losses between the contributors. The device is of great antiquity, provision having been made for it among the Babylonians from the time of Hammurabi, among the Babylonian Jews at least as early as the fourth century B.C. and in Roman law; in thirteenth century England there were partnerships regulated by guilds merchant.

Roman law distinguished between associated interests arising from contract (*societas*) and those arising out of testamentary disposition and in other ways (*communitas*): the types of *societas* recognized were communal ownership by a group (probably derived from old tribal custom), partnership "in everything which comes from gain," partnership in a specific business venture, partnership in the acquisition or sale of one or more specific things and partnership in the collection of taxes. The last type had many corporate attributes. The law of partnership in England rested until 1890 on a long series of decisions based upon Roman law, the common law and the Law Merchant; the influence of the Law Merchant being evident in the limitation of the concept of partnership to active cooperation in business and the exclusion of passive ownership in common. The Partnership Act of 1890 (53 & 54 Vict., c. 39) codified a large part of the body of common law, but did not touch upon the mode of administering partnership assets in the event of the death or bankruptcy of a partner or the method of disposing of the goodwill of the partnership, particularly the use of the firm name upon the termination of the association. It introduced some minor changes concerning the manner in which a partner's share of the partnership assets could be made available to meet his separate judgment debts. This statute provided the basis of the American uniform partnership law, which was accepted in 1914 by the Conference of Commissioners on Uniform State Laws and which was in operation in 1931 in eighteen states and in Alaska.

Although in some American states partnership agreements must be in writing and filed with a state official, in England and the United States generally a partnership may be established by contract without formality. The partners must be legally competent persons: corporations may become partners only with statutory authorization, and minors may generally void a partnership contract upon attaining majority. In common law jurisdictions in which no statutory provision has been made women are prohibited from entering into partnership with their husbands or with other persons, and a partnership ends upon the marriage of a woman partner. The purpose of the contract must be legal and consideration is required, but cooperation in the business is generally regarded as sufficient consideration. The relations between the partners are usually governed by the terms of the contract and, where these are inadequate, by the general law. In the absence of agreement to the contrary profits are divided equally. Partnership ceases with the expiration of the agreed term, the death, withdrawal or bankruptcy of a partner, or the declaration of war between countries of which the various partners are citizens. Any partner may contract on behalf of all the partners within the reasonable scope of the partnership activities, but he may not withdraw his share of the assets or mortgage or speculate with the partnership property without the consent of the others. Usually a majority of the partners acting in good faith may bind the minority in matters arising in the ordinary course of business, but may not without specific authorization change the nature of the business or expel a partner. General partners participate in the management; silent or dormant partners share in the profits but not in the management; secret partners are those whose membership in the partnership is not published; nominal partners are persons who become liable as partners by allowing themselves to be so regarded. Since the Companies Act of 1862 (25 & 26 Vict., c. 89) the formation of a partnership of more than twenty members or ten if the partnership is formed for the purpose of establishing a bank

has been illegal in England, but there is generally no such limitation in the United States, the unincorporated joint stock company (*q.v.*) being virtually a large partnership.

In relations with non-members of the partnership every member whether general, silent or secret is fully liable for all the debts of the partnership. The law of England, but not Scotland, and of the states of the United States excluding Louisiana, is peculiar in its rejection of the business usage of considering a partnership an entity separate from its members. In effect, however, Anglo-American law has been forced to apply the entity theory in a number of situations. In view of the unlimited liability of every partner for the debts of the partnership, great importance attaches to the circumstances under which an individual is legally considered a partner. An individual acting in any transaction so as to give reasonable justification for the belief that he is a partner is estopped from denying liability in connection with it. Prior to the decision in Cox *v.* Hickman [8 H. L. C. 268 (1860)] in England, receipt of a share in partnership profits was believed to constitute the recipient a partner. Since this decision and the passage in 1865 of Bovill's Act (28 & 29 Vict., c. 86) in England and their acceptance in American decisions, the receipt of a payment contingent upon profits or the sharing of net returns no longer establishes partnership, nor does joint tenancy, tenancy in common, joint property or common property; a coowner may therefore dispose of his rights without the consent of the other owners and incurs no liability as a partner. Modifications of the general law have been made in certain fields. In the United States and England mining partnerships are not dissolved by the death of any member of the partnership; members may be substituted at will and partners work in common. Agreements between landowners and tenants which provide for the sharing of profits and for the contribution of capital to the agricultural enterprise by the landowner are held not to establish a partnership. A partnership for the purpose of a single venture is usually called a joint adventure; a syndicate or participation association is also essentially a partnership.

In continental Europe partnership has been common (*société en nom collectif* in France and *offene Handelsgesellschaft* in Germany). Continental law in contrast with English and American recognizes the partnership as a legal entity. In most European countries a written partnership contract and its registration are required but in other respects continental partnership law is broadly similar to British and American.

In a limited partnership at least one member is liable without limit for the partnership debts while the remainder are liable only to the extent of their agreed contribution to the partnership capital; limited partners are not permitted to participate actively in the affairs of the partnership, and their death, bankruptcy or withdrawal does not terminate it. The Code of Hammurabi recognized a form of limited partnership and Jewish law at least as early as the third century A.D. provided forms by which the liability of all partners might be limited. The modern history of the limited partnership probably dates, however, from the *commenda* of the Middle Ages in Italy when members of the nobility, for whom it was illegal or disgraceful to enter into trade, commended their money to merchants who employed it, sharing profits with the lender who was neither openly associated with the venture nor responsible for losses beyond his contribution. The *commenda* was an important vehicle of mediaeval commerce and is still recognized, as, for example, in the *société en participation* in France and the *Gelegenheitsgesellschaft* in Germany; it is usually formed to conclude one or a few transactions. The limited partnership in France, the *société en commandite*, was first regulated in 1673, the present law being mainly a codification of such early ordinances. Provision is made also in Germany for the *Kommanditgesellschaft*, in which the unlimited partners are called *Komplementäre*. In the *Kommanditgesellschaft auf Aktien* the rights of the limited partners are represented by shares and in the *stille Gesellschaft* some "partners" are undisclosed and receive only a fixed interest on their investment. The relationship of the latter to the other members of the firm is, however, that of a creditor rather than of a partner. Permitted in Ireland between 1780 and 1862, limited partnerships were rare because of the cumbrous provisions of the law. John Stuart Mill advocated limited partnerships in England but they were not permitted until 1907 when the Limited Partnerships Act (7 Edw. VII, c. 24) was passed; but the authorization of "private incorporated companies with limited liability" had rendered the act almost unnecessary, and between 1908 and 1930 only 1183 limited partnerships were registered in England. During 1930 there were only twenty registrations with a total capital of £63,112.

In the United States provision for limited

partnership was first made in 1822 by a New York statute which many states adopted during the succeeding thirty years. By 1931 nineteen states and Alaska had enacted the uniform Limited Partnership Act, but in the United States provision for loans to a partnership in return for a share in profits without incurring unlimited liability of a partner has minimized the practical importance of these statutes. The uniform act provides that limited partners shall be members of the association but not strictly partners; that a person may be at the same time both a general and a limited partner in the same partnership, such an individual having all the rights and powers and being subject to all the restrictions upon a general partner except that concerning his contribution he has the same rights in relation to other members as if he had not been a general partner. The withdrawal or substitution of limited partners does not terminate the partnership. Almost all the states which have not adopted the uniform act have made other provision for limited partnership. Partnership associations such as those authorized in Pennsylvania and Michigan resemble corporations more than partnerships since the liability of all members is limited. They have, however, many of the attributes of partnerships; for example, shares cannot be transferred without the consent of a majority of the partners.

Partnership probably developed in response to the need for joining the capital of one with the labor of another. The condemnation of usury among the Jews and Christians for long obstructed loans but permitted, and thereby stimulated, partnerships between capitalist and business man. At least as early as the third century A.D. it was held commendable among the Jews for the wealthy to enter into partnership with the needy. Among the Babylonian Jews of the fourth century B.C. and among the Christians in the Middle Ages it was ruled that participation in partnership profits without risking the loss of capital was usurious but that the risking of capital justified the receipt of a share of the earnings. In England partnership declined in importance as a means of evading the usury laws during the sixteenth century when legal control was diverted from the prohibition of all contracts involving the payment of interest to the regulation of the amount of the interest charge. Partnership was employed also as a means of evading the local monopolies of guilds merchant.

Partnership was an especially common form of business organization in mediaeval Europe in banking and trade. With the development of other businesses which required more than a modest amount of capital, partnership was applied also to them. Coal mining, a great source of speculative temptation in England, was financed mainly by partnerships, often family affairs, until the end of the seventeenth century. When the goldsmiths of the city of London turned to banking in the seventeenth century and merchants outside London followed their example in the eighteenth, many organized their businesses as partnerships. The Act of 1708 (7 Anne, c. 7) forbidding the issue of notes by any bank which had more than six owners, with the exception of the Bank of England, had the practical effect of giving the latter a monopoly of joint stock banking and placing all other banking in the hands of individuals and partnerships of restricted size until 1834, when joint stock banks began to appear in England. The cotton mill and engineering undertakings of the late eighteenth and the early nineteenth century were organized as partnerships in both England and New England; Carnegie operated his steel manufacturing enterprise as a partnership for many years. But with increases in the amount of capital required, the partnership gave place to the joint stock company, first in foreign trade and mining, then in banking and, during the latter half of the nineteenth century, in most manufacturing fields. Partnership remains important in the professions where it serves to insure continuity of service and specialization and where corporate organization is excluded by statute or by the rule of professional organizations. It survives also in investment banking and in some branches of trade in which capital is easily acquired on loan and in which the speedy action of the partnership is valued. In 1931 about 4.4 percent of the income reported under the American federal income tax acts was derived from partnerships.

The decline of the partnership is attributable mainly to its failure to meet the increasing need for concentrated control of capital: large partnerships are unwieldy in action and involve each member in heavy risks. Moreover the partnership is at a disadvantage because it must be terminated and reorganized upon the death or withdrawal of any member. On the other hand, it is less confined in its scope than a corporation, more cheaply and speedily set up, involves less publicity and where small is more nimble in action. The *commenda* and the limited partner-

ship, by providing a partial divorce of ownership from control, meet the need for the concentration of capital and the greater concentration of control, but the corporation does these things even better, providing for an easy transfer of interests and requiring no one to undertake unlimited liability.

ARTHUR ROBERT BURNS

See: JOINT STOCK COMPANY; MASSACHUSETTS TRUSTS; CORPORATION; CHARTERED COMPANIES; ORGANIZATION, ECONOMIC; CONTRACT; AGENCY.

Consult: Lutz, H. F., "Babylonian Partnership" in *Journal of Economic and Business History*, vol. iv (1931–32) 552–70; Hildesheimer, Esriel E., *Das jüdische Gesellschaftsrecht* (Leipsic 1930); Trumpler, Hans, *Die Geschichte der römischen Gesellschaftsformen* (Berlin 1906); Weber, Max, *Zur Geschichte der Handelsgesellschaften im Mittelalter* (Stuttgart 1889); Mitchell, W., *An Essay on the Early History of the Law Merchant* (Cambridge, Eng. 1904); Lehmann, F., *Rechtsformen und Wirtschaftstypen der privaten Unternehmung* (Mannheim 1925) p. 42–57; Liefmann, Robert, *Die Unternehmungsformen* (4th rev. ed. Stuttgart 1928) p. 43–51, 71–73; Pic, P. J. V., *Des sociétés commerciales*, 3 vols. (2nd ed. Paris 1925–26); Manara, U., *Delle società e delle associazioni commerciali*, 2 vols. (Turin 1902–06); Gay de Montellá, Rafael, *Tratado práctico de sociedades mercantiles*, 2 vols. (3rd ed. Barcelona 1930) vol. i, chs. i–vi, ix–xi; Lindley, W. B., and others, *A Treatise on the Law of Partnership* (9th ed. London 1924); Burdick, F. M., *The Law of Partnership* (3rd ed. Boston 1917); Stockder, A. H., *Business Ownership Organization* (New York 1922) ch. iv; Crane, J. A., "The Uniform Partnership Act—a Criticism," and "Uniform Partnership Act and Legal Persons" in *Harvard Law Review*, vol. xxviii (1914–15) 762–89, and vol. xxix (1915–16) 838–50; Lewis, W. P., "Uniform Partnership Act—a Reply to Mr. Crane's Criticism" in *Harvard Law Review*, vol. xxix (1915–16) 158–92, 291–313.

PARUTA, PAOLO (1540–98), Venetian political theorist and historian. Paruta's diplomatic and official career in the service of the Venetian republic began with the ascent to power of the new nobility. It was the ideas and aspirations of this class that he sought to express in the series of dialogues published under the title *Della perfezione della vita politica* (3 vols. Venice 1579, new ed. 1599; tr. by H. Cary, London 1657). The wide fame enjoyed by this work was shared by Paruta's posthumously published *Discorsi politici* (2 vols., Venice 1599; reprinted in *Collezione di ottimi scrittori italiani*, vol. xxv, supplement, Pisa 1825, pt. ii), an inquiry into the causes of the greatness and decline of ancient Rome and of mediaeval Venice. Here in an analysis which was not without influence upon Montesquieu, Paruta sustained the thesis that states can preserve themselves only by remaining faithful to the principles upon which they were founded. The prosperity of Rome he laid to moderation, fortitude and discipline; its ruin, to excessive expansion and the relaxation of its hardy traditions. In the discourse on Venice Paruta declares that in order to enjoy a durable peace the state must maintain a proper balance between its various component elements—a conception which was subsequently applied by Botero to the sphere of international relations. Both in his *Storia vinetiana* (*1513–51*) (Venice 1605, new ed. in *Degl' istorici delle cose veneziane*, vols. iii–iv, Venice 1708; tr. by H. Cary, London 1657) and in his *Storia della guerra di Cipro* (*1570–72*) (written 1574 and incorporated in *Storia vinetiana*) Paruta revealed a profound understanding of the necessity of relating the internal history of any state to the development of other peoples. His reports and accounts in *La legazione di Roma* (*1592–95*) (in Reale Deputazione Veneta di Storia Patria, Monumenti Storici, 4th ser., vols. vii–ix, Venice 1887) and other collections displayed a penetrating insight into the political, economic and moral conditions prevailing in the Papal States.

Like other Italian political thinkers who reflect the thought of the Counter-Reformation, Paruta was an anti-Machiavellian. He gave a unique emphasis, however, to the problem of the relationship between politics and morals. Whereas Machiavelli was interested in the means whereby a prince or nation may achieve power, Paruta was concerned primarily with the formulation of rules of civic conduct suitable for the citizens of a republic. Among the recurring themes of his political ethics are the natural necessity of social existence, the superiority of the active life to the contemplative, the satisfactions of participating in public affairs, the limitations of arbitrary rule by man as compared with government by law and the unequaled advantages inherent in the mixed form of government. While in recognition of civic virtue the state should bestow public honors, the intrinsic reward should be consciousness of merit. The modernity of Paruta's thought is reflected in his case against the glorification of poverty and in his defense of the function of wealth, which he describes as an indispensable prerequisite to the perfect human life and as an incentive to progress. But mindful of the commercial decadence then afflicting Venice, he included among the responsibilities of the state the task of holding the quest for gain within

salutary limits. Paruta's thought reveals some fundamental contradictions, not always reconcilable through recourse to that moderation upon which he so frequently insists. Thus, despite his arguments in defense of the right to freedom, he tries to vindicate slavery and the privileges of a noble caste. And, particularly in the closing pages of the *Dialoghi* (written 1572) and still more emphatically in the *Soliloquio* (written *c.* 1593; reprinted with *Discorsi politici*), he ends his searching attempt to construct a practical political ethics by subordinating civic life to religion.

RODOLFO MONDOLFO

Works: *Opere politiche*, 2 vols. (Florence 1852).

Consult: Zanoni, E., *Paolo Paruta nella vita e nelle opere* (Leghorn 1904); Mezières, A., *Études sur les oeuvres politiques de Paolo Paruta* (Paris 1853); Comani, F. E., *Le dottrine politiche di Paolo Paruta* (Bergamo 1894); Pompeati, A., in *Giornale storico della letteratura italiana*, vol. xlv (1905) 48–66, and vol. xlvi (1905) 285–358; Allen, J. W., *A History of Political Thought in the Sixteenth Century* (London 1928) p. 503–06; Supino, C., "La scienza economica in Italia dalla seconda metà del secolo XVI alla prima del XVII" in Reale Accademia delle Scienze di Torino, *Memorie*, 2nd ser., vol. xxxix (1889) pt. ii, 153–282.

PASCAL, BLAISE (1623–62), French philosopher and mathematician. The son of a scholar of reputation, who watched over his education, Blaise Pascal showed extraordinary precocity, particularly in mathematics. His *Essai pour les coniques* (1640), which he printed at the age of sixteen, enunciated a fundamental theorem in projective geometry. Soon afterward he invented the arithmetical triangle—a device for determining the coefficients in the expansion $(a + b)^n$ — and engaged in physical researches which were to culminate in his famous experiment on the Puy de Dôme, the decisive verification of Torricelli's hypothesis on the effects of atmospheric pressure. He opened up the path to the calculus of probabilities, which inspired him later to put forward the famous argument demonstrating to libertines that there is every advantage in betting on the side of religion. Also the mastery with which he handled the difficult operations of the geometry of infinitesimals makes him a direct precursor of Leibniz and Newton in their invention of the differential and integral calculus.

Pascal's works manifest a power of concrete intuition in mathematics and a regard for physical experimentation in complete opposition to the spirit of Descartes, which implies a purely analytical method and an a priori construction of the world. Pascal was even able to derive from his work a philosophy which already outlined one of the main theses of positivism—the progress of the species prolonging itself across the generations of individuals through the accumulation of scientific discoveries, as if humanity constituted a single individual living through the centuries at different ages of its own existence.

Now what constitutes Pascal's originality is that after defining in masterly fashion this conception of intellectual progress, which is at the basis of modern civilization, he refused to admit that it corresponds to the true destiny of man. According to him the destiny of man is turned entirely in the direction of the beyond. Neither our origin nor our destiny can be explained intellectually; they belong to a supernatural order, which is sensed by the heart and which is expressed in charity.

Entering the circle of the friends of Port-Royal in 1646 Pascal attempted to combine the practise of a rigid Christianity with the career of a scientist and man of the world. He went through several crises of estrangement from the world of fashion, ending up with a night of luminous ecstasy on November 23, 1654, when he made the vow of "total and tranquil renunciation," which he observed piously during the eight remaining years of his life.

Into this new existence he brought the gift of concrete precision which was the mark of his genius. The *Lettres provinciales* (1657) are masterpieces of both the *esprit de géométrie* and the *esprit de finesse*. The first carried to the extreme the demands of a morality that was sincerely Christian and did not permit of serving two masters at the same time; the second unmasked one by one the abstract formulae, seemingly framed for juridical and secular purposes, behind which lay hidden the complaisance of the casuists. He forced the faithful Christian to scrutinize his own conscience, laying bare the depths of desire and the libido which testifies to the persistence of the original sin.

Pascal's polemic dealt a mortal blow to his Jesuit adversaries, without, however, definitely saving Port-Royal, which was accused of Jansenism by the Vatican and which Louis XIV suspected of designs of political independence. The tactics of the *Grand Monarque* are indeed a commentary on Pascal's doctrine that the respect of the people for the majesty of the sovereign is nothing but an effect of imagination, which is no doubt beneficial since it assures civil tranquility but which is without intrinsic value or rational foundation.

Pascal is, however, very far from the skepticism which has often been attributed to him. No one felt more deeply the need of truth and "the thirst for justice." But because he wanted truth and justice to be absolute he suffered when these aspirations clashed with the feeling of incoercible human impotence. He addressed himself to the religion of the God-Man, the religion of the Word made flesh, since this religion alone unravels the psychological enigma of man, the dualism of his grandeur and misery, which it translates into the double perpetuity of Adam the sinner and Jesus the Redeemer. The *apologie* projected by Pascal was thus to have had its roots in the analysis of the human soul and was to have put us directly face to face with the alternative created by the fear of divine justice and the hope of merciful grace, the alternative of an eternity of salvation and an eternity of damnation, in accordance with that irreducibly mysterious decree of a hidden God.

Pascal lived through this alternative in his most intimate being, rejoiced by the miracle of the Holy Thorn which God performed during the height of the controversy over the *Provinciales* on the person of his niece, Marguerite Périer; meditating Christ's night of agony on the Mount of Olives, when Jesus was deserted by His disciples and abandoned to the wrath of God; finally redoubling the tortures of illness with the practise of a rigorous asceticism.

If the influence of Pascal, which has been decisive in the history of positive science, in the history of French literature and in the history of Christian thought, continues to be felt in our own day, the reason is that no work invites us more to pass beyond discursive abstractions and to uncover by direct contact with the realities of nature and of the soul the springs of vivifying intuition.

LÉON BRUNSCHVICG

Works: The definitive edition of Pascal's works is that by Léon Brunschvicg, Pierre Boutroux and Félix Gazier in the Grands Écrivains de la France series, 14 vols. (Paris 1908–21). A briefer edition, containing less editorial material, is that by Fortunat Strowski, 3 vols. (Paris 1923–31). The *Pensées* has been translated by C. Kegan Paul (London 1885), and the *Lettres provinciales* by Thomas McCrie (London 1846).

Consult: Chevalier, Jacques, *Pascal* (Paris 1922), English translation (New York 1930); Brunschvicg, Léon, *Le génie de Pascal* (Paris 1924); Soltau, R. H., *Pascal, the Man and His Message* (London 1927); St. Cyres, S. H. N., *Pascal* (London 1909); Strowski, Fortunat, *Pascal et son temps*, 3 vols. (Paris 1907–08); Boutroux, É., *Pascal* (5th ed. Paris 1912), tr. by E. M. Creak (Manchester, Eng. 1902); Stewart, H. F., *The Holiness of Pascal* (Paris 1924); Chaix-Ruy, Jules, *Le jansénisme, Pascal et Port-Royal* (Paris 1930); Webb, C. C. J., *Pascal's Philosophy of Religion* (Oxford 1929); Brentano, Franz, *Die Lehre Jesu und ihre bleibende Bedeutung* (Leipsic 1922) p. 40–128; Lhermet, Jean, *Pascal et la Bible* (Paris 1931); Jordan, H. R., *Pascal, a Study in Religious Psychology* (London 1909); Cousin, Victor, *Études sur Pascal* (5th ed. Paris 1857); Sainte-Beuve, C. A., *Port-Royal*, 9 vols. (new ed. Paris 1926–28) vols. ii–iii.

PASCOLI, LEONE (1674–1744), Italian economist. Of Pascoli's life little is known except that he was an abbot in Perugia. He is remembered primarily as the author of *Testamento politico d'un accademico fiorentino in cui con nuovi, e ben fondati principii si fanno varj e diversi progetti per istabilire un ben regolato commerzio nello stato della chiesa*, published anonymously in Perugia in 1733 under the false imprint of Cologne. The title is reminiscent of the *Testament politique du Maréchal de Vauban* (2 vols., Paris 1707–08) of Boisguillebert; but although Pascoli was influenced by the French economist, he did not follow him entirely, retaining a certain independence in his method of inquiry. Moved by the deplorable conditions in the Papal States, the result of a "lack of proper laws and taxes," he proposed a series of measures concerning trade, taxes, money and finance. He recommended particularly the restoration to the farmers of their ancient prerogatives and advantages, such as "the privilege of buying and selling foodstuffs and live stock in the markets and fairs in preference to all other privileged persons"; and he urged the exemption of cattle from all excises, the abolition of internal duties and of all restrictions hindering the free sale of grain on foreign markets. His program for the encouragement of industry is thus summed up in his own words: "The export of manufactures should be encouraged by means of bounties after the English fashion, their import should be prohibited, and the only imports to be admitted free should be raw materials used in home industries." While Pascoli was inspired essentially by the principles of agrarian protectionism, he accepted a modified mercantilism and advocated adoption of a monetary policy which would insure an inflow of money exceeding the outflow. He made important suggestions concerning the restoration of agriculture in the Roman Campagna, among them the establishment of farms, the requirement that landowners must improve the soil and particularly the reform of taxation. Taxes should be proportional to income, whether de-

rived from land and other immovable property or from industry, commerce and from movable investments in general, and should be coordinated equitably with the revenue from excises and the various governmental licenses and contracts. Above all, trade and industry should not be upset, no opportunities should be given to fiscal agents for oppressing the public, the money should be collected with the least expense and should reach the treasury in the shortest time possible. Pascoli's views are interesting especially in that they suggest proportionality between direct and indirect taxes and indicate norms for the art of taxation.

AUGUSTO GRAZIANI

Consult: Ricca-Salerno, Giuseppe, "Leone Pascoli, economista del secolo decimottavo" in *Rassegna settimanale di politica, scienze, lettere ed arti*, vol. ii (1878) 451–52, and *Storia delle dottrine finanziarie in Italia* (2nd ed. Palermo 1896) p. 217–22; Graziani, Augusto, "Le idee economiche degli scrittori Emiliani e Romagnoli sino al 1848" in R. Accademia di Scienze, Lettere ed Arti in Modena, *Memorie*, 2nd ser., vol. ix (1893) 488–92.

PAŠIĆ, NIKOLA (1845–1926), Serbian and Jugoslav statesman. Pašić received his early education in his native Serbia and in 1868 was sent on a government scholarship to study engineering at the Polytechnicum in Zurich. There he came into contact with the most advanced political ideas of the time and became a disciple of Bakunin. Upon his return to Serbia he allied himself with the socialist leader Marković and in 1881 organized the Radical party. During the early years of Pašić's leadership the party had a thoroughgoing agrarian-socialist program, but later on when he had attained power he modified his position considerably and in his old age was frankly conservative, especially as regards social questions. Nevertheless, for many years Pašić fought valiantly for popular rights, for constitutionalism and for parliamentary government in opposition to the Obrenović despotism and as a result suffered exile and imprisonment. During his exile in Bulgaria from 1883 to 1889 he became thoroughly imbued for the first time with Marković's doctrine that a Serbian-Bulgarian alliance would be the initial step toward a union of the Balkan peoples and to the destruction of Ottoman and Hapsburg power, while his stay in St. Petersburg, as ambassador from 1893 to 1894, confirmed his belief that Serbia must embark upon a Russophile policy.

In 1906 following the restoration of the Karageorge dynasty Pašić was appointed prime minister, a post which he held again from 1909 to 1910 and from 1912 to 1918. Essentially a practical politician, he became one of the most significant figures in Balkan politics as well as in diplomacy, where his infinite patience, his taciturnity and his reluctance to commit himself helped assure his success. Within Serbia he enforced a constitutional regime and by carefully biding his time carried out his foreign policy, first in the Serbian-Bulgarian alliance of 1912 and later in the joining of Serbian and Russian interests against Austria-Hungary in the World War. Accused by a number of historians of having known of the Sarajevo plot, Pašić consistently denied any knowledge of it or any desire for war. Certainly he did not foresee clearly the results of the collapse of Ottoman and Hapsburg power. He tended always neither to forestall nor to precipitate events but merely to strike, with almost infallible instinct, at the proper moment.

Although Pašić's policy led to the organization of the Kingdom of the Serbs, Croats and Slovenes and although he signed the Corfu declaration, he was by no means a protagonist of the Jugoslav idea. He knew very little of the Croats and Slovenes and, rooted in the ideology of the Greater Serbia movement, he fostered during the World War the idea of a union of all the Serbs as against a union of the southern Slavs. Pašić headed the Jugoslav delegation to the Paris Peace Conference and was prime minister of Jugoslavia from 1921 to 1926; but the new state always appeared to him to be essentially a greater Serbia and in accordance with this concept he put through, against wide opposition, the strongly centralized Vidovdan constitution of 1921 which has so frequently come into conflict with the federalist tendencies of the various ethnic groups.

HERMANN WENDEL

Consult: *Spomenica Nikole P. Pašića* (Belgrade 1926); Ćurčin, M., and others, in *Nova Evropa*, vol. xiii (1926) 381, 432, and vol. xiv (1926) 394–97; Nani, Umberto, "L'opera di Nicola Pasic" in *Politica*, vol. xxx (1929) 330–49, and vol. xxxi (1929–30) 462–76; Chataigneau, Yves, "Nikola Pašić" in *Monde slave*, n.s., vol. iv, pt. ii (1927) 246–70; Armstrong, H. F., "Pashitch, the Last of the Balkan Pashas" in *Current History*, vol. xxvi (1927) 611–17.

PASSIVE RESISTANCE AND NON-COOPERATION. Passive resistance to violence or wrong, whether committed by an individual or by the state, has been at all times a characteristic

practise of oriental peoples. Always an integral part of the religions of the East, it entered the western world through Christianity. Stripped of this mystical origin, it reappeared as tax resistance on the eve of the English civil war, and in such forms as nationalist protest, general strike or organized resistance to war has become in modern times an important method of political struggle.

The ideas from which it originated in the East derive from the most primitive thinking of mankind. To this day in India a man who has suffered wrong from a neighbor, for example, by the non-payment of a debt, will sit down before the latter's door and starve himself to death. The threat usually suffices, for if the victim should die his ghost would haunt the wrongdoer. The closing of the bazaar as a general protest against any form of oppression is probably linked with the same idea, for in India it has a quasi-religious character and is observed as a day of mourning (*hartal*). A deathlike abstention from the normal activities of life, it operates against someone and is intended to put him in the wrong and to expose him to moral or, more properly, to spiritual sanctions. From time immemorial it has been the one effective form of resistance to oppression known to the subjects of eastern despots. A variant of it is the use of the right of asylum practised en masse, whether at sacred shrines or, as in modern Persia, in embassy gardens.

Such methods suit the unwarlike character of many oriental races; but they also derive from eastern mysticism in its lower as well as its higher forms. An Indian yogi practises austerities to gain power: by controlling the microcosm of his body he may command the universe and subject the gods to his will. He demonstrates also the unreality of this world of appearance and attains by renunciation the true spiritual reality. Buddha transformed this primitive idea of renunciation to gain ghostly power by introducing the element of love for those on whose behalf one sacrifices oneself. Gandhi, preparing to starve himself to death on behalf of the untouchables, meditated on the legend that Buddha in a previous incarnation had offered himself to a hungry tigress. But equally his fast was directed against the orthodox Hindu leaders and his own unworthy disciples. His suffering or death would shame them and expose them if not to spiritual retribution at least to public censure.

These traditional Indian elements blend in the elaborate technique, first of passive resistance to a specific wrong and then of complete non-cooperation with a government based on force, which Gandhi evolved, first on behalf of the Indian immigrants in South Africa and later to achieve India's independence (*see* INDIAN QUESTION). Those who practise his teaching fully must be ascetics (e.g. completely chaste), must renounce all violence, must love the enemy, must learn to regard his power and his acts of coercion and violence as unrealities; by so doing they attain inner freedom and liberate India. The typical act of passive resistance consists in a calm "non-violent" refusal to desist from one's purpose, conceived as right in itself, in spite of the commands or violence of authority. Indians bent on demonstrating in a forbidden place will squat upon the ground and remain there day and night, even in the face of beating by the police; and they will not resist if carried to prison. Untouchables asserting their right to use a temple or a sacred tank will squat in this way indefinitely before the barrier. They treat an immoral power and its commands as non-existent. To this mystical doctrine, however, has been added a more worldly political technique, in part of western origin notably tax resistance, including the refusal to pay agricultural rents and the cutting down of the revenue from salt and liquor. The boycott of foreign goods is a thoroughly eastern expedient, having been used previously by the Chinese.

This oriental pattern of thought probably influenced stoic thinking, although the stoics never advocated organized passive resistance: at the most they admired the wise man who would endure violence and wrong with calm aloofness. The wise man should cultivate indifference to fortune and the good things of life: he stands above pleasure and pain; he remains unmoved amid the blows of ill fortune or the assaults of oppression; by contemplation he makes his own intellectual climate. This was the individualistic pessimism of men who hoped for little from society and disdained the roads of escape offered by superstition. But it was not a form of resistance designed to overcome or to remove evil. Rather it steeled the wise man against evil by enabling him to ignore it. Although stoicism in some degree affected later generations of Christians, the teaching of the Gospels rested on a different psychological approach. Its root idea—that non-resistance, if prompted by generous love, would shame, win and "overcome" the violent man—is much nearer to Buddha's moral intuition. Turning the other cheek and still more clearly the injunction "Whoever shall com-

pel thee to go a mile, go with him twain" are more suggestive of yielding to melt the violent man than of the defiance, however mystically passive it may be, of Gandhi's technique. The Christian rule is thus non-resistance to evil rather than passive resistance. Its tradition, laid down by St. Paul, is obedience in its own sphere to the civil power; passive resistance, with no social or political object in view, was offered only to the command to sacrifice to "idols." The application to war of the doctrine of non-resistance, although it may possibly be traced farther back in history, appears as a sharply formulated Christian belief derived from a study of the Gospels, first among the Cathari and the Albigenses and then among the Anabaptists and the Quakers. Some of the Anabaptists, such as those who for a time controlled the city of Münster, were fiercely militant; but other Anabaptist groups rejected violence. The right wing Anabaptists, the Moravians, condemned oaths or resort to law courts, the bearing of arms, any forcible resistance to wrong or any acceptance of office under the secular ("Caesar's") state. It is probable that a continuous tradition stretches from the mediaeval Cathari through the Anabaptists to the Quakers.

Passive resistance, although with no object in view beyond a mere refusal, becomes inevitable by this doctrine when the state demands an oath or requires military service. On the first count Quakers in England were constantly imprisoned in the seventeenth century, but their rejection of violence was first tested on a great scale in the World War. The Military Service Act of 1916, known as the Draft Act, provided exemption for those who could prove a "conscientious objection" to war, usually interpreted to mean a religious objection. In practise exemption was usually made conditional on the undertaking by the objector of some "work of national importance," such as ambulance service or more usually agriculture. The more resolute refused this concession on the ground that any aid to a nation at war is morally a participation in it and went in thousands to prison. Although this radical opposition to all war began mainly among Quakers, it soon enlisted others whose standpoint was socialist rather than specifically Christian. Stressing at first non-resistance as a duty of the individual, it soon came to regard it as an expedient for stopping war or for preventing its outbreak. The attempt is steadily being made, both in England and on the continent, to organize as "war resisters" young men who will refuse the call to arms. A few individuals in France, Poland and elsewhere are stubbornly refusing military service. A movement to pledge refusal to engage in war under any circumstances has made some headway among English and American universities. The doubt is whether in the hour of mob excitement men will stand together unless linked by closer ties of party or church, and again whether negative opposition alone can end war without a constructive program for organizing peace.

The most radical and interesting development of the Christian doctrine was made by Tolstoy. Following, as had the Anabaptists and Quakers, the two commands "Swear not at all" and "Resist not evil," and also the command "Judge not, that ye be not judged," his commentary involved a complete rejection of any organized, policed state, of all use of force and of course of all national churches. An oath, involving the surrender of the individual conscience, is the necessary basis of armies and of the whole coercive apparatus of a modern state. Resistance to evil is condemned not merely on the usual psychological or ethical grounds—that it engenders anger and so prevents both the resister from persuading and the wrongdoer from perceiving the wrong—but rather because it can be made effective only by the building up of a conscienceless apparatus of coercion, itself a worse evil and the buttress of worse evils than any criminal or national aggression could possibly inflict. While Tolstoy bases himself on a reinterpretation of the Gospel, his criticism of modern industrial society owes much both to the rationalist and quasi-anarchist individualism of the eighteenth century and to modern socialism, although he was far from either of these positions. That his creed would be fatal to any elaborate urban civilization in no way disturbed him: it was indeed his revolt against civilization, including its science and its art as well as its wars and industrial slavery, that drove him back to Galilee. Like Gandhi he would base society on the peasant and the village. These two prophets had much in common and even exchanged letters, but Tolstoy never advocated, still less organized, mass passive resistance. He had no expedient for bringing to an end the evils of the coercive state save the conversion of individuals to Christian anarchism. He left behind him in Russia a few disciples who try to live by his rule, but his intellectual influence on his generation throughout the world was perhaps greater than that of any contemporary thinker. One may

doubt whether he turned many back to primitive Christianity, but in the minds of countless readers he created or strengthened a deep uneasiness about all the assumptions that underlie the authoritarian state. In this Russian prophet as in his younger contemporary Gandhi the negative, ascetic pessimism of the East came to life once more. Non-resistance flowed from the rejection or reversal of all the conventional values of the life of the senses and indeed of modern western civilization.

From a wholly different line of thought, typically western and unconnected with religion, there arose in the eighteenth century an attitude toward government which has occasionally inspired passive resistance. The French *encyclopédistes*, starting with an individualism derived from Locke, had analyzed all government into a series of institutions reenforced by superstition, which dwarfed the citizen and prevented him from attaining the full stature of humanity. At best government was a necessary evil, and the typical view of this school was that it should be limited to a rapidly vanishing minimum. Condorcet and Thomas Paine were unorthodox and modern in discovering many valuable functions which this necessary evil might perform. Godwin and his anarchist communist intimates believed that a virtuous man might, by relying on the ascendancy of his own reason, defy force and shame those who threatened to use it. They extolled this sort of individual heroism, to be displayed by fearless speech and on occasion in court. But a good man must not provoke martyrdom; neither must he organize passive resistance, since all association has in it seeds of evil. Shelley was an ardent supporter of this view and carried it in vision far beyond the pedestrian wisdom of his master, as in his vivid depiction of passive resistance to armed tyranny in the *Masque of Anarchy* (stanzas LXXXV–LXXXVI), which describes exactly the moral effect which Gandhi a century later expected from civil disobedience. The noblest and most eloquent statement of this essentially anarchist individualism came a generation later in Thoreau's essay on *Civil Disobedience* (in *Writings*, vol. x, Boston 1893, p. 131). But rigid individualists must not organize, and Thoreau's essay inspired in his immediate time only sporadic acts of defiance, like his own refusal to pay the taxes of Massachusetts. Years later Gandhi read it as a student in London, and it became part of the pattern of his thinking out of which evolved organized mass passive resistance. But in itself Thoreau's essay points only to individualist non-cooperation with the state.

In modern western history the more influential acts of passive resistance have rarely flowed from any theoretical attitude to society and government, whether religious or anarchistic. They have been expedients, improvised in the rough and tumble of political struggle. Such was John Hampden's act, when he called his neighbors together and signed with them a pledge to refuse payment of ship money. But Hampden and his friends had no theory about the peculiar virtue or efficacy of passivity in resistance, and in due course they drew their swords for the Parliament. The theory of the general strike, however, as worked out by Benbow, Owen and their successors, has played a real role in the labor movement. The early suggestions for a general withdrawal of labor to wrest reforms from a reactionary government were not translated into action, but they were never forgotten by the socialist movement; and a whole literature of speculation grew up, especially in France, around the idea of the general strike as a revolutionary method. On the eve of the World War it was favored in the left wing of the socialist movement as a means of resisting a government bent on war. The obstacle to its use is not merely that such a government would mobilize the strikers and shoot resisters, but that the working class itself must be assured that the workers in the enemy country will take equal and parallel action. Otherwise, as the French Socialist Compère-Morel said, it "could only assure the defeat of the best-organized proletariat."

A few victorious instances of this use of the political strike are known in modern history. The Russian general strike of 1905 led to the promise of the First Duma; but its victory was obscured by the failure of the subsequent armed rising in Moscow. Wholly successful was the general strike led by the socialists and the labor unions in Germany in March, 1920, against the Kapp *Putsch*, after reactionary troops had occupied Berlin and put the republican government to flight. It had public opinion generally behind it and saved the republic for twelve years. Very gallant but not so indisputably successful was the passive resistance of the people of the Ruhr to the French occupation in 1923. Refusing to operate the railways, telegraphs or telephones or to raise coal which might be used for reparations, the resistance was in effect a general strike, covering the major services and industries, lasting

for over eight months. The spirit and discipline of the workers under the severest privations were superb, and few acts of violence or sabotage marred it. It broke down because the German government, which financed the resistance of the Ruhr by inflation on a fantastic scale, had finally to desist when faced with bankruptcy. France indeed learned a salutary lesson as to the limits of military power, but the cost to Germany was an impoverishment from which it never wholly recovered.

It is just as difficult to evaluate the effectiveness of Gandhi's use of passive resistance as to estimate how far his use of mixed oriental and western techniques from 1930 to 1933 influenced the British government to offer an Indian constitution which, much as it fell below Gandhi's demands, was nevertheless a concession. Many thousands of Indians showed a high order of devotion, but the mass of the supporters of Congress were after a time intimidated, partly by imprisonment but chiefly by beatings administered by the police, so that overt acts of defiance virtually ceased. The police were more brutalized than shamed by the exercise of systematic violence; nor was public opinion in England moved in any degree. The Indian government undoubtedly suffered much inconvenience and a heavy loss of revenue in the earlier part of the period. Probably the more effective part of this mixed strategy was its more mundane and less spiritual side—the trade boycott and tax resistance. Gandhi's individual self-martyrdom on behalf of the untouchables has certainly hastened their emancipation.

Only a rash theorist will draw from this record any confident conclusion as to the efficacy of passive resistance, whether against war or against the oppression of a nation or class. It presupposes for success a rare degree of solidarity. One is disposed to think that it must have a limited and preferably a negative objective and that this must be capable of achievement in a brief period of time. The Kapp *Putsch* was practically defeated over a week end, and this negative victory merely restored the status quo. In this instance as also in the Russian strike of 1905 a homogeneous body of workers was acting for the immense mass of the nation. Gandhi, with an illiterate mass to lead, unaccustomed to organized action of any kind, was compelled to strike slowly, a district at a time. He aimed at a crescendo of pressure, but the first line was exhausted before the reserves came up—and he never had Moslem support. "In theory irresistible, in practise very difficult" is perhaps the only sober verdict possible in an evaluation of passive resistance as a political technique.

H. N. BRAILSFORD

See: OBEDIENCE, POLITICAL; FORCE, POLITICAL; COERCION; VIOLENCE; MYSTICISM; BUDDHISM; STOICISM; CHRISTIANITY; ANARCHISM; INDIVIDUALISM; PACIFISM; INDIAN QUESTION; BOYCOTT; CONSCIENTIOUS OBJECTORS; QUAKERS; HUNGER STRIKE; GENERAL STRIKE.

Consult: Case, Clarence M., *Non-violent Coercion* (New York 1923); Gregg, Richard B., *Gandhiji's Satyagraha, or Non-violent Resistance* (Madras 1930); *Mahatma Gandhi. His Own Story*, ed. by C. F. Andrews (London 1930); Andrews, C. F., *Mahatma Gandhi's Ideas: Including Selections from His Writings* (London 1929); Rolland, Romain, *Mahatma Gandhi* (new ed. Paris 1929), tr. by Catherine D. Groth (New York 1924); Brailsford, H. N., *Rebel India* (London 1931), especially chs. i–ii; Zimand, S., *Living India* (New York 1928) chs. xi–xiii; Holmes, John Haynes, *New Wars for Old* (New York 1916); Hook, S., "The Philosophy of Non-resistance" in *Open Court*, vol. xxxvi (1922) 1–5; Russell, Bertrand, *Justice in Wartime* (2nd ed. Chicago 1917); Thomas, Norman, *The Conscientious Objector in America* (New York 1923); *Pacifism in the Modern World*, ed. by Devere Allen (New York 1929).

PASSPORT. A passport is a document delivered by the public authorities to the person specified therein, authenticating his identity and permitting him to travel either in the territory of his own state or to depart from it and enter that of another. A passport may be issued for internal or for foreign travel. It may be a discretionary document, granted at the request of those who desire to facilitate their own travels, or it may be compulsory for all travelers. Especially for internal travel the compulsory passport system imposes a limitation on the right of transit and consequently upon individual freedom; it serves as an instrument of policy, enabling the authorities to watch all movements of persons. The passport for foreign travel, the only kind known in the United States, is of importance to the holder as a certificate of citizenship and a guaranty of protection abroad by diplomatic agents of his country. It is frequently completed by a visa, an endorsement granted by the country of entry denoting that its authenticity has been examined and that the bearer may be permitted to proceed on his journey. In addition to these two most important categories there are various special passports: the diplomatic passport accords special privileges to diplomatic agents and to persons entrusted with certain official duties; the maritime passport is a paper permitting the captain or master

of a ship or vessel to proceed upon a voyage; the military passport, granted in time of war and authorizing movements within a belligerent's sphere of operations, is a safe conduct rather than a passport proper and is granted to the bearer by the country in control of the territory.

In antiquity and in the Middle Ages the passport was granted as a special privilege to only a small number of persons. It was unknown in antiquity for foreign travel, for there was little intercourse between the citizens of the various states, which in general regarded one another with suspicion and which were scarcely ready to accord validity to documents issued by any other government. Even the few internal passports differed in nature and purpose from the modern type. In the period of the Roman Empire, diplomas and special papers (*tractoria*) were granted as a favor to messengers and other persons. The holders of these documents had the right to avail themselves of public horses, enjoyed certain traveling facilities and were guaranteed some degree of protection as regards their persons and their goods. The *tractoria* naturally had validity only within the confines of the empire. The *lex cornelia de falsis* punished any counterfeiting of such passports. In the Middle Ages royal envoys and foreign ambassadors were provided with documents which entitled them to particular privileges while traveling. With the extension of commercial relations passports were in certain instances granted to merchants to insure their protection.

The modern system of compulsory passports developed in the sixteenth and seventeenth centuries. Such passports were not only a measure of policy but also a means of protection against the increasing hordes of mendicants and vagrants who had become a menace to safe travel. In addition passports were employed to control the movements of special classes of persons. Thus they were instituted in eighteenth century France to enable beggars and vagrants to return to their own country and to prevent their agglomeration; and as a safeguard for the secrets of French industry they were required for artisans who wished to leave the country. In the German states special passports were required for citizens capable of military service (*Militärpass*), in order to prevent desertion and enrolment in foreign armies, for persons proceeding from territories infected by epidemics (*Pestpass*) and for Jews traveling through the country (*Judenpass*).

The French Revolution brought about a more widespread application and a stricter organization of the compulsory passport system. In the first years of the revolution the liberal principles which then prevailed led to the suppression of passports. The constitution of 1791 proclaimed complete freedom of transit as one of the natural, incontestable and inalienable rights of man. Within a short time, however, the establishment of a severe passport system as a means of control was necessitated by the menace of political emigration, the desertion of soldiers and their flight abroad, the acts of brigandage and the invasions of vagrants, as well as by the requirements of national defense. Accordingly the National Assembly in 1792 prohibited all persons without passports from traveling in France and from entering or departing. Successive laws, especially those of 1793 and of 1795, confirmed this prohibition and made it stricter. For similar reasons and in an attempt to prevent the spread of revolutionary ideas as well as for purposes of reprisal the compulsory system was shortly thereafter introduced in nearly all European states with the notable exceptions of England, Sweden and Norway. In this way the passport, formerly a discretionary document granted at the request of travelers in order to assure their protection or at most a document required only of certain classes of persons, was transformed into a compulsory official paper, limiting individual freedom and imposed upon all solely in the interest of the state.

The liberal doctrine that the state must not hinder freedom of transit within its territory except when public order necessitates restrictions gradually came to prevail in the nineteenth century and was even sanctioned in some constitutions. The system of compulsory passports for both internal and foreign travel was at first mitigated and later suppressed except during times of emergency. Necessity for travel in connection with increased trade, the development of other forms of state surveillance, such as efficient police systems, fast means of travel and the telegraph, all served to contribute toward this result. By 1914 the compulsory passport system was abolished in almost all states. In Europe it operated in Rumania, Bulgaria, the Austrian provinces of Bosnia and Herzegovina, Russia and Turkey; in the latter two countries a rigid internal passport system was employed by the police as a means of control and supervision, for the purpose of defending the autocratic governments of those countries from

revolutionary attacks. The system survived also in Persia and in Colombia, Guatemala, Haiti, and Uruguay.

In the United States the passport, in the nineteenth century, was a certificate of citizenship granted to citizens who wished to travel or reside abroad. Before 1856 there was no law regulating the granting of passports; they were issued not only by the secretary of state but also by consuls, governors of the states and other local authorities and even by notaries. After the law of 1856, which was enacted because foreign governments refused to recognize the validity of locally issued documents, passports were delivered within the United States by the State Department and in foreign countries by diplomatic and consular authorities. Subsequent acts permitted the issuance of passports to citizens of the insular possessions of the United States and to aliens who had begun but not completed their naturalization. No passport was required for entrance into or for residence in the United States. An exception was made during the Civil War, when all Americans and foreigners had to present a passport on entering the country.

In the confusion produced by the World War, not only did the compulsory passport reappear both for foreign and for internal travel, but it was used much more generally and strictly than ever before. During this time of general suspicion, of constant vigilance against military espionage and of food shortage it seemed the only means of controlling aliens and of assuring the protection of the military and economic interests of the state. The return of peace did not bring with it a return to freedom from travel restrictions, except in regard to internal passports, now obsolete in all but a few countries.

Economic, social and political reasons contributed to the maintenance of a strict compulsory passport system for foreign travel despite the obstacle that it sets up against free communications between states. The severe economic depression which followed the war, affecting both defeated and victorious countries, the widespread unemployment consequent upon the demobilization of millions of men, the removal of populations after the treaties of peace, the revolutionary disorders, the monetary crisis and the strong protectionism of most governments combined to prevent a return to the liberal pre-war regime, as did also the political changes, such as the Russian Revolution, which produced a very large number of refugees, and the disorganization of communication services and of state administrations. Every nation felt obliged to prevent the entry into its territory of unemployed, vagrants, spies, political agitators and persons indulging in exchange speculations and generally to limit and control the entry of foreigners.

The new principles for the administration of emigration and immigration problems were also factors in maintaining the passport system, which seems to be an effective instrument of control. Many countries, particularly in North and South America, reduced and limited the number of entrants and settlers both because of the increasing difficulty in assimilating masses of newcomers of various races and civilizations and in order to protect native workers against foreign competition. In countries where there are marked trends toward emigration there is a growing tendency to limit freedom of exit, and states endeavor to accomplish this by a systematic control of migratory movements. The passport has become compulsory everywhere, and visas for entry, exit and transit are required by many governments. In the United States also the World War brought about a change from the earlier policy; the wartime measure of 1918 requiring passports and visas for all aliens entering the country and providing that citizens were not to leave its territory without passports was made permanent by an act of 1921 and by subsequent acts which increased rather than mitigated the severity of the system.

After the war the visa, in addition to serving as a means of regulating immigration, was frequently used to keep out political "undesirables" or was granted to them only upon certain conditions. Count Károlyi, former premier of Hungary, succeeded in obtaining a visa to enter the United States only after he had pledged himself not to discuss political matters during his stay, while Countess Károlyi was refused a visa because of her alleged radical political views. After his exile from the Soviet Union in 1931 Leon Trotsky was unconditionally refused visas by the governments of Germany, Norway, England, Denmark and other countries.

The legislation of many countries contains severe measures against all persons who succeed in entering fraudulently into their territory without a passport and visa. Such illegal entrants are generally expelled and are sometimes also penalized. Special administrative services are employed in the search and pursuit of these persons in the United States and Canada. In some countries, as in the United States, the

introduction of identification papers for the purpose of stricter supervision has been advocated.

In the U. S. S. R., Germany and Italy the passport regime is now a means of sustaining dictatorship and is applied with very great rigor. No one may enter or leave Soviet territory or travel within its confines unless he has special permission, and everyone who enters or attempts to leave without a passport and other specially required authorizations is subject to imprisonment or fine. In Italy no passport may be granted without previous permission from the police, and this permission is never given to opponents of the Fascist regime. An Italian who attempts to leave his country without a passport is punished by imprisonment and fine.

The League of Nations, since its formation, has tried to set up a uniform system of passports with a view to their gradual abolition. An international conference held in Paris in 1920, while recognizing the impossibility of a complete return to pre-war conditions, recommended the introduction of a uniform type of passport, the exclusion of any fiscal features, the limitation of certain kinds of visas and the simplification of all formalities. The recommendations of the Paris Conference were accepted by only a few governments and with many reservations. Acceding to the wishes of numerous international organizations, the Sixth Assembly of the League in 1925 adopted a resolution urging the abolition of the compulsory passport system to as great an extent as possible. A second conference on passports, held at Geneva in 1926, expressed the hope that special agreements between various states might bring about a gradual return to pre-war conditions. No appreciable progress has been made in this respect, with the exception of the abolition of visas and the facilitating of control formalities by numerous special agreements. The charge for visas, which is still high in some countries, is, however, tending to become lower, for while such taxes may be a source of revenue to a government, there is often a greater fiscal advantage to be gained from the increased tourist traffic which may result from reduction or abolition. Passport fees also have on the whole been lowered.

After the World War one of the special problems connected with passports, that relating to the need for special identity cards and traveling permits for Russians and other refugees, attracted the notice of the League of Nations, which succeeded in solving it to some degree through the unfailing zeal of Fridtjof Nansen. At a conference held at Geneva in 1921–22 it was decided to introduce a special certificate for Russian refugees. On presentation of this "Nansen passport," which does not of itself entitle the owner to return to the country which has issued it, the refugee may be admitted to the state to which he intends to travel, either after a visa has been affixed or after he has received a certificate permitting him to cross the frontier. By 1928 fifty-one governments acceded to the agreement relating to this certificate and accepted the obligation to recognize its validity. In 1924 thirty-one states and by 1928 thirty-eight states in all applied this system to another large group of refugees, the Armenians. In 1928 the Nansen passport was further extended to Assyrians, Assyro-Chaldeans and Turks who had lost their nationality. Proposals for a still wider and more liberal extension have failed because of the opposition of various states. Individual countries have, however, adopted the proposals of the League and now issue passports to those of their residents who, as a result of the political upheavals connected with the World War, are without a nationality (*heimatlos*) or who, for various reasons, cannot obtain a passport from their own country or are ineligible for Nansen certificates.

EGIDIO REALE

See: ALIEN; CITIZENSHIP; IDENTIFICATION; IMMIGRATION; REFUGEES; LEAGUE OF NATIONS.

Consult: Bertelsmann, Werner, *Das Passwesen, eine völkerrechtliche Studie* (Strasbourg 1914); Vallotton, Paul, *Le passeport* (Lausanne 1923); Krause, Johannes, *Das deutsche Passrecht nach dem Stande vom 1. Januar 1925*, Stilkes Rechtsbibliothek, no. 37 (Berlin 1925); Trentin, Silvio, *Les transformations récentes du droit public italien*, Bibliothèque de l'Institut de Droit Comparé de Lyon, Études et Documents, vol. xxv (Paris 1929) p. 377–94; Sibley, N. W., "The Passport System" in *Journal of Comparative Legislation and International Law*, n.s., vol. vii (1906) 26–33; Moore, J. B., *A Digest of International Law*, 8 vols. (Washington 1906) vol. iii, ch. xii; Borchard, E. M., *The Diplomatic Protection of Citizens Abroad* (New York 1915) p. 493–514; Hanna, John, "Passports—for Revenue Only" in *Atlantic Monthly*, vol. cxliii (1929) 264–68; Gargas, Sigismund, "Das internationale Passproblem" in *Themis*, vol. lxxxviii (1927) 169–97; Wehberg, Hans, *Das Passwesen* (2nd ed. München-Gladbach 1923); Reale, Egidio, *Le régime des passeports et la Société des Nations* (Paris 1930), and *Manuel pratique des passeports* (Paris 1931); Colyer, W. T., *The Worker's Passport* (London 1928).

PASSY, FRÉDÉRIC (1822–1912), French economist, social reformer and pacifist. Passy's economic liberalism was deeply influenced by Bastiat, Laboulaye, Cobden and Bright, but he

gave its principles a more decided slant and application with regard to positive social reform. He considered that nature's resources are sufficient to enable man to live and prosper providing he does not interfere with the free play of natural laws. Despite his liberalism, however, his emphasis on the social and moral aspects of economic problems led him to a modified individualism. In accord with the conception of society as "an exchange of services" he emphasized solidarity in the relations between capital and labor—hence the necessity of arbitration of labor disputes and social peace—and solidarity in the relations between nations—hence the necessity of arbitration of international disputes and world peace. War upsets the harmony of international life and profits no one. But war, poverty and nearly all of man's sufferings are the result of his own passions and ignorance; the supreme task is therefore to enlighten man in order that he may become master of his own destiny. Passy sought to realize these principles by a lifelong struggle for social reform, particularly for the extension and improvement of popular education and the compulsory arbitration of international disputes. In 1867 he formed the International League for Permanent Peace, which after the Franco-Prussian War became the French Society of the Friends of Peace; in 1889 he organized, with Randal Cremer, the Inter-Parliamentary Union for Arbitration and Peace. He was awarded one half of the Nobel peace prize in 1901. Passy identified pacifism with the cause of labor and democracy and all three with that of progress and humanity.

TH. RUYSSEN

Important works: *Leçons d'économie politique* (Montpellier 1861; 2nd ed., 2 vols., Paris 1862); *L'histoire du travail* (Paris 1873); *La solidarité du capital et du travail* (Paris 1875); *Les machines et leur influence sur le développement de l'humanité* (Paris 1866; 2nd ed. 1877); *Pages et discours* (Paris 1901); *Pour la paix—notes et documents* (Paris 1909).

Consult: Obituary notices in *La paix par le droit*, vol. xxii (1912) 353–403; Renault, Louis, "Discours prononcé . . . aux funérailles de M. Frédéric Passy" in Académie des Sciences Morales et Politiques, *Séances et travaux*, vol. clxxviii (1912) 5–8; Guyot, Yves, and Coquet, Lucien, in *Journal des économistes*, 6th ser., vol. xxxiv (1912) i–iii and 353–402, and vol. xxxv (1912) 96–102; Waha, R. de, *Die Nationalökonomie in Frankreich* (Stuttgart 1910) p. 96–97.

PASTEUR, LOUIS (1822–95), French chemist and bacteriologist. Although Pasteur's career properly belongs to the history of chemistry, biology and medicine, social thought also may claim the great Frenchman by reason of the far reaching social applications of his discoveries. Born in southeastern France of peasant stock, Pasteur early revealed himself a persevering student and was admitted to the École Normale, where he decided to devote himself to chemical research. His first work dealt with tartaric acid crystals and their rotatory action on polarized light. That this dry field of chemical research should have led by gradual stages to the discovery of a vast new empire of biological phenomena is a tribute both to the power of the experimental method and to Pasteur's persistence in following the trail wheresoever it led.

The empire in question is the role of microbic life in the twin processes of fermentation and putrefaction. Mid-nineteenth century science, fresh from its chemical conquest of biological phenomena, including the artificial synthesis of a typical organic product like urea, rebelled at any attempt to interpret these processes in terms of a specifically biological factor. Thus in the process of alcoholic fermentation, which had been closely studied, it was felt that quantitative chemistry explained the reaction sufficiently when it showed, for example, that sugar broke up into alcohol and carbonic acid and that the weights balanced. But what about the action of yeast? Yeast had at length been shown to be a living organism, but the proponents of the chemical theory of fermentation, headed by Liebig, insisted that the yeast played a role only in so far as the *dead* cells served as a chemical catalyzer to start and speed up the reaction, in which the yeast otherwise took no part. To attribute a direct and active role to the living cells seemed to Liebig a recourse to the occult entity of a vital force, which the progress of physics and chemistry had labored to banish; besides there were other fermentations which proceeded without yeast or any other form of life, so far as had been observed.

It was Pasteur's destiny to transform this question from a futile debate between abstract mechanism and abstract vitalism into a subject of progressive experimental inquiry. His work on crystals had shown him that the optical property of molecular dissymmetry, or the ability to rotate polarized light to the right or to the left, was traceable to an ultimate organic, or biological, origin of a particular substance; later Pasteur discovered that a certain plant ferment attacked only right handed but not left handed crystals, which are chemically of the same com-

position. Here was one clue to indicate that life as life may have a specific physicochemical behavior not met with in purely inorganic matter. Thus already inclined toward the biological interpretation of fermentation, Pasteur was able to demonstrate in a historic paper on lactic fermentation (published 1858) that the fermentation of milk into lactic acid was produced by a specific micro-organism, acting as a ferment, and that this micro-organism could produce lactic acid from a large number of substances provided the nutritive elements and the physical conditions were appropriate to its activity. Following this paper he was able to show further that every fermentation process—e.g. wine, beer—required a specific living ferment or group of ferments and that fermentation was not so much a chemical decomposition of the fermentable material as the result of the metabolism of the micro-organisms.

The solution of the problem of fermentation and putrefaction, with its important human corollaries in the way of control of infectious disease, seemed in sight. But before the final solution could be assured, it was necessary to overcome the objection that micro-organisms were produced spontaneously and that from this point of view they were as much an accompaniment of fermentation and putrefaction as the cause. Hence the truly epoch making importance of Pasteur's experiments refuting the theory of spontaneous generation and establishing the proposition that microbic life can come only from previous living germs. The differential techniques by which this thesis was experimentally established still constitute an object lesson in scientific method at its best and highest.

Even had Pasteur's work not gone beyond this point, the practical human benefits would have been enormous. The British surgeon Lord Lister, following Pasteur's demonstration of the role of microbes in fermentation and their origin from previous germs, revolutionized surgery by reducing infection through aseptic and antiseptic methods. Pasteur himself showed that the dread scourge of puerperal fever epidemics in lying-in hospitals was due to a germ infection, spread very often by the unclean methods of the attending physician himself, and that the infection could be avoided by germicidal methods. Indeed for many types of infectious diseases simple antisepsis—killing off or reducing the number of germs—is sufficient to prevent the spread of disease. The technique of milk pasteurization to prevent typhoid fever is a simple case in point.

For other infectious diseases it is necessary to isolate and study the life history of the germ in pure cultures. In connection with the isolation and study of the anthrax bacillus, which was first accomplished by the German bacteriologist Koch and independently repeated by Pasteur, the French scientist developed the third phase of his work, which is a technique for attenuating the virulence of a particular microbe by cultivating it under detrimental physical conditions or in unfavorable animal hosts. Such attenuated cultures when inoculated into the blood of an animal or a human being produce a mild attack of the disease and stimulate the organism to protect itself, thus providing immunity against more severe infections in the future. This is of course the method which Jenner had followed unconsciously in using cowpox as a protection against smallpox. As a result of Pasteur's demonstration of the general principle a whole series of vaccines and antitoxins against specific diseases has been developed, and the principle is ever leading to new applications as well as to fruitful theoretical investigations whose fertility is still not exhausted.

Pasteur's discoveries accelerated the social revolution in the treatment of disease. Under industrialism individual health was becoming more and more an object of public concern, but the new technique for the isolation of contagion and for the fighting of disease by vaccines and antitoxins made state participation in medicine indispensable.

BENJAMIN GINZBURG

Works: Oeuvres de Pasteur, ed. by P. Vallery-Radot, vols. i–vi (Paris 1922–33).

Consult: Vallery-Radot, René, *La vie de Pasteur* (Paris 1900), tr. by H. C. Devonshire, 2 vols. (London 1901); Duclaux, Émile, *Pasteur: histoire d'un esprit* (Sceaux 1896), tr. by Erwin F. Smith and Florence Hedges (Philadelphia 1920); "L'oeuvre de Pasteur et ses conséquences," symposium by P. Vallery-Radot, Charles Moursu, and others in *Revue Scientifique*, vol. lxi (1923) 417–75.

PASTOR, FREIHERR LUDWIG VON (1854–1928), German historian. Pastor was born in Aachen and was the son of a Protestant father and Catholic mother. It was not until after his father's death in 1864 that his Catholic education was begun. During his earlier studies at Frankfort on the Main he came particularly under the influence of the Catholic historian

Johannes Janssen. He continued his studies at Löwen, Bonn, Berlin and Vienna and taught at the University of Innsbruck from 1881 until 1925. In 1901 he became the director of the Austrian Historical Institute in Rome and in 1920 was appointed Austrian ambassador at the Vatican.

Pastor was an amazingly prolific writer. He wrote biographies of the Catholic leaders Janssen, August Reichensperger, Max von Gagern, Archdeacon Heinrich and Franz Kaufmann and of the Austrian military heroes Conrad von Hötzendorf and Viktor Dankl, prepared the last edition of Janssen's *Geschichte des deutschen Volkes* (8 vols., Freiburg i. Br. 1913-24), edited the *Erläuterungen und Ergänzungen* (10 vols., Freiburg i. Br. 1898–1920) and contributed over two hundred articles to various periodicals. His great fame rests, however, on his monumental *Geschichte der Päpste seit dem Ausgang des Mittelalters* (16 vols., Freiburg i. Br. 1886–1932; English translation ed. by F. I. Antrobus and R. F. Kerr, 22 vols., London 1891–1932).

Pastor like his master, Janssen, was firmly convinced that history should be placed at the service of the church. He envisaged no possibility of contradiction between Catholic dogma and history and believed that those historical views which are conditioned by dogma are always identical with historical truth. The papacy therefore can be clearly understood only when viewed as a divine institution whose historical development was divinely determined. Pastor's work, however, reveals a tremendous amount of erudition and was epoch making in that it elucidated for the first time the history of all the pontificates from 1378 to 1800 on the basis of the vast archive materials of the Vatican. Doubts have been expressed as to his impartiality in the selection of documents and criticisms have been made of his treatment of many of the individual problems, especially of his distinction between the Christian and pagan aspects of the Renaissance, but his work remains one of the monuments of modern historical research.

WALTER GOETZ

Consult: Autobiography in *Die Geschichtswissenschaft der Gegenwart in Selbstdarstellungen*, ed. by Sigfrid Steinberg, 2 vols. (Leipsic 1925–26) vol. ii, p. 169–98; Goetz, W., in *Historische Zeitschrift*, vol. cxlv (1931) 550–63; Dengel, I. P., in *Deutsches biographisches Jahrbuch, 1928*, vol. x (1931) 207–19; Fellner, F., in *Church Historians*, ed. by P. Guilday (New York 1926) p. 373–415.

PATENTS. The modern patent system has its background in the monopolies and exclusive privileges of the Middle Ages. The kings began to stimulate the introduction of new manufactures and the supply of natural and artificial products by granting monopolistic privileges to towns and merchant and craft guilds. This motive of encouraging trade was weakened, however, by the growing necessity of the kings to secure money or services. The grants thus served to reward court favorites and to raise annual tributes for the sovereign. The grantees sold the privileges at high prices to persons who imposed severe burdens on their use. Gradually even necessities of life came into the hands of patentees. The monopoly was made known by the issue of *Litterae patentes* (Open Letters), addressed to the subjects of the sovereign so that the privilege granted should not be questioned for want of knowledge. In England the abuse of exclusive privileges and monopolies was ended during the reign of James I by the famous Statute of Monopolies enacted in 1623, which abolished the restrictive privileges and established an exception in favor of new inventions. It formulated also for the first time in history the requirements for the grant of a patent and the limitation in time of the privilege and did away with arbitrary administrative action. In the United States in 1790, after the constitution provided in article I, section 8, clause 8, that Congress should have power to promote the progress of science and the useful arts by securing for limited times to inventors the exclusive right to their discoveries, a statute was passed adopting the principles of the English act. On the continent the exclusive privileges and monopolies of the Middle Ages continued until the end of the eighteenth century. Two French laws of 1791 enacted the first patent legislation in France. In Germany some of the individual states passed similar legislation after 1815, while the general principles for the whole of Germany were first laid down in the Zollverein convention in 1842.

The law of each of these four countries constitutes in many respects a system apart, conditioned by different legal tradition and administrative policy and technique and by a different way of adjusting and harmonizing conflicting interests and claims. There has, however, been mutual influence among the philosophies of these systems. Thus the original British idea that a patent was a monopoly and should be regarded with disfavor by the law has yielded

before the French theory of the inventor's right as a natural right and the German idea of a bargain between the inventor and society. The British system has been followed in most parts of the British Empire; the German, especially by the Scandinavian countries, Holland, Austria and Hungary. The French system has influenced the rest of civil law countries. The economic rationale of all the patent systems now rests on the theory that society rewards the inventor with the exclusive franchise to exploit his invention for a limited time, in recognition of his service in putting society in possession of a new idea and on condition of his disclosing it to the public by describing it in his application for a patent.

The first question to consider then is what are the new inventions for which a patent will be granted. A positive definition of patentability, however, is hardly given in any law, except that the patent laws usually prescribe negatively that certain things may not be patented. In the most important countries patentability is to be gathered only from judicial pronouncements in particular cases. The general requirement may be said to be that the invention to be patented must be new; that is to say, it must be something which was not previously known or used by others and must not have been dedicated to the public by the inventor. But again the definitions of novelty vary. In this respect there are three groups of countries. In France and the many countries whose law is similar an invention is not deemed new if, prior to the application for a patent, it has received in any manner sufficient publicity, either in the country in which the patent is applied for or in any other country, to make possible its use. In a second group of countries, which includes those of the British Empire, the facts of publication or prior use which will bar the grant or invalidate a patent are ordinarily only those that take place in the country where the patent is applied for. The third group of countries, to which the United States and Germany belong, distinguishes between publication of the invention by printing or by public use: the former is fatal to the novelty of the invention, regardless of where it takes place, while public use is material only when it occurs in the country where the patent is applied for.

An invention may have all the general elements of patentability yet be unpatentable because of express exceptions in the law. Inventions concerning articles which are state monopolies are of this class. Foodstuffs, chemical products, medicines and pharmaceutical products are also often included in such exceptions, although generally the processes for making them are patentable. In most countries patents are granted for new industrial products, machines or instruments as well as for new processes; namely, methods of manufacture for producing, by known implements, something in a cheaper or more expeditious manner or of a better and more useful kind. Industrial designs, that is, creations pertaining to the form and ornamentation of articles rather than to their usefulness, are subject matter of design patents in the United States and some other countries. They are, however, copyrighted by registration in most of the other countries. The latter procedure is more in accordance with their true nature as artistic designs. France, Belgium and a few other countries have regulated designs in a rational manner by identifying them with artistic property in general and protecting them without the requirement of any formality; their registration is thus entirely optional.

The legal regulations concerning the filing of applications for patents and the administrative procedures leading to the grants of patents are determined by the attempt to balance and secure various interests. The law first purports to make sure that the inventor is granted a privilege for no more than the specific discovery made by him. It then aims to secure him against infringement of any part of his invention but not to prevent improvements of the original invention by others. With this end in view it seeks to enable interested persons to obtain full notice of the patented invention, so that they may avoid infringing the patent while its term lasts but be in a position to use or manufacture the invention freely when the patent expires. The law attempts to balance the conflicting interests of the inventor, competitors and the public by requiring of the inventor a full and precise disclosure and description of the invention. Regulations of an extremely technical character exist as to the form and content of the application, the preparation of drawings and the like. Of outstanding importance are the regulations concerning the delimitation of the invention. The application must contain a "specification," or technical description, of the invention. Most countries also require the enumeration of "claims." In the United States in particular, the inventor must give a final and conclusive enumeration of specific and distinct claims—all improvements,

operations, features or advantages included in the invention and every new idea which is implied in every part of the invention or in the combination of different parts or details. These claims may be defined quite broadly in the application, although the courts will not protect a part of an invention which has not been expressly claimed in the accepted specification. In the French patent law, however, no enumeration of claims is required. The inventor must only describe the invention and conclude it with a résumé. It is left to the tribunals to decide in any given case whether or not a special function, operation, feature or idea is covered by the patent, taking into consideration the whole of the description in relation to the prior "art." The British law represents a middle position. The specification must contain claims, but these only serve to define the monopoly. The claims are construed by the courts in the light of the common knowledge of the art at the date of the patent. Under the German law the claims are required to be very narrowly defined, although the courts will interpret them in the light of the specification. The explanation of these differences is that the French law tends to favor the inventor and is the reasonable corollary of the French administrative procedure of granting patents. The American law, although it appears to restrict the inventor by requiring him to define his invention by distinct and final claims, operates in fact to the advantage of the owner of the patent by allowing him to make very broad claims. The German law gives greater weight to the interest of industry by restricting the patent to very narrow claims. The English law strikes a more even balance between the interests of inventors and of industry.

In certain countries the administration does not take any responsibility for examining the patentability of an invention. Its task is purely that of registering the invention. If the documents filed by the applicant are in due form, the patent is issued to him. This is the system commonly known as the Latin, or French, system. In the other countries the administration is not satisfied with merely registering the invention but undertakes to investigate the claims of the applicant before the patent is granted to him. The extent of this inquiry varies, however. The American administrative procedure is the exact opposite of the French. The examination by the United States Patent Office consists in a thorough investigation of the prior art with respect to the invention claimed. Every material device or process is disclosed in the records of the Patent Office. An application may be rejected for want of novelty or because the alleged invention is held to be inoperative, frivolous or injurious to public health or morals. No publication of the application before issue is made and no oppositions are invited by the office. But if there is a prior application for substantially the same invention a proceeding called interference is instituted for the purpose of determining the question of priority of invention. The British system consists in a limited examination by the administration as to whether the invention claimed has been wholly or in part claimed or described in an application for a patent made in the United Kingdom within the past fifty years. By a recent amendment the examination in Great Britain now will cover also foreign patents and publications. When the application is accepted the British office advertises the application for oppositions. The German system combines the American and British. The administration proceeds to an examination of the invention as to its patentability and novelty and after its acceptance the application is advertised for opposition. There are also some variants of the above types of procedure. It should be noted that the type of administrative procedure does not affect the question of the validity of the patent. Nowhere is this guaranteed by the administration. A patent is everywhere, in the United States as well as in France, subject to annulment by a court before which the invention's novelty or patentability is disputed.

The various types of administrative procedure reflect divergent administrative policies. In the United States it is considered for the best interests of the inventors themselves and of the public that the administration should investigate the invention before granting a patent. In France it is deemed that the same interests are better protected by the opposite course, since it is believed that a previous examination of the invention can never be sufficiently complete and free of errors, while, on the other hand, it involves great delay and expense on the part of inventors. It would seem, however, that the French system is not as adequate today as it was a century ago, when inventors could search for themselves and find out whether their invention was new; this is impossible today with the enormous increase and multiplication of inventions. Manufacturers and capitalists give a greater value to German, English and American

patents because of the greater certainty attached to them.

Patent privileges are granted for limited times. The term in most countries is fixed for all patents at between fourteen and twenty years. In certain countries, especially in Latin America, the inventor may elect between various terms, which do not, however, exceed twenty years, or the administration may fix the term between a minimum and a maximum according to the importance of the invention. An extension of the term is possible in these countries and very exceptionally in Great Britain, the British dominions and colonies and in some other countries.

In all countries with the exception of the United States the patentee is under certain obligations. One of these is the payment of taxes or annuities yearly or at certain intervals during the term of the patent. In recent years these taxes have been considerably increased. The penalty for failure of payment is often the forfeiture of the patent. In many countries periods of grace are now allowed. Another obligation is that of working the patent. In many countries if the patentee does not start working the invention within a certain period from the grant of the patent it is revoked or forfeited; in other countries a compulsory license to others for putting the invention into commercial use may be granted. The period within which the patented invention must be worked varies from one to five years. Furthermore in certain countries the patentee must not interrupt the working of the invention for more than a specified period. In Great Britain and the British dominions even though the patentee works his invention he may be required to grant compulsory licenses to others if the demand for the invention is not met on reasonable terms or if the trade is prejudiced by the refusal to grant licenses on fair terms. The theory of the law is that society grants an exclusive privilege or monopoly for a certain invention because of the social interest therein and that this interest is frustrated when the invention is not commercially used.

The protection of patent rights in the common law countries is secured by the suit for damages against the infringer and by the petition for an injunction against the continuance of the infringement. The latter is a more effective form of relief, and its availability in common law countries adds to the practical value of a patent. In the civil law countries injunction as a preliminary remedy is not available. The law in these countries provides, however, for the so-called conservatory seizure of the infringing products or materials as a preliminary step to the institution of the action. The order for such seizure is issued without an examination into the contentions of both parties, so that it has not the effect on a settlement of the controversy that an injunction has in the United States. In the civil law countries there is also available a criminal proceeding involving the imposition of a fine on the infringer or his imprisonment. This has a deterring effect on prospective fraudulent infringers. The strategy of the infringer consists usually in denying the validity of the patent. This defense is not possible in Germany after the expiration of five years from the date of the patent. In the United States the validity of the patent may be attacked before any United States circuit court, but only a decision of the Supreme Court can finally determine the validity of the patent for the whole of the United States. Compromise in patent infringement cases is everywhere a very frequent occurrence, since the work of sustaining the patent in suits is long and laborious. The true measure of the patent right is of course the protection against infringement. This often depends on the nature of the invention. If the making of the invented article is easy and requires small technical skill, overhead and capital, there are likely to be many infringements. The situation is different when an invention requires complicated manufacturing processes or large capital and plant, as, for instance, in the steel industry. The practise of infringers in forming corporations, especially in the United States, adds to the difficulty of protecting against infringement. It is not practical to prosecute insolvent corporations and it is cheaper to settle with successful ones and to license them.

The international regime of patents rests today on the Convention of the International Union for the Protection of Industrial Property, which dates from 1883 and is now in force among thirty-nine countries, including the United States and practically all important countries of the world except the Soviet Union, China, India and most of Latin America. Prior to the formation of this union foreigners were especially prejudiced, not by legal discriminations against them but by the legal diversities themselves. The bipartite treaties entered into before 1883 sought to secure for foreigners the "national treatment," but this did not achieve an equality in fact between foreigners

and nationals. For instance, it did not guard against the loss of novelty of the invention in one country by reason of its publication in another country in connection with a patent application in the latter. The International Convention grants certain special rights and advantages over and above the national treatment, purporting to give a uniform solution of some important difficulties standing in the way of the protection of foreigners. Thus a right of priority of twelve months is granted in favor of foreign applicants after the date of filing a patent application in another country. This right enables foreign applicants to file valid applications in foreign countries after filing in their own country, notwithstanding the publication or use of the invention in the meantime or the filing of a similar application by another. A second advantage is that of the independence of patents granted in several countries to the same inventor for the same invention. The convention also stipulates a period of grace for payment of taxes on patents and the restoration of patents forfeited for non-payment. It places certain restrictions on the requirement in each country that a patented invention should be worked within a certain period; the grant of compulsory licenses has in principle been substituted for the obligation of working the invention.

The obtention of several foreign patents, however, is still a very complicated and costly affair in many countries. The movement for the progressive uniformity of patent law has almost spent itself. The possibilities of international patents, on the other hand, seem very remote, since this solution to be practical should mean abrogation of national patent laws, which is inconceivable at the present time; international patents would moreover be undesirable in view of the great defects of the present day patent system. A plan which does not encounter insurmountable difficulties is that of international filing of patents through a central bureau. This would save inventors time, trouble and expense and would make possible the creation of a uniform classification of patents and of an international index. This plan again would not be workable except among countries registering patents without examination into the novelty of the invention. The experience of the British Empire is in this respect instructive. The laws of the various parts of the empire are, in their fundamental principles, similar to that of Great Britain. There are differences, however, in practise and procedure, and an inventor in order to be protected throughout the British Empire must file over forty patent applications. After the World War consideration was given to the idea of the grant of British Empire patents to be validated throughout the empire. When this was found impracticable the various colonies, possessions and protectorates provided instead for the registration of British patents subject to possibility of opposition in those colonies where the law so provides.

There are serious doubts that the theory of the patent law responds to present day economic realities. To begin with, the old fashioned independent inventor with his desire for economic reward is not the only type of inventor today. Most of the inventions are now made in the laboratories of large industrial corporations by technicians and scientists in their employ. They usually contract with their employers to assign to them all inventions made during their employment. Their inventive skill and genius are directed not so much to the discovery of new and useful things for the benefit of society as a whole as to the inventing of improvements of previously patented processes and products which make possible the perpetuation of monopolies.

Moreover in the United States more than in any other country, where the old fashioned idea of competition between small and numerous economic units has practically disappeared and where the major part of industry is in the hands of a relatively few large competing units, the patent system is replete with evils. It permits the creation of monopolies beyond the scope of a given patent and prevents the use of new inventions for the general good. It was first contemplated that the patentee's monopoly to manufacture, use and sell the invention would be outside the purview of the Sherman Act (1890). But its use to defeat the intention of this act brought about the Clayton Act (1914). Although by these acts and by decisions of the Supreme Court flagrant attempts to restrain trade and eliminate competition going beyond the scope of the patent have been prohibited, abuses still exist through patent pools and consolidations, cross licenses, monopolistic agreements concerning purchases and sales, controls of supplementary supplies and goods, maintenance of resale prices and the like. Such agreements aiming at restraint of trade usually come to public notice long after they begin to operate, and their condemnation by the courts does not affect the economic situation. Even where re-

straint of trade is not the objective, for instance, in cases of patent deadlocks when cross licenses are resorted to in order to avoid litigation and obtain the beneficial use of various incidental inventions in one field, the result in fact is the same.

The prevention of the application of new inventions for the general good is accomplished under the existing patent system by virtue of the fact that large economic units usually control basic patents. By filing new applications and delaying the grant of patents they succeed in entangling rivals through interference proceedings. They also prevent the use of improvements of inventions covered by their basic patents, since the improvements cannot be legally worked if they involve the use of the basic invention without the consent of the owners of the basic patents. Even when the patent is such that this consent is not necessary, the application of the improvements by independent inventors or rival competitors is often prevented by long litigations financed by the large means of big corporations and prosecuted by patent lawyers of great ingenuity and skill. Thus the opposition is usually bought off. The patented improvement will then either serve to prolong the monopoly of the large economic unit or will be suppressed if it involves the scrapping of existing equipment or the reduction of dividends. Although this suppression of the invention is contrary to the whole theory of the patent system, great outcries have been raised against past attempts of Congress to remedy the situation. Whatever explanations may be given for the suppression of a patented invention, there can be no excuse for maintaining its protection for the whole term of the patent and thus clogging the freedom of industry to build thereon new improvements. If it be said that the scrapping of existing equipment is wasteful, the decision thereon should not be left with the monopolistic interests but with an impartial authority which would take into consideration the whole scheme of interests involved. The "unclean hands" theory of equity might have afforded a proper remedy in certain cases had the courts not refused to apply it in patent cases.

Another very serious defect of the present patent system is the fact that no economic reward is granted to persons making scientific discoveries or discoveries of "principles" on which patentable inventions are based. Industrial progress is based on these discoveries. There is a flagrant injustice in denying a reward to savants for the economic benefits made possible through their discoveries when such reward is enjoyed by inventors who invent applications of the scientific discoveries. International efforts for the protection of the so-called scientific property have been made during the last ten years. There are many disputes as to the best machinery for obtaining this result although there is no strong demand for recognition of their interests and claims on the part of the scientists themselves.

A general overhauling of the patent law designed to eliminate its most injurious defects is necessary, but there is little doubt that it will be strongly resisted by the ultraconservative patent bar. A single important remedy would be the establishment of an economic control at the Patent Office in order to secure the grant of fewer and better patents and supervise the working of patents in conformity with the antitrust laws and the fundamental theory of the patent system.

STEPHEN P. LADAS

See: INVENTION; MONOPOLY; COMPETITION; UNFAIR COMPETITION; COMBINATIONS, INDUSTRIAL; COPYRIGHT; TRADEMARK.

Consult: Terrell, Thomas, *The Law and Practice Relating to Letters Patent for Inventions* (7th ed. by Courtney Terrell and D. H. Corsellis, London 1927); Spencer, Richard, *The United States Patent Law System*, Northwestern University, Charles C. Linthicum Foundation Prize, 1930 (Chicago 1931); Waite, J. B., *Patent Law* (Princeton 1920); Walker, A. H., *A Treatise on the Law of Patents for Inventions*, 2 vols. (6th ed. by J. L. Lotsch, New York 1929); Frost, Robert, *Treatise on the Law and Practice Relating to Letters Patent for Inventions*, 2 vols. (4th ed. London 1912); Damme, Felix, and Sutter, Richard, *Das deutsche Patentrecht* (3rd ed. Berlin 1925); Isay, Hermann, *Patentgesetz und Gesetz, betreffend den Schutz von Gebrauchsmustern* (4th ed. Berlin 1926); Kohler, Josef, *Lehrbuch des Patentrechts* (Mannheim 1908); Moureaux, Robert, and Weismann, Charles, *Les brevets d'invention* (Tours 1926); Pillet, Antoine, *Le régime international de la propriété industrielle* (Grenoble 1911); Pouillet, Eugène, *Traité théorique et pratique des brevets d'invention* (6th ed. Paris 1915); Kheifetz, I. Y., *Osnovi patentnogo prava* (Fundamentals of patent law) (Leningrad 1925), ch. xxiii tr. by H. Rost as *Das neue russische Patentgesetz* (Berlin 1924); Ladas, S. P., *The International Protection of Industrial Property*, Bureau of International Research, Harvard University and Radcliffe College, Harvard Studies in International Law, no. 2 (Cambridge, Mass. 1930).

On the economic effects of the patent system: McCormack, A., "Restrictive Patent Licenses and Restraint of Trade" in *Columbia Law Review*, vol. xxxi (1931) 743–77; Lamb, H. R., "The Relation of the Patent Law to the Federal Anti-trust Laws" in *Cornell Law Quarterly*, vol. xii (1926–27) 261–85; National Industrial Conference Board, *Public Regu-*

lation of Competitive Practices (rev. ed. New York 1929) p. 181–84, 201–10; Powell, T. R., "The Nature of a Patent Right" in *Columbia Law Review*, vol. xvii (1917) 663–86; Ravenshear, Albert F., *The Industrial and Commercial Influence of the English Patent System* (London 1908); Stevens, William H. S., *Unfair Competition* (Chicago 1917) chs. iv–v; Vaughan, Floyd L., *Economics of Our Patent System* (New York 1925).

PATERNALISM. *See* PUBLIC WELFARE; WELFARE WORK, INDUSTRIAL.

PATERSON, EMMA (1848–86), English pioneer organizer of working women. Emma Smith, daughter of Thomas Smith, schoolmaster, early interested herself in the conditions of working women, apprenticed herself to a bookbinder and served as assistant secretary of the Workmen's Club and Institute Union. After her marriage in 1873 to a cabinetmaker active in labor circles they both visited the United States, where she became impressed with the organization of women in the sweated trades. Upon her return she wrote several articles exposing the sweated conditions of women's labor and in 1874 founded the Women's Protective and Provident League, an organization composed of influential men and women, including Harriet Martineau and several of the Christian Socialists. In its early years one general union and over twenty separate unions were set up. Mrs. Paterson accepted mixed trade unions finally only because they proved to be more permanent than the women's societies. As secretary to the league, as editor of its journal, as the first woman to attend the Trades Union Congress and in the numerous unions organized by her, in her own union as well as in suffrage societies, she carried on a vigorous fight for women's rights. Her final experiment, the Women's Trade Council, which was founded in 1882, was designed to supersede the league by being "independent of middle class tutelage."

Vivid experimentalist though she was, in her attitude toward protective legislation she was essentially a child of the nineteenth century, joining with the laissez faire economists in opposition to the Factory Act of 1878 on the ground that it would rob the adult of individual discretion. She differed from them in her view that trade unions added to the nation's wealth by improving working conditions. As a constant attendant and influential figure in the Trades Union Congress she insisted that the unfair competition of women would be better overcome by the support of the men in unionization efforts than by a reliance on the state, which would discourage the development of woman's initiative.

GRACE FORD

Consult: Drake, Barbara, *Women in Trade Unions*, Labour Research Department, Trade Union series, no. 6 (London 1920) ch. ii.

PATERSON, WILLIAM (1658–1719), Scottish merchant, financier and economist. Paterson was born in Scotland and at an early age went to England to escape religious persecution; subsequently he migrated to America, where he engaged in the plantation trade. This phase of his life is obscure, but before the revolutionary settlement of 1688 he was undoubtedly a merchant of some repute in London, where he became a vigorous critic of government finance, a persistent advocate of currency reform and an energetic company promoter. In 1694 one of his financial schemes, the flotation of a state loan at 8 percent adopted by Montagu, William III's chancellor of the Exchequer, developed into the Bank of England. For this reason Paterson has been acclaimed as the founder of the bank; but although he was one of its original directors he had little to do with the actual foundation and within nine months was compelled to resign because, contrary to the wishes of the directorate, he had become associated with a rival institution. He next turned his attention to the flotation of the "Company of Scotland Trading to Africa and the Indies," whose aim was to colonize the isthmus of Darien. Here again Paterson disagreed with his fellow promoters; however, he accompanied the expedition to Darien as a volunteer, but had no share in the management and was not responsible for the failure of the project. He returned to England and acted as an intermediary in the negotiations leading in 1707 to the union of England and Scotland. In his writings Paterson was a vigorous and consistent exponent of the progressive economic thought of his age; he attacked debasing of the coinage, opposed inconvertible paper money and advocated free trade as against mercantilism, severely criticizing monopoly as a restraint of trade. Despite his laissez faire ideas he proposed a plan for a council of trade to develop Scotland's resources: the plan involved state action to aid manufactures and trade, including government purchase of a prescribed amount of stocks in companies, to regulate the currency and to relieve the poor,

for which purposes certain specified state revenues were to be used.

R. D. RICHARDS

Works: *The Writings of William Paterson*, ed. by Saxe Bannister, 3 vols. (2nd ed. London 1859), which includes all Paterson's authentic works.

Consult: Andréadès, A. M., *Histoire de la Banque d'Angleterre*, 2 vols. (Paris 1904), tr. by C. M. Meredith (2nd ed. London 1924) p. 60–71; Richards, R. D., *The Early History of Banking in England* (London 1929) p. 145–46; Barbour, J. S., *A History of William Paterson and the Darien Company* (Edinburgh 1907); Acres, W. M., *The Bank of England from Within*, 2 vols. (London 1931) p. 16–18; Insh, G. P., *The Company of Scotland Trading to Africa and the Indies* (London 1932).

PATRIOTIC SOCIETIES. *See* PATRIOTISM.

PATRIOTISM. The word patriotism has no precise definition, and there are vague and varying ideas as to the psychological springs, historical origins and characteristic manifestations of the sentiment of patriotism. All may agree that patriotism is love of one's "country." But there is little agreement among equally intelligent and public spirited men as to what is meant by one's country, who one's fellow countrymen are, what services and sacrifices one owes them and what sort of social conduct follows naturally from the patriotic attitude. Most civil wars—those of secessionists or home rulers against unionists or nationalists, of colonials against the mother country, of Catholics against Protestants, of republicans against monarchists—have been wars between patriots. There is likewise little agreement as to whether a patriotic claim must always be honored, whatever its validity and however it may conflict with other loyalties, and also as to the social or moral values of patriotism in its usual forms of expression. What some have regarded as the most characteristic and ennobling virtue of civilized man, others have execrated as "the passion of fools" or "the last refuge of a scoundrel." Sir Robert Walpole, when he was the active political head of England in the eighteenth century, declared, in referring to the political group opposed to him who called themselves "patriots," that he could create fifty patriots overnight merely by "refusing to grant an unreasonable or insolent demand."

Whatever its values, patriotism in some form appears to be a universal attribute of man in society. Some anthropologists maintain that an ethnocentrism is stronger among primitive than among civilized men, the former making less of a differentiation between any individual and the group to which he belongs. The savage, they hold, identifies each individual animal with its species and himself with his family, village, tribe or clan; certainly the savage who belonged and conformed to no such group was as much an outcast as the "man without a country" today. But the civilized man also merges himself with his group—of kin, neighborhood, town, trade, province, nation. All men desire to live with others of their kind, feel a sense of security and contentment in a familiar social environment and regard the permanence of their groups, of one sort or another, as essential to their own welfare. The civilized man, in the face of group differences regarded as critical, follows his savage ancestors in identifying group and group member: to the average citizen of the allied countries in the World War, every German was a Hun and every challenger of his country's war aims and policies was a pro-German; to many an American citizen deeply concerned, whether selfishly or not, over the economic policies of his country, every holder of "wrong" ideas as to what those policies should be is the victim of an "alien" influence.

There is no exact scientific explanation of the psychological origins of these group sentiments. Students of social psychology offer various hypotheses as to how far a herd instinct or a calculated and pooled self-interest and self-esteem create any sort of group allegiance. In so far as the primitive man validates this allegiance through myth and legend, it is generally on the ground of a common descent; and it is true that common descent is an operative factor in the allegiance—to the extent at least that it has actually created the group. The mythology of primitive tribes is quite commonly filled with stories of descent from heroic or divine ancestors stressing the antiquity of the tribe and often equating its origin with the origin of the world. Even the historical European peoples have a similar strain in their literatures and traditions. But students of race and nationality have differed as to how far common blood remains a dominant or essential ingredient in creating and consolidating a modern political community. An attachment to the soil, to the "fatherland," is also a familiar part of patriotism as it is at present understood: this appears among primitive peoples as soon as they establish some sort of constant habitation, and men of all times ordinarily feel happier and more secure within a familiar physical environment; affection for the

fair mountains, green valleys, silver seas and wayside flowers of the native land supplies a familiar theme for patriotic songs and poems. Other common elements in the patriotic pattern are the glorification of the country's wars and military heroes and the sense of the country's historic cultural mission with regard to the rest of the world.

As the term is more generally used, in historical writings as well as in controversial and propagandist discussions, patriotism means devotion to a political community. Patriotism, it is said, attains its most characteristic development only in a society where the state exists in its fully developed form and civic bonds and duties have come to be recognized explicitly and rated supreme among the social loyalties of man. This sort of patriotism reached a high point in the Greek city-state and the Roman empire state but disappeared or came to be very much in abeyance during the Middle Ages. In the latter period the dominant group loyalties were not territorial or political; they were narrower or wider than patriotism; feudal, ecclesiastical, vocational, municipal, loyalties superseded loyalty to the state. Especially was the Christian ideal alien to patriotism; for it sought to unite all Christendom and embodied a doctrine of man's supreme obligations in secular affairs to all humanity. Political patriotism emerged, or reemerged, only with the rise of the modern nation state, in which the political is definitely differentiated from other social loyalties, and in the nation state it first reached its perfect form. English patriotism began in the thirteenth century, and Edward I was the first "patriot king" of England. French patriotism began early in the fourteenth century, when Philip the Fair set loyalty to the French against loyalty to the pope; it displayed its power in the expulsion of the English in the fifteenth century; and it attained its characteristic phase in the sixteenth century with the break up of Catholic unity and the great political achievements of Francis I. In the immediately subsequent centuries patriotism came to be associated with nationalism (*q.v.*); a politically consolidated people rather than a monarch, dynasty or government now constituted the ultimate object of political loyalty, and patriotic wars could be fought in behalf of popular or national interests and rights against an existing governmental regime.

In all of its manifestations patriotism appears as a force of cohesion, uniting different individuals, whatever their real motives, in devotion to a single group regarded as supremely important to the safety and welfare of each. But patriotism, in the very same manifestations, is also divisive. A savage's attachment to his own clan or tribe seems to be measured by the strength of his hostility to other clans or tribes. Fondness for one's compatriots and dislike of aliens appear to have the same psychological roots. Pride in one's own country seems to require disdain for other countries "not so blest." The group affections of the ordinary man cannot encompass the whole world but must be concentrated upon small parts of it; and the fervor of his affection for any particular group appears to be at its highest point when that group is in hostile relations with other groups. So wars, defensive or offensive, stimulate patriotism, bringing out in sharpest relief the entity of one political community as against another; and patriotism is in turn the most effective lever for bringing on or sustaining war. Patriotic literature—history, fiction, poetry—gives full recognition to this association. Extremists among both the eulogists and critics of patriotism emphasize the association, the former extolling war because of its effects in building patriotism, the latter condemning patriotism as the principal source of war. Much of the propaganda for patriotism, by both public and private molders of popular opinion, tends to intensify its divisive effect. Textbooks in the public schools have universally, but notably since the World War in France, Germany, Italy and some of the new states of southern Europe, sought to teach patriotism not primarily by setting forth an ideal of devotion to the country's interests or by inculcating an understanding of its history, but by offering partisan accounts of the nation's intrinsic qualities and historic role and by disparaging or ignoring the virtues and achievements of other nations. Newspapers of extensive circulation, notably those of Hearst in the United States, Beaverbrook in England, Hugenberg in Germany, Coty in France, give this exclusive patriotism an explicitly martial emphasis, presenting prejudiced and inflammatory accounts of pending international issues, dealing cynically with projects for international conciliation, clamoring for increased armaments.

Private societies often support this militaristic patriotism and cultivate a still more exclusive form, making it divisive internally as well as internationally. They not only insist that the country must always be set above the rest of the world but also demand adherence to particular

policies for furthering the country's welfare and decree ostracism for advocates of other policies. This has been particularly true of numerous patriotic societies, old and new, in the United States since the World War. The older societies were formed in the first instance to instil patriotism by cultivating an informed interest in the country's "storied past"—preserving its historic sites, commemorating its great historic events, spreading knowledge of its great warriors, statesmen and literary figures. The newer societies, and the older ones in recent years, have devoted their most conspicuous activities to other ends, mainly to the advocacy of particular economic and political dogmas and to the suppression of critical discussion of these dogmas. In the name of patriotism they conduct a virulent propaganda against economic and political measures of which they disapprove—social insurance, a minimum wage, public ownership of utilities or a basic change in governmental institutions; they publicly blacklist (keep out of public offices and out of lecturing and teaching engagements) those of their fellow countrymen who protest against such efforts to restrict the free discussion of public questions; and they work for the exclusion of what they consider "undesirable" foreigners. By this sort of propaganda patriotism is made to appear peculiarly congenial to those who advocate an aggressive and defiant foreign policy or an unchallenging support of the existing economic and political constitution of the community.

The meaning and history of the term do not, however, require this identification of patriotism with either chauvinism (*q.v.*) or conservatism. That devotion to one's own country does not require any deliberate disparagement of the rights and interests of other countries has been the contention of much of modern liberal thought. The English idealist school of Green, Bradley and Bosanquet, who sought to fuse a monistic conception of the state with a liberal view of social obligations, diverged in most respects sharply from the liberal and Fabian pluralists; but both agreed on the possibility of a non-divisive and constructive patriotism. They held a genuine patriotism to be compatible with rigid respect for the sanctity of international obligations and with a policy of subordinating immediate national interests to national interests of longer standing, furthered by an international cooperation in the maintenance of peace. In fact so little essential is a militaristic attitude in the sentiment of patriotism that even a pacifist may be a patriot, believing that war brings irremediable injuries—moral, cultural, intellectual, economic—to his country.

Radical and revolutionary social doctrines, especially in the tradition of modern socialism, have often been interpreted as having no place for patriotism. The *Communist Manifesto* of Marx and Engels declared that "the proletariat has no fatherland." A minority of the more orthodox Marxists have adhered strictly to this doctrine, even to the extent of refusing to join in a war. Their historical analysis represents patriotism as the instrument of capitalist exploitation and imperialist war, and they have regarded working class unity as more important, under all conditions, than national self-preservation. But in particular historical situations, especially in the tension on the eve of the World War, the socialist movements very generally throughout Europe succumbed to the patriotic fervor. The contemporary communist creed of a proletarian world revolution, to create a society from which all political boundaries are removed, is opposed to patriotism in any nationalist sense. But if patriotism is to be interpreted broadly, the Russian communist may be regarded as supremely patriotic in the ardor with which he devotes himself to the service of the sort of community he considers to be of the highest importance to the physical and spiritual well being of himself and all others; he works and fights for a cause higher than his petty self-interest. If patriotism and socialism are understood in the ways in which they operate in ordinary practise—the former as devotion to a particular community, the latter as a particular program to further the welfare of such a community—then clearly the two are mutually compatible.

Comfortably situated supporters of a social status quo are generally in a better position than reformers or revolutionists to lay down special qualifications for the patriot. For obvious economic and social reasons they are the country's most conspicuous and, for many, most persuasive spokesmen of the day. History, however, pays little respect to their discrimination between the patriot and his opposite. Accordingly disloyalists of one age often become patriots for later generations. Few, if any, now deny the title of patriot to Washington and Hamilton, leaders in a revolt against established political authority; to Walpole, condemned by distinguished contemporaries as unpatriotic for keeping his country out of war; to Charles

James Fox, Daniel Webster, Richard Cobden, Campbell-Bannerman and Lloyd George, who bitterly denounced their governments for waging war unjustly; or to Ramsay MacDonald, a pacifist in the World War. A mere change of party control may transform a black list into a roll of patriots. This is simply to say that citizens equally interested in their country's welfare may have opposite views as to whether maintaining a status quo or moderate change or radical innovation will best further that welfare. Patriotism, in the usage best justified by history, does not imply any particular notion as to how the patriot may serve his country most heroically and effectively.

FRANCIS W. COKER

See: NATIONALISM; ETHNOCENTRISM; CHAUVINISM; NATIONAL DEFENSE; MILITARISM; ALLEGIANCE; HONOR; PROPAGANDA; CIVIC EDUCATION; HISTORY AND HISTORIOGRAPHY; PACIFISM; INTERNATIONALISM; AMERICANIZATION; AMERICAN LEGION; KU KLUX KLAN; ACTION FRANÇAISE; FASCISM; NATIONAL SOCIALISM, GERMAN.

Consult: Michels, Roberto, *Der Patriotismus, Prolegomena zu seiner soziologischen Analyse* (Munich 1929); Merriam, C. E., *The Making of Citizens* (Chicago 1931); Hayes, C. J. H., *Essays on Nationalism* (New York 1926), and *Historical Evolution of Modern Nationalism* (New York 1931); Wallas, Graham, *Human Nature in Politics* (3rd ed. London 1921) pt. ii, ch. iv, and *Our Social Heritage* (New Haven 1921) ch. iv; Reidenbach, C., *A Critical Analysis of Patriotism as an Ethical Concept* (Indianapolis 1918); Stocks, J. L., *Patriotism and the Super-state* (London 1920); Veblen, Thorstein, *An Inquiry into the Nature of Peace and the Terms of Its Perpetuation* (New York 1919) ch. ii; Bosanquet, B., "Patriotism in the Perfect State" in Sidgwick, E. M., and others, *The International Crisis in Its Ethical and Psychological Aspects* (London 1915) ch. vi, and *Social and International Ideals* (London 1917); Blondel, H., "Le patriotisme et la morale" in *Revue internationale de sociologie*, vol. xi (1903) 609–38, 736–68; Wingfield-Stratford, E. C., *History of English Patriotism*, 2 vols. (London 1913); Gaus, J. M., *Great Britain: a Study in Civic Loyalty* (Chicago 1929), especially ch. xiv; Drinkwater, John, *Patriotism in Literature* (London 1924); Robertson, J. M., *Patriotism and Empire* (London 1899); Aulard, A., *Le patriotisme français de la Renaissance à la Révolution* (Paris 1921); Hayes, C. J. H., *France, a Nation of Patriots*, Columbia University, Social and Economic Studies of Post-war France, vol. v (New York 1930); Stewart, H. F., and Desjardins, P., *French Patriotism in the Nineteenth Century (1814–1833)* (Cambridge, Eng. 1923); Harper, S. N., *Civic Training in Soviet Russia* (Chicago 1929), especially chs. ix and xvi, and *Making Bolsheviks* (Chicago 1931); Schneider, H. W., and Clough, S. B., *Making Fascists* (Chicago 1929), especially chs. v–vi; Brooks, R. C., *Civic Training in Switzerland* (Chicago 1930), especially ch. x; Kosok, Paul, *Modern Germany, a Study of Conflicting Loyalties* (Chicago 1933); Pierce, B. L., *Civic Attitudes in American School Textbooks* (Chicago 1930), *Citizens Organizations and the Civic Training of Youth*, American Historical Association, Commission on the Social Studies, Report, vol. iii (New York 1933), and *Public Opinion and the Teaching of History in the United States* (New York 1926); Scott, J. F., *The Menace of Nationalism in Education* (London 1926); *Professional Patriots*, ed. by Norman Hapgood (New York 1927).

PATRONAGE. *See* LITERATURE.

PATRONAGE, POLITICAL. *See* SPOILS SYSTEM.

PATTEN, SIMON NELSON (1852–1922), American economist and social philosopher. Patten was of Scotch-Irish ancestry. He received his early education in the United States and completed his formal training at Halle, Germany. He was professor of economics at the University of Pennsylvania from 1888 to 1917, when he retired from active teaching. Patten was a master of both classical and current economics, being particularly a student of John Stuart Mill; yet he was known primarily as a critic and dissenter. As a believer in the relativity of knowledge he could not present theories as true at all times and in all places. His thought reflected the changing life of the American middle west, where he had passed the early years of his life. His method was deductive. Many of his writings have permanent value, but his greatest contribution was the invigorating stimulus characteristic of his lectures and classroom discussions.

Patten's writings covered a wide range and did not include any systematic treatise. He viewed life as dynamic and knowledge as relative, and his works appear discursive and even inconsistent, since his theories were of necessity subject to change. Perhaps his most fundamental concept was the contention that man now dwells in a surplus rather than in a deficit economy. The conquest of nature and general social progress produce an economic surplus; and in so far as this idea is grasped, not only many older theories but also many institutions are called into question. Diminishing returns and other aspects of production theory demand less attention than does the theory of consumption. The orthodox advocacy of freedom of trade may be replaced by a belief in protectionism, if it becomes thereby possible to live a more complete and satisfying life. Abstinence and hardship are less necessary than formerly; this view alters completely the outlook toward thrift, capital accumulation and interest and frequently

results in an encouragement of spending. Physical cost, as distinct from expenditure, is decreasing. Consumption may become and actually does become better adjusted to environment, and the social consequences of this adjustment are far reaching.

Such dissent from traditional theory tended to isolate Patten as a thinker but to enhance his worth as a teacher. In some particulars, as in his emphasis on a surplus economy, he foresaw clearly the trend of the times and anticipated later writings. His stress on protectionism and on nationalism was not in harmony with classical and neoclassical views and seems to have been to some extent a forecast of post-war trends.

ERNEST MINOR PATTERSON

Important works: *The Premises of Political Economy* (Philadelphia 1885); *The Consumption of Wealth*, University of Pennsylvania, Publications, Series in Political Economy and Public Law, no. 4 (Philadelphia 1889, 2nd ed. 1901); *The Economic Basis of Protection* (Philadelphia 1890, 2nd ed. 1895); *The Theory of Dynamic Economics*, University of Pennsylvania, Publications, Series in Political Economy and Public Law, vol. iii, no. 2 (Philadelphia 1892); *The Development of English Thought* (New York 1899, 3rd ed. 1910); *The Theory of Prosperity* (New York 1902); *The New Basis of Civilisation* (New York 1907, 8th ed. 1921); *The Social Basis of Religion* (New York 1911, 2nd ed. 1913).

Consult: Tugwell, R. G., "Notes on the Life and Work of Simon Nelson Patten" in *Journal of Political Economy*, vol. xxxi (1923) 153–208; "Memorial Addresses on the Life and Services of Simon N. Patten" (with bibliography by R. G. Tugwell) in American Academy of Political and Social Sciences, *Annals*, vol. cvii (1923) 333–67.

PAUL IV (1476–1559), pope from 1555. Paul IV, born Giovanni Pietro Caraffa, came of a distinguished Neapolitan family. Introduced at the papal court by his uncle Cardinal Oliviero Caraffa, he distinguished himself by his ascetic spirit amidst all the splendors of the pontificate of Leo X. In 1524 he obtained permission from Clement VII to join the congregation of the Theatines, founded by Gaetan. He was made cardinal by Paul III in 1536 and charged with the task of restoring vigorously both orthodoxy and morals. Thoroughly impregnated with mediaeval culture, Cardinal Caraffa was hostile to the humanist tendencies of the cardinals Contarini, Pole and Morone. Nevertheless, his reputation for intransigence did not prevent his election to the papacy in 1555. On account of the wars with Spain he could not carry over to Rome the Council of Trent, which had been suspended since 1552; but he did establish cardinals' commissions to advise in the reform of the church. He was active in combating simony, in assuring the choice of able bishops and in compelling the monks who lived outside their monasteries to return to the life of the community. He enlarged the jurisdiction of the tribunal of the Inquisition and published the first Index of books condemned by it. The affection of the old pope for his worthless nephew, Carlo Caraffa, whom he first made a cardinal and then was forced to remove from office and to expel from Rome, was regarded as a regrettable weakness. In general his papal court, so severe in character that it was said that "Rome had become a veritable monastery of Saint Francis," left a lasting impress on the Catholic Counter-Reformation.

GEORGES GOYAU

Consult: Ancel, René, *Nonciatures de Paul IV* (Paris 1911), and his articles in *Revue Bénédictine*, vols. xxii, xxiv–xxvi (1905–09), in *Revue d'histoire ecclésiastique*, vol. viii (1907), and in *Revue des questions historiques*, n.s., vol. xxxv (1906) and vol. xlii (1909). See also Pastor, Ludwig von, *Geschichte der Päpste seit dem Ausgang des Mittelalters*, 16 vols. (Freiburg i.Br. 1886–1933), English translation vols. i–xxiv (London 1891–1933) vol. xiv, p. 56–424; Monti, G. M., *Ricerche su Papa Paolo IV, Carafa* (Benevento 1923).

PAULSEN, FRIEDRICH (1846–1908), German philosopher. Paulsen was the son of a peasant in Langenhorn, Schleswig. He was educated at the universities of Erlangen, Bonn and Berlin and began teaching philosophy at Berlin in 1875. In 1894 he was appointed full professor of philosophy and education and held that post until his death. Philosophically Paulsen was the exponent of metaphysical panpsychism, which reflected the diverse influences of Spinoza's psychophysical parallelism, Schopenhauer's voluntarism and Kant's critical idealism. His *Einleitung in die Philosophie* (Berlin 1892, 42nd ed. 1929; tr. from 3rd ed. by Frank Thilly, New York 1895) was for decades one of the most widely read philosophical works in Germany. Of greater sociological importance, however, is his fruitful work in educational fields. His *Geschichte des gelehrten Unterrichts* (Leipsic 1885; 3rd ed. by R. Lehmann, 2 vols., 1919–21) is remarkable for its strong emphasis on the social factors in the history of education, despite the fact that at that time the whole field of sociology was very little known in Germany. The leading idea behind the work is that the exclusive dominance of the culture of antiquity in the educational life of modern peoples must be

broken down and that there should therefore be established, side by side with the classical *Gymnasium* teaching Greek and Latin, a modern *Gymnasium* (*Realgymnasium*) teaching modern studies, although retaining Latin. Paulsen's third important work, the *System der Ethik* (Berlin 1889, 12th ed., 2 vols., Stuttgart 1921; tr. from 4th ed. by Frank Thilly, New York 1899), is in its theoretical part quite close to Aristotelian energeticism (a doctrine of perfectibility with a biological emphasis). The applied part deals in detail with concrete moral relations in the German bourgeois world of his day and thus gives an intimate picture of the problems which perplexed that culture period. In his personal beliefs Paulsen was the advocate of a monarchical regime organized above party lines on a conservative-democratic basis; he opposed both a ruling parliament and a government responsible to a parliament. Although he rejected the revolutionary economic theory propounded by Marxism, he believed none the less in a gradual transformation which would tend increasingly toward the social organization of production under collective ownership and the limitation of private property in the means of production. He was thus not very far from the type of socialist attitude represented at that time by F. Naumann.

Paulsen's pedagogical theory (see his *Pädagogik*, ed. posthumously by W. Kabitz, Stuttgart 1911, 7th ed. 1921) stresses, in accordance with his philosophical outlook, the education of the will over the education of the intelligence. For over twenty years he exercised a dominant influence on the character of Prussian education, particularly through his participation in the School Conference of 1890 and his many articles touching on every aspect of German education. After 1890 he championed the idea of equalizing the three forms of secondary schools (*Gymnasium*, *Realgymnasium* and *Oberrealschule*), which was effected in 1900. The upper ranks of the teaching profession received a marked imprint from his doctrines. Paulsen's work *Die deutschen Universitäten und das Universitätsstudium* (Berlin 1902; tr. by Frank Thilly and W. W. Elwang, New York 1906) and his small monograph *Das deutsche Bildungswesen in seiner geschichtlichen Entwickelung* (Leipsic 1906, 6th ed. by W. Flitner, 1929; tr. by T. Lorenz, London 1908) form an invaluable guide to the foreigner who wishes to study German education.

In his later years Paulsen, from his standpoint of orthodox Christian faith, was disturbed by the developments of modern life, in which he saw the coming of a godless world and a humanity free from fear. As a writer he exercised through his fruitful criticism a great and many sided influence on his day.

EDUARD SPRANGER

Consult: Paulsen, F., *Aus meinem Leben* (Jena 1909); *F. Paulsen, Gesammelte pädagogische Abhandlungen*, ed. by Eduard Spranger (Stuttgart 1912), containing entire bibliography of Paulsen's works; Lorenz, Theodor, in *Biographisches Jahrbuch und deutscher Nekrolog, 1908*, vol. xiii (1910) 244–65; Speck, Johannes, *Friedrich Paulsen: sein Leben und sein Werk* (Langensalza 1926); Kabitz, W., in *Pädagogisches Lexikon*, ed. by Hermann Schwartz, 4 vols. (Bielefeld 1928–31) vol. iv, p. 1429–42.

PAULUS, JULIUS (*c.* 200 A.D.), Roman jurist. Paul, with his contemporary Ulpian, stands out as the last important representative of classical jurisprudence. His origins are unknown. His career brought him to the imperial council and under Alexander Severus to the highest political office (*praefectus praetorio*). Nevertheless, he still had time and energy to engage in very extensive literary activity. His writings number more than eighty, comprising over three hundred *libri*; Paul thus surpassed all his predecessors in volume of production. His works range from commentaries and monographs to professional opinions and casuistical writings and taken together cover the whole field of public and private law. He made available what centuries had accumulated in material and had achieved in form and method: the typical finale of a great epoch. He was, however, no uninspired compiler but rather a highly individual thinker with a scientific approach. While he did not write as easily as did his rival Ulpian, his works are marked by greater profundity; and in his critical appreciation and mastery of tradition he attained independent and original results. Endowed with a keenly logical mind, he inclined toward theoretical formulation yet was saved from fanciful constructions by his sense of the practical. The reproaches formerly leveled against him on the ground that he was doctrinaire and obscure have for the most part been abandoned since it has been recognized that much of the writing attributed to him was the work of the epigoni who glossed and paraphrased his writings.

Together with the books of Ulpian, Paul's works constituted for the uncreative succeeding age the most accessible and copious reservoir of

the classical law. As early as the third century there was prepared from his writings an anthology of succinctly stated and recast rules which as the *Pauli sententiae* achieved an enormous circulation and, especially in the West, disseminated a knowledge of the whole of classical jurisprudence. The first codifications of the German kingdoms, particularly the influential law of the West Goths of 506 (*lex romana Visigothorum*), directly reproduced a part of the text of the *Sententiae* (meanwhile still further altered) as well as the accompanying *Interpretationes*. Although Ulpian took precedence in the East, Paul was one of the five jurists whose opinions were given the force of law by the Law of Citations of 426. When in 533 Justinian put together his Pandects from the writings of the classical jurists, he took about a sixth of the extracts from Paul. More than two thousand fragments have survived in this and in other ways, although they are not free from falsification. Thus it was in great part through the work of Paul that the Roman law survived through the Middle Ages and into modern times.

ERNST LEVY

Consult: Lenel, Otto, *Palingenesia iuris civilis*, 2 vols. (Leipsic 1889) vol. i, sects. 951–1308; Krüger, Paul, *Geschichte der Quellen und Literatur des römischen Rechts* (2nd ed. Munich 1912) p. 227–39; Berger, A., "Iulius Paulus" in *Paulys Real-Encyclopädie der classischen Altertumswissenschaft*, new ed. by Georg Wissowa and Wilhelm Kroll, vol. x (Stuttgart 1919) cols. 690–752; Schulz, Fritz, "Das Ediktssystem in den Paulus-Sentenzen," and Levy, Ernst, "Paulus und der Sentenzenverfasser" in *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Romanistische Abteilung*, vol. xlvii (1927) 39–52, and vol. l (1930) 272–94.

PAUPERISM. *See* POOR LAWS.

PAVLOV-SILVANSKY, NIKOLAY PAVLOVICH (1869–1908), Russian historian. After graduation from the University of St. Petersburg Pavlov-Silvansky was employed in the state archives attached to the Ministry of Foreign Affairs; he thus had access to materials which he utilized in illuminating studies of the reformers in the reign of Peter the Great and of the revolutionary movements which culminated in the insurrection of December, 1825. Shortly before his death he began to lecture at the Higher School for Women and the Polytechnicum in St. Petersburg.

Pavlov-Silvansky's chief accomplishment was his discovery that striking similarities existed between the political and agrarian organization of appanage Russia and continental feudalism. Although he recognized differences in the trend of development, he found in northeastern Russia of the thirteenth to the sixteenth century a system of vassalage relationships centering about the seigniory, in the creation of which the institutions of benefice, commendation and immunity had a vital part; even legal forms and usages as well as knightly mores were virtually identical with those of feudal Europe. His demonstration of this thesis, based in part upon documentary material not previously available, led him to reinterpret certain phenomena which had been considered peculiar to Russia: the role of communal self-government in the early period, the decline of the "free" peasantry to servile status and the relative importance of feudal as opposed to alodial tenure. His position represented a radical departure from the traditional view that Russian development was unique, and his work was attacked as an attempt to equate distinct social systems by exaggerating the similarities of particular features. Even sympathetic critics maintained that his approach was too legalistic and static and that a closer approximation to feudalism was to be found in southwestern Russia and Lithuania. Although his chief work remained unfinished at his death, Pavlov-Silvansky was the first to present a scholarly treatment of Russian feudalism, a problem which has continued to be of great interest to historiography.

SOLOMON KUZNETS

Important works: *Sochineniya* (Works), 3 vols. (St. Petersburg 1909–10); *Feodalizm v drevnei Rusi* (Feudalism in ancient Russia) (St. Petersburg 1907; new ed. with introduction by M. N. Pokrovsky, Petrograd 1924); *Proekti reform v zapiskakh sovremennikov Petra Velikago* (Projects of reform in the writings of contemporaries of Peter the Great), St. Petersburg University, Istoriko-Filologichesky Fakultet, Zapiski, vol. xlii (St. Petersburg 1897).

Consult: Kareyev, N., *V kakom smisle mozhno govorit o sushchestvovanii feodalizma v Rossii?* (In what sense is it possible to speak of the existence of feudalism in Russia?) (St. Petersburg 1910); Borosdin, J., "Eine neue Arbeit über den Feudalismus in Russland" in *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte*, vol. vi (1908) 572–78; Presnyakov, A. E., in *Zhurnal Ministerstra Narodnago Prosveshcheniya*, n.s., vol. xviii (1908) 11–17; Klochkov, M., in *Istorichesky vestnik*, vol. cxiv (1908) 633–45; Shchegolev, P. E., in *Minuvshie Godi*, no. x (1908) 309–19.

PAWNBROKING is the business of lending money upon the security of household goods or personal effects pledged in the keeping of

the creditor. It is not to be confused with the lending on pledges of other types of movable property, such as merchandise or negotiable instruments, or with a business in which pledge lending is ancillary to other operations. The type of security characteristic of pawnbroking loans suggests that their proceeds would seldom be used in regular business financing. It is true that during the period of town economy and handicraft production, when credit organization was as yet undeveloped, small and medium size business was commonly financed through the pawnbroker; his function was to transform hoarded wealth, which then constituted a considerable portion of the community's material capital, into liquid funds. And for several centuries after the close of the Middle Ages certain types of small business, for which no specialized system of credit accommodation was provided, had frequent recourse to the pawnshop. Even at present the pushcart dealer, the peddler and the sweatshop manufacturer in metropolitan centers like New York are in many cases financed through pledging. The primary economic function of the pawnbroker, however, is to provide consumer loans to those unable or unwilling to borrow in other ways. His clientele includes therefore several distinct groups: persons of superior rank in temporary straits; the *jeunesse dorée* and the demimonde who have no other sources of credit but can offer pledges of high value; artisans, petty traders, those engaged in small service industries as well as occasional entrepreneurs on the higher rungs of the business ladder; and, finally, the great mass of the urban poor.

In the popular mind pawnbroking is commonly identified with usury. This association may have its roots in the mediaeval controversy as to the ethics of loans at interest, but more pertinent is the fact that pawnbroking has for long been the outstanding form of consumer lending, attacked by the purists as "unproductive," or economically irrational, and recognized by competent observers as open to abuse by both lender and borrower. As in other types of consumer credit, in pawnbroking the bargaining power of the two sides is obviously unequal; and the cost of the loan is high, much higher than is apparently justified by the rate for business credit. A part of this, however, is the normal incidence of the pawnbroker's business: he pays more for the funds disbursed than the bank, incurs expenses in connection with appraisal and safekeeping of the pledge and, where he specializes mainly in small loans of short maturity, his overhead expense per dollar of outstanding loans is rather large. Moreover his power over the borrower is not as great as that of many other lending agencies; for the borrower owes the pawnshop nothing unless he wishes to retain the pledged article. In effect the borrower sells the pledge and retains an option to repurchase it on certain terms; as a seller, however, he is handicapped by his ignorance of the market value of the article or must trust the pawnbroker as his agent in disposing of the forfeited pledge.

It is a moot question whether pawnbroking as understood today was practised in the ancient world. There is no doubt that some forms of pledge lending were well established in all the major countries of antiquity which developed an urban civilization; nor is there much uncertainty about occasional lending on household or personal effects. Pledging was a recognized contract in both Greek and Roman law, which evolved toward greater simplicity and higher protection for the creditor. On the basis of available data it cannot be established, however, that pawnbroking in antiquity was carried on as a specialized business, nor can problems peculiar to it be traced so far back.

In the history of western civilization pawnbroking becomes clearly distinguishable for the first time in the later Middle Ages. During the economic revival which set in with the beginning of the crusades and extended over the following three centuries the mediaeval economy, poor in liquid capital, of necessity resorted to an extensive use of credit. Since the collection enforcement machinery was unsteady and inefficient, landed property was difficult to alienate and such forms of personal security as surety and hostage were of limited applicability, much of the credit employed was naturally based on the security of pledges. Specialization in the credit business was stimulated by such factors peculiar to the age as the presence of money changers, who could easily attract the money saving of the community and circulate it again in the form of loans; the unevenness of economic development, which permitted earlier separation of trade and finance in the Italian city republics and afforded the Italian financiers preferential standing in other parts of Europe; and the peculiar position of the Jews, who under the pressure of the church were forced to abandon agriculture and who turned increasingly to money lending as the establishment of

free handicrafts, which they were not allowed to practise, narrowed the opportunities for local trade. Pawnbroking as distinct from general pledge lending became identified first with Jewish credit operations; for, unlike the Italian financiers, the Jews disposed of comparatively small capital, a rapid growth of which was precluded by mob violence and periodical confiscatory levies. Although originally they dealt with the lesser feudal baronage and the city patriciate, in the thirteenth century the Jews were reduced to lending almost exclusively to the small urban borrower upon household and personal pledges. Jewish pawnbrokers were most numerous in German territories, but even there they competed with native money changers. Elsewhere, as in Flanders, where the Jews were rare, or in England, where they were exiled in 1290, their place was taken by smaller Italian firms and native merchants.

The conditions under which mediaeval pawnbroking was carried on varied considerably in place and time. One serious obstacle was the canonical prohibition of usury, ever more stringent after the Lateran Council of 1179, which was often aimed particularly at the small loan, although it did not apply specifically to Jewish lending. Nor was the attitude of the secular authority particularly encouraging; it vacillated at first between the complete outlawing of credit and the exploitation of the credit specialist as a source of revenue. Later, however, the stress of economic conditions forced a more tolerant attitude. Pawnbroking as well as other types of lending was authorized under special charters defining the lender's legal status and regulating his responsibility for the safety of the pledge, the conditions of its forfeiture and sometimes the ratio of the loan to the appraised value of the pledge. Certain objects to which there attached a suspicion of dishonest appropriation could not be pledged, among them various kinds of unfinished goods; that is, articles likely to be in the possession of craftsmen working to order or on a contract basis. Loans to servants and industrial homeworkers were sometimes limited to a set maximum, which may be interpreted as an attempt to prevent overborrowing by those who ostensibly needed no credit for business purposes. Earlier charters did not as a rule provide for interest maxima, but this practise became increasingly common beginning with the thirteenth century. The most frequent maximum was $43\frac{1}{3}$ percent (two pence in the pound per week), and $86\frac{2}{3}$ percent was not unusual, while in the eastern territories and the Danubian provinces the rates tended to be even more exorbitant. A characteristic mediaeval provision was the permission to exact higher charges from non-resident borrowers.

Credit on such terms, although apparently regarded as better than none at all, was extremely burdensome. Attention therefore was soon directed to organizing the supply of credit so as to lower its cost and make it more amenable to public control. Beginning with the suggestion of the bishop of Mende about 1326 that magistrates make pledge loans at low interest to all those in need, proposals of this type recur in the literature of the period. Yet these projects were not easily realized. The only authentic fourteenth century instance of a low interest pawnshop under public auspices is that of the city of Salins in Franche-Comté; established in 1350, it prospered so greatly that it was able in 1383 to grant a single loan of 20,000 florins on the security of real property, an eloquent testimony to its departure from the purposes envisaged by its founders.

It was only in the second half of the fifteenth century that the decay of the handicraft economy and the ensuing impoverishment of the masses furnished the necessary driving force for the establishment of a considerable number of charitable pawnshops, the *montes pietatis*, in central and northern Italy. It is significant that the movement originated in a country where lending of all kinds was widespread and where secular law under the influence of Bartolus had been increasingly adopting the canonical view of interest. The advocates and practical promoters of these institutions were the Observant friars, the radical wing of the Franciscans. Outstanding among them was St. Bernardin of Feltre, who preached against Jewish usury and organized effective mass pressure for municipal grants and private contributions to the *montes*; in the years 1484–94 he succeeded in founding or expanding no fewer than 30 such establishments. The fundamental purpose was to collect a fund, adequate to satisfy the legitimate credit needs of the lower class artisans and dealers and the poor in general; thus it was not unusual for the *montes* to set a fairly low maximum for loans and to refuse advances for commercial speculation. To prevent the dissipation of the fund arrangements were made for its periodic replenishment through various church taxes and collections, a legacy tax, sale of indulgences and the like. Except for a short period, when

the Dominicans disputed the legitimacy of "religious usury," charges from 4 to 12 percent were imposed to cover running expenses. These were at least as low as interest on long term loans secured by rent charges and were assessed with some regard to the ability of the borrower to pay; many small loans indeed were free. Loans were made for a period of six to twelve months and forfeited pledges were sold at auction, any surplus being retained for the borrower. Supervision of the *montes* was in the hands of municipal officers or, in most cases, of a self-perpetuating board of four clerics and eight laymen, membership in which was honorary and compulsory. Although their organization was practically foolproof, the *montes* survived only at the cost of perpetual vigilance. They did not fully succeed in eliminating the private pawnbroker, nor could they relieve those who had no articles to pledge; and there were complaints of favoritism by officials as well as of undervaluation of pledges by appraisers. The period of their active spread extended for about fifty years after the establishment of the first *mons* in Perugia in 1462; while some important institutions were founded in the following century in Italy (Turin 1519, Rome 1539) and in papal territories in southern France (Avignon 1577), the later history of the *montes* was one of reorganization to eliminate losses and of expansion by accepting deposits at low interest and providing general business credit.

The Italian *montes*, although much admired throughout Europe, were not widely imitated, for conditions in other countries were generally quite different from those which obtained in Italy. Moreover the attitude toward loans at interest was changing radically in the sixteenth century. For some countries the change was brought about by the Reformation. In the Catholic states too the definitive decision of the Lateran Council in 1515 to allow the *montes* to make moderate charges and the subsequent papal sanction of interest paying deposits dispelled for practical purposes doubts as to the legitimacy of credit on a self-supporting basis. When the government of the Spanish Netherlands, after being balked in its attempt to reduce the interest charges of the Lombard lenders so as to save the impoverished and heavily indebted nobility from ruin, set up public lending institutions, there was no question of raising funds by charity drives. The plan devised by the government architect Wenceslaus Cobergher and adopted in the Netherlands in 1618 and in the bishopric of Liége in 1620 called for the sale of perpetuities at 6 to 7 percent interest and annuities yielding 10 to 12 percent. The moneys so obtained were loaned on pledges at 10 to 15 percent; these rates were further reduced (in Liége to 5 percent) where successful expansion made this possible. A similar idea was incorporated in the municipal pawnshops established in Germany in the sixteenth, seventeenth and eighteenth centuries; they were financed through the city treasury, sale of annuities and acceptance of deposits; and in many instances they extended other forms of credit beside lending on pledges. More important than the Belgian or German institutions was the Paris *mont-de-piété* founded by letters patent in 1777 in order to combat widespread private lending in open disregard of the usury law. Although its initial capital was provided from the funds of the General Hospital, which was also to claim the entire profits resulting from its operation, the expansion of its business forced the Paris *mont-de-piété* in 1779 to borrow substantial sums from private sources; that is, to adopt in effect the financing methods of Cobergher. The volume of its business was very large practically from the start, for it charged only 10 percent per annum plus a fixed fee of ½ percent for appraisal, while even respectable private lenders demanded 10 percent per month. By the end of the eighteenth century public pawnshops were operating in many European capitals: in Vienna the imperial pawn office organized in 1713 with funds donated by Charles VI; in Madrid a *mont-de-piété* founded by the royal chaplain, who solicited private contributions; in Copenhagen the Assistenthuis financed by the Royal Naval Hospital. Even in Russia experiments were begun in 1733 with loans by the mint on gold and silver plate, followed by pawn loans from the state mortgage banks established in 1754 and by the creation of separate pawn banks affiliated with foundling hospitals in St. Petersburg and Moscow in 1772.

Where pawn offices were sponsored by the government, private pawnbroking was as a rule outlawed and driven underground. Modern regulation of the private business began in England, the only European power which did not indulge in this form of public enterprise, although even here projects similar to the continental were quite popular. In 1707 a Charitable Corporation, with a capital which amounted eventually to £600,000, was actually chartered to lend money on pledges both to the poor

and to persons in better circumstances; before its dissolution in 1731 the Common Council of London charged it with accepting stolen goods and offering prospective bankrupts an easy means of cheating their creditors. By that time pawnbroking in London was a thriving business; it was estimated that in the middle of the eighteenth century there were about 250 large pawnshops and that the total volume of loans of both large and small shops amounted annually to £650,000. It was apparently a committee of the larger pawnbrokers which introduced a bill in 1745 intended to protect them from "divers Persons of ill Fame and Repute, who live in Garrets, Cellars, and other obscure Places, taking upon themselves the Names of Pawnbrokers," and whose alleged misconduct extended to the charging of as much as six pence on the pound per week (130 percent), the substitution of cheaper articles for those pledged and the sale of pledges within three or six months. The bill, which proposed licensing and authorization to charge 20 percent, a fifth of which was to go to hospitals and workhouses, anticipated actual developments by only a few years. Pawnbroking was made an exception to the general maximum interest law in 1756, a maximum for all charges on pawn loans not exceeding £10 was set in 1784, and licensing was introduced in 1785. The situation was much clarified by the comprehensive act of 1800 which specified maximum charges (20 percent for loans £2 and less, 15 percent for loans 42 shillings to £10; plus a ticket charge of a halfpenny to four pence for loans of 5 shillings and over, roughly proportioned to amount of loan), fixed the form of contract between pawnbroker and pledger as well as the form of the register to be kept by the lender, regulated the conditions of forfeiture (one year) and of disposal of forfeited pledges and provided for an Excise license, which did little more than impose a flat annual tax upon each establishment. Although not affected by this law, the business in Ireland had already been regulated by the acts of 1786 and 1788, similar to the British except that they allowed higher charges (25 to 30 percent) and required bonds and sureties.

The significance of this legislation and of the important Prussian act of 1787, which authorized private pawnbroking under the strict license supervision of local authorities but at rates exceeding the limits set by the general usury laws, lay in the recognition of pawnbroking as primarily a small loan agency subject to special conditions. Even with the disappearance of the usury laws, abolished in the middle of the nineteenth century in all important European countries, this attitude was not fundamentally modified; for already it reflected the vital change in the economic nature of pawnbroking which began in the eighteenth and continued through the nineteenth century—its transformation from a source of regular if small business credit and of financial aid to the sinking nobility into an agency of small and chiefly consumption loans to the poor. The new clientele of the pawnbroker consisted in the main of workers in factory towns and commercial centers who lived on the bare margin of subsistence, whose employment was subject to the vagaries of the season and the business cycle and whose financial balance was easily upset by an extraordinary expenditure, especially in connection with sickness or death in the family. Even when trade union organization and social legislation succeeded in raising somewhat the standard of living of the masses, when the activity of friendly societies and cooperative associations assured a greater degree of financial independence for the majority, there still remained a large group living on the ragged edge, which after the middle of the century was augmented by a growing contingent of those employed in the sweated industries. And while business as a whole was provided with credit facilities much superior to those of the pawnbroker, he retained the allegiance of the small producers in those branches of manufacture in which old handicraft methods could still be followed, although at a great sacrifice. He was also a friend in need for those who were tempted to risk their small savings on the new opportunities for the self-employed mechanic and distributor which changing industrial and business technique seemed always to provide. Thus the pawnshop attracted a numerous class of regular clients borrowing from one pay day to the next, replenishing their cash holdings after holidays, pawning their winter clothes in the spring to redeem them in the fall; and the pawnbroking business became subject to marked periodic fluctuations, with loans more frequent at the beginning of the week, of the month and of the quarter, after holidays and in years of general prosperity, when business loans increased.

That the pawnbroker thus became predominantly "the poor man's banker" was obvious in every country, irrespectively of the system of regulation in use. As early as 1806 Patrick

Colquhoun observed that pawning was habitual with the poor of England's large cities and that "if these modes of raising money were not accessible or were suddenly taken away thousands would unavoidably perish in the streets" (*A Treatise on Indigence*, London, p. 237). With an inconsistency characteristic of a middle class reformer he attributed the situation to "improvidence and the total want of frugal habits or forethought"—a comment which can be matched only by the report in 1818 of the New York Society for the Prevention of Pauperism which listed pawnbroking as a cause of poverty along with ignorance, idleness, intemperance, want of economy, imprudent and hasty marriages, lotteries, houses of ill fame and, last but not least, numerous charitable institutions. According to official returns the average loan of licensed pawnshops was below 3 shillings for Ireland in 1864, about 3 shillings for Glasgow in 1840 and slightly over 4 shillings for Liverpool in 1869; these figures acquire added significance in view of the fact that, according to an estimate of 1871, there was one pawnshop for 6000 inhabitants in London, for 2200 in Liverpool and for 1400 in Manchester. In the Belgian pawn offices, which enjoyed a monopoly of the business, the average value of pledges at the middle of the seventeenth century varied from 10 to 33 francs (pre-war French unit), but two hundred years later the range was from 3 to 7½ francs. The average loan of the Augsburg Leih-Amt, dating from the late sixteenth century, was about 23 marks in 1747, less than 9 marks in 1812–13, 6½ marks in 1852–53, and less than 5 marks in 1893. The average loan of the Paris *mont-de-piété* was 37.7 livres in 1778–93 and 17⅓ francs in 1831–53. For the latter period the occupational distribution of its clientele shows 73 percent wageworkers and 4 percent employees; in 1886 the same groups constituted respectively 56.5 percent and 15.7 percent of all borrowers. Even the Berlin Leih-Amt, established in 1834 by the king of Prussia and generally recognized as primarily a middle class institution, included among its borrowers in 1890–93 13 percent workers and 54 percent artisans and tradesmen.

The reorientation of pawnbroking involved certain structural changes. In countries where private pawnbroking prevailed shops which catered to the wealthy were differentiated from those which did a regular weekly trade with the poor; the former specialized almost exclusively in pledges of jewelry and plate and were as a rule attached to jewelry stores, while the latter were neighborhood establishments receiving clothes and bedding, musical instruments and mechanics' tools, clocks and small jewelry and a miscellaneous assortment of pots and pans and "bundle goods." There was in fact a third group of shops making loans so small that they could not possibly operate under rates set by the law; this they evaded by employing a contract of sale accompanied by a verbal promise to allow the seller to repurchase at a higher price within a limited time (rarely over a month). Curiously enough the same differentiation of pawnbroking into three classes according to the size of the loan, the charges and the maximum maturity applies even to a country like China, where pledge lending has existed for many centuries and no doubt still serves as a very important form of credit. The law eventually gave explicit recognition to the facts. In 1856 an attempt was made in the United Kingdom to bring "dolly shops" and "wee pawns" within the scope of the pawnbroking statute, whose requirements were somewhat relaxed for their benefit, allowing a halfpenny ticket charge also for loans under 5 shillings (Halfpenny Act of 1860); and the codificatory act of 1872 raised interest for loans not exceeding £2 to 25 percent, virtually exempted loans above that amount from interest limitation by allowing "special contracts" and provided for a certificate of character from a local magistrate as a condition preliminary to the granting of an excise license. In Germany, where the act of the North German Confederation in 1869 made the license requirements considerably less stringent than they were under the Prussian laws and left interest regulation to individual states, the laws of 1876 and 1879 assimilated *Rückkaufgeschäfte* to pawnbroking and provided in effect for certificates of character as well as of necessity.

Where the private business was handicapped by the competition of official pawnshops, a condition of its survival was a better adaptation to the needs of the poor: private establishments were located in working class neighborhoods, were accessible at more convenient hours, were more liberal in granting loans and less inquisitive as to the identity of the pledger; if their rates appeared to be higher than those of public pawnshops, this made little difference to those who pledged for a week or even a fortnight, for the public agencies generally enforced a minimum charge calculated on a fort-

nightly or monthly maturity basis. Public pawnshops did of course take some steps to put their facilities at the ready disposal of the poor —they opened branch offices, engaged agents operating under the control of the central office and in Holland went so far as to set up special institutions for very small loans of short maturity in which red tape was virtually eliminated. Generally, however, the use of agents proved a makeshift which was not very satisfactory: they were allowed to charge a commission in addition to the regular fee, which raised considerably the total cost to borrower; they were not permitted to appraise pledges more liberally than the central office, nor to keep the pledges in their possession for any length of time so that redemption became rather cumbersome. Although the excesses of private pawnbroking were curbed, the practise was not entirely eliminated except in the smaller towns; this holds true even of countries, like France and Belgium, in which the public offices ostensibly enjoy monopolistic status, since lending on pawn tickets is still possible even if not strictly legal. For the extremely low valuation put upon pledges is the major grievance against the public pawnshop, an evil difficult to eradicate where, as in most instances, the appraisers are held personally responsible for losses incurred in selling forfeited pledges. Much more than the private shop, the public office therefore attracted the substantial pledges; in fact it could not otherwise enforce low charges and continue on a self-supporting basis, since the smaller loans of short maturity involved losses even where the funds were obtained at low cost by borrowing in the money market or accepting savings deposits. In some countries, as in France, the pawn offices were deliberately utilized as an agency of credit for other classes besides the poor. From the establishment of the public monopoly in 1805 there was a movement to emancipate the *monts-de-piété* from the onus of charity and subordination to the welfare administration. This was achieved in part in 1851, when these institutions were put under the supervision of municipal councils, which were also authorized to initiate the establishment of new *monts* subject to the approval of the central government; in the same year they were allowed to lend on new merchandise and to sell pledges, if so requested by borrower, after three months; in the twentieth century many of them were renamed *caisses du crédit municipal*. In 1891 the Paris institution was authorized to accept in pawn high grade securities and after the war automobiles. In other countries too the public pawn office was drawn upon heavily by the middle classes in periods of severe economic dislocation, such as the post-war decade of inflation and deflation.

Because of the peculiarities of its political evolution the United States had no place for governmental or municipal pawnshops; instead there developed semiphilanthropic remedial loan societies founded by charitable organizations or public spirited citizens. The first pawnshop of this type was the Pawners' Bank of Boston (later renamed the Collateral Loan Company), which was granted a charter by the Massachusetts legislature in 1859. With a capital assembled by private subscription among the wealthy, on the promise of dividends not to exceed 8 percent, it began by making pledge loans redeemable within a year at 1 percent per month, a rate which it was later forced to raise, the maximum at one time being as high as 3 percent monthly on loans below $50. At first it proved a disappointment to the founders, for its volume of business was small and it did not succeed in driving the private pawnbrokers out of business; it was only after 1873 that its operations began to expand and its average loan to decline. The largest of the limited dividend pawnshops is the Provident Loan Society of New York, established on the initiative of the Charity Organization Society by a group of wealthy bankers in 1894. It began with a modest capital of $100,000, but its subsequent expansion, financed largely by accumulated earnings, was truly phenomenal. In 1929, when the volume of loans reached a high peak, its numerous branches throughout the city lent about $44,000,000 on nearly 500,000 pledges; while the average loan was high, 53 percent of the total loans were below $50 and 20 percent below $15. Its loan charge of 12 percent is computed on a daily basis, although a minimum charge of $\frac{1}{2}$ percent is enforced. Despite its demonstrated success and its recognized leadership in the National Federation of Remedial Loan Associations, the example of the New York society has not been widely followed; other remedials lend for the most part on chattel mortgages, and even these have declined since their philanthropic promoters have turned their efforts toward fostering adequate state regulation of private loan offices.

Except in a few cities therefore the remedial pawnshop offers no serious competition to pri-

vate pawnbroking. The inception of this business in the United States probably antedates the nineteenth century, for it received legislative recognition as early as 1803, when the New York legislature passed an act (amended in 1813) authorizing the city to license pawnshops. Public attention was first focused upon them in the years following 1815, when the country experienced a period of acute economic distress caused by a flood of British imports. In 1817 the Pennsylvania Society for the Promotion of Public Economy asserted that the great number of pawnbrokers in Philadelphia was "a most serious and growing evil," because they were instrumental in reducing many persons to want, apparently by allowing extremely low valuations on pledges and charging as much as 5 to 18 percent per month; many of these were old clothes stores lending on the "repurchase" plan. While in 1819 the New York Society for the Prevention of Pauperism found only 10 licensed pawnbrokers in the city, who kept within the law as long as they did not exceed the charge of 25 percent for loans below $25, ten years later the annual number of pledges and secondhand sales for the city was reported as over 150,000, with loans amounting to $500,000. Pawnbroking developed more rapidly with increasing urbanization in the following century. Thus in 1859 the Boston Society for the Prevention of Pauperism found over 50 pawnshops, "most of them favorably located and exhibiting indications of thrift," but the facilities they furnished the needy were adjudged unworthy of the age and the community. A survey of pawnbroking at the end of the century showed that shops were established in many large cities scattered from coast to coast; there was considerable variation in the type of business, the average loan ranging from $2.40 in Boston to $7.92 in Washington, D. C., as well as in the terms on which it was transacted.

That such differences exist is not surprising since no national regulation was ever attempted. Regulatory power has been vested in the states, which in most cases delegate it to municipal or county authorities. A review of pawnbroking statutes undertaken by the Russell Sage Foundation after the war shows that there was state wide supervision in only six instances; two thirds of the states, however, exempted pawnbroking from the usury laws, permitting charges on a sliding scale, which raised some rates to 10 percent a month, or on a pro rata basis, from 1 to 5 percent monthly. Local authorities have been concerned primarily with such questions as licensing, bonding and the form of record keeping; in large cities frequent reports to police on certain types of pledges are required. The foundation drafted also a uniform pawnbroking law, which provides for state licensing, bonding, annual examination and report, optional repayment in instalments, a 3 percent monthly charge on the outstanding balance, the expiration of at least a year before forfeiture and the sale of forfeits at public auction. The draft was approved by the National Federation of Provident Loan Associations in 1922 but has not been pushed vigorously since.

The total volume of pawnshop loans in the United States has recently been estimated at over $500,000,000, which indicates that pawnbroking is still the largest of the legitimate consumer loan agencies. Competition from other lenders, such as chattel mortgage companies, salary loan concerns, industrial banks and credit unions, has, however, become increasingly severe. Except for credit unions these agencies are not at present as highly developed in Europe, but there is no reason to suppose that in the future pawnshops will not be equally handicapped in continental countries. For pawnbroking, which for several centuries held undisputed sway in the field of consumer lending, is not well adapted to modern conditions. The habit of hoarding is rapidly disappearing even among the poor; the surplus above current expenditure, if not deposited with a savings institution, is more likely to be invested in a radio set, an automobile, house furniture and fixtures than in articles which might conveniently be pledged. Where borrowing is repeated from week to week, a somewhat larger loan secured by a wage assignment and repayable in small weekly instalments might be preferable; the only advantage of pledging in such cases is that it is somewhat cheaper and involves less danger of abuse by both lender and borrower. The small business man too finds in many instances that it is more convenient to borrow on a chattel mortgage or an endorsed note than on the pledge of his wife's jewelry. Even though the occasional well to do borrowers and persons whose earning capacity is uncertain are as dependent upon the pawnshop as ever before, it is likely that pawnbroking may be entering upon a relative decline. And while there is still much room for improvement in pawnbroking practises, public attention has increasingly turned to other

small loan agencies, which stand for the present in much greater need of effective regulation and carry the promise of more extensive development in the future.

SOLOMON KUZNETS

See: DEBT; LOANS, PERSONAL; SMALL LOANS; USURY; PLEDGE.

Consult: GENERAL SURVEYS: Patterson, W. R., "Pawnbroking in Europe and the United States" in United States, Department of Labor, *Bulletin*, vol. iv (1899) 173–310; Great Britain, Foreign Office, *Reports . . . on the System of Pawnbroking in Various Countries*, C. 7559 (1894); Levine, S. W., *A Treatise on the Law of Pawnbroking . . . and a Review of Pawnbroking* (New York 1911); Blaize, A., *Des monts-de-piété et des banques de prêt sur gage en France et dans les divers états de l'Europe*, 2 vols. (2nd ed. Paris 1856).

HISTORICAL: Caro, Georg, *Sozial- und Wirtschaftsgeschichte der Juden im Mittelalter und in der Neuzeit*, 2 vols. (vol. i 2nd ed., Leipsic-Frankfort 1920–24); Hoffmann, M., *Der Geldhandel der deutschen Juden während des Mittelalters*, Staats- und sozialwissenschaftliche Forschungen, no. 152 (Leipsic 1910); Schulte, Aloys, *Geschichte des mittelalterlichen Handels und Verkehrs zwischen Westdeutschland und Italien*, 2 vols. (Leipsic 1900) vol. i, p. 308–27; Koch, Sylvain, *Italienische Pfandleiher im nördlichen und östlichen Frankreich* (Breslau 1904); Morel, Paul, *Les lombards dans la Flandre française et le Hainaut* (Lille 1908); Bigwood, G., *Le régime juridique et économique du commerce de l'argent dans la Belgique du moyen âge*, Académie Royal de Belgique, Classe des Lettres et des Sciences Morales et Politiques, Mémoires, 2nd ser., vol. xiv, pts. i–ii, 2 vols. (Brussels 1921–22); Holzapfel, H., *Die Anfänge des Montes Pietatis (1462–1515)*, Veröffentlichungen aus dem kirchenhistorischen Seminar, München, no. 11 (Munich 1903); Weber, Maurice, *Les origines des monts-de-piété* (Rixheim 1920); Bigo, R., "Aux origines du mont-de-piété parisien" in *Annales d'histoire économique et sociale*, vol. iv (1932) 113–26.

FOR CONTINENTAL EUROPE: Schmoller, Gustav, "Die öffentlichen Leihhäuser" in *Schmollers Jahrbuch*, vol. iv (1880) 87–123; Patterson, W. R., "Die gegenwärtige Lage der Leihämter in Deutschland" in *Jahrbücher für Nationalökonomie und Statistik*, vol. lxx (1898) 211–32; Saulacher, A., *Die Geschichte über Gründung, Entwicklung und Verwaltung des Leih-Amtes der Stadt Augsburg von 1573 bis 1917* (Augsburg n.d.); Leipsic, Leihhaus, *Das Leihhaus der Stadt Leipzig seit der Stabilisierung der Mark*, by Dr. Prenzlow (Leipsic 1930); Cuneus, H., *Die öffentlichen Leihhäuser Deutschlands* (Leipsic 1931); Olshausen, "Die Regelung des Pfandleihergewerbes im Deutschen Reich" in *Schmollers Jahrbuch*, vol. xxx (1906) 147–90; Loeffler, F., *Die gewerbliche private Pfandleihe nach geltendem Reichs- und Landesrecht*, Rechts- und staatswissenschaftliche Studien, no. 34 (Berlin 1908); France, Ministère de l'Intérieur, Conseil des Inspecteurs Généraux des Établissements de Bienfaisance, *Situation administrative et financière des monts-de-piété, Rapports et documents*, by O. Claveau (Paris 1876); France, Conseil Supérieur de l'Assistance Publique, *Mont-de-piété de Paris (Reorganisation de l'appréciation et des ventes)*, Fascicule no. 20 (Paris 1889); Vielle-Cessay, P., *Des monts-de-piété* (Besançon 1912); Marlio, J., *Étude sur l'organisation et le fonctionnement du mont-de-piété de Paris* (Paris 1913); Decker, P. J. F., *Études historiques et critiques sur les monts-de-piété en Belgique* (Brussels 1844); Codina-Länglin, Ramon, "Les monts-de-piété en Espagne" in International Congress of Charities, Correction and Philanthropy, Paris 1900, *Recueil des travaux*, vol. v (Paris 1900) p. 113–31.

FOR GREAT BRITAIN: "Pawnbroking" in *Quarterly Review*, vol. clv (1883) 106–33; *Villainy Unmask'd . . . by a Lover of His Country* (London 1752); *An Apology for the Business of Pawnbroking* (London 1744), reprinted in *A Select Collection of Scarce and Valuable Economical Tracts*, ed. by J. R. McCulloch (London 1859) no. 4; Tuckett, J. D., *A History of the Past and Present State of the Labouring Population*, 2 vols. (London 1846) vol. i, ch. ix; Great Britain, Parliament, House of Commons, Select Committee on Pawnbrokers, *Report . . . with the Proceedings of the Committee . . .*, Sessional Papers, 1870, vol. viii, no. 377, and *Report . . .*, Sessional Papers, 1871, vol. xi, no. 419; "My Uncle" in *All the Year Round*, n.s., vol. xxxvii (1885–86) 245–51; Bosanquet, Helen, "The Burden of Small Debts" in *Economic Journal*, vol. vi (1896) 212–25; Porter, H. J., "On the Mont de Piété System of Pawnbroking in Ireland" in Statistical Society of London, *Journal*, vol. iii (1840–41) 293–303; Great Britain, *Report of the Commissioner Appointed to Inquire into the Laws of Pawnbroking in Ireland*, Parliament, Sessional Papers, 1867–68, vol. xxxii, no. 3985 (Dublin 1868).

FOR UNITED STATES: Clark, Evans, *Financing the Consumer* (New York 1931) p. 40–44; Carey, Mathew, "Public Charities in Philadelphia" in his *Miscellaneous Essays* (Philadelphia 1830) p. 153–203; Howland, E., "The Bankers of the Poor" in *Galaxy*, vol. iii (1867) 661–67; "Chattel Mortgages and Pawnbroker's Loans" in Minnesota, Bureau of Labor, *Fourth Biennial Report, 1893–94* (St. Paul 1895) p. 17–59; Chicago, Illinois, Municipal Reference Library, *Analysis and Summary of Replies Received from 66 Pawnbrokers . . . Pertaining to Capital Invested, . . . Gross Income, Dividends . . . in 1917* (mimeographed, Chicago 1918); Nugent, Rolf, *The Provident Loan Society of New York*, Russell Sage Foundation, Department of Remedial Loans, Publication no. 45 (New York 1932); Raby, R. Cornelius, *The Regulation of Pawnbroking*, Russell Sage Foundation, Small Loan series (New York 1924).

PEABODY, ELIZABETH PALMER (1804–94), American author and educator. As a family the Peabodys were closely identified with the literary, philosophical, educational and humanitarian movements which distinguished Boston at this period. One of the sisters married Nathaniel Hawthorne, another Horace Mann and the third, Elizabeth, gave her life to the establishment of the kindergarten in American education. She was admirably prepared for this service through her former experience as a leader in the Concord School of Philosophy and her interest in transcendentalism and the Broo-

Farm experiment. When Mrs. Carl Schurz introduced her to Fröbel's *Die Menschenerziehung* (Keilhau 1826, tr. as *Education of Man*, New York 1885), she became an immediate convert to the philosophy of Fröbel and the kindergarten movement. Her friends urged her to devote herself to writing a book of literary reminiscences growing out of her experience in conducting a unique bookshop, which drew a wide circle of literary men and women, but she refused to comply with their request. Instead she threw herself into the movement for educational reform and in 1860 opened one of the pioneer kindergartens in America. Feeling that her comprehension of Fröbel's methods was inadequate she visited Germany in 1867, hoping to perfect herself in the knowledge and technique of teaching young children. While studying with trained leaders abroad she induced German kindergartners to come to America to carry forward the work during her absence. Upon her return she was largely responsible for the establishment of the first public kindergarten in Boston in 1870 and the founding of the *Kindergarten Messenger*, a monthly magazine which she edited for four years.

A prodigious reader, a tireless lecturer, a prolific writer, Miss Peabody gave herself with exhaustless enthusiasm to the dissemination of her convictions on all subjects, whether in a protest against slavery and American injustice to the Indians or for the protection and education of children, their mothers and teachers.

PATTY S. HILL

Works: *Aesthetic Papers* (Boston 1849); *Crimes of the House of Austria against Mankind* (New York 1852, 2nd ed. 1852); *Last Evening with Allston and Other Papers* (Boston 1886); *Letters to Kindergarteners* (Boston 1886); *Education in the Home, the Kindergarten, and the Primary School* (Boston 1886); "A Plea for Froebel's Kindergarten" in Weisman, N. P. S., *Identification of the Artisan and Artist*, ed. by E. P. Peabody (Boston 1869) p. 42–48; *Lectures in the Training Schools for Kindergartners* (Boston 1886); *Moral Culture of Infancy, and Kindergarten Guide*, in collaboration with Mary Mann (New York 1863; rev. as *Guide to the Kindergarten*, New York 1877); *Record of a School, Exemplifying the General Principles of Spiritual Culture* (Boston 1835; 3rd ed. with title *Record of Mr. Alcott's School*, 1874).

Consult: International Kindergarten Union, Committee of Nineteen, *Pioneers of the Kindergarten in America* (New York 1924) p. 19–38; Willard, F. E., and Livermore, M. A., *American Women*, 2 vols. (New York 1897) vol. ii, p. 562.

PEACE CONFERENCES. *See* TREATIES; WAR; WORLD WAR.

PEACE MOVEMENTS. Although organized peace societies did not develop until early in the nineteenth century, the aspirations and programs of these societies had found previous expression in religious and political literature. Utterances of the Hebrew prophets and the Sermon on the Mount had inspired the pacifist doctrine and behavior of religious sects. The Truce of God which grew out of the *Pax Dei* and was first put forward at the Synod of Elne in 1027 had prohibited all acts of private warfare for certain specified periods. In the fourteenth century Dante had proposed a world empire for ending war, and Pierre Dubois a permanent tribunal of arbitration. Projects such as the *Grand dessein* of Henry IV (1603), the *Nouveau cynée* of Émeric Crucé (1623), William Penn's *An Essay towards the Present and Future Peace of Europe* (1694) and Saint-Pierre's *Le projet pour rendre la paix perpétuelle* (3 vols., 1713–17), whatever their motivation, their feasibility and their ulterior political intent, were all schemes to establish international federations between certain independent sovereignties for the elimination of war. Grotius, Vattel and others had laid the foundations for international law codes; the *encyclopédistes* and physiocrats in France, the utilitarians and rationalists in England and the United States and Kant in Germany had voiced hopes for international peace. Internationalist sentiments had begun to influence not only statesmen but financiers; Necker, for example, inquired whether those who favored war had considered its injury to trade, the increase in the rate of interest through the multiplication of government loans and the burdens on industry resulting from higher taxation. Finally, the flourishing humanitarian trend gave the peace movement its psychological and institutional setting and its idealistic impulse.

The organized peace movement began in 1815 with the founding in the United States of three peace societies, the first in New York by David Low Dodge, followed independently by a Massachusetts society formed by Noah Worcester and one in Ohio by two Quakers. The tenets of Dodge's society are expressed in his pamphlet *War Inconsistent with the Religion of Jesus Christ* (New York 1812; ed. by E. D. Mead, Boston 1905), which opposed all wars, declaring that it was impossible to distinguish between offensive and defensive wars. Worcester's *A Solemn Review of the Custom of War* (Boston 1814, reprinted 1904), the first specifically to advocate joint action against war through

peace societies, urged a confederacy of nations with a high court of equity for the settlement of national controversies. In contrast to Dodge and the Quakers, Worcester merely denounced war in general terms and admitted the legality and justifiability of defensive wars, so that the former were only half hearted in their cooperation with him. In 1816 the British Society for the Promotion of Permanent and Universal Peace was founded in London; it was designed "to print and circulate tracts and to diffuse information showing that *War* is inconsistent with the spirit of Christianity and the true interests of mankind and to point out the means best calculated to maintain permanent and universal peace upon the basis of Christian principles." The society was extremely active; in the first year of its existence it distributed 32,000 tracts and its members delivered 4000 addresses throughout England. Under the influence of the American and British societies the Société des Amis de la Morale Chrétienne et de la Paix was founded in Paris in 1821 and in 1830 Count de Sellon formed the Société de la Paix de Genève.

In 1828 the local American societies were joined together by William Ladd, the most influential of the early American pacifists, into the American Peace Society on the broadest program of opposition to war not specifically condemning defensive wars. Because of the insistent pressure from peace workers who demanded an uncompromising stand, it revised its constitution in 1837 to express opposition to all wars, defensive as well as offensive. The issue remained a source of dissension and repeatedly threatened to disrupt the society. It was controversy over this matter which resulted in the formation of the radical New England Non-Resistance Society by Henry C. Wright and William Lloyd Garrison, which expressed opposition to participation in military service and declared unjustifiable any defense of property, liberty, life or religion. It led also to the founding in 1848 by Elihu Burritt of the League of Universal Brotherhood with branches in England, the United States, France and Holland; the members of the league pledged themselves individually "never to enlist or enter into any army or navy, or to yield any voluntary support or sanction to the preparation for or prosecution of any war, by whomsoever, or for whatsoever proposed, declared, or waged" and to employ all legitimate and moral means for the abolition of all wars. The American Peace Society sponsored Ladd's proposal for a congress of nations, and through its agitation this plan was endorsed in 1837 and 1838 by both houses of the Massachusetts legislature, which recommended that the president of the United States open negotiations with foreign governments to this end. Although the London Peace Society reprinted Ladd's plan and petitioned Parliament in 1839 to take steps toward its establishment, British pacifists did not actively respond to the idea but confined themselves largely to the promulgation of the general principles and philosophy of pacifist agitation.

The American Peace Society expressed its opposition to current wars and when war was threatened urged arbitration; but under the conservative control of George C. Beckwith it carried out his conception of its function, which he declared was not to meet political emergencies involving war but merely to disseminate Christian principles which would obviate them. Encouraged by Charles Sumner's vigorous advocacy of peace in 1845, the society registered consistent opposition to the Mexican War; in Burritt's influential peace organ, *Christian Citizen*, men were urged to choose prison rather than service if they were drafted. During the Oregon dispute which threatened war between England and the United States in 1846 the "friendly address" movement, which was initiated by the peace address of the Birmingham pacifists to the "friends of peace" in the United States and popularized by Burritt through his fortnightly press circulars called *Olive Leaves*, reached wide proportions. Among the addresses was one from the National Association for Promoting the Political and Social Improvement of the People in England which urged the workers of the United States not to be "seduced" into a war to enrich the aristocracy, "our enemies and yours." The English pacifists passed many resolutions against the opium and Afghan wars and sought to discourage enlistments. In France, while organized pacifism, ignoring the masses, made apathetic efforts to convert kings to pacifism, French socialists, independently of the official peace movement, stressed the economic aspects of war and urged peace in the interests of the workers. Bastiat, Say and other French free traders along with Cobden, who was actively identified with the English peace movement after 1848, and Bright and Burritt as well pointed out the relation between restrictive tariffs and war. In 1850 Burritt urged working men "to unite and refuse to fight" and in his later pamphlet, *The World's Working-Men's*

Strike against War (New Britain 1855?; reprinted in his *Ten-Minute Talks*, Boston 1873), he advocated "a parliament of the working-men of Christendom" and an "organized strike of the working-men of Christendom against war" as the only alternative to a congress of nations for "immediate, simultaneous, and proportionate disarmament."

International peace congresses helped to direct public attention to the early peace movement. The first of these congresses, held at London in 1843 under the direction of the conservative elements in the peace movement, adopted resolutions seeking peace by effective propaganda against war and by the control of the manufacture and sale of munitions and advocated a congress and court of nations and arbitration clauses in international treaties. The international congress at Brussels in 1848 called by Burritt "to effect the entire abolishment of war" favored general and simultaneous reduction of armaments, arbitration, a congress of nations, international communication, postal reform, standard weights, measures and coinage and education toward the eradication of political and national prejudices. Prior to the next congress Cobden made his motion in the House of Commons urging that the British government enter into communication with foreign governments for the establishment of a system of arbitration throughout the world; although it met defeat, Cobden's speech served to arouse wide popular interest in the cause of peace. The Paris congress (1849), following upon the huge demonstrations in London, Manchester and Birmingham and the extensive world wide propaganda of Burritt and Henry Richard, secretary of the London Peace Society, marked the high point of the peace movement of this period; Great Britain alone sent 670 delegates, while the other countries were represented by 170. Victor Hugo in his inaugural address urged a United States of Europe; greater prominence was given to a discussion of the economic arguments against war than at Brussels and a resolution condemned loans and imposts for wars of aggression. After a vigorous peace campaign in the United States and Germany the congress of 1850 was held at Frankfort and was followed by the organization in Königsberg of the first peace society in Prussia, which was, however, soon suppressed by the government on the ground that it had unlawful correspondence with the London Peace Society. The congress refused to take official action when a delegate from Schleswig-Holstein requested that a commission be appointed to inquire into its dispute with Denmark, but a committee from the congress did go in a voluntary capacity to urge arbitration. The last of this series of peace congresses was held in London during the Crystal Palace exhibition in 1851. Eleven countries were represented. In addition to the usual declarations an anti-imperialist note was introduced in a resolution declaring that nations making war on weak tribes should be designated "strong, but not civilized."

The popular passions aroused during preparation for the Crimean War then checked the growth of the peace movement. The London Peace Society sought to stem the tide; it urged resistance to military service, held protest meetings and sent petitions to Parliament criticizing war preparations. When war was declared, peace groups continued to function as an End-the-War League in the face of a hostile public opinion; the friends of peace were urged to refrain from any support of the war including even relief work, which was held to prolong the conflict. At the peace negotiations in Paris following the war the peace advocates, who urged a compulsory mediation and arbitration clause in the treaty, were instrumental in obtaining the inclusion of protocol 23, expressing the wish that nations before resorting to arms should have recourse to the good offices of a friendly power, which served as a precedent for later arbitration provisions. The work of the Peace Society then suffered a marked decline; its activities in the face of British wars in the Far East were negligible.

Peace work in the United States also waned after 1853. The American Peace Society had failed to expand into the south and west or to enlist new forces in the east. At first it evaded the impending Civil War by stating that its concern was only with international conflicts; when the war broke out the society declared it to be a rebellion against the Union which could not be countenanced by loyal citizens. The American Quakers, who had not actively supported the organized peace movement, refused to fight while William Lloyd Garrison held peace to be a secondary consideration when the abolition of slavery was involved. Protest against the support of the war by the American Peace Society led to the formation of the Universal Peace Union in Boston in 1866; in the same year the American Friends founded a peace association in Baltimore. The American Peace Society remained practically defunct until 1873 when

it began widespread propaganda for arbitration.

The second phase of the peace movement began in 1867 with arbitration and later a more systematic discussion of international law as its central aspects. During this period there was wider support among the masses, and the threat of a general strike, favored by the International Working Men's Association at its congress at Brussels in 1868, gained an important place in peace agitation. In 1867 Frédéric Passy founded the Ligue de la Paix, which in 1872 became the Société Française des Amis de la Paix and in 1883 part of the Société Française de l'Arbitrage entre Nations. In 1867 Ferdinand Santallier established a Union de la Paix at Le Havre. Charles Lemonnier sought to organize an international peace congress in Paris in the summer of that year but was refused permission by the French government. At a meeting in Geneva he then organized the Ligue Internationale de la Paix et de la Liberté, to which Passy and Richard refused to accord full support because it regarded as fundamental bases of permanent peace the world wide substitution of democracy for monarchy, the separation of church and state in all countries and the formation of a United States of Europe, while they wished to confine the agitation solely to an attack on war. In London William Randal Cremer founded in 1867 a branch of the league which cooperated closely with the branches of the Reform League. In 1870 he founded the Workmen's Peace Committee, which he enlarged in 1871 to become the Workmen's Peace Association. At the beginning of the Franco-Prussian War the International Working Men's Association appealed to international working class solidarity to stop the war; in a manifesto signed by Marx, Odger and others hostilities were denounced and attention was called to the fact that while the two national armies were fighting, the workmen of both countries were exchanging friendly addresses.

There was intensive agitation through press publicity, mass meetings and petitions for Richard's bill in the House of Commons in 1871 requesting that Great Britain take the initiative in the improvement of international law and the establishment of a permanent system of international arbitration. The parliamentary debate aroused greater interest than Cobden's similar attempt in 1849 and the bill was passed. If the early protagonists of peace revealed at times an unfounded optimism, the opponents of arbitration during this period sometimes displayed an equally unfounded pessimism. A characteristic official opinion was that of Lord Salisbury, who ventured to prophesy that arbitration would "like competitive examinations and sewage irrigation . . . have its day and will pass away, and future ages will look with pity and contempt on those who could have believed in such an expedient for bridling the ferocity of human passions." He later modified his views, however, and his son, Lord Cecil of Chelwood, became one of the outstanding protagonists in Europe of arbitration, disarmament and the League of Nations.

Side by side with the movement for arbitration proceeded efforts for the improvement of international law. Two academic juridical societies were founded in Europe at the end of 1873, the Institut de Droit International at Ghent, devoted to the study of arbitration and private international law, and the Association for the Reform and Codification of the Law of Nations, known after 1895 as the International Law Association, formed at Brussels to promulgate a code. In 1877 at the Zurich meeting of the latter society Mancini and Bluntschli carried a resolution that in future all treaties should contain a clause making arbitration obligatory in certain classes of disputes. Sir Robert Phillimore, who was later to play so great a role in the shaping of the ideas which were to constitute the foundations of the Covenant of the League of Nations, was a member of this society. The year 1874 marked an important step in the creation of a real international administration in the formation of the postal union, whose members are pledged to submit to arbitration all disputes arising from its working.

With the aid of Auguste Desmoulins, Cremer organized the vast peace congress in Paris in 1878, with spokesmen from thirteen countries, which went on record for a court of arbitration and for an international commission to estimate the armaments of each nation; it demanded that a plebiscite be held before the annexation of any territory and urged liberty of conscience in all countries. Emphasis was placed on the costs to working men of wars and on the need for strike action to prevent war. The proposal that the peace societies in various countries be federated marked a step toward more effective organization. A conference of representatives from workmen's organizations from England, France and Italy to discuss peace proposals was held in Paris the following year, and upon his return Cremer carried a disarmament proposal through

the annual meeting of the British Trades Union Congress.

Peace societies were increasing in number and activity during this period. Van Eck established the Netherland Peace Society in 1870 and in 1874 Edward Lowenthal formed a peace committee in Berlin; in 1875 the latter advocated a universal parliamentary peace union, which was not realized until some years later. The first Italian peace society was established by E. T. Moneta in 1878. The Italian peace congress held at Milan the following year, attended by 4000 peace delegates from workmen's associations, passed resolutions in favor of arbitration and disarmament and asserted that the right to declare war was the exclusive prerogative of representative bodies elected by popular suffrage. The first Scandinavian peace society (the Dansk Fredsforeningen) was founded in Denmark in 1882. An anticonscription campaign in Belgium was led in 1881 by two pacifists. In 1880 Hodgson Pratt, maintaining that the London Peace Society would remain handicapped so long as its standpoint was primarily spiritual and Christian, formed the International Arbitration and Peace Association, which set up branches in nine European countries. A few years later Pratt emphasized the difference between pacifism and internationalism by declaring that his society was not a pacifist society at all, in that he stood for armaments adequate to insure justice from foreign governments. In 1887, however, when the campaign began for an Anglo-American arbitration treaty, the new and the older bodies and the American peace organizations worked together. A meeting in London between Cremer, Andrew Carnegie and Thomas Burt led to the drafting of a memorial to President Cleveland signed by 232 members of Parliament.

In the whole course of the history of the negotiations for Anglo-American arbitration there prevailed the same oscillation which has marked all efforts to establish a machinery of peace. There is general agreement of all parties concerning the desirability of settling differences other than by the old method of war and complete unanimity on the abstract desirability of arbitration; yet finally the reservations, in this instance inserted by the United States Senate, render the resultant treaty almost meaningless. The reservation of the first draft treaty was that "any difference which, in the judgment of either Power materially affects its honor or the integrity of its territory, shall not be referred to arbitration under this treaty except by special agreement." But even so emasculated, in a form which committed neither party to anything, the Senate rejected it, bringing the work of the peace advocates to naught. In this decade also the American peace movement was prominent in the revival of the idea of Pan-American collaboration, first mooted in the abortive Pan-American Conference of 1847 (*see* PAN-MOVEMENTS).

During these crowded years of peace activity the entire peace movement of the world was being brought into closer touch with parliaments and governments and had increasing influence upon governmental policy. This development was facilitated by interparliamentary conferences on peace first held in 1889 and by the Inter-Parliamentary Union organized in 1892, composed of peace advocates in the parliaments of Europe and designed to discuss the most practical means of organizing world peace by simultaneous concerted agitation within parliaments of all countries. The Universal Peace Congress, held in 1889 on the initiative of Lemonnier and Pratt, at which organizations reflecting all currents of pacifist and internationalist thought were represented, went on record for compulsory arbitration clauses in treaties. These congresses were held annually thereafter. At the Berne congress in 1892 there was a sharp debate on the resolution for a "confederation of the European states," some delegates being apprehensive that the proposal postulated absorptions and annexations. There was disagreement also as to the resolution on sanctions, Darby, secretary of the British Peace Society, denouncing the approval of the use of force in holding governments to their pledges. The congress in Chicago in 1893 discussed a plan for an international court of arbitration drawn up by Philip Stanhope, which formed the basis of the official plan put forward at the Hague conference (*q.v.*) in 1899. The International Peace Bureau was established at Berne in 1892 as an international federation of peace organizations.

Each year saw some addition to the general power of the peace movements. Bertha von Suttner, whose peace novel *Die Waffen nieder* had a stupendous circulation, organized the Österreichische Friedensgesellschaft in 1891 and in 1892 Alfred Fried founded the Deutsche Friedensgesellschaft. The first Women's Peace League was established in 1895. The Nobel peace prize set up in 1897 stimulated wide

interest. The century closed with 425 peace organizations in existence throughout the world. But it closed also with the outbreak of the Boer War, the resurgence of an aggressive imperialism that shook the British peace societies, which had heretofore constituted the main element of the European peace movement. The French and American societies gained relatively in strength. Federation was attempted and in a measure achieved, although the peace society of Britain stood outside a formal federation, since it refused to work with bodies which in any way acquiesced in sanctions. An Anglo-French arbitration treaty was passed in 1903 and 162 arbitration treaties, which reserved questions involving "the vital interests, the independence, or the honour of the two contracting parties," were concluded during the next ten years. The organized peace movement in the United States grew in spite of the setback involved in the refusal of the United States Senate to consent to thirteen arbitration treaties negotiated by the Roosevelt administration. In 1910 Edwin Ginn established the World Peace Foundation with a large endowment and Andrew Carnegie founded the Carnegie Endowment for International Peace. In this year also was formed the World Alliance for Promoting International Friendship through the Churches, which had originated largely in the efforts of J. Allen Baker, a Canadian Quaker. In 1911 the National Peace Congress at Baltimore developed into the National Peace Council. In that year also President Taft gave an impetus to the whole peace sentiment of the country by declaring that matters of national honor should be referred to arbitration as much as those of property or national proprietorship; this prompted declarations in the same spirit in Great Britain. The Knox-Bryce Treaty, which provided that the types of question to be arbitrated should be specified and all others left to commissions of inquiry, which should also settle the question of whether the dispute was justiciable or not, was killed by the Senate on the ground that such a commission was an invasion of its own prerogative. In 1912 a new element was introduced into the peace movement by the creation of a British organization, the Garton Foundation, whose function it was to explore the commercial and sociological results of war, particularly the question of how far the modern banking and financial system had rendered illusory many of the old militarist assumptions concerning the benefits to be derived from conquest. With Arthur Balfour, Lord Esher and Norman Angell as directors, the foundation was active, particularly among college students in Great Britain, Germany, France and the United States.

A resolution passed at the nineteenth Universal Peace Congress held at Geneva in 1912 declared that "Every pacifist ought to regard it as his sacred duty to oppose any war of conquest undertaken by the Government of his country" and must seek to demonstrate the injustice of such a war even "at the peril of his life." But such sentiments were dispelled quickly at the outbreak of the World War. The vast majority of members of peace societies soon succumbed to the patriotic propaganda of their respective governments and became ardent supporters of the war; the few who remained faithful to their peace principles were either jailed or otherwise repressed. Peace congresses ceased; the Inter-Parliamentary Union disintegrated; peace societies were completely disorganized; and only small isolated groups of peace advocates remained. The majority of the leaders of European parties of the Second (Socialist) International, which had resolved in the Stuttgart congress of 1907 to do all in their power to prevent war by means "which naturally vary according to the sharpness of the class struggle and the general political situation" and if the war broke out "to cooperate to bring it promptly to a close and to utilize with all their power the economic and political crisis created by the war to arouse the deepest strata of the people and to precipitate the downfall of capitalist domination," capitulated and endorsed actively the war activities of their governments. The small minority of anti-war socialists who met at Zimmerwald in 1915 pledged themselves to continue the struggle for peace and issued a statement urging workers to unite against war across frontiers and battlefields.

The pre-war official peace movement had developed from an aspiration of religious mystics, based almost exclusively on the principle of the wickedness of all wars, into a movement favoring the creation of actual political machinery cooperating with the legal profession for the reform and administration of international law and had become respectable by the support given it by Andrew Carnegie, Nicholas Murray Butler and, finally, by the churches, even the state churches of the world. Although it is difficult to estimate the extent of their influence, the peace societies, through their work

in familiarizing the public with the idea of international cooperation, must in some measure have prepared the way for the League of Nations and the Kellogg Pact for the outlawry of war. Since the World War a large part of the work done by the pre-war peace societies has been pursued in Europe by the League of Nations societies established in each country. In Great Britain, for instance, the League of Nations Union, founded to carry on advocacy of the League of Nations, and which conducts an active campaign in favor of disarmament, is necessarily compelled to defend the ideal of peace. The membership of the union, which had about 3000 branches in 1933, was in the neighborhood of 1,000,000; the main effect of its missionary work has been to bring to the support of one aspect of the peace movement conservatively inclined people who before the war would almost certainly have declined membership in a peace organization.

The non-resistance movement has since the World War developed into the War Resisters' International, with affiliated societies in many countries, whose membership is drawn largely from middle class intellectuals. The British branch founded in 1921 as the No More War Movement is based upon an individual pledge not to participate in any future wars, comparable to the pledge taken by the members of Burritt's League of Universal Brotherhood in 1846. Pacifism has recently been manifested among students, as illustrated by the motion passed by the Students' Union of Oxford University and later by students of nearly every university in the British Isles that "this House will in no circumstances fight for King or Country." Peace sentiments of American students have been articulated by recent polls which have received wide publicity in the press. Groups of clergymen have likewise recently expressed themselves against war.

A development of the antiwar movements since the World War has resulted from the congress against war held at Amsterdam in 1932 which was called by Henri Barbusse and Romain Rolland, who invited the participation of all peace groups, workers' organizations and intellectuals opposed to war, regardless of political affiliations. Although conservative peace societies, certain pacifist groups and the leaders of the Second International refused to participate in the congress, charging that it was a "Communist manoeuvre," and although the organizers had difficulty in finding a city which would permit its sessions, the congress nevertheless attracted more than 2100 delegates from twenty-seven countries, most of them representing workers' organizations. It went on record against imperialist wars, which were held to be an inevitable outgrowth of capitalism, and urged workers to organize to combat such wars. It was not pacifist in tone; it supported wars of colonial peoples and oppressed national minorities seeking independence. Committees were established to carry on the work after the congress, and public mass meetings and national congresses ensued. The intensive antiwar propaganda of the Third (Communist) International and of the trade unions affiliated with the Red International of Labor Unions has been linked up with efforts to prevent aggression against the Soviet Union and with the struggle against capitalism, the overthrow of which they regard as essential before permanent peace is possible.

NORMAN ANGELL

See: PACIFISM; INTERNATIONALISM; COSMOPOLITANISM; HUMANITARIANISM; CONSCIENTIOUS OBJECTORS; INTERNATIONAL ORGANIZATION; INTERNATIONAL LAW; ARBITRATION, INTERNATIONAL; MEDIATION; LEAGUE OF NATIONS; PERMANENT COURT OF ARBITRATION; PERMANENT COURT OF INTERNATIONAL JUSTICE; HAGUE CONFERENCES; OUTLAWRY OF WAR; WAR; ANTIMILITARISM; DISARMAMENT; LIMITATION OF ARMAMENTS; AGGRESSION, INTERNATIONAL; NATIONAL DEFENSE; NATIONALISM; PATRIOTISM.

Consult: Beales, A. C. F., *The History of Peace* (London 1931); Curti, M. E., *The American Peace Crusade, 1815–1860*, Duke University, Publications, vol. i (Durham, N. C. 1929); Phelps, Christina, *The Anglo-American Peace Movement in the Mid-nineteenth Century*, Columbia University, Studies in History, Economics and Public Law, no. 330 (New York 1930); Scott, J. B., "Introduction" to Ladd, William, *An Essay on a Congress of Nations*, Carnegie Endowment for International Peace, Division of International Law (new ed. New York 1916) p. iii–xlv; Chamberlain, W. J., *Fighting for Peace* (London 1929); Bosanquet, Helen D., *Free Trade and Peace in the Nineteenth Century*, Institut Nobel Norvégien, Publications, vol. vi (Christiania 1924); Jong van Beek en Donk, Benjamin de, *History of the Peace Movement in the Netherlands* (The Hague 1915); Koht, Halvdan, *Histoire du mouvement de la paix en Norvège* (Oslo 1900); Valentin, Veit, *Geschichte des Völkerbundgedankens in Deutschland* (Berlin 1920); Fried, A. H., *Handbuch der Friedensbewegung*, 2 vols. (2nd ed. Berlin 1911–12); Ter Meulen, Jacob, *Der Gedanke der internationalen Organisation in seiner Entwicklung*, 2 vols. (The Hague 1917–29); Bagdat, Élise C., *Études d'histoire pacifiste*, 3 vols. (Paris 1924–28); Lange, C. L., "Histoire de la doctrine pacifique et de son influence sur le développement du droit international" in Académie de Droit International, *Recueil des cours*, vol. xiii (Paris 1927) p. 171–426; Trueblood, B. F.,

The Development of the Peace Idea and Other Essays, ed. by E. D. Mead (Boston 1932); Ferrero, Guglielmo, *Problems of Peace, from the Holy Alliance to the League of Nations* (New York 1919); York, Elizabeth, *Leagues of Nations, Ancient, Mediaeval and Modern* (London 1919); Woolf, L. S., *International Government* (2nd ed. London 1923); Burns, C. D., *A Short History of International Intercourse* (London 1924); Stawell, F. M., *The Growth of International Thought* (London 1929); Phillimore, W. G. F., *Three Centuries of Treaties of Peace and Their Teaching* (London 1917); Perris, G. H., *A Short History of War and Peace* (London 1911); *The Evolution of World-Peace*, ed. by F. S. Marvin (London 1921); Lorwin, Lewis L., *Labor and Internationalism* (New York 1929) p. 89–92, chs. vi–vii.

PEARSON, CHARLES HENRY (1830–94), English historian, educationalist and colonial statesman. Educated at Oxford, and for some time fellow of Oriel College, Pearson first held the chair of history at King's College, London, where he came under the influence of Frederic Denison Maurice; afterwards from 1867 to 1871 he was lecturer in modern history at Trinity College, Cambridge. His main historical works were a *History of England during the Early and Middle Ages* (down to the end of the reign of Edward I, 2 vols., London 1867), which is still a work of literary power and interest, although it has long been superseded in point of scholarship; and a volume of *Historical Maps of England during the First Thirteen Centuries* (London 1870), which did good service to students of history in its day.

Ill health forced him in 1871 to emigrate to Australia, where he became a power in the politics of the state of Victoria. He sat in the state parliament from 1878 to 1892, and from 1886 to 1890 he was minister of education. He had written a comprehensive report on public education in Victoria in 1878; and when he was minister he did a great deal to shape the educational system of the state, organizing both primary and secondary education, promoting the foundation of technical schools and anticipating generally many of the educational reforms which were to be achieved in England itself not until the twentieth century. Returning to London in 1892, he published his most famous work, *National Life and Character* (London 1893, 2nd ed. 1894), a survey, deeply influenced by his Australian experiences, of the growth of state socialism, the decay of the family, the waning of original genius and the menace arising from the growth of population in Asia and Africa.

ERNEST BARKER

PEASANTRY. The term peasantry has undergone many changes in meaning in the past and is still subject to various interpretations. Common to all the shifting meanings, however, is a view of the peasant as a tiller of the soil to whom the land which he and his family work offers both a home and a living. Peasant economy in this broad sense is already found in the earliest stages of history of all non-nomadic societies. In this period the peasant household is dependent almost solely upon the product of its own labor, a self-sufficiency which in some remote regions it has preserved to the present time. Its core is the family, whose size and structure have varied considerably in the course of the succeeding centuries. Some characteristic differences between peasant family types, such as those deriving ultimately from the matriarchal order, have finally become extinct. Others are still significant. Thus the large family, prevalent among Slavic peoples, unites in one household as many married couples as is economically feasible; while the small family, characteristic of the Germanic peoples, admits into the household only the mate of one of the children, generally that of the oldest son, who is to succeed to the management of its economic affairs. As is indicated by the origin of the word family (from the Oscan *famel*, meaning servant), almost from the very outset the peasant economy drew occasionally upon the labor of persons who would not now be regarded as family members. In earlier periods these were prisoners of war or other unfree persons; later they were wageworkers, who were then customarily assimilated into the household.

While in many regions some independent peasant households survived through the centuries, the freedom of action of the peasant was early limited by territorial associations of a cooperative character; subsequently peasants fell under the rule of a landlord or other type of overlord. It is not yet clear whether and to what extent the earlier restrictions originated in the land commune. The theory, so generally accepted until recently, that agrarian communism involving periodic redistribution of farm land, as typified in the Russian mir, was an initial stage in the development of all peoples has been definitely disproved. The mir itself as well as a number of similar formations is clearly of rather recent origin; the type developed in German countries in the central period of the Middle Ages and in Russia in

the sixteenth and seventeenth centuries, partly under the influence of certain measures taken by landlords.

The appearance of manorial organization is universally of a later date than that of the peasant economy. In Rome it dominated the agrarian structure only after the Punic Wars and in the kingdoms of the Germanic tribes generally from the Carolingian period. Its introduction implied a social division of labor. An upper layer, living on the tribute paid by the peasantry, was liberated from agricultural labor or economic activity in general and released for political and military tasks; the peasants, on the other hand, whose services and dues furnished the economic base, were constituted into a clearly defined class with fixed obligations and privileges. The old division of labor was retained when contractual tenancy displaced serfdom. In many cases the new system grew out of an earlier tenure of the feudal type, as in northwest Germany in the late Middle Ages and in England shortly thereafter; the colonate of the late Roman villa had similar antecedents. Sometimes the transformation occurred, even while the general framework of the manorial system was retained. More often, however, the lease system arose independently of any pre-existing manorial relations. In the provinces of imperial Rome, in the old Asiatic states of China and Japan and in large portions of India land was cultivated as a rule not by the owner but by a tenant. In England the land lease with fixed money payments has become so common that the terms agriculturist and farmer (from *firmus*, which in the mediaeval Latin *firma* meant fixed payments) were considered interchangeable.

It would be unwise to generalize about the lot of the peasant under manorial rule, for it varied materially both geographically and in time. Where peasants voluntarily placed themselves in a position of dependence upon a lay or ecclesiastical lord in order to escape oppressive military obligations, their economic situation for the time being might have been even improved thereby. Again, the position of the peasant in the area of German settlement was distinctly bettered in the late Middle Ages as migration to the east became feasible. The services exacted from the peasantry must have been heaviest where the overlord managed his estate with a view to the commercial sale of its produce. Such was the situation in German regions east of the Elbe beginning with the sixteenth century; here, with the development of the *Gutsherrschaft*, descendants of the German colonists, who once enjoyed a particularly favorable legal and economic status, fell into hereditary subjection with the result that their material situation became much worse than that of the peasants in older German territories. By recourse to Roman law concepts hereditary tenure with a moderate service burden was transformed into term leases; and after the Thirty Years' War the devastated peasant holdings were resettled under less favorable legal conditions than those which had previously obtained. A form of *Gutsherrschaft*, which drew heavily upon the labor power of the peasants and their teams, developed in the seventeenth century also in Poland and Russia; the serfdom of the peasants was here so complete that they could be sold separately from the land which they worked.

From the Carolingian epoch down to the eighteenth century the peasant populations in most European countries were personally unfree, economically hamstrung by heavy obligations and politically without influence; the peasant was represented neither in the English Parliament nor in estate assemblies of the continent. Peasant emancipation did away with the lack of personal freedom and reduced or abolished economic obligations and burdens; in most states also civil liberties and political rights were conceded in the course of the liberal political reforms of the nineteenth century, but increasing industrialization rendered them of little benefit to the peasantry. Emancipation, however, did not necessarily involve vesting the ownership of land in the peasant. It is curious to observe that, while the French Revolution stopped short of this, a tenure similar to ownership had been granted by the absolute monarchs of Prussia and Austria to peasants on crownlands; consequently almost half the land in the Romance countries—France, Italy and Spain—is still worked by tenants and share croppers. In many German states and in the Scandinavian kingdoms the peasant obtained hereditary use rights rather early and in the course of emancipation became almost universally the owner of land; as a result leaseholds cover only a quarter of all agricultural land in Sweden, an eighth in Germany and slightly over a twentieth in Denmark. The peasantry was completely dispossessed in England as well as in some regions of the Baltic sea-

coast (Mecklenburg, Holstein and Swedish Pomerania), where natural conditions favored the extension of the pasture and field grass system and where the distribution of political power prevented the territorial ruler from protecting the peasantry.

Emancipation of the serfs in Russia and Rumania, which was not carried through until after 1860, was intended to transfer some land to peasant ownership; yet, since the reforms were extended also to holdings of teamless peasants (excluded from its benefits in other countries, as in Prussia), the old system of labor exploitation founded upon semifeudal relations was maintained under newly evolved forms of combined tenancy and wage labor. A considerable portion of the peasantry was forced to rent land from neighboring estates in order to supplement its own insufficient holdings and to undertake in return onerous obligations including labor services; the mutual interdependence of peasant farming and large scale agricultural enterprise was thus continued under the new regime. Stolypin's agrarian reforms, inaugurated in 1906 in Russia, were designed to create an energetic and ambitious peasantry independent both of the landlord and of the village commune, but their execution was suspended at the outbreak of the World War. The agrarian revolutions of 1917–19 in eastern Europe were therefore carried out by the peasants themselves; the peasant's primitive fury was directed in the first place against the large estates, which seemed to him to block his own advancement. In this respect the uprisings were quite different from earlier revolts, such as the Peasants' War of 1524–25 in south and central Germany or the peasant movements in the early years of the French Revolution, which aimed primarily at reducing or abolishing the oppressive services and dues exacted by the landlords.

European peasant economy has not been entirely self-sufficient for some centuries. Where money payments to the lord of the manor or to some other overlord displaced payments in kind, money income had to be found through the sale of produce; by the late Middle Ages the peasant was already a frequent visitor to the city markets of central and western Europe. Production for the market has been of growing importance for the peasant particularly since the beginning of the eighteenth century. For the present studies of peasant budgets show that the value of market sales per unit of land area is at least as great for medium sized and family farms as for large estates. Although the share of his own produce consumed by the peasant is still considerable, it is far from sufficient for his needs as a consumer, aside from his demand for productive equipment and supplies. Peasant economy has thus been forced into the mold of a business economy, but the peasant has not thereby become transformed into a typical capitalist entrepreneur. Peasant traditions have yielded at many points to the forces of the new age, and regions of old peasant culture have been impoverished by the competition of young countries overseas; yet by and large the peasant has held his ground. In areas close to markets he has displayed remarkable aptitude in accommodating himself to changing conditions; becoming an entrepreneur, he has nevertheless kept his old ties with family and soil. With this transformation have come changes in the connotation of the word "peasant." He is no longer a rustic of inferior status too ignorant and dull to take advantage of commercial opportunities; it is increasingly recognized that the really important characteristics peculiar to the peasant are his sentiments and attitudes, the intense attachment to his native soil and family tradition, which, even in the economic sphere, take precedence over the desire for individual advancement and gain. This peasant ethos is common throughout continental Europe. It is particularly strong in regions where homestead and agricultural lands appertaining thereto are transmitted undivided from generation to generation; this usage is widespread in Scandinavian countries, in the major portion of German speaking lands and among Poles and Czechs, who have for centuries lived in close contact with Germanic culture. Also in England and in oversea countries settled by English speaking peoples the farm unit is not generally disturbed by the passing of generations, although the individual farmer may have but a superficial attachment to his own soil. Lured by prospects of greater profit he is often willing to dispose of his old farm and move elsewhere; family ownership of the same homestead and farm through many generations, which is the rule on the continent, is a rare exception in areas of Anglo-Saxon culture. Again, it is the ethos of the peasant community which distinguishes the modern peasant from the farmer. The "American" notion that farmers are superior to peasants as production and business managers or as purchasers of industrial products lacks foundation in fact. That many peasant

groups, especially in eastern countries, live in poverty does not mean that peasanthood and prosperity are incompatible. As the practise of Danish, Dutch and many German peasants shows, the peasant can employ modern production techniques, manage his business by principles of costing and plan in advance his marketing and financing.

The spiritual qualities of the peasantry have long been recognized and acclaimed by thinkers of an anticapitalist and antiliberal stripe. The Russian Slavophiles regarded the peasant as the living embodiment of the Slav *Volksgeist* antithetic to the liberal culture of the West, and the east European populists saw in peasant institutions survivals of an older communism and prototypes of a future collectivism. In the continental countries of western Europe measures to protect the peasantry from exploitation by the trader and the lender and even more far reaching programs to prevent the parceling of peasant holdings and complete proletarization were pushed by conservative and social Catholic groups. In the period following the World War the newer conception of the peasantry was strongly emphasized in German National Socialism; it was given practical expression in the imperial law of September 29, 1933, which is intended to perpetuate the free peasantry as a valuable ethnic strain by protecting its landholdings from the menace of burdensome indebtedness and parcellation.

Such protective measures and the honorific connotations which are being applied to the peasant calling are founded upon a belief in the outstanding importance of the peasantry from the point of view of national survival. Their sturdiness and fecundity; their ethos, which subordinates individual self-seeking to family and communal welfare; their reverence for tradition, which shields them from the extremes of intellectualism—these characteristic peasant qualities seem to offer special protection against the disintegration and degeneration which threaten as a result of excessive urbanization and industrialization. Recognition of the peculiar value of the peasantry does not necessarily imply an agrarian bias; it is freely accorded also by the leading elements of the non-agricultural population. An appreciation of the changing social role of the peasantry is apparent even among Social Democratic parties, many of which early in the post-war period modified the traditional Marxian position on this subject. While the Erfurt Program in 1891 characterized the peasantry as a declining middle class group, the Austrian Social Democratic program in 1925 stated that the peasant antedated feudal society, lived through feudalism, lives on under capitalism and will continue to live under socialism as the free holder of his land. Fundamentally the same attitude was expressed in the agrarian program of the German Social Democratic party adopted in Kiel in 1927.

The popular esteem which the peasantry is gaining even in such highly industrialized countries as Germany must be related also to recent economic trends, which discourage further industrialization. While industry offered employment at rising wages to an ever increasing number of people, migration into industry was highly attractive. Peasant youth could scarcely be kept on the land; and daughters preferred to marry teachers, petty officials and in many cases even industrial workers rather than to submit to the hard drudgery of a peasant housewife. With the decline of important branches of industry and the reduction of foreign trade to a minimum the situation has been radically altered; now even from a purely economic point of view farm life is preferable to the insecurity of industrial employment.

In the strongholds of European peasantry—the states formed in the western provinces of the former Russian Empire, the Danube basin and the Balkans—the peasants won a leading position after the World War when the great landed proprietors were compelled to surrender both their land and their dominant political status. Although in many instances the urban intelligentsia exercised a preponderant influence in the shaping of policies, the enormous weight of the peasant base was everywhere clearly discernible. The need for concerted defense of their achievements led the peasant parties to organize the International Agrarian Bureau in Prague in 1921; although it now includes parties of central and western Europe, it is still dominated by the east European group, a fact which suggests that mass interest in politics is not inherent in the peasantry but is the product of peculiar conditions in certain countries.

In Soviet Russia the peasantry came to the fore after the inauguration of the New Economic Policy. The Land Code of 1922 recognized the hereditary right of peasants to the use of the land which they cultivated by their own labor; the prohibition in principle of wage labor and of private land renting was peculiar to Russia,

although in a much weakened form it was an undercurrent also in the agrarian policies of other east European countries. Since 1928, however, the Soviet regime has, in its program of collectivization, pursued a policy frankly unfriendly to the peasantry as such; and the merciless persecution of the kulaks indicates that peasant aspirations and initiative will continue to be repressed. The peculiar energies and abilities indigenous to the peasantry have been denied free scope at a cost which cannot be offset by the few technical advances possible on large collective farms; as a result Russia, once by far the most important grain exporting country of the world, has in the past year or two experienced serious difficulties in feeding its own population.

The lessons afforded by the Soviet experience have contributed in great measure to the spread in other countries of an increased respect for the peasantry. And the distress caused by the extraordinary economic crisis which began in 1929 has revealed once more the value of a tenacious and productive peasantry as a guaranty against innumerable dangers. As a result there have been enacted certain radical measures for the protection of domestic agriculture, which in turn have multiplied the difficulties of the farmer overseas. The outcome of these developments is as yet impossible to foresee. Conceivably, the narrowing of economic opportunities in the new countries may create conditions favoring the development of a peasant psychology wherever agriculture is based upon the family farm. In any case neglect of or outright contempt for the peasant is a thing of the past. His economic, social and political importance has increased to a surprising extent and seems still to be on the upgrade.

Although the peasantry is an extremely important economic phenomenon (even in the twentieth century the bulk of agricultural produce throughout the world originates on peasant farms) no entirely satisfactory theory of peasant economy has as yet been devised. The theories current at present are for the most part a product of Russian scholarship based chiefly on statistical data for pre-war Russia. The most noteworthy is that expounded by Chayanov, who holds that the peasant economy is a family unit explicable in terms of the consumption requirements of its members rather than a capitalist enterprise bent upon profit making. This theory can scarcely claim validity for peasantry as a whole; and for Russia it has already been repudiated by Prokopovich. Its fundamental assumptions do not hold where the farm offspring emigrates into non-agrarian vocations, where outside wage labor is employed on the farm and where the peasant household is not of the Slavic large family type. It is true, however, that economic generalizations based on the assumption that human activity is motivated exclusively by economic considerations, and applicable to the capitalist enterprise do not altogether fit peasant conditions. Attempts at concrete analysis of peasant income into the accepted categories of general economic theory—wages, interest and rent—encounter insuperable difficulties; nor is the concept of profitableness applicable to the peasant's enterprise. Even within a single country such as Germany local differences—physiographic, economic, historical—make for a very considerable variation among peasant groups. The differences between German peasants on the one hand and Chinese or French or even Danish peasants on the other are of course still more glaring. Under such conditions it is difficult even to define the term, while the construction of a comprehensive theory of peasanthood is well nigh impossible.

C. VON DIETZE

See: AGRICULTURE; AGRICULTURAL POLICY; LAND TENURE; SMALL LOANS; FARM TENANCY; AGRARIAN MOVEMENTS; MANORIAL SYSTEM; SERFDOM; VILLAGE COMMUNITY; ENCLOSURES; RURAL INDUSTRIES; RURAL SOCIETY.

Consult: *A Systematic Sourcebook in Rural Sociology*, ed. by P. A. Sorokin, C. C. Zimmerman, and C. J. Galpin, 3 vols. (Minneapolis 1930–32); Beckmann, F., "Der Bauer im Zeitalter des Kapitalismus" in *Schmollers Jahrbuch*, vol. l (1926) 719–48; Albrecht, G., "Das deutsche Bauerntum im Zeitalter des Kapitalismus" in *Grundriss der Sozialökonomik*, vol. ix, pt. i (Tübingen 1926) p. 35–69; Friedrich List-Gesellschaft, *Deutsche Agrarpolitik im Rahmen der inneren und äusseren Wirtschaftspolitik*, Veröffentlichungen, nos. 5–7, 3 vols. (Berlin 1932); *Der Arbeitsertrag der bäuerlichen Familienwirtschaft*, ed. by A. Münzinger, 2 vols. (Berlin 1929); Chayanov, A. V., *Die Lehre von der bäuerlichen Wirtschaft*, tr. from the Russian by F. Schlömer (Berlin 1923); Prokopovich, S. N., *Krestyanskoe khozyaystvo* (Peasant economy) (Berlin 1924); Robinson, G. T., *Rural Russia under the Old Regime* (New York 1932); *Die agrarischen Umwälzungen im ausserrussischen Osteuropa*, ed. by Max Sering (Berlin 1930); Frauendorfer, S. von, "American Farmers and European Peasantry" in *Journal of Farm Economics*, vol. xi (1929) 633–42; Darré, R. W., "Bauer und Landwirt" in *Deutsche Agrarpolitik*, vol. i (1932) 86–111; Sorokin, P. A., and Zimmerman, C. C., "Die politische Einstellung der Farmer und Bauern" in *Zeitschrift für Völkerpsychologie und Soziologie*, vol. v (1929) 1–25; Thomas,

W. I., and Znaniecki, F., *The Polish Peasant in Europe and America*, 2 vols. (2nd ed. New York 1927); Meissner, Paul, *Der Bauer in der englischen Literatur*, Bonner Studien zur englischen Philologie, no. xv (Bohn 1922); Schulz, Kurd, *Bauernromane*, Büchereiund Bildungspflege, Beiheft 13 (Stettin 1933).

PECQUEUR, CONSTANTIN (1801–87), French economist, social philosopher and reformer. Forged in the environment of democratic and socialist agitation prevailing in France under the July Monarchy, Pecqueur's system constitutes an original synthesis of elements derived, according to his own statement, from such varied sources as Saint-Simonianism, Fourierism, French revolutionary ideology, particularly Rousseauism, and the Bible. A protagonist of collectivism, he rested his case not on grounds of abstract justice but on historical necessity. Although he never lost sight of the independent importance of ethical and religious ideas in historical development, the emphasis of his first important work, *Économie sociale: des intérêts du commerce, de l'industrie et de l'agriculture, et de la civilisation en général, sous l'influence des applications de la vapeur* (2 vols., Paris 1839), was upon the determining significance of economic conditions for all institutional relations and cultural systems. This thesis he elaborated with a completeness and wealth of historical illustration which have led modern commentators to regard the *Économie sociale* and his later *Des améliorations matérielles* (Paris 1839) as among the first expositions of historical materialism. His clarification of the concepts of class, class consciousness and class struggle, his interpretation of contemporary civilization as the reflection of bourgeois interests and his more technical analysis of the process of economic change and of the concentration of capital had an unmistakable influence upon the authors of the *Communist Manifesto*. His criticism of classical economic theory, with which he possessed a familiarity unique among the French socialists of the period, is also suggestive of Marx, although Pecqueur, unlike Marx, repudiated the whole framework of classical thought: his labor-time theory must be interpreted as an essentially ethical norm to be understood only in the context of the future collectivistic society.

The principles and organization of the collectivistic society are expounded in Pecqueur's *Théorie nouvelle d'économie sociale et politique* (Paris 1842). In this comprehensive synthesis the ethical and Christian elements of his thought become unmistakably apparent; but while he borrows the phraseology of the Christian moral law to epitomize the collectivist principle, his actual description of the coming society is completely free from mysticism or abstraction. By collectivism he meant essentially state ownership and administration of all the instruments of production and the conversion of every citizen into an employee of the one national association. In his repudiation of the Saint-Simonian conception of the state as an aristocracy of genius and his insistence upon a democratic form of government Pecqueur betrays a vestigial devotion to libertarian ideology and a profound faith in the moral value of free will. Authoritarianism, even in the socialized state, he never accepted as more than a *pis aller* and in one essay, *De la république de Dieu* (Paris 1844), he tried to evade the dilemma by speculating as to the possibility of voluntary communistic associations.

As a practical reformer Pecqueur exerted little immediate influence. His collaboration with his most famous disciple, François Vidal, in the drafting of the report of the Luxembourg Commission during the Revolution of 1848 was an abortive experiment in the planning of cooperative production. An assiduous journalist, he shared in the popularization of socialist doctrines; but after 1848 he gradually receded into obscurity, for reasons among which must undoubtedly be included the moralistic tinge of his positive theory and the deep rooted aversion to violence which crops up everywhere in his writings, in his pacifism and sponsorship of a league of nations as well as in his treatment of the class struggle. As a theorist his influence upon better known writers is still not completely investigated, although it seems probable that his works provided leads not only for Marx and Engels but also for Louis Blanc in the formulation of his plan for state controlled workmen's associations and for Proudhon in the development of his philosophy of history. He was also a precursor of the idea of an upper chamber based on professional representation.

MAXIME LEROY

Other important works: *De la législation et du mode d'exécution des chemins de fer. Lettres adressées à M. le Ministre des travaux publics*, 2 vols. (Paris 1840); *Appel aux électeurs à propos de la réforme électorale* (Paris 1840); *De la paix, de son principe et de sa réalisation* (Paris 1842); *Le salut du peuple*, published monthly in Paris from December, 1849, to May, 1850.

Consult: Andler, Charles, *Le manifeste communiste*, 2

vols. (Paris 1901); Maisonneuve, Léon, *Pecqueur et Vidal* (Lyons 1898); Marié, Joseph, *Le socialisme de Pecqueur* (Paris 1906); Malon, Benôit, *Constantin Pecqueur, doyen du collectivisme français* (Paris 1887); Bier, Frida, "Das Werk Constantin Pecqueurs bis zum Jahr 1848" in *Archiv für die Geschichte des Sozialismus*, vol. xiv (1929) 102–48; Antonelli, Étienne, in *Revue d'histoire économique et sociale*, vol. xviii (1930) 482–504.

PEDRO I (1798–1834) and PEDRO II (1825–91), Brazilian emperors. Pedro I was the son of João VI, king of Portugal. In 1807 when the French were invading the country he fled with his father to Brazil, the status of which was changed from a colony to a kingdom, a part of the "United Kingdom of Portugal, Brazil and Algarves." In 1821 João returned to Portugal and Pedro became prince regent of Brazil. At that time secessionist influence was very strong and the animosity against Portugal was increased by the ill advised tactics of the Parliament at Lisbon, which demanded the prince's return and the reestablishment of the hated colonial regime. Pedro, disobeying the Cortes, placed himself at the head of the Brazilian revolution and in 1822 was proclaimed emperor of Brazil.

His reign was beset by many difficulties: the Portuguese garrisons offered resistance; there was a struggle for diplomatic recognition, although in this matter Brazil enjoyed Canning's effective aid; in addition there were internal dissension and outside wars. After his father's death in 1826 Pedro was acknowledged king of Portugal. But since the Brazilian constitution prohibited the union of the two crowns, he granted Portugal a constitution, abdicated the Portuguese throne in favor of his daughter Maria da Gloria and appointed his brother, Miguel, regent. The latter, however, declared himself king. A Brazilian revolutionary movement, which developed partly because of Pedro's Portuguese affiliations, led him to abdicate in 1831 in favor of his son, Pedro II. Pedro I went to Portugal, where he led the liberal forces to victory, thus assuring his daughter's throne and establishing a constitutional regime. In Brazil his name is linked indissolubly with national independence. João VI had prepared the way: he had opened Brazil to international commerce and established its principal economic, juridical, administrative and cultural institutions. Pedro gave independent Brazil a monarchical form of government and thus assured the unity of the country. His constitution of 1824 remained the fundamental law until the republic. Although essentially liberal, it gave much power to the emperor and most of Pedro's reign was marked by absolutism in government, induced partly by party strife and partly by his desire to conciliate Portugal and to retain his personal connection with that country.

Brazil was governed by regents from 1831 to 1840, when Pedro II was declared of age and began that long period of rule which left such a definite imprint upon the national life of the country. From 1840 to 1849 factional revolts had to be suppressed, but for the next forty years there was almost no internal disturbance and Brazil made rapid technical and cultural progress. Over six thousand miles of railways were built and a telegraphic system was installed. Immigration was encouraged and foreign trade increased. Education was fostered and the arts and learning flourished. The reign of Pedro II was liberal like that of his father; he refused to have the Masons expelled from the religious orders and gradually abolished slavery. In 1850 the slave trade was prohibited; the Rio Branco act of 1871 declared that thereafter children born to slaves would be free; the law of 1885 held that slaves were to be freed on attaining sixty years of age; and finally in 1888 slavery was completely abolished. This liberal program, however, alienated the clergy and the slave owning landholders; they swelled the republican ranks and in 1889 Pedro was deposed.

FIDELINO DE FIGUEIREDO

Consult: For both: Oliveira Lima, Manuel de, *Formation historique de la nationalité brésilienne* (Paris 1911) chs. viii–xi; Rocha Pombo, J. F. da, *Historica do Brazil*, 10 vols. (Rio de Janeiro 1905) vol. vii, pt. 8, vol. viii, p. 5–267; Rippy, J. F., *Historical Evolution of Hispanic America* (New York 1932) p. 257–63. For Pedro I: Manchester, Alan K., "The Paradoxical Pedro, First Emperor of Brazil" in *Hispanic-American Historical Review*, vol. xii (1932) 176–97; Rego Monteiro, Tobias do Rego, *Historia do imperio* (Rio de Janeiro 1927), especially chs. xiii–xxxi; Oliveira Lima, Manuel de, *Dom Pedro e Dom Miguel* (São Paulo 1927). For Pedro II: Instituto Historico e Geographico Brasileiro, *Contribuições para a biographia de D. Pedro II*, 2 vols. (Rio de Janeiro 1925–28) pt. i; Instituto Historico e Geographico Brasileiro, *Revista*, no. xcviii, vol. clii (1925).

PEEL, SIR ROBERT (1788–1850), British statesman. Entering the House of Commons in 1809 Peel was appointed almost immediately undersecretary for war and the colonies. As chief secretary for Ireland from 1812 to 1818 he continued to reveal unusual administrative ability and won new laurels by his attacks on O'Connell and the forces of disorder in Ireland. Returning to London, he served with distinction on a

parliamentary committee on the currency and received the major credit for the resumption of specie payments by the Bank of England. When in 1822 Peel took his seat in the cabinet as home secretary, he was known as a liberal Tory, dedicated to a policy of moderate reform. He established the London police force in its modern set up, sponsored 8 acts which made over the criminal code, repealed more than 250 archaic statutes and reorganized the justiciary. Upon the death of Canning he succeeded in bringing into one fold the Canningites and the anti-Canningites. As a reward he was made leader of the House of Commons when Wellington became prime minister in 1828.

Peel now made the first of his two historic reversals of policy by coming out in favor of Catholic emancipation. The Tory diehards found it difficult to condone this apostasy; but Peel, believing that it was a choice between emancipation and civil war, stanchly defended his change of front. After the passage of the First Reform Act, which he opposed, Peel served as head of the Tory party until the schism of 1846. During the first decade of the reform era he was in continuous opposition except for a few months in 1834 and 1835 when he was prime minister. Thanks to his growing prestige he was able to rebuild the Tory party on the ruins of 1832, and in 1841 he became prime minister with a comfortable majority. Confronted by serious financial problems, Peel led his party in the direction of free trade by lowering many customs duties and by abolishing others. He was persuaded by Cobden that the repeal of the corn laws was inevitable and he did not hesitate to reverse himself a second time on a major issue. Although the Tory diehards were up in arms once again, they were powerless to prevent Peel with Whig assistance from abolishing the corn laws. They were, however, able to deprive him of his command. The Tories split into two camps: the majority, following Disraeli, denounced their chief; the minority, among whom was Gladstone, rallied to his defense. Peel never recovered from the bitterness of the attack

To many of his contemporaries Peel seemed the wonder of his age. Gladstone, to whom Peel was a mentor and a guide, regarded him as the most capable man he ever knew; Cobden, a political opponent, paid rare tribute to his memory; and Carlyle, believing that Sir Robert was destined by the Eternal to be England's coming hero, was rendered desolate by his death. In the larger perspective of history. however, Peel has taken his place among the great opportunists. He was essentially a business man in politics and his major gifts were along administrative lines. Although he was a Tory, his political philosophy was impregnated with Benthamism and laissez faire doctrines.

WALTER PHELPS HALL

Consult: *Speeches of Sir Robert Peel in the House of Commons, 1810–50*, 4 vols. (London 1853); *The Private Letters of Sir Robert Peel*, ed. by George Peel (London 1920); Clark, G. K., *Peel and the Conservative Party, a Study in Party Politics, 1832–1841* (London 1929); Holland, B. H., *The Fall of Protection, 1840–1850* (London 1913); McCarthy, J., *Sir Robert Peel* (New York 1891); Morley, J. M., *Life of Richard Cobden* (Boston 1881); Rosebery, A. P. P., *Sir Robert Peel* (London 1899).

PEERS, HOUSE OF. *See* LEGISLATIVE ASSEMBLIES.

PÉGUY, CHARLES (1873–1914), French publicist and nationalist. In 1897 Péguy became editor of a socialist library; three years later he founded the *Cahiers de la quinzaine*, a publication which he edited until his death. It presented to the public in addition to Péguy's own work the early writings of Romain Rolland, Jérôme and Jean Tharaud and Daniel Halévy as well as Jaurès' *Armée nouvelle* and carried on a strong pro-Dreyfus campaign. The *Cahiers* represented an entire epoch in the development of French intellectual life; it was the organ of all writers of left tendencies, whose only bond frequently was merely a discontent with the existing order; but especially it reflected Péguy's evolution toward an all inclusive nationalism. At first a socialist, he turned to Catholicism and then to nationalism, which became the enduring basis of his philosophy, combating any movement or idea which he thought might diminish the spiritual stature of France. He entered the army as a lieutenant on August 2, 1914, eager to fight Germany; on September 5 he was killed in battle. His enthusiasm for the war was but one aspect of his militant nationalism. This nationalism Péguy identified with the traditions of the people, their struggle and labor. He saw the flower of these traditions in Joan of Arc, a French peasant girl of his own blood and of whom he wrote often and movingly. He was never able to separate religion from the people, from France, and this was the basic cause of his difficulties with the Catholic church. He rejected the international church in favor of a French church; he was a true national Catholic and more than Maurras he merits pontifical condemna-

tion, for he wrote that "the French saints are the greatest of all saints." Indeed he felt closer to a non-Catholic Frenchman than to a non-French Catholic. Thus both his socialism and his Catholicism merged into a mystic nationalism, powerfully influenced by Bergson's philosophy of intuition, which had made a deep impression upon Péguy as a student. All social problems, all ideas, were given a national cast; international socialism and international Catholicism were both denied in favor of a transcendent national and class solidarity. In many respects Péguy anticipated the philosophy of fascism.

EMMANUEL BERL

Important works: *Oeuvres choisies* (4th ed. Paris 1911); *Choix de poésies* (Paris 1914). A complete edition of Péguy's writings in fifteen volumes is being published, *Oeuvres complètes*, vols. i–ix, xiii–xv (Paris 1916–33).

Consult: Halévy, Daniel, *Charles Péguy et les Cahiers de la quinzaine* (Paris 1918); *Hommage à Charles Péguy* (Paris 1929); Blei, Franz, *Männer und Masken* (Berlin 1930) p. 199–210; Mounier, Emmanuel, Péguy, Marcel, and Izard, Georges, *La pensée de Charles Péguy* (Paris 1931); Tharaud, Jérôme and Jean, *Notre cher Péguy*, 2 vols. (41st ed. Paris 1926).

PELAGIĆ, VASA (1838–99), Serbian nationalist and socialist. Pelagić attended a theological seminary in Belgrade and later taught school in Brčko. Because of his nationalist activities, however, he was forced to flee and went to Russia, where he familiarized himself with current Russian socialist thought. In 1866 he returned to Bosnia and became head of a newly created theological seminary in Banjaluka, using his position to further the ideas of the Omladina, the Serbian youth movement. In 1872, having renounced his clerical vows, he proclaimed his allegiance to the socialist doctrines of Svetozar Marković. Later he was active in the preparation of the Bosnian insurrection of 1875. Although he suffered arrest and exile a number of times he never ceased agitating for his political, social and cultural ideals; and through his numerous newspaper articles and a host of books and pamphlets, most of which are now forgotten, he profoundly influenced his generation.

By temperament Pelagić was more of an agitator than a leader. He worked for the national liberation of the southern Slavs and was not satisfied merely with the ideal of a greater Serbia. In 1871 he began advocating a political and religious union of Serbs, Croats and Slovenes, not, however, in a centralized South Slav empire but rather in a federation of small autonomous groups. Later he developed this ideal into a plan for a Balkan federation within the framework of a European confederation of states. His nationalism was from the start tinged with an awareness of social problems; the struggle against the Turks was a struggle for the emancipation of the peasants.

For a time Pelagić dominated socialist thought in Serbia. His socialism, however, was entirely emotional and utopian in character. He envisaged a future society consisting of small communities, each having from 40,000 to 60,000 inhabitants, who were to own communally the land upon which they were settled.

HERMANN WENDEL

Consult: Čubrilović, Vaso, in *Kalendar almanah prosveta* (Sarajevo 1925) p. 91–95; Lapčević, Dragiša, *Istorija socijalizma u Srbiji* (Belgrade 1922) p. 114–18; Wendel, Hermann, *Aus der Welt der Südslawen* (Berlin 1926) p. 203.

PELLOUTIER, FERNAND-LÉONCE-ÉMILE (1867–1901), French labor leader. Pelloutier, who was of bourgeois origin and received a Catholic education, entered radical journalism in 1885 as collaborator first on the *Démocratie de l'ouest* and later on the *Ouest républicain*, the latter founded to support the Socialist candidacy of Aristide Briand. He joined the Guesdist *Parti ouvrier français*, but when as representative of the *bourses du travail* of Saint-Nazaire and Nantes in the Congress of Tours in 1892 he eloquently supported the general strike, he broke with this party and thereafter became a most vigorous opponent of parliamentary action. In 1893 he went to Paris and became secretary of the Fédération des Bourses du Travail, a post which he held until his death. In 1897 he founded the review *Les ouvriers des deux mondes* and was made investigator at the Office du Travail. He was dismissed from this post shortly before his death.

One of the founders and most able propagandists of revolutionary syndicalism in France, Pelloutier sought to embody in the *bourses du travail* those functions which would enable them to carry out the syndicalist program. The struggle of the workers must be waged on the economic plane through the autonomous grouping of the forces of the proletariat. The *bourses du travail*, uniting the trade syndicates in each city, must improve material conditions by fighting for reduced hours, increased pay and unemployment aid. They must go further, however, and by providing vocational training, teaching the workers organization and administration and

by concentrating all economic functions within themselves must prepare for the transition from capitalistic to collective ownership. The workers must be taught that the bourgeoisie will yield only under compulsion, must shun conciliation between the classes and must prepare themselves, through organization and the cultivation of their intelligence, for the general strike, which is tantamount to an attack, necessarily victorious, upon the existing order. In contrast to the socialists Pelloutier held that the program of political action involving the seizure of the state was worse than useless; the state must be destroyed.

Pelloutier was perhaps the ablest labor organizer of his time. Under his direction the federation became the largest and most powerful labor body in France, claiming over 200,000 workers. Its influence extended to the Confédération Générale du Travail, which was able to absorb the federation after Pelloutier's death by modifying its program and permitting a broad scope to the local *bourses du travail*. The doctrine of revolutionary syndicalism so ably set forth by Pelloutier remains deeply rooted in the labor movement of France.

PAUL LOUIS

Important works: *La vie ouvrière en France* (Paris 1900), in collaboration with M. Pelloutier; *L'histoire des bourses du travail* (Paris 1902, rev. ed. 1921).

Consult: Pelloutier, Maurice, *Fernand Pelloutier, sa vie, son oeuvre* (Paris 1911); Franck, Charles, *Les bourses du travail et la Confédération générale du Travail* (Paris 1910); Saposs, David J., *The Labor Movement in Post-war France*, Columbia University, Social and Economic Studies of Post-war France, vol. iv (New York 1931).

PENAL COLONIES. *See* PENAL INSTITUTIONS; TRANSPORTATION OF CRIMINALS.

PENAL INSTITUTIONS are places where persons whose liberty has been curtailed by law are confined to assure the successful administration of justice or the application of penal treatment. Three epochs may be distinguished in their history. During the first, which lasted until the middle of the sixteenth century, penal institutions were chiefly dungeons or detention rooms in secure parts of castles or city towers, used to detain prisoners awaiting trial or execution of sentence. The second epoch was one of experimentation with imprisonment as a form of punishment for certain types of offenders, mostly for juveniles, "sturdy beggars," vagabonds and prostitutes. The London Bridewell, the Amsterdam Rasphuis and Spinhuis, founded respectively in 1557, 1595 and 1597; Francis' Florentine Hospice, established about 1677; the reformatories for boys and women in St. Michael's Hospice in Rome, founded in 1704 and in 1735; and the Ghent workhouse, first established in 1775, were the most important of the institutions of this period. Most of the elements of penal administration, originating in these institutions, were brought into more or less general use toward the end of the eighteenth century, when the third epoch was inaugurated, that of universal adoption of imprisonment as a substitute for virtually all corporal or capital penalties. In contemporary society the prisons have replaced the scaffold, the stocks, the pillory and the whipping post as the most conspicuous if not the most commonly used instrument of penal treatment.

Penal institutions reflect in their construction and architecture the attitude of society toward prisoners. The demand for custodial security has been met generally by unscalable walls, stone or steel cells and complicated locking devices and is further symbolized in the fortresslike architecture of the buildings. The penal philosophy expressed in the construction of the Eastern Penitentiary of Philadelphia and the Auburn Prison of New York a century ago gave wide vogue to constant isolation in cells or to such isolation at night only. The hub and wheel spoke architecture of the former institution with its fairly large and light outside cells may be seen in a vast number of foreign prisons, while the Auburn interior cell block with its small and dark inside cells is a characteristic feature of the prisons of the United States. The strict isolation system still found in some of the prisons of Holland, Belgium, Scandinavia and France has been carried over into their prison schools, chapels and recreation grounds. The anachronistic panopticon prison with its circular cell houses and peripheral cells, sponsored by Jeremy Bentham as a means of facilitating direct and constant observation of prisoners and adopted in Holland and Switzerland a century ago, has recently been unsuccessfully revived in Cuba and in Illinois. Changes in theories of penal treatment have initiated revolutionary modifications in the architecture of prisons. Cottage construction has been used increasingly especially for juvenile training schools and for institutions for women and petty offenders. Many institutions for less serious offenders have never had cell construction but have utilized large dormi

tory rooms for all but special classes of inmates. Contemporary authorities advocate penal institutions holding no more than 500 to 1000 prisoners. Yet prisons have been recently constructed in the United States and elsewhere to house as many as 6000 inmates.

From the point of view of the role they play in the process of judicial administration, four classes of institutions can be distinguished: those for temporary confinement of persons arrested; those for persons awaiting trial or execution of sentence; those in which sentences of penal treatment are liquidated; and those for the internment of socially dangerous offenders. Institutions of the first class (lockups, *dépôts de sûreté*, *carceri mandamentali*) are very small, usually consisting of a few cells in city police stations or rural jails. Their number is estimated at about 11,000 in the United States, of which there are 384 in New York state and 58 in New York City; France has 3585, Czechoslovakia 379, Italy 831 and Scotland 30 Institutions for prisoners held for trial (jails, *carceri circondariali*, *maisons d'arrêt*, *Gerichts-* or *Untersuchungsgefängnisse*), usually located conveniently to the courts, are less numerous. In many states they are used also to incarcerate short term prisoners and those whose fines have been converted to imprisonment. In the United States the estimated number is 3500; England and Wales have 31, Canada has 128, Finland 8, Sweden 197, France 160, Germany 134, Belgium 27, Austria 226, Italy 116 and Czechoslovakia 37. In many countries these institutions are built with cells, but in others they frequently lack proper segregation facilities. Large detention houses exist in metropolitan centers; the Naples prison has accommodations for 3280 inmates, the Berlin prison for 1460, the Paris Santé has 1042 cells and the New York Tombs accommodates 556 prisoners. Institutions for those undergoing penal treatment subsequent to conviction have gradually evolved out of local jails or workhouses with a heterogeneous population into highly complex and diversified penal systems. The nature of the crime is still the basis for the primary classification of these institutions into those receiving serious criminals on long sentences (state prisons, convict prisons, *Zuchthäuser*, *maisons centrales*, *case penali*); those receiving less serious criminals on moderate sentences (jails, houses of correction, *Gefängnisse*, *maisons de correction*); and those receiving petty offenders on sentences of a few days (police jails). The growing demand for individualized treatment of prisoners has caused the first two types to split into administratively distinct units or to provide within their walls for the separation of groups of prisoners for special care. The bases for such further classifications have been found in factors like sex, race, age, the length of sentence, the character and conduct of the prisoner and the institution's labor program. Larger states have special institutions or sections of institutions for one or more but never for all of the following classes: military prisoners, civil prisoners, political prisoners, adult first offenders, adult incorrigibles, youthful first offenders, juveniles, the insane, vagabonds and beggars, mental defectives, drug addicts, inebriates, tuberculars, epileptics, chronic invalids and incurables, the aged and infirm and the best behaved prisoners. In the group of institutions for the internment of socially dangerous offenders may be placed institutions for the criminal insane and mental defective as well as certain European institutions for incorrigible recidivists, such as the one at Camp Hill, England. Most of these have developed during the last decade and are designed to carry out provisions of the measures of security which have been incorporated in recent European code revisions. Institutions may of course also be classified according to the type of construction (cellular, non-cellular, mixed) or according to the form of labor (industrial or farm prisons, road camps).

The magnitude of the task of penal institutions may be ascertained in part from the fact that in the United States in 1930 courts committed 66,013 prisoners to 104 state and federal adult prisons and reformatories which reported to the United States Bureau of the Census. It is estimated that about 2,700,000 persons are committed annually to lockups in the United States. In the fiscal year 1930–31, 144,231 persons were committed to penal institutions in New York state alone, of which 3790 were received by state institutions, 11,895 by county penitentiaries, 55,309 by county jails and 73,237 by institutions in New York City. In the same year Massachusetts state institutions received 3192 persons from the courts, while 32,269 were committed to county jails and houses of correction. The Canadian institutions in the same year recorded 75,591 new admissions, of which 63,672 entered county jails. England and Wales in 1930 committed a total of 59,936 persons to institutions, consisting of 7504 on remand or for trial not followed by imprisonment, 13,276 for civil debts, 12,497 in default of fine payments, 25,349

to serve mandatory sentences, 536 to penal servitude and 774 to Borstal detention. France in 1928 sent 139,305 persons to lockups, 142,856 to jails and workhouses, 1101 to public correctional schools, 3580 to central prisons and 447 to the deportation depot. Italian prisons in 1927 received 76,152 persons held at the disposition of the police, 152,569 at the disposition of the courts and 36,194 to serve sentences; in addition 1045 juveniles were admitted to correctional schools, making a total of 265,960 persons.

Penal institutions are heavy financial burdens to all states. Detention jails and institutions for women and children are particularly costly; but even institutions for men are rarely self-supporting, because of the improper or impracticable organization of prison industries or because the educational or correctional functions of these institutions preclude such organization. No adequate cost figures exist for the United States. The National Commission on Law Observance and Enforcement estimated in 1928 that the cost of maintaining state institutions alone amounted to $51,000,000. Federal prisons and reformatories cost over $4,500,000 in 1930–31. The net cost of operation of the state and county institutions of Massachusetts in 1931 was $3,379,492, which figure does not include the cost of maintaining juvenile training schools. During the same year Canada expended $1,873,040, the net cost of her dominion penitentiaries alone, and England spent £675,419 on all its penal institutions.

There is wide divergence among the various states with regard to the system of administration, control and supervision of penal institutions. In the United States there exist several federal and 48 state systems in addition to the local county and municipal systems. The office of the judge advocate general of the Navy Department administers navy prisons and receiving ships, stations and barracks; and the War Department has military prisons and military post prisons. The attorney general administers through a bureau a few civil penitentiaries, reformatories, detention houses and prison camps scattered from coast to coast. The penal institutions of Porto Rico and the Philippine Islands are administered by bureaus of prisons in the departments of justice of those dependencies; in Hawaii the administration of the territorial prison was in 1931 removed from the attorney general's office and placed under the authority of a board of prison directors, while other institutions are under local control. The Department of the Interior is in charge of the prisons of the Virgin Islands. and the State Department, through its diplomatic representatives, administers certain consular prisons in a number of non-Christian countries.

In the United States the federal practise of administration through the Department of Justice is not followed by the states, where local jails, houses of correction or juvenile correctional schools are owned and administered by the county or municipal authorities; the state government possesses no powers of supervision or control over these local institutions in 16 states and supervisory but no compulsive power in 23. In the remaining states the central government has either secured complete administrative control of all local institutions, as in Rhode Island, or of some of them, as in North Carolina, or can establish mandatory regulations to govern some or all important features of their management. County institutions are administered either by the sheriff or by commissioners. The administration of municipal institutions presents a picture as diverse as that of the state institutions. State penal institutions are administered by prison boards of varied size and authority, usually appointed but occasionally elected, in some states unpaid and in others salaried. In a number of states the boards deal with penal institutions only; elsewhere the administration of all state penal, charitable and sometimes also educational and public welfare activities is brought under the jurisdiction of one administrative board. The boards usually appoint the executives and other employees and are virtually in complete control of the institution, although they are at times dependent upon some state agency or upon the approval of the chief executive in matters of rules and regulations, construction plans, sanitary arrangements and salary schedules. Sometimes penal institutions are administered by state departments, headed by directors or commissioners who are members of governors' cabinets. State juvenile correctional schools are frequently managed either by individual boards, by a special division of the central state board or by some state department, commission or board distinct from that administering institutions for adults. Private or quasi-public schools for juvenile delinquents, found in considerable numbers in the United States, are usually subjected to some form of inspection by local or state government departments. In some states the function of releasing prisoners on parole has been divorced from the prison adminis-

tration and placed in the hands of special agencies.

From an administrative point of view foreign penal systems are almost as varied as those of the United States, although a greater degree of centralization generally exists and the highest authority is usually the minister of justice. The situation in some federated states is in many respects similar to that in the United States. In Canada, for instance, the penitentiaries which receive all prisoners on sentences of over two years are administered by the dominion Department of Justice. Most jails and all juvenile correction schools are locally administered, however, while the provincial governments maintain industrial farms, administered through provincial departments, such as the department of public works, by the provincial secretary or by the attorney general. The federal Department of Justice of Mexico and that of Argentina administer the prisons of the federal capitals and territories, while the constituent states maintain their own penal systems. Germany and Switzerland possess no federal institutions; penal treatment in these countries is administered entirely by the constituent states or cantons.

In unitary states the degree of centralization also varies. England, for instance, through its prison commissioners, who are responsible to the secretary of state for home affairs, administers all penal institutions, including the local ones; but juvenile institutions are privately managed under the supervision of the Home Office. The secretary of state for prisons of Scotland administers all institutions except juvenile correctional schools, which are under the Education Department, as are those of the Irish Free State, where the minister of justice controls the adult institutions. Norway has centralized administration of all institutions through a directorate in the Ministry of Justice. Denmark has the same supreme authority, but local government agencies administer jails. In Sweden a director in chief appointed by the king administers all state institutions except workhouses, which are administered by the Department of Social Welfare, and a juvenile training school administered by the Department of Justice. Detention jails are locally owned and administered, but under rules made by the director in chief. In Finland, Italy and Japan a director in the Ministry of Justice has complete control over all institutions, while in Austria all but workhouses and juvenile institutions are under the Ministry of Justice. All the German states have centralized administration through ministries of justice, except a few small states like Hamburg, for instance, where a member of the senate performs the task through a director. In Belgium different departments in the Ministry of Justice administer the institutions for adults and those for juveniles, while in Holland the juvenile schools and the institutions for adults are under different ministries. The French and Prussian systems are decentralized. In France the director of prison administration under the Department of Justice operates all institutions—except police jails, which are under local control—through subdirectors in each of the sixteen prison districts into which the country is divided. The prisons of the Seine and the juvenile institutions each have a director, however, immediately responsible to the director of prison administration. In Prussia thirteen district administrations, under the superior control of a state administration in the Ministry of Justice, administer all but police jails. In the Soviet Union the Commissariat of Justice, through a prison director, is in supreme charge of all institutions and operates through inspection departments attached to the administrative section of the People's Executive Committee in each of the provinces and territories. Each institution is supervised by a vigilance committee with the institution's director as chairman and the justice of the People's Court of the district and a representative of the trade union office as assessors. Many European states have made use of boards or committees, wholly or partly composed of private citizens, for either administrative, supervisory or advisory work. The French prison directorate has advisory councils for different phases of its work and each institution theoretically has a surveillance committee of private citizens, which rarely functions. In Holland all but one institution is administered by an unpaid Board of Regents, the directors of the institution, like the boards, being appointed by royal decree and other employees by the Ministry of Justice. Belgium has a large state advisory council for prisons and also decreasingly effective administrative boards which manage all but the fiscal affairs of their respective institutions, while fiscal control is centralized in the Ministry of Justice. Some German states, such as Prussia and Saxony, also have advisory boards; in Prussia these are chosen by municipal or county authorities.

The extent to which the judiciary has been used in Europe in the administration of prisons goes far beyond practise in the United States,

where, at the most, local jails are subject to inspection by judges of county or municipal courts or, in a few states, by boards of trustees of such institutions appointed by the judiciary. Provision is made by law that the membership of many of the European advisory boards should include judges or prosecutors. The visiting committees of justices in England have greater disciplinary powers than the prison wardens. In Austria committees of the judiciary supervise the work of the institutions. The judiciary in Saxony appoints not only the clerks but the guards, while in Italy, since 1931, a justice, known as the surveillance judge (*giudice di sorveglianza*), decides on all measures affecting the treatment of prisoners, including transfers, conditional releases, disciplinary punishments and promotions. In many states the law imposes upon the district courts the duty to supervise the work of the institutions in order to prevent illegal administrative methods.

The staff of a penal institution renders administrative, custodial and technical services. Numerically and functionally the staffs vary from the single keeper of the small jail to the large and complex personnel of the greatest prisons. The typical penal institution has a chief executive, guards, a clerk, a chaplain, a physician and perhaps an industrial supervisor. The disciplinary and custodial features of imprisonment have caused many foreign states to draw their executives and custodians from the ranks of the army. Medico-penal institutions are, however, usually administered by trained psychiatrists, while in the management of institutions for juveniles everywhere, and for women in the United States, teachers or social workers are being employed. Political considerations still play an important role in the appointment of the staffs of penal institutions in many states, while in others civil systems of selection and promotion by merit are common. The increasing emphasis on the correctional and educational functions of penal institutions has led to a demand, by no means universal, for training schools or courses for prison guards. Since 1791, when Wagnitz suggested such schools, many experiments in their use have been made; these have been encouraged by the endorsement of the international prison congresses. The best known schools have been those of Lüneburg (founded in 1859), Rome (1873), Paris (1893), Tokyo (1898) and Madrid (1903). Since the World War a large number of states have established schools with varying success, among them England, Sweden, Finland, Peru, Prussia, Greece, Belgium and Poland. In the United States a lecture course to prison officers given in Massachusetts in 1921 was followed by the establishment of schools by the New York City Department of Correction in 1927, by the Federal Bureau of Prisons in 1930 and by the State of New Jersey in 1931. Only a few states, including Prussia and France, have schools for the higher administrative or custodial personnel; no such official training schools for superior officers exist in the United States. In several states university institutes and schools for social work now offer courses in correctional work.

It is in the composition and functions of the technical staff that the changing penal philosophy of recent decades has had its greatest influence. The United States Penitentiary at Atlanta, for instance, now has warden's assistants who are trained social workers, charged with aiding the prisoner in dealing with his family problems, and with the study and coordination of all the institution's efforts to individualize treatment; it has also a supervisor of education and two assistants, a staff of academic and vocational teachers, a trained librarian, medical officers, dental officers, a psychiatrist, a psychologist, a pharmacist, women nurses and a number of part time medical consultants. While psychiatrists have become important members of the staffs of penal institutions in many states of the United States and in certain European countries, such as England, Belgium, Bavaria and the Soviet Union, psychologists are rarely found in correctional administration outside of the United States and the Soviet Union. Professional social workers are commonly members of the staffs of the juvenile and women's institutions of the United States and in certain German states, particularly Saxony (the *Fürsorger*); while sociologists are found only in certain institutions in Illinois, Massachusetts and in the Soviet Union. On the whole penal institutions are still administered by an untrained and inadequate personnel.

The assumption that a penal institution is chiefly custodial has led to the belief that order, discipline, rigid rules and strict obedience are the corner stones of penal treatment. Offenses which interfere with the placid administration of the institution are regarded as the worst a prisoner can commit. Infractions are penalized by such punishments as deprivation of privileges, reduced rations and loss of merit marks. Severe offenses are usually punished with the dark cell.

reduced rations and a hard bed, by the straitjacket, by handcuffing to the cell door or by leg irons. Punitive labor is sometimes employed; or the *salle de discipline*, as in France; the inhuman "sweat box," as in Florida; the stocks, as in Georgia; or the lash. Barbarous punishments long since gone from the criminal codes are still found in the disciplinary codes of many prison systems.

Prisoners who obey all rules receive rewards for their conduct in so far as the nature of their sentences permits. These rewards are in most countries extended by promotion systems. The newly committed prisoner in foreign prisons must spend the initial period in strict cellular confinement ranging from a few weeks or months to five years, as in Holland, or to ten years, as in Belgium for certain types of prisoners. Each promotion to a higher class brings increased privileges in the form of more frequent visits, letters, library books, exercise periods, better rations, food purchase rights, better cells and even temporary furloughs in the case of prisoners in the most advanced classes in the Soviet Union, Bavaria and Thuringia. The number of classes varies but is usually three or four. Such "progressive," or "step," systems exist also in penal institutions in the United States, where the time spent in the entrance class is usually brief and where full privileges are quickly extended, while misbehavior results in demotion to a disciplinary class.

A large number of prisoners are physically diseased upon commitment and require medical care. Moreover prison confinement is frequently accompanied by physical and mental disorders, among which homosexuality is one of the most difficult problems. Few penal institutions are adequately equipped or staffed to deal with questions of health and sanitation, which are doubly complicated by antiquated buildings overcrowded with prisoners. Some institutions, however, possess good hospitals and operating rooms and dental and venereal clinics. Prison food, an important element in maintaining health, is notoriously monotonous and is frequently poorly prepared. The fact that most prison riots in recent years have been precipitated by dissatisfaction with the food served has led the penal administrators of some institutions to employ trained cooks and dieticians who are responsible for wholesome and well balanced rations. The recreational activities of the institutions also play an important role in health. Physical recreation is usually limited to short daily periods of walking, which, especially in European institutions, frequently are confined to small individual enclosures. The prisoners must often maintain a circular file; relative freedom of movement during recreation hours is, however, granted in most American institutions. Organized gymnastics, military drill, open air football or baseball games, boxing matches and field sports are coming into increasing use. In a few most modern institutions mental relaxation is afforded by periodic moving or talking picture programs, musical and dramatic activities, by the radio and by lectures. Practically no recreation is afforded detention or short term prisoners and many other prisoners are largely dependent upon the daily walk, the meager literature, infrequently doled out by a poorly equipped library, the occasional inspirational lecture and the prison paper. In European prisons, with few exceptions, the prison papers are published by the central administration; while in the United States, in Soviet Russia and in some Belgian institutions they are written and printed by the prisoners. In Europe only highly privileged prisoners, such as members of the discharge class of the German prisons or political prisoners, may subscribe to journals published outside the prisons. In the Soviet Union this privilege is given freely, while in the United States as a rule relatively few restrictions are imposed.

It has been assumed by many that ignorance is a cause of crime and that the education of prisoners is a means of reforming them. In some states the schools of penal institutions are under the direct supervision of state educational departments. The instruction of prisoners has long been academic and vocational. Academic education has but rarely transcended the level of the elementary school, although here and there in the United States high school subjects are taught, particularly in institutions for juvenile delinquents; university extension or correspondence courses are available in a few institutions. The average adult prison school in the United States is improperly housed and is taught by untrained inmate teachers using textbooks designed for children; the schools of juvenile institutions, however, ordinarily reach adequate standards. Vocational training is at a higher level than academic instruction; in some institutions it is intimately bound up with industrial and agricultural activities. Prison libraries are frequently overloaded with inspirational and religious literature, and adequate library service is

still absent in most institutions. Practically no provisions for education exist in jails for short term prisoners and in workhouses.

The socialization of prisoners has come increasingly to be regarded as an educational task informal in nature and inherent in every aspect of institutional life. The development of initiative and a sense of social responsibility in the prisoner is a prime requisite of this task but difficult to achieve, given the traditional organization of penal administration. Participation of prisoners in their own regeneration has been effected in some American, Belgian, Bavarian and Soviet institutions under some form of self-government; but except where the institutional staffs have been of rare quality, such plans have failed.

In all countries, the Soviet Union excepted, religious instruction through sermons and tracts is considered essential in penal treatment. Larger institutions have sometimes one staff chaplain and several part time chaplains, who visit prisoners in their cells and conduct chapel exercises. In some states the custodial functions of the institutions, particularly for women or juvenile offenders, are entrusted to religious orders. The level of religious instruction is generally low. The permanent chaplains in many institutions, particularly in the United States, are entrusted not only with the care of the prisoners' religious welfare but with the censorship of their mail, the conduct of the library, the editing of the prison paper or the statistical reporting of the institution's work. Such identification with the administration, the prisoners' traditional enemy, renders the chaplain's ministrations largely ineffective.

The growth of criminological science in the last century brought a demand for individualized treatment based on a scientific study of the prisoner in order to uncover the roots of his criminal conduct and to lay the basis for correctional or preventive measures. The result has been the establishment in many states of prison clinics or laboratories, staffed by psychiatrists, psychologists and sociologists. The clinics of Ingenieros in Argentina and of Vervaeck in Belgium, both established in 1907, have found many imitators especially since the World War. The psychiatric field services to prisoners in Massachusetts, Wisconsin and Maryland, the classification clinic of Sing Sing Prison, the state criminological service of Illinois, the research divisions of other numerous individual institutions or state correctional departments in the United States are the products of the last fifteen years and may as time passes prove invaluable adjuncts to the penal system. In Europe Vervaeck's original clinic has grown into a state service with nine branch clinics, and Bavaria, Austria and Italy in particular have established centers for the scientific study of the prisoner. The Soviet Union through the State Institute of Criminology, to which an experimental prison is attached, and through many branch institutes is making important contributions to this field.

When prisoners leave penal institutions, they receive the balance of their earnings from prison labor, which as a rule amounts to very little, usually free transportation to some point within the state, some clothing and perhaps a small discharge allowance. Whatever further assistance is rendered them in their attempts to solve their problems of social readjustment is in some states given by state agencies but in most instances by private or quasi-public aid societies.

Each generation has labored for the reform of its penal institutions. Organized groups, such as the Philadelphia Society for Alleviating the Miseries of Public Prisons established in 1787, the prison societies of Boston and New York, the Howard League of Penal Reform in England, the Société Générale des Prisons of Paris, the national prison organizations of various countries and the international prison congresses, which have met since 1872, have urged not only humanitarian but also efficient treatment of prisoners. Even the prisons of the western world have not yet generally reached the minimum demands for decent physical treatment. Actual brutality has not been eradicated and is perhaps more common than is generally known; overcrowding, unsanitary conditions and poor or unpalatable food are prevalent notwithstanding the existence here and there of model institutions. The worst feature of contemporary penal systems, particularly as they affect adults, is the lack of intelligent, sympathetic and understanding relationships between staffs and prisoners. No great improvement in this field can be recorded until correctional work has been professionalized and institutions are staffed with trained and well chosen educators. Penal institutions are now largely peopled b· recidivists; from 55 to 67 percent of those mitted to the institutions of the United S. England, Scotland and Italy, for instance, h. already served institutional sentences, while much larger proportion have had previous con victions. This striking rate of recidivism ill·

trates not only the difficulties with which institutions must contend but also the imperative need for intelligent treatment in place of that now generally prevailing. The way is being shown in the juvenile training schools and women's reformatories of the United States and in the correctional labor colonies of the Soviet Union. In the last analysis penal institutions reflect the citizen's attitude toward the prisoner. As long as the criminal is regarded as a social outcast to be punished instead of a person to be helped and corrected, in other words, until the same attitude is adopted toward the treatment of criminality as is now taken toward ill health, prison reform will be sporadic and unscientific.

THORSTEN SELLIN

See: CRIMINOLOGY; CRIME; PUNISHMENT; IMPRISONMENT; HUMANITARIANISM; ARREST; INDETERMINATE SENTENCE; RECIDIVISM; PARDON; PROBATION AND PAROLE; PRISON LABOR; JUVENILE DELINQUENCY AND JUVENILE COURTS; TRANSPORTATION OF CRIMINALS.

Consult: Howard, John, *The State of the Prisons in England and Wales* (4th ed. by John Aikin, London 1792); Webb, Sidney and Beatrice, *English Prisons under Local Government*, English Local Government, vol. vi (London 1922); Hobhouse, S., and Brockway, A. F., *English Prisons Today* (London 1922); Hauptvogel, Fritz, "Aufzeichnungen über das Gefängniswesen Englands" in *Blätter für Gefängnisskunde*, Sonderheft, vol. lxii (1931); Wieselgren, S., *Sveriges fängelser och fångvård* (Sweden's prisons and prison treatment) (Stockholm 1895); Hagströmer, S., *Riktlinjer för vinnande av viss koncentration inom det svenska fångvårdsväsendet* (A guide for securing a certain concentration within the Swedish prison system), Sweden, Justitiedepartementet Statens Offentliga Utredningar, no. xvi (Stockholm 1931); Norway, Justis-og-Politidepartementet, *Innstilling om en omordning av fängselsvesenet* (Project for a reorganization of the prison system) (Oslo 1930); *Handbuch des Gefängnisswesens*, ed. by F. von Holtzendorff and E. von Jagemann, 2 vols. (Hamburg 1888); *Deutsches Gefängniswesen*, ed. by E. Bumke (Berlin 1928); *Der Strafvollzug in Preussen* (Mannheim 1928); *Gefängnisse in Thüringen* (Weimar 1930); Liepmann, C. M., *Die Selbstverwaltung der Gefangenen* (Mannheim 1928); *Der Stufenstrafvollzug und die kriminalbiologische Untersuchung der Gefangenen in den bayerischen Strafanstalten*, 3 vols. (Munich 1926–29); Hafner, E., and Zürcher, E., *Schweizerische Gefängniskunde* (Berne 1925); Szöllösy, Oszkár, *Magyar Börtönügy* (Hungarian prisons) (Budapest 1930); Czechoslovakia, Ministerstvo Spravedlnosti, *The Prison System in the Czechoslovak Republic* (Prague 1930); Georgov, D., *Rabotata v zatvoriti i neïnata organizatsiya* (Prison ...r and its organization) (Sofia 1930); Cadalso y ...io, F., *Instituciones penitenciarias y similares en ...a* (Madrid 1922); Mossé, A., *Les prisons et les ...utions correctives* (Paris 1929); Belgium, Ministère ...a Justice, *Notice sur l'organisation des établisse...ts penitentiaires* (Louvain 1929); *Aperçu des sys...s pénal et pénitentiaire pour les adultes* (The Hague ...); Finland, Fångvårdens Centralförvaltning i Justitieministeriet, *Fångvårdsförvaltningen i Finland* (Prison administration in Finland) (Helsingfors 1931); Tobenkin, Elias, *Stalin's Ladder* (New York 1933) pt. iii; Shirvindt, E. (Chirvindt), *Les prisons en U.R.S.S.* (Paris 1927), tr. as *Russian Prisons*, with introduction by J. Murray (London 1928); Jimenez de Asúa, L., and others, *La vida penal en Rusia* (Madrid 1931); China, Commission on Extraterritoriality, *Chinese Prisons* (Peking 1925); Gillin, J. L., *Taming the Criminal* (New York 1931); Lemos Britos, *Os systemas penitenciarios do Brasil* (Rio de Janeiro 1924); Topping, C. W., *Canadian Penal Institutions* (Toronto 1929); Sellin, Thorsten, "A Brief Guide to Penological Literature" in American Academy of Political and Social Science, *Annals*, vol. clvii (1931) 225–32; Robinson, L. N., *Penology in the United States* (Philadelphia 1921); Lewis, O. F., *The Development of American Prisons and Prison Customs, 1776–1845* (Albany 1922); Fishman, J. F., *Crucibles of Crime* (New York 1923); Queen, S. A., *The Passing of the County Jail* (Menasha, Wis. 1920); Reeves, M., *Training Schools for Delinquent Girls* (New York 1929); Lekkerkerker, E. C., *Reformatories for Women in the United States* (Groningen 1931); National Society of Penal Information, *Handbook of American Prisons and Reformatories, 1929*, ed. by P. W. Garrett and A. H. MacCormick (New York 1929); Hopkins, A., *Prisons and Prison Building* (New York 1930); Rector, F. L., *Survey of Health and Medical Service in American Prisons and Reformatories* (New York 1929); MacCormick, A. H., *The Education of Adult Prisoners* (New York 1931); American Prison Association, *Proceedings of the Annual Congress*, published in New York since 1874. See also the proceedings and bulletins of the International Prison congresses. For journals: Howard League of Penal Reform, *Howard Journal*, published annually in London since 1921; Verein der deutschen Strafanstaltsbeamten, *Blätter für Gefängniskunde*, published irregularly in Heidelberg since 1865; Verband der deutschen Gefängnis- und Strafanstalts-Oberbeamten, *Strafvollzug*, published monthly in Berlin since 1910; *Rivista di diritto penitenziario*, published bimonthly in Rome since 1930; *Revue pénitentiaire de Pologne*, published semi-annually in Warsaw since 1927; Pennsylvania Prison Society, *Prison Journal*, published quarterly in Philadelphia since 1921; Société Générale des Prisons, *Revue pénitentiaire et de droit pénal*, published irregularly in Paris since 1877; "Prisons of Tomorrow" in American Academy of Political and Social Science, *Annals*, vol. clvii (1931). See also bibliography for IMPRISONMENT.

PENAL TRANSPORTATION. *See* TRANSPORTATION OF CRIMINALS.

PENN, WILLIAM (1644–1718)

English religious leader, political thinker and colonial administrator. In spite of his father's official position and his own conventional training at Oxford and Lincoln's Inn and later in France, Penn cast in his lot with the despised Quakers and became one of their most active leaders. He joined the sect in 1667 and thereafter suffered

imprisonment repeatedly; indeed some of his most effective tracts (e.g. *Great Case of Liberty of Conscience*, 1670) were written during these periodical incarcerations.

An uncompromising defender of the cause of religious toleration, Penn issued many pamphlets which exerted a deep influence on the course of the protracted controversy in seventeenth century England. His friendship with and influence upon James II, at a time when the king was suspected of Catholic designs because of his removal of religious tests and his dispensing with penal laws in this connection, caused Penn to be distrusted by all parties, even by some of his Quaker friends. In his pamphlets justifying the royal policy and his own position Penn, a consistent opponent, like his co-sectarian George Bishop, of the theory of state sovereignty, insisted that no person or institution possessed the right to make laws and that therefore James was within his constitutional prerogatives in dispensing with them if he so desired. Penn's repudiation of the rapidly spreading theory of parliamentary sovereignty adumbrates many of the pragmatic premises of modern political science. Law is to be measured by the allegiance it obtains; no person or institution possesses the right to make laws; good government is to be judged by its works, not a priori by its title.

These attitudes Penn carried over in his work in America in preparing a frame of government for the province of New Jersey and more particularly in writing the charter for and in administering the proprietary colony of Pennsylvania. In the latter, freedom of conscience for all subjects, a liberal penal code, government based on almost universal male suffrage and association with neighbors, colored as well as white, were to be the guiding principles of what Penn called his "holy experiment." While the colony itself flourished, Penn's own experiences with it were unhappy. Largely because of his inability to be present in Philadelphia in person (he visited the colony only twice and each time his stay was less than two years), he was involved in continual struggle with the settlers. Penn's inability to meet his financial obligations resulted in his being thrown into debtors' prison in 1708 and in his effort to sell Pennsylvania to the crown.

Penn sought to join the English provinces together for common action and his project in 1696 for a federal "union of the colonies in America" not merely for defense but for regulation of debts, commerce and justice constitutes the earliest step toward colonial unification. His respect for individual conscience and his desire to lessen the claims of national sovereignty led him to project a plan for a league of nations (1693) in which there were provisons for compulsory arbitration.

PHILIP S. BELASCO

Works: *Selected Works of William Penn*, 3 vols. (4th ed. London 1825). Penn's numerous books and pamphlets have not yet been collected in a single edition. Among the more important of his writings are: *An Essay towards the Present and Future Peace of Europe* (London 1693); *Reasonableness of Toleration* (London 1687); *Great Case of Liberty of Conscience* (London 1670); *No Cross, No Crown*, 2 vols. (London 1669); *Good Advice to the Church of England, Roman Catholick, and Protestant Dissenter* (London 1687); *A Persuasive to Moderation to Church Dissenters* (London 1686); *Great and Popular Objection against the Repeal of the Penal Laws and Tests* (London 1688).

Consult: Belasco, Philip S., *Authority in Church and State* (London 1928) pt. iii; Janney, S. M., *Life of William Penn* (2nd ed. Philadelphia 1853); Dixon, W. H., *William Penn* (new ed. London 1856); Buck, W. J., *William Penn in America* (Philadelphia 1888); Shepherd, W. R., *History of Proprietory Government in Pennsylvania*, Columbia University, Studies in History, Economics and Public Law, no. 16 (New York 1896); Pound, Arthur, *The Penns of Pennsylvania and England* (New York 1932); Dobrée, Bonamy, *William Penn; Quaker and Pioneer* (London 1932).

PENSIONS. The basis for pension grants, the method and scope of selection of beneficiaries, the fixing of the terms of payment and of financing have developed from personal and arbitrary grants, made under monarchical regimes by the sovereign to favored individuals, to public pension systems established by state and local governments. Public pensions were first granted to military servants retired because of injury or disablement and later to superannuated or disabled civilian public employees; they were finally extended to superannuated or disabled wage earners in private industry and also to special dependent groups for whom the consideration is not previous service, the latter class of beneficiaries including dependent children, dependent mothers before and after childbirth, the blind and the handicapped. As pension systems have thus broadened their scope they have come to be based more and more on contributory payments by the beneficiaries rather than on allowances paid entirely out of the public treasury. In addition to public pensions there are pensions paid by private employers in the field of industry and by noncommercial institutions and organizations. In

all of these the pension is a stated allowance paid at regular intervals over a period of years or for the balance of life, but, in contrast to wages, it is not a compensation for current service.

Although the pension system is a development of comparatively recent times, the personal pension, in which each award is made on a special basis, is said to have been known even in the time of the Roman Empire, chiefly in the form of grants for military service. It reached its most extravagant development in France under the *ancien régime*. The number of these pensions formed so threatening a fiscal problem in the sixteenth century that Sully included as part of his program of economy their considerable reduction. The pensions were usually awarded to the loyal servants and favorites of the king. The recipients of this aid and honor were not only past ministers of state and other dignitaries—distinguished generals, officers invalided in war, impoverished nobles, members of the representative assembly who could be counted on to do the government's bidding, men of letters distinguished for their talent or more often for their libelous attacks on supposed enemies of the state—but also royal favorites and courtesans without any pretext of public service. The awards, which were often in huge sums, were the discretionary, arbitrary acts of a sovereign subject to no fixed rules. Pluralism of pensions was by no means infrequent and the system of hereditary rights in pensions often perpetuated their discriminatory and extravagant features. In addition to the official list of pensions an unpublished one (known as the *Livre rouge*) was kept for those which could not be exposed to the public gaze. The revolution swept away the burdensome pension list of the old regime, which by that time had reached the colossal sum of 36,000,000 livres, and the system of discretionary pensions based on class favoritism. In their place were promulgated new principles of pension awards, which became the foundation of all the French systems of public pensions, state and local, for the nineteenth century. These principles involved a recognition of the public obligation to assist by pension, on the basis of definite rules, any person irrespective of station who had been employed by the public authorities and had become incapacitated after long and faithful public service or in consequence of an injury sustained in it or any other citizen who had sustained sacrifices in the service of society. Later an obligation was recognized to pension also dependents of such persons in case of their death. The obligation to pay pensions to other persons on account of other services or circumstances was denied. Of course it took time for these principles to take root and for new systems to be developed in accordance with them.

The principles which replaced the personal pension by a regulated pension system were gradually adopted by other European countries in the nineteenth century, although in England the struggle against hereditary pensions did not terminate until the last quarter of the nineteenth century. At that time, as a result of the fight carried on particularly by Charles Bradlaugh, arrangements were made to commute at a "fair" market value such hereditary pensions as still existed. At the outset public pensions were restricted very largely to the military service and even to compensation for injury, disablement or death. The extension of pension provision to public civilian employees proceeded more gradually, and even now the right of the public employee is not conceded to be as strong a claim as that of the soldier, who presumably risks his life and severs his family connection.

The extension of pension provision to civilian public employment resulted largely from the pressure of organizations of employees. Those services in which employees were the first to organize in strong protective organizations or in which they were otherwise particularly influential politically were generally the first to secure pension legislation. Eventually the entire service of a national government or of a given large city was covered either by several departmental pension systems established at different times or by one single system evolved gradually. In these systems the majority of employees received no pension, as only those were included who had remained in the service for a specified period of years or were specifically disabled. Length of qualifying service or type of incapacity was carefully prescribed, and the amount of the pension was generally fixed as a definite proportion of the salary earned by the employee during the year or five years before retirement, multiplied by the years of service rendered; in cases of disability sustained in the performance of duty it was fixed as one half of the salary regardless of the length of service. The pensions to dependents were likewise definitely fixed.

One of the most important innovations arising out of the nineteenth century recognition that pensions differed from other governmental payments and called for special methods of financ-

ing was the establishment of special pension funds and the introduction of compulsory contributions by employees. Very frequently these were the direct outgrowth of the private benevolent funds or associations established by the employees for the care of their aged and needy members and financed by means of small assessments voluntarily imposed. As these proved unable to meet growing demands upon them, the associations turned to the public authority for aid, using in support of their demands the reasons which prompted governments elsewhere to provide pensions for their employees. Legislation was secured giving the fund a public status, making membership in it compulsory for all employees in the particular service, vesting the employing authority with the duty of collecting these contributions by deducting them from salaries, increasing the rates, providing for some kind of annual appropriation or subsidy to the fund by the authority, broadening the scope of the benefits to be provided and definitely fixing their amounts and conditions of payment.

Sometimes the establishment of these funds for employee contributions was made necessary by the difficulties of financing the increasingly large annual appropriation requirements of a non-contributory system. Moreover public authority held that the employees should not be absolved altogether from the obligation to provide for their old age. In other cases pension funds were established on the contributory basis from the outset. Since contributory pension funds offered substantial practical advantages and seemed to harmonize better with the spirit of the times they soon became, in most countries, more general than the non-contributory systems.

The moneys allocated to a pension fund would generally be fixed at such amounts as to be in excess of its immediate requirements; the excess would be invested and the interest earned added to the income of the fund. It was hoped that the disbursements would continue to be below the income and that the fund would be fully able to meet all the demands which might be made upon it. As these expectations were not based, however, upon actuarial investigations, the pension funds often met with serious financial difficulties, which forced the gradual adoption of actuarially funded systems.

The conception of the nature of pensions was significantly influenced by the development of new social attitudes. The employee no longer considered the pension as a reward or gift but rather as a "deferred wage," in consideration of which, as part of the wage contract, the employee often accepted a lower wage than was offered to him elsewhere and refused opportunities later available for a profitable change of employment. Consequently he regarded the promise of a pension as a definite contractual obligation on the part of his employer and the pension as a definitely earned pay, even without any direct financial contributions on his part. At the same time administrators and civic leaders interested in the improvement of governmental service formulated the idea of the pension as an efficiency device, necessary for the orderly and humane elimination of superannuated and disabled employees no longer able to function efficiently, for the proper operation of the system of promotions, for the attraction of a better type of employees and for the improvement of working morale. With the development of the pension as the product of the joint contributions of the employer and the employee it came to be regarded more in the nature of a mutually beneficial business arrangement for insurance, since it protected the government service against inefficiency and the employee against dependency resulting from superannuation or disability.

A doctrine recently advanced and more far reaching in its implications regards the public service as the logical pioneer in the meeting of the old age problem as it affects the wage earner in modern society. This doctrine considers a pension as a compensation paid to the employee for the gradual destruction of his wage earning capacity in the course of his work. Retirement being a proper charge against the employee's entire period of active service, the employer should make contributions toward the employee's eventual retirement during each year of service of the employee, in a manner similar to that in which he annually sets aside a reserve against depreciation and obsolescence of his plant and machinery. Pensions, according to this doctrine, are an absolutely indispensable complement of wages.

These several new ideas compete with each other and agree completely in only one point—that pensions should be treated as earned and contractual in nature and not, as in earlier times, as free gifts.

Concurrently the pension systems in public service are undergoing profound changes. In the newer systems greater emphasis is placed on incapacity due to old age and on retirement upon

the attainment of a certain age than on the completion of a certain period of service in the particular employment. The principles of savings and insurance are given increasing recognition. Provision is made for refunding contributions, with interest, to the employee who resigns or is dismissed before qualifying for retirement or to the dependents of one who dies under circumstances not entitling them to a pension. In a few systems the contributions made by the employer become actually the inalienable property of the employee: they are refunded to him at the time of his separation from the service, are transferred to his new employment, if that is covered by any system of pensions, or are otherwise reserved for his old age.

In the development of the newer systems actuarial assistance is secured at the outset. The costs of pensions are carefully estimated on the basis of mortality rates, compound interest tables and other such devices. In order to provide funds sufficient to finance the promised pensions on a permanent plan contributions are fixed generally in the neighborhood of 5 percent of the salaries for the employees and 5 or more percent for the employing body. The actuarial reserve plan of operation is introduced, under which the contributions of each member and of the employing body on his account are accumulated with interest and are used to pay him a pension at the time of his retirement. Not infrequently the employees' contributions are kept in separate accounts and are used to provide two distinct benefits—one an annuity, the other a pension—which are fixed on some basis other than the final salary. The pension funds are treated as trust funds and their reserves, aggregating sometimes many millions of dollars, serve to safeguard the accumulated pension rights of their members.

Older funds which have not been properly organized are either reorganized on an actuarial plan or else the public authority assumes the responsibility of covering their annual deficits from the budget. In the latter case they are funds merely in name, since they have no fixed assets. The deficits of some of these funds reach amounts as large as 20 percent or more of the pay roll.

The actuarial funds and non-actuarial systems thus evolved generally cover between them the entire personnel of the national government of the given country and the greater part of its local governmental personnel. Some of these pension systems cover a hundred thousand or more employees each and take care of thousands of pensioners.

In the military service the pensions paid to professional soldiers and naval officers are now based upon fundamentally the same considerations as those upon which the pensions for civil servants are founded, but since they developed earlier they tend more strongly to adhere to the earlier ideas and forms. Thus the idea of the pension as a reward for long service persists particularly strongly in their case. This is also true of pensions awarded to public officials of high rank or to their survivors. Such innovations as contributions by the persons covered and the actuarial reserve system of operation are strongly resisted, undoubtedly because of the notion that duties in the military service are especially exacting and entitle the servant to special recompense from the nation. Pensions to citizens temporarily enlisted in the military service and to their dependents have generally been paid only in the cases in which their service has resulted in injury or death, and the amount of the pension has been based on military rank, type of injury and the nature of the dependents. Only in the United States have pensions been paid to citizens who have sustained no injuries in the service and to their dependents, simply as a mark of the nation's gratitude for the fact that the citizen had enlisted or was enrolled in the service at a time when the nation was in peril.

The development of the pension systems in the public service was followed by the establishment of like systems by some private employers. In Europe this development began in the middle of the nineteenth century, but with the spread of general public provisions for old age pensions and of compulsory contributory insurance for all wage earners these private systems have disappeared or else serve merely as additional benefits. In the latter case they have followed the development of public pensions and in many instances have been made contributory and even contractual. The establishment of private pension systems in the United States has been more recent and on a larger scale, although they have been adopted generally only by the larger industrial organizations, covering only a small minority of industrial workers. By the nature of their terms, which in contrast to public systems seldom provide any safeguards to pension rights of the employees, and because of the large turnover of labor in the establishments maintaining them, they actually pay benefits to only a small proportion of em-

ployees. They are motivated moreover not only by the desire for efficiency but also by the desire to avoid any form of collective bargaining or trade union affiliation by the employees. In spite of the introduction of actuarial systems (in some cases, under an arrangement by which an insurance company for a specified premium underwrites a plan) the majority of these funds have been found actuarially unsound. In the United States a few professions and many trade unions and some non-commercial organizations (churches and universities) have also introduced retirement systems.

A far more significant development has been the introduction, beginning in Germany in 1889, of governmental provision against old age dependency. The effects of the industrial system in increasing the insecurity of the wage earner began to receive public attention with the enfranchisement of the masses and the spread of the labor movement. It became apparent that the problem could not be met by the individual employer or by each local community or even by the well developed systems of trade union benefits which existed in some countries; national or state action, involving a very different treatment from that afforded by the traditional poor relief or institutional care, seemed to be necessary. One country after another has established national or state systems of old age and invalidity pensions or of contributory old age insurance participated in by employer, employee and the government. Under these systems workers or citizens who have attained a certain age or are prematurely disabled and are incapable of self-support are paid a specified pension and are thus afforded assistance on a dignified and systematic basis. In this field too the trend is toward the replacement of straight pension systems by contributory schemes. Dependency caused by a disability traceable to an industrial accident has likewise become the subject of national or state action. Employers are compelled by law to insure their workers against accident, and the government merely supervises or administers the operation of the system. The state has come to provide pensions also for dependency arising from blindness, orphanage and maternity.

Thus pensions have evolved from monarchical grants for an aristocracy to a system of social insurance for industrial workers and citizens generally. Because of the large public expenditures involved this program has given rise in many countries to controversy between those who are unwilling to countenance its further extension under normal circumstances and demand its curtailment in times of economic adversity and those who press for a broadening of its scope and point out the dangers of curtailment during periods of economic depression.

PAUL STUDENSKI

See: OLD AGE; MOTHERS' PENSIONS; VETERANS; PUBLIC EMPLOYMENT; TEACHING PROFESSION; BENEFITS, TRADE UNION; CRIPPLES; BLIND; WORKMEN'S COMPENSATION; INSURANCE; SOCIAL INSURANCE; GROUP INSURANCE; ANNUITIES; CHARITY.

Consult: Bray, E. de, and Joliet, René, "Pensions" in *Dictionnaire des finances*, ed. by Léon Say, 2 vols. (Paris 1889–94) vol. ii, p. 782–820; *Le livre rouge; ou, liste des pensions secrètes sur le trésor public* (Paris 1790), English translation (London 1790); Herclonville, Jean d', *Règles anciennes et principes nouveaux du paiement des pensions* (Paris 1925); Jèze, Gaston, *Cours de finances publiques, 1929–1930* (Paris 1930) p. 140–58; Brown, Herbert D., *Civil-Service Retirement in Great Britain and in New Zealand*, United States, 61st Cong., 2nd sess., Senate Document no. 290 (1910), and *Civil Service Retirement, New South Wales, Australia*, United States, 61st Cong., 2nd sess., Senate Document no. 420 (1910); Pritchett, H. S., *A Comprehensive Plan of Insurance and Annuities for College Teachers*, Carnegie Foundation for the Advancement of Teaching, Bulletin no. 9 (New York 1916), and *The Social Philosophy of Pensions*, Carnegie Foundation for the Advancement of Teaching, Bulletin no. 25 (New York 1930); also the *Annual Reports* of the foundation, vols. i–xxvii (New York 1906–32); Meriam, Lewis, *Principles Governing the Retirement of Public Employees*, Institute for Government Research, Principles of Administration (New York 1918); Studenski, Paul, *Teachers' Pension Systems in the United States*, Institute for Government Research, Studies in Administration (New York 1920), "Pensions in Public Employment" in *National Municipal Review*, vol. xi (1922) 97–124; Citizens Budget Commission, *Financial Aspects of New York City's Pension Systems*, by Paul Studenski (New York 1933); Conant, Luther, *A Critical Analysis of Industrial Pension Systems* (New York 1922); Epstein, Abraham, *Insecurity: a Challenge to America* (New York 1933); International Labour Office, Geneva, "Compulsory Pension Insurance," *Studies and Reports*, ser. M, no. 10 (Geneva 1933). See also bibliographies for OLD AGE; PUBLIC EMPLOYMENT; MOTHERS' PENSIONS; VETERANS.

PEONAGE. Although this term is frequently applied to various forms of forced labor, it should be used only to designate virtual involuntary servitude growing out of payment in work for debts incurred. The element of indebtedness is the chief attribute of peonage, while it is not necessarily a feature of slavery, serfdom or contract labor. The period of servitude moreover is undetermined; it exists as long as the debt remains, whereas in the case of indentured or contract labor there is, at least in theory, a

definite time limit. In ancient and in certain primitive societies non-payment of debt frequently resulted in the enslavement of the debtor, sometimes permanently, sometimes until the equivalent of the debt had been worked out. The status of the debtor under such circumstances, however, was one of slavery, whereas the peon is not legally a slave. Peonage is to be found exclusively in a capitalistic society where the law protects the creditor and where employer-employee or similar relationships prevail. Its development has been relatively recent and chiefly in regions where other types of forced labor are not permitted, not infrequently after other forms of servitude, such as slavery, have been abolished.

The word itself is derived from the Spanish *peón*, literally a foot soldier, but it has been applied for some centuries to Indian and mestizo laborers in Spanish America and the Philippine Islands. When Spain conquered these territories the natives were subjected to forced labor, under the institutions of *repartimientos* and encomiendas, whereby a number of Indians, with or without the land they occupied, were assigned to a Spaniard, who was entitled to exact services from them. Their purpose was to bring the native population under Spanish rule and to reward the individual conquerors. This system created a peculiar type of bondage for the Indian population. Upon the abolition of the encomiendas toward the end of the colonial period the whites contrived to hold the native laborers under some form of involuntary servitude. One of the most common methods was to involve the Indians in debt and to retain them in service until the obligation should be discharged. Such measures appear to have been fully sanctioned by the laws of the Indies. As the laborer was usually called a peon, the system became known as peonage. It served its purpose best where the laboring population was small or disinclined to engage in steady employment for wages, where the scene of the industry was remote from other settlements or where working conditions were unpleasant. In some heavily populated areas, as on the Mexican and Andean highlands, it was employed to retain laborers when the small wage offered by the farm owners did not suffice to hold the natives against the attraction of working for themselves in the numerous agrarian communities or against that of the cities with their greater liberty of contract. Peonage as it existed in the highland districts of the Andes, territory which now falls within the boundaries of Colombia, Ecuador, Peru and Bolivia, is well described by Jorge Juan and Antonio de Ulloa in their *Noticias secretas de América* (London 1826), written after their expedition in 1735–45. The Spaniard paid the tribute imposed upon the Indian, supplying him each year with a few yards of coarse cloth and food to supplement that produced on the small piece of land allowed for the Indian's own use; he sold to the natives at exorbitant prices the carcasses of any cattle which might die on the farm; he advanced money to the Indians for the occasional expenditures required for funerals, marriage ceremonies and other social or religious celebrations. Thus the natives became obligated for an indebtedness so large that it was virtually impossible for them to pay it back. The peon had to work for the patron three hundred days each year, receiving a wage so small—from twelve to eighteen pesos per year—that it by no means covered the charges against him. Consequently the longer he worked for the Spaniard the deeper he sank in debt. It was virtually a system of perpetual debt bondage, for if the farm were sold the Indian became obligated to the new owner, while the indebtedness of the father was inherited by the son.

This system survived in many of the republics which evolved from the Spanish colonies, although slavery was declared abolished by most of the constitutions of the newly formed governments. Little attempt has been made, however, to put an end to peonage until relatively recent years. It attracted most attention in Mexico, where a large part of the rural laboring class was legally held in debt bondage. Here as elsewhere the company store, the *tienda de raya*, played an important part in involving the peon in debt. The system existed in connection with manufacturing enterprises as well as on the plantations. In 1910 Turner estimated that one third of the entire population of Mexico were living under conditions of peonage. It reached its worst form in the tropical lowlands, in the tobacco plantations of the Valle Nacional, south of Vera Cruz, and in the sisal plantations of Yucatan; to these regions Indians from far distant parts were brought and held for severe labor under climatic conditions to which they were unaccustomed and in unsanitary living quarters, which led to great suffering and excessively high mortality. In Central America, Peru, Ecuador, Colombia and Venezuela much the same circumstances prevailed as on the Mexican highlands. On the Peruvian plateau, where peonage

was less a legally established system than an institution firmly fixed in usage and upheld by officers of the law, nearly all the agricultural labor and most of the mining, transportation and domestic services, both in the rural and in the urban districts, were performed by Indians attached by debt to the great haciendas. In the trans-Andean rubber district at the headwaters of the Amazon peonage was the accepted system of labor; in fact it was the only method whereby a sufficient labor supply could be secured for gathering the rubber. In this region, the Putumayo, peonage and its attendant atrocities attained the greatest notoriety. The situation was seriously aggravated because dominion over this territory was in dispute between Peru, Ecuador and Colombia, so that no one of the contending countries was able to establish effective police control, while the heavy tropical forest covering the entire district made law enforcement doubly difficult. In highland Ecuador a system of peonage existed under the name *concertaje*. The peon was usually required to work four days per week for the patron, receiving a wage equivalent to about one shilling per day. The hacienda store sold him supplies on credit; indeed it was usually impossible for him to secure necessaries elsewhere. This and other practises got him deeply into debt to the farm owner. The debt was not legal unless acknowledged by the Indian in the presence of an official, but such recognition was regularly demanded by the employer at least once a year; the peon was not free to leave until the debt was discharged, and if he escaped officers of the law would bring him back. As in former times the debt and the debtor might be transferred to another person, particularly if the property changed hands. A similar situation existed in the various countries mentioned and to a lesser degree in other Latin American countries.

Dean Worcester reported to the United States government in 1913 that in the Philippine Islands peonage lay "at the root of the industrial system." The most flagrant abuses seem to have occurred among the non-Christian tribes, but the institution existed in some form in nearly all of the islands and was one of the most common methods of securing labor. It was estimated in 1928 that probably 20 percent of the population were peons.

In the United States peonage apparently developed mainly as a result of the abolition of slavery. As a penalty for vagrancy or petty crimes, especially when committed by Negroes, it became customary in many districts to impose a fine and to accept payment of this fine from some employer of labor, who in return secured the services of the culprit until the amount of the fine had been worked out. It was not difficult to bring about the accumulation of other debts by excessive charges for tools, food, lodgings and clothing advanced to the victim. Thus a system of long continued, if not permanent, involuntary servitude developed. In many states, particularly in the south, the practise of peonage was recognized and sanctioned by law. Persons sentenced to such service were frequently kept under armed guards and on some occasions were shot upon attempting to escape. Another source of widespread peonage in the south was the custom of making yearly contracts with Negro farm laborers or tenants. Advances were usually made to them so that they could be held for the contracted period and coerced into renewal; even if no advances had been made no planter would hire laborers who had broken contracts. In addition statutes provided that to draw advances on "false pretenses" was a criminal offense. The courts interpreted every attempt to leave the plantation as an offense under the statute. The penalty was frequently a fine, which the complaining employer paid, so that the Negro was again in his power. At other times the threat of imprisonment was sufficient to make the laborer docile. Often an employer did not resort to the courts but took the law in his own hands.

White workers have been enmeshed in the peonage system less commonly than Negroes, but the system has affected them particularly where they have been contracted in cities for service in distant parts of the country. In such cases there has usually been misrepresentation of working conditions, and too late the victims have found themselves bound by a debt for transportation and supplies which it was almost impossible for them to repay. One striking example occurred in connection with the Maine lumber companies, which found it difficult to obtain workmen for their remote forest camps. Under provisions of a state law enacted in 1907, clearly for the purpose of putting laborers into the power of such companies, it was made a crime for a person who had received advance payment for labor in a lumber camp to evade through fraud the service specified in the agreement. The courts were accustomed to consider any attempt to escape the terms of the contract as fraudulently intended, even where misrepresentation was an issue. Virtual peonage was the

result, under conditions in which escape was almost impossible. In other parts of the country, as in North Dakota, New Mexico and Michigan —in fact, according to the report of the United States Immigration Commission in 1910, in all states except Oklahoma and Connecticut—similar practises have been known to occur, although no general system has been established.

About the beginning of the twentieth century agitation against peonage became widespread. The Thirteenth and Fourteenth amendments to the Constitution of the United States had been intended to prevent all involuntary servitude except as punishment for crime, and special anti-peonage legislation had been enacted by Congress in 1875. It was not, however, until a decision of the Supreme Court in 1910 (Bailey *v.* Alabama, 219 U. S. 219) declared state laws under which peonage had been tolerated to be unconstitutional that the system lost its legal sanction in the United States. The fact that violations occasionally come to light in different parts of the country reveals that the practise is by no means entirely eradicated.

Measures enacted in 1902 by the Congress of the United States to establish civil government in the Philippine Islands repeated the terms of the Thirteenth Amendment. There were no enforcing laws, however, and the former system of labor continued to exist. Particular attention was attracted to the matter following the decision of the United States Supreme Court in 1911, and a year later a law was passed avowedly intended to curb peonage in the islands. The practical result of this measure (Act no. 2098), however, was to give a certain legal sanction to the system, which continued generally to be employed. In 1927 the act was finally repealed by the Philippine legislature, but no positive legislation was enacted to take its place. As late as 1930 peonage was thought to be common in most parts of the archipelago.

In Latin America sentiment against peonage was awakened by the Mexican Revolution. The new constitution adopted by that country in 1917 abolished all forms of involuntary servitude except for crime. In 1916 a Peruvian law declared that Indians living on a hacienda could not be held by indebtedness to the owner, and two years later Ecuador withdrew all legal sanction of the practise of peonage. In these and in other countries of Latin America, however, the system has been difficult to eradicate and still survives to some extent, particularly in remote districts. As late as 1932 a competent observer reported that most of the Indians living along the upper Napo River on the eastern slope of the Andes are bound by debt to white landowners. In many such districts, isolated as they are from main centers of population, where labor is hard to secure and retain by a system of wages, peonage is still used to obtain a labor supply.

Since the formation of the League of Nations much has been done by the International Labor Conference to throw light on the various forms of involuntary servitude, including peonage, found in different parts of the world. These investigations have given rise to a wide recognition of the principles that forced labor for any private purposes should be completely prohibited and that even indirect compulsion, a category in which peonage frequently belongs, should be forbidden.

GEORGE MCCUTCHEN MCBRIDE

See: LABOR; FORCED LABOR; SLAVERY; SERFDOM; PLANTATION; AGRARIAN MOVEMENTS, section on LATIN AMERICA; DEBT; VAGRANCY; NEGRO PROBLEM; COMPANY TOWNS; CIVIL LIBERTIES.

Consult: Commons, J. R., and Andrews, J. B., *Principles of Labor Legislation* (rev. ed. New York 1927) p. 37–40; Simpson, L. B., *The Encomienda in New Spain*, University of California, Publications in History, vol. xix (Berkeley 1929); Molina Enríquez, Andrés, *Los grandes problemas nacionales* (Mexico 1909); Turner, J. K., *Barbarous Mexico* (4th ed. Chicago 1914) chs. i–vi; McBride, George M., *The Land Systems of Mexico*, American Geographical Society, Research series, no. 12 (New York 1923) p. 30–34; Jaramillo Alvarado, Pío, *El indio ecuatoriano* (Quito 1922); Great Britain, Parliament, *Correspondence Respecting the Treatment of British Colonial Subjects and Native Indians Employed in the Collection of Rubber in the Putumayo District*, Cd. 6266 (1912); United States, Department of State, *Slavery in Peru*, 62nd Cong., 3rd sess., House Document no. 1366 (1913); Worcester, Dean C., *Slavery and Peonage in the Philippine Islands*, Philippine Islands, Department of the Interior (Manila 1913), and *The Philippines Past and Present* (new ed. by Ralston Hayden, New York 1930) ch. xxiv, and p. 718–20; Hart, A. B., *The Southern South* (New York 1910) ch. xx; Wilson, Walter, *Forced Labor in the United States* (New York 1933) p. 84–117, 139–41; United States, Immigration Commission, "Peonage" in *Reports*, vol. ii (1911) 439–49; Hershaw, L. M., *Peonage*, American Negro Academy, Occasional Papers, no. 15 (Washington 1915); Reuter, E. B., *The American Race Problem* (New York 1927) p. 238–40; League of Nations, Temporary Slavery Commission, "Report" in League of Nations, *Official Journal*, 6th year (1925) 1413–26; International Labour Conference, Twelfth Session, *Forced Labour, Report and Draft Questionnaire* (Geneva 1929), especially p. 227–29, and *Supplementary Report*, p. 26–27, and Fourteenth Session, *Forced Labour, Questionnaire I* (Geneva 1929), and *Report I* (Geneva 1930).

PEOPLE'S PARTIES. *See* PARTIES, POLITICAL, sections on various countries.

PEOPLE'S UNIVERSITIES. *See* UNIVERSITIES AND COLLEGES; WORKERS' EDUCATION.

PÉREIRE, JACOB-ÉMILE (1800–75), French railroad builder and financier. With his brother Isaac, who was associated with him in almost all his undertakings, Péreire was one of the principal figures in the development of French industry and commerce during the second third of the nineteenth century. A native of Bordeaux, he went to Paris in 1822 and threw in his lot with the Saint-Simonians. While he did not take to the religious mysticism of Enfantin, who had transformed Saint-Simonianism into a religious cult, Péreire always remained faithful to the original social and economic doctrines of the group, particularly those which looked to the betterment of society through the development of industrial organization. He collaborated in the editing of the *Globe*, which succeeded the *Producteur* as the Saint-Simonian organ; and although he resigned from his editorial post in 1831, following differences with Enfantin, he continued to defend the ideas of Saint-Simon in the *National* (1832–35).

It was in the columns of these journals that Péreire became an active champion of the new method of transportation, the railroad. Then proceeding, as he said, "to inscribe his idea on the earth," he built the first French steam line, that from Paris to Saint-Germain; he participated in a syndicate which constructed the line from Paris to Versailles; and thereafter he was associated with almost every French railroad building project of the 1830's, 1840's and 1850's. In 1852, after having seen the necessity for a closer link between industry and finance, Péreire founded the Crédit Mobilier. This joint stock company, which depended upon public security issues for its funds, extended long term credits for industrial and commercial ventures. The nature of its organization was at that time unique in French banking practise, as was also the fact that it issued securities in excess of its capital shares. The Crédit Mobilier lasted until 1871, when it was converted into a commercial bank for deposit and discount; but in the twenty years that it functioned it was the most important single agency in France for the promotion and reorganization of great business enterprises. It launched the Compagnie Générale Maritime, which in 1861 became the Compagnie Générale Transatlantique, several French, Austrian, Swiss and Spanish railroad companies, a host of municipal public utility companies and other credit organizations in France and abroad; and it was largely responsible for the merging of the numerous short French railroad lines into a few great systems. In this way Péreire carried out what he and his fellow Saint-Simonians had understood to be a necessity, the union of bank and factory, of credit and industry.

EDGARD ALLIX

Works: *Oeuvres*, ed. by P. C. Laurent de Villedeuil, 4 vols. (Paris 1912–20).

Consult: Castille, C. H., *Les frères Péreire* (Paris 1861); Charléty, S. C. G., *Histoire du Saint-Simonisme (1825–1864)* (new ed. Paris 1931) p. 240–41, 284–85; Wallon, Maurice, "Les Saint-Simoniens et les chemins de fer" in *Revue des sciences politiques*, vol. xxiii (1908) 515–28, and vol. xxiv (1909) 83–100, 220–29; Lajard de Puyjalon, Jacques, *L'influence des Saint-Simoniens sur la réalisation de l'isthme de Suez et des chemins de fer* (Paris 1926) pt. ii; Vergeot, J. B., *Le crédit comme stimulant et régulateur de l'industrie; la conception Saint-Simonienne* (Paris 1918).

PÉRIN, HENRY XAVIER CHARLES (1815–1905), Belgian economist. Périn studied at the University of Louvain under Charles de Coux and succeeded him in 1845 to the chair of political economy. His book *La richesse dans les sociétés chrétiennes* (2 vols., Paris 1861; 3rd ed., 3 vols., 1882) signalized a reaction against the purely liberal doctrine of Bastiat and Cobden. While admitting the existence of economic laws and while according to public authorities and to social legislation the very restricted function of preventing obvious economic abuses, Périn set himself completely apart from the liberal school in introducing into economics a moral factor which he called Christian renunciation. According to Périn the principle of renunciation is the main motivating force in economic activity: the productivity of labor as conditioned by the discipline of the worker, the accumulation of savings as involving abstinence from consumption, the organization of credit as based on confidence and moral integrity, the peaceful cooperation of various classes in society as dependent upon the self-imposed restraint by the employees and employers; in short, all economic phenomena are simply manifestations of the principle of renunciation. This principle does not conflict with that of self-interest but creates the atmosphere of freedom essential to economic and social progress. The solution of the so-called

social problem, which he discussed in *Les lois de la société chrétienne* (2 vols., Paris 1875; 2nd ed. 1876), lies according to Périn in the moral sphere; namely, in the universal application of Christian charity in the wider sense to denote the general helpfulness and generosity to be followed by employers in their relations with their employees. Périn consistently opposed all forms of systematic intervention and state socialism, including the corporative regime advocated by Comte de Mun. His doctrines provided a stimulus to the group of Catholic economists known as the School of Angers in opposition to the school of Social Catholics.

Périn rejected all attempts at distinction between the religious and the civic sphere of human activity; in opposition to the "Catholic Liberals," who, as a concession to the times, reserved to Catholic thought the right to share in the general freedom of thought, he urged the full application of Christian principles to the entire domain of social and political life. In his essay *L'ordre international; principes fondamentaux du droit des gens* (Paris 1888) he formulated the Christian laws of international society.

GEORGES GOYAU

Consult: Brants, Victor, in Louvain, Université-Catholique, *Annuaire*, vol. lxx (1906) xv–liv; Michotte, P., "Un économiste belge, Charles Périn" in *Revue sociale catholique*, vol. ix (1904–05) 240–55, 257–64; Waha, Raymund de, *Die Nationalökonomie in Frankreich* (Stuttgart 1910) p. 208–12; Roscher, Wilhelm, *Ansichten der Volkswirthschaft*, 2 vols. (Leipsic 1878) vol. i, p. 58–86.

PERJURY in the more common and less technical sense of the term—covering false testimony and statements in general, when given in the course of law administration—is at present reckoned as a serious obstacle to certainty of justice. A large part of the criminal investigator's work consists in a battle against the lie, as Hans Gross has said, and the same of course is true of the task of the triers of fact in civil litigation. Kenny characterizes the English divorce court as a "playground of perjury" and finds the crime still more prevalent in collision cases in the Admiralty. In the United States perjury was assailed at a Baumes committee hearing in New York in 1927 as the "evasive measure of organized crime" and the "backbone of alibis" for the fence and other most troublesome offenders. Lying on the part of witnesses because of gang intimidation is not uncommon. Wholesale resort to perjury in vice squad frame ups was revealed in 1930–31 by an investigation of the magistrates' courts of New York City. Counsel for various citizens' and insurance companies' associations formed to combat fraudulent claims have maintained that perjury was employed wholesale in the metropolitan district by "criminal syndicates and their satellites." There are on record a variety of proved miscarriages of justice, as in Borchard's collection, shown to have been wrought by lies of witnesses.

While compelling proofs that perjury has either increased or abated with the passage of the centuries are not ready to hand, it may be surmised from legal history itself that the false witness has always been a source of considerable vexation. The very modes of proof employed at one time and another exhibit a variety of attitudes ranging from utter pessimism to a considerable optimism as to the practicability of relying upon human perception. The various forms of ordeal, at one extreme, solved the problem by appeal to a test of chance or magic or to some deity. Trial by battle was a resort to physical combat. The procedures employing oaths of parties and compurgators relied upon the sanctity of the oath and counted noses. The older use of witnesses involved no testing by cross examination; the important thing was the oath or the fact that the witness appeared rather than the probative value or apparent credibility of what was said. The older trial by jury in which the jurors based their verdicts on their own knowledge and surmises was an intermediate form: it did not contemplate bringing the evidential basis of verdicts into the light.

Yet even the modern procedures relying upon proof by witness have not been characterized by any thoroughgoing reliance upon the perception of judge or jury. The long survival of the disqualification for interest in the Anglo-American law of evidence is an example in point. In many jurisdictions the testimony of an interested survivor to transactions with a deceased is still excluded on the theory that any other rule would imperil the estates of the dead. Every effort to extend the scope of the remedy of discovery before trial in order to obtain knowledge of an adversary's case has been met by judicial opposition on the ground that it would encourage perjury. There remain in the law of evidence various precautionary quantitative requirements, as, for example, that confessions be corroborated and likewise the testimony of accomplices and of complainants of rape. These are but a few of many restrictions upon proof by testimony which, coupled with the surviving requirement

of a religious oath, bear witness that perjury is still a procedural bugaboo.

The history of criminal prosecution and punishment of perjury also shows it to be a constant problem. Ancient law, distinguishing between the sin of falsely invoking a deity and the injury to a fellow by false testimony, reflects considerable doubt as to the propriety of punishing the former. As observed by Tacitus, it was the business of the gods to punish those who despised them. When the Roman censors attended to perjurers their *nota* involved *ignominia* rather than *infamia*. The luckless one was deprived of citizenship in the tribe to which he belonged and degraded to the ranks of the *aerarii*. If he was a senator he lost his seat. But there were also provisions penalizing the false witness. In the Twelve Tables it was directed that false witnesses be thrown from the Tarpeian rock. The penalties in ancient law tended to bear a direct equivalence to the injury in question. Thus the Code of Hammurabi provided: "If in a lawsuit a man gives false evidence, and the word he has spoken is not justified; then if that case involves a life, that man shall be slain," and the Roman *Lex cornelia de sicariis et veneficis* provided death for one who by false testimony procured the conviction of another for a capital offense.

The Middle Ages brought a changed emphasis, for the church took a great interest in false oath. Attempts to extend the ecclesiastical jurisdiction to perjuries in general as *delicta mixta* involved a stressing of the blasphemous aspect of false swearing in judicial proceedings. Even false promissory oaths were included. Canonical penalties inflicted by the church courts, such as deprivation and excommunication, the wearing of papers in the market place and so on, savored more of penance than of punishment. Yet temporal penalties existed, and although no longer always directly gauged by the mundane injury they still suggested symbolically the *lex talionis*. A common temporal penalty provided in the mediaeval laws of Italy, of various free cities of the Holy Roman Empire and in the German *Carolina* of 1532 is the loss of the two fingers with which the perjurer swore.

In England, however, there was little of temporal punishment. Witnesses were not used, and false swearers—parties and oath helpers—were so notoriously immune that this procedure fell into widespread contempt. In the case of early trial by jury jurors were occasionally imprisoned or amerced when their verdicts in criminal cases irritated the judges. In civil cases there was the remedy by attaint, but this was restricted to the assize. Both remedies moreover involved a confusion of the two separate objectives of reversing wrong verdicts and punishing false swearers. Nor did the ecclesiastical courts compensate for this practical absence of temporal punishment. Rather did the jealousy between lay and spiritual authorities prevent either from doing anything effectual in this quarter. As Pollock and Maitland have observed: "And so our ancestors perjured themselves with impunity" (*The History of English Law before the Time of Edward I*, vol. ii, p. 543).

With the development of proof by witnesses in the modern sense the separate problems of controlling jury verdicts, of promoting the spiritual salvation of those who sinned by swearing falsely and of punishing those who obstructed justice by untrue testimony began to be disentangled In England Parliament intervened in 1540 and 1562 to put an end to the immunity of witnesses, providing for the recovery of pecuniary penalties by penal action against suborners of perjury and perjurers. In 1613 the Star Chamber declared perjury a crime by common law, which came to embrace wilfully false evidence of a material character given on oath and in a judicial proceeding. These restrictions were somewhat relaxed as time went on by statutes specifying various occasions other than judicial wherein false testimony might amount to perjury, and the judges decided that in any matter in which the law required an oath the taking of it falsely might still be a common law misdemeanor if the proceeding were not of a character to fit the perjury requirements.

By the twentieth century penal provisions dealing with the false witness were common but differed among the various nations on certain salient points. Thus France and Belgium punished only false "procedural" testimony, i.e. that given on trial. Germany, like England and the United States, went further, punishing testimony given under various other conditions although not generally. The Netherlands and Norway punished all wilfully false testimony and declarations which might have legal consequences. Austria, Belgium, Italy and Norway punished both sworn and unsworn false testimony, while England, France, Germany, the Netherlands and the United States punished only that given under oath or affirmation. In Belgium, England, France, Italy and the United States, but not elsewhere, the false testimony to support a criminal prosecution was required

to be of a material character. Germany, Italy and Norway provided for milder punishment or complete exoneration in cases where the false testimony might injure the witness himself or a near relative. Belgium, France, Russia and the Netherlands did not punish the unsuccessful instigator, while the other countries did. Germany even provided penalties for negligently false testimony.

But convictions for perjury, however prevalent the offense, remain few. There are unusual obstacles to prosecution, at least in England and the United States, thanks to the requirements of materiality and corroboration. Besides, whether out of sympathy for the witness badgered by counsel, because of the severity of maximum sentences—often comparatively long terms of imprisonment—or from doubts as to the corrupt quality of any given false testimony, juries are none too likely to convict. The United States census revealed that on January 1, 1923, there were but 171 persons convicted of perjury in penal and reformatory institutions (*Prisoners, 1923*, 1926, p. 28). The annual report of the attorney general of the United States for the fiscal year ending June 30, 1932, lists only 28 convictions of perjury. In greater New York during the three-year period 1925–27 there were 103 arrests for perjury and only 15 convictions, 1 arrest for subornation but no conviction, and 4 arrests for intimidating witnesses with 1 conviction. The 1929 criminal statistics for England and Wales note 124 perjuries "known to the police," 70 convictions and 7 where the charge was proved but an order made without conviction.

Recent statutory changes have for the most part been slight. The English Perjury Act of 1911 which codified the law on the subject includes forensic perjuries as formerly, false swearing before any official required or authorized to administer an oath and various unsworn false statutory declarations and representations to officials. In some instances the penalties provided are light, and some of the offenses are made summarily triable. But the requirements of materiality, wilfulness and corroboration are maintained. A few jurisdictions in the United States had early eliminated the requirement of materiality and some have codified a lesser offense of "false swearing." Proposals for checking perjury and facilitating its conviction, however, often resemble an inventory of all audible creaks in the machinery of justice. It is suggested that oaths be more solemnly administered, that the standards for admission to the bar be raised, that judges be empowered to comment on the weight of evidence and become more aggressive in summarily holding lying witnesses for the grand jury, that the privilege against self-incrimination be abolished and so on. A few statutes requiring the defense to supply the prosecution before trial with the details of alibis to be relied upon are of interest, as is likewise the growing practise of employing the contempt power summarily against witnesses who are obviously and fantastically lying to block investigation. Research is being carried on, notably at Chicago, into the possibilities of a scientific lie detecting apparatus—the "cardio-pneumo-psychograph." But the most persistent and specific legal measure addressed to the general problem today is the proposal for enactment in New York and various other states of a false swearing provision, dispensing with the requirement of materiality, carrying the much lighter penalties of misdemeanor and creating an offense which might be triable more summarily by a court without a jury.

GEORGE H. DESSION

See: EVIDENCE; JUSTICE, ADMINISTRATION OF; PROCEDURE, LEGAL; SELF-INCRIMINATION.

Consult: Pollock, Frederick, and Maitland, F. W., *The History of English Law before the Time of Edward I*, 2 vols. (2nd ed. Cambridge, Eng. 1899) vol. ii, p. 541–43; Holdsworth, W. S., *A History of English Law*, 10 vols. (3rd ed. London 1922–32) vol. iv, p. 515–19; Kenny, C. S., *Outlines of Criminal Law* (13th ed. Cambridge, Eng. 1929) ch. xix; Bishop, J. P., *Bishop on Criminal Law*, 2 vols. (9th ed. by J. M. Zane and Carl Zollmann, Chicago 1923) vol. ii, chs. xxxiii and xliv; Wharton, F., *Wharton's Criminal Law*, 3 vols. (12th ed. by J. C. Ruppenthal, Rochester 1932) vol. ii, ch. xxxiii; Wigmore, J. H., *Treatise on the Anglo-American System of Evidence*, 5 vols. (2nd ed. Boston 1923) vol. iii, sects. 1813–32, and vol. iv, sects. 2040–43; Stooss, Carl, "Meineid" in *Vergleichende Darstellung des deutschen und ausländischen Strafrechts, Besonderer Teil*, vol. iii (Berlin 1906) p. 273–412, and authorities there cited; Liszt, F. von, *Lehrbuch des deutschen Strafrechts* (25th ed. by Eberhard Schmidt, Berlin 1927) sects. 181–82, and German literature there cited; Larson, J. A., *Lying and Its Detection* (Chicago 1932); Borchard, E. M., and Lutz, E. R., *Convicting the Innocent* (New Haven 1932).

PERMANENT COURT OF ARBITRATION.

The most significant single achievement of the Peace Conference at The Hague in 1899 was the creation of the Permanent Court of Arbitration. The Convention for the Pacific Settlement of International Disputes of July 29, 1899, provided that each of the contracting states was

to select "at most" four arbitrators, who should be inscribed as "members of the Court" and serve for six years. States desiring to employ the arbitration procedure set out in the convention were to select from this larger body an ad hoc tribunal to arbitrate their dispute. An international bureau at The Hague was to act as the registry of the court; it was to be organized and directed by a *conseil administratif*, composed of the Netherlands minister of foreign affairs and the diplomatic representatives of the parties to the convention accredited at The Hague.

The Conseil Administratif was organized on July 19, 1900, and on October 1 a secretary general of the Permanent Court of Arbitration took up his duties. In April of the following year the signatories were notified by the Conseil Administratif that the court was formally constituted. In 1913 the seat of the court was moved to the Carnegie Peace Palace, which now houses also the Permanent Court of International Justice. Only slight changes in the Permanent Court of Arbitration were made in the revised Convention for the Pacific Settlement of International Disputes of October 18, 1907, and it exists today under the two conventions. It is maintained by forty-five states, parties to one or the other or both of the conventions. On April 7, 1932, there were 156 members of the court. The annual budget is about 90,000 Dutch florins, and in order to meet the expenses states are divided into seven classes, which pay from one to twenty-five units.

The Permanent Court of Arbitration is a panel rather than a court; it is permanent only in the sense that a panel always exists from which arbitrators may be chosen, that its affairs are administered by a permanent Conseil Administratif, and that it has a permanent secretary general. The members of the court have never met as a body. Differences to be arbitrated are not referred to the court as such, but to tribunals created from its membership. In one instance a difference was referred to arbitration in accordance with the procedure of the Hague convention, but no one of the three members of the tribunal was a "member" of the court. In several instances the tribunal has consisted of only one arbitrator.

The first arbitration was the Pious Fund Case between the United States and Mexico, brought before a tribunal in 1902. Prior to the outbreak of war in 1914 fifteen cases were submitted, although strictly not all of them were submitted to tribunals of the court; there were arbitral awards in fourteen cases, a fifteenth being settled by direct negotiations. The most important of these cases were the North Atlantic Coast Fisheries Arbitration between the United States and Great Britain, the Casablanca Deserters Arbitration between France and Germany and the Preferential Claims Arbitration between Germany, Great Britain, Italy and Venezuela. Since 1920 six cases have come before such tribunals; in two of these cases the *compromis*, or agreement to arbitrate, was signed before the World War, and three others involved the United States, which is one of the few states not participating in the maintenance of the Permanent Court of International Justice. It would seem therefore that since the creation of the Permanent Court of International Justice there has been little disposition to resort to tribunals of the Permanent Court of Arbitration, despite the fact that it allows states greater freedom in controlling the membership of a tribunal. The following states have been parties in arbitrations before tribunals of the Permanent Court of Arbitration: France, Germany, Great Britain, Italy, Japan, Mexico, the Netherlands, Norway, Peru, Portugal, Russia, Spain, Sweden, Turkey, the United States of America, Venezuela.

Most of the members of the Permanent Court of Arbitration have never been called upon to act as arbitrators; in thirty years only twenty-nine of the several hundred people who have composed its membership have acted in that capacity. In 1921 a new function was conferred upon the members of the Permanent Court of Arbitration by the Statute of the Permanent Court of International Justice. Acting in national groups they now nominate candidates whose names go before the Assembly and the Council of the League of Nations in the election of judges of the Permanent Court of International Justice.

Although the role of the Permanent Court of Arbitration has become less significant since 1914, it has nevertheless exerted a large influence and it must be said to have served a most useful purpose. There are but few traces in the awards of the building of a new body of case law, but in each of them a contribution has been made to peaceful settlement. The success in establishing the court stimulated the conclusion of arbitration treaties, the number of which increased greatly after 1900. It was early recognized, however, that the Permanent Court of Arbitration was not an adequate agency for dealing with international disputes, and at the Second Peace Conference at The Hague a de-

termined although unsuccessful effort was made to supplement it by the creation of a permanent court of arbitral justice. The Permanent Court of Arbitration survived the World War, which it failed to prevent, and in 1921 its experience and its very existence facilitated the creation of the Permanent Court of International Justice.

MANLEY O. HUDSON

See: ARBITRATION, INTERNATIONAL; HAGUE CONFERENCES; INTERNATIONAL ORGANIZATION; INTERNATIONAL LAW; OUTLAWRY OF WAR; AGGRESSION, INTERNATIONAL; PEACE MOVEMENTS; PERMANENT COURT OF INTERNATIONAL JUSTICE.

Consult: The *Rapport du Conseil administratif de la Cour permanente d'Arbitrage* has been published annually at The Hague since 1901. Awards of tribunals of the Permanent Court of Arbitration are also published by the International Bureau; convenient collections of them have been edited in English by James Brown Scott as *The Hague Court Reports* (New York 1916), and *The Hague Court Reports*, second series (New York 1932). See also *The Hague Arbitration Cases*, ed. by George Crafton Wilson (Boston 1915). For a digest of the awards in German, French and English, see *Handbuch der Entscheidungen des ständigen Schiedshofs 1902–1928*, ed. by E. Schmitz and others, Fontes juris gentium, Ser. A, sect. i, vol. ii (Berlin 1931). The complete records of arbitral tribunals are not readily available. See also bibliography of ARBITRATION, INTERNATIONAL.

PERMANENT COURT OF INTERNATIONAL JUSTICE. In the course of the drafting of the Covenant of the League of Nations, a renewed effort was made to establish an international court to supplement the Permanent Court of Arbitration. The Second Peace Conference at The Hague had failed in a previous attempt, and in 1919 the task seemed too baffling to be undertaken before the completion of a treaty of peace. Those who drew up the Covenant therefore contented themselves with the provision in article 14 directing the Council of the League of Nations to "formulate and submit to the members of the League for adoption plans for the establishment of a Permanent Court of International Justice." In accordance with this mandate the Council on February 13, 1920, created a Committee of Jurists, composed of ten members, who met during the following summer at The Hague and prepared a "draft scheme" closely resembling the *projet* for a court of arbitral justice drawn up by the Hague Conference of 1907. The Council, having considered this draft, transmitted it to the governments of the members of the League and after formulating various amendments referred it to the Assembly. At its first session in 1920 the Assembly made still further amendments and subsequently approved the amended draft unanimously. The resolution of the Assembly provided for a protocol of signature and the statute was to come into force when this protocol of December 16, 1920, had been ratified by a majority of the members of the League. The necessary ratifications were given, and the statute came into effect in 1921. By March 1, 1933, the Protocol of 1920 had been signed on behalf of fifty-five members of the League of Nations and ratified by forty-eight. Unfortunately, it is not open to signature and ratification by states which are not members of the League of Nations or named in the Annex to the Covenant of the League of Nations.

The problem of electing the judges had frustrated the attempt to create a court in 1907, and even after the statute became effective, it remained to be seen whether the scheme for election by the Assembly and the Council of the League of Nations would work. Nominations of candidates were made by national groups in the Permanent Court of Arbitration, and for members of the League not represented there by national groups similarly constituted. The first election in 1921 occupied three days and involved the setting up of a joint conference committee. Five subsequent elections have been held, including four elections to fill vacancies caused by death or resignation. The second general election, in 1930, at which all of the judgeships had to be filled, was facilitated by the increase in the number of judges from eleven to fifteen.

Only states or members of the League of Nations may be parties in cases before the court; the conditions under which it is open to states not members of the League and not named in the Annex to the Covenant were laid down by the Council of the League, acting under article 35 of the Court Statute, in a resolution of May 17, 1922. Article 14 of the Covenant provided that the court should be "competent to hear and determine any dispute of an international character which the parties thereto submit to it." The first draft of the statute would have given the court a general compulsory jurisdiction; this was thought to be in advance of the times and the final text of the statute provides (article 36) that the court's jurisdiction "comprises all cases which the parties refer to it and all matters specially provided for in Treaties and Conventions in force." There is attached to the statute, however, an "optional clause" by which states

may "recognize as compulsory *ipso facto* and without special agreement," in relation to any other state accepting the same obligation, the jurisdiction of the court in four defined types of cases. The signing and ratifying of this optional clause lagged for several years, but the acceptance of compulsory jurisdiction was greatly stimulated by efforts of the Assembly after 1924; and the optional clause is now in force for forty-one members of the League, although on varying bases of acceptance. Compulsory jurisdiction is also conferred upon the court by several hundred multipartite and bipartite treaties. The General Act for Conciliation, Judicial Settlement and Arbitration, adopted by the Assembly in 1928 and now in force for nineteen states, is perhaps the most important separate instrument conferring jurisdiction on the court.

Article 14 of the Covenant provides that "The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly." The advisory function has been so safeguarded by the rules of the court that it has become very closely assimilated to the judicial function. No advisory opinion is rendered until all interested states have had opportunity to be heard, and the provisions of the statute for the participation of national judges ad hoc chosen by a party which has no national on the bench have been extended to allow a state which is a party to a dispute before the court for advisory opinion to select a national judge to act ad hoc. No secret opinions have been given. The advisory opinions are published promptly, since 1931, in the collection which also includes the judgments. Frequent requests have been made for advisory opinions, all emanating from the Council of the League of Nations. One request was withdrawn, and in one instance—the dispute concerning eastern Karelia in 1923—the court declined to give an opinion.

The sources of the law to be applied by the court, as determined by the statute (article 38), include international custom, general principles of law recognized by civilized nations, judicial decisions, teachings of publicists and, most important of all, international conventions. During the first ten years treaty provisions, sometimes very intricate, have largely governed the disposition of most of the cases. While "The decision of the Court has no binding force except between the parties and in respect of that particular case" (article 59), its own precedents have frequently been cited by the court: and it is fast building a body of consistent international case law.

Procedure before the court is governed by the provisions of the statute (ch. 3) and by rules of procedure drawn up by the court itself. The original rules, promulgated in 1921, have undergone several revisions; the present rules were adopted on February 21, 1931. Recently there has been a tendency to distinguish between the rules and the practise. The languages of the court are English and French, and its publications appear in both languages.

The president and vice president of the court, elected by the judges themselves, serve for three years. Three chambers of the court are constituted from time to time: a chamber of summary procedure, a chamber for labor cases and a chamber for communication and transit cases. This feature of the organization seems in some respects artificial, as is evidenced by the fact that only one case has been referred to any of the chambers. The smooth functioning of the court during its early years is in large measure due to the efficient registry, which consists of some twenty-five persons. The expenses of the court are paid by the members of the League of Nations, whether or not they are parties to the protocol of December 16, 1920; each year the budget approved by the court is submitted to the Assembly of the League of Nations and made a part of the League budget. For 1932 a budget of 2,663,702 Swiss francs was approved by the Assembly. The annual salary of the judges is now 35,000 Dutch florins, with certain additional allowances.

One of the chief difficulties encountered by the court during its first decade related to the dates of its sessions and the attendance of judges. The statute provides (article 23) for an annual session to begin on June 15 "unless otherwise provided by Rules of Court," and for extraordinary sessions at the summons of the president. It is most important that the court should meet annually, whether or not there are cases before it; but as the judges were not forbidden to engage in other compatible activities, sessions during the summer months tended to promote the idea that they were to be occupied only during their summer vacations. It was therefore difficult at times to secure the attendance of judges at extraordinary sessions. The rules of February 21, 1931, fix February 1 as the date of the annual session and include the following provision (article 27): "Judges are bound to be present at the ordinary session of the Court and

at all sessions to which they are summoned by the President, unless they are on leave or are prevented by illness or other serious reasons duly explained to the President and communicated by him to the Court."

This was one of the problems which led to a resolution by the Assembly in 1928, calling for a study of the statute with a view to the introduction of amendments "which experience may show to be necessary." The study was entrusted to a Committee of Jurists, set up by the Council of the League of Nations; and on the basis of its report a conference of signatories, acting in accord with the Tenth Assembly, opened for signature the revision protocol of September 14, 1929, to which were annexed various amendments to the statute. This protocol was intended to become effective in September, 1930, before the second general election of judges, but that was prevented by the objection of Cuba. The protocol can now come into effect only when it is ratified by all the parties to the Protocol of Signature of December 16, 1920, and by the United States. Up to March, 1933, it had received only forty-two of the forty-seven necessary ratifications. Some of the purposes of the proposed revision have been accomplished under the existing statute. It is to be regretted, however, that neither the present statute nor the proposed revision provides for amendment by less than unanimous action.

The Committee of Jurists which conducted the examination of the statute with a view to its amendment addressed itself also to problems created by the proposed adhesion of the United States to the Protocol of Signature of December 16, 1920. Such a proposal, made by the United States in 1926, had been previously considered by a conference of signatories held in that year; but no acceptable basis for agreement to the reservations offered by the United States had been found. The second conference of signatories in 1929 opened for signature a protocol of September 14, 1929, relating to the adhesion of the United States, based upon a report by the Committee of Jurists. This protocol has been ratified by forty of the signatories of the Protocol of December 16, 1920; it has been signed but not ratified by the United States.

During its first ten years, from February 1, 1922, to February 1, 1932, the court held 24 sessions, in the course of which it handed down sixteen judgments and twenty-two advisory opinions; on June 15, 1932, four cases were pending for judgment, and one request for an advisory opinion was pending. Several judgments have been given in some of the cases. The following states have been parties before the court in cases submitted for judgment: Belgium, Brazil, Bulgaria, China, Czechoslovakia, Denmark, France, Germany, Great Britain, Greece, Italy, Japan, Lithuania, Norway, Poland, Sweden, Switzerland, Turkey and Jugoslavia. In several cases the compulsory jurisdiction provided by the optional clause has been invoked. Such a case between Belgium and China, in which the court issued various orders, was finally withdrawn. In several instances, however, the court has exercised a compulsory jurisdiction under other instruments. The most important cases before the court for judgment have been the steamship *Wimbledon* case (1923), the *Lotus* case (1927), the case of the free zones of upper Savoy and the district of Gex (1932) and the case between Denmark and Norway concerning eastern Greenland (pending).

Some of the requests for advisory opinions have related to matters of greater significance than most of the cases submitted for judgment. These requests grew out of several kinds of situations. Five requests were made by the Council at the suggestion of the Governing Body of the International Labor Organization, and were concerned with difficulties to which its functioning had given rise. Two requests dealt with difficulties which developed in the work of other international institutions—the European Commission of the Danube, and the Mixed Greco-Bulgarian Emigration Commission. Five requests had reference to the special relations of Poland and Danzig. Three requests were prompted by boundary disputes. The advisory jurisdiction of the court serves various purposes. It enables the Council of the League of Nations to proceed in dealing with disputes which come before it; it contributes to the smooth functioning of various other international institutions; and it offers to disputing states a procedure which avoids the finality of a judgment. In giving its opinions the court has consistently held itself within the limitations of judicial action. Strictly, there are no parties before the court when it considers a request for an advisory opinion; but notice of the request is immediately sent to every state entitled to appear before the court, and special notice is sent to states and organizations which are in a position to furnish information. In no case has the court acted without a presentation of views by interested states; and in most cases a public hearing

has been held. While it has no binding force, an advisory opinion possesses great authority, and there is no instance of its having been openly controverted. The most important opinions of the court have been those relating to the Nationality Decrees in Tunis and Morocco (no. 4), the frontier between Turkey and Iraq (no. 12), the jurisdiction of the European Commission of the Danube (no. 14) and the proposed Austro-German Customs Union (no. 20).

The success of the Permanent Court of International Justice crowns a generation of effort. The system for the election of the judges has worked with general satisfaction; the administration and procedure of the court have involved fewer difficulties than was expected; its jurisdiction is far more extensive than was anticipated; and its prestige and authority, although its work has occasionally evoked criticism, are world wide. A new body of international jurisprudence is gradually being accumulated. So firmly fixed is the court's position in the world's treaty law that its permanence now seems assured.

MANLEY O. HUDSON

See: ARBITRATION, INTERNATIONAL; LEAGUE OF NATIONS; PERMANENT COURT OF ARBITRATION; OUTLAWRY OF WAR; AGGRESSION, INTERNATIONAL; ADVISORY OPINIONS, INTERNATIONAL; PEACE MOVEMENTS; INTERNATIONAL ORGANIZATION; INTERNATIONAL LAW; AGREEMENTS, INTERNATIONAL; TREATIES.

Consult: The judgments, advisory opinions and documents relating thereto are in Permanent Court of International Justice, *Publications*, series A/B–D (1922–), and the Annual Report and General Index in series D (1925–) and series F (1927–). A bibliographical list of publications concerning the court appears as ch. ix of the Annual Report. For an excellent digest of the judgments and opinions of the court in German, French and English, see *Handbuch der Entscheidungen des ständigen internationalen Gerichtshofs, 1922–1930*, ed. by E. Schmitz and others, Fontes juris gentium, Ser. A, sect. i, vol. i (Berlin 1931). See also United States, Library of Congress, Division of Bibliography, *List of References on International Courts with Special Reference to the Permanent Court of International Justice*, Select List no. 774 (1923) and supplements, Select List nos. 776 (1923), 929 (1926), 1068 (1928), 1094 (1929); Hudson, M. O., *Current International Cooperation* (Calcutta 1927), and *The World Court 1921–1931* (3rd ed. Boston 1931); Jessup, P. C., *The United States and the World Court*, World Peace Foundation, Pamphlets, vol. xii, no. 4 (Boston 1929); Lindsey, E., *The International Court* (New York 1931); Egbert, L. D., *Les États-Unis et la Cour permanente de Justice Internationale* (Paris 1926); Caloyanni, Mégalos A., "L'Organisation de la Cour Permanente de Justice et son avenir" in Académie de Droit International, *Recueil des cours*, vol. xxxviii (1931) 651–786; Fachiri, A. P., *The Permanent Court of International Justice* (2nd ed. Oxford 1932).

PERPETUITIES. The term perpetuities as used in ordinary speech means property interests which are everlasting. The earliest legal usage of the term closely approximated this lay usage. The English law had developed a type of landownership known as the estate tail. This type of estate was designed to pass by inheritance from generation to generation of the first grantee's descendants. The courts had sanctioned a particular mode of conveyancing known as the recovery, by which a tenant in tail could break the entail and convey effectively an estate in fee simple absolute. Grantors still desiring to create estates certain to pass perpetually to the descendants of their grantees sought to prevent resort to the recovery by inserting a proviso in the deed creating the estate tail that, upon any attempt to suffer a recovery, the estate of the tenant in tail should end forthwith as if he then had died. In declaring such provisos invalid about the end of the sixteenth century the courts spoke of the everlasting interests sought to be created as perpetuities. The provisos were said to be inconsistent with the power of free alienation which should be present in the owner of an estate tail, and hence unlawful. The courts were consciously safeguarding the free circulation of property.

The most common present legal usage of the term perpetuities dates from about the end of the seventeenth century. Subsequent to the Statute of Uses [27 Henry VIII, c. 10 (1535–36)] executory interests limited out of estates for years and out of estates in fee simple became frequent. By decisions reached in 1609 (Manning's Case, 8 Co. Rep. 94 b) and in 1620 (Pellis *v.* Brown, Cro. Jac. 590) these varieties of interests limited to arise at some time in the future were held to be indestructible by act of the person having the prior possessory interest in the property. Thus unless the law evolved some rule that these varieties of future interests must be so created that the period of indestructibility would be reasonably short, freedom of alienation of property would be seriously curtailed. The judicial response to this challenge was the so-called rule against perpetuities. A series of decisions beginning with the duke of Norfolk's case [(1682) 3 Ch. Cas. 1] and ending with Cadell *v.* Palmer [(1833) 1 Cl. & F. 372] fixed the period of convenience. Under the English common law rule thus derived, a future interest which is not destructible by the owner of a prior interest cannot be valid unless it is certain to become a vested interest at a date not

more remote than twenty-one years after lives in being at the creation of such interest, a period which may be extended for a few months to allow for actual periods of gestation which occur relative to the persons whose lives are used to measure the postponement. Any future interest so limited that it may retain its indestructible and contingent character until a more remote time is "inconvenient"; it is invalid as a perpetuity. The inconvenience, or invalidity, rests upon the assumed social undesirability of permitting substantial curtailment in freedom of alienation. This curtailment may take the form of a suspension of the power of alienation or a suspension of the fact of alienability. The power of alienation is unduly suspended when it is not certain that at a time not later than the end of the permissible period there will be in existence persons who, by all joining in a transfer of the property, can convey complete ownership. The fact of alienability is unduly suspended when the possibility that the indestructible and contingent character of the future interest will continue for more than the permissible period makes it unlikely that the owners of the future and other interests will unite in a conveyance of complete ownership. While phrased frequently as a rule against remoteness of vesting, the common law rule against perpetuities is merely an extension of the judicial safeguards of alienability.

In the United States the common law rule against perpetuities generally prevails. The New York Revised Statutes of 1830, however, embodied quite radical departures from it. Among other things the permissible period was shortened by eliminating the twenty-one-year period in gross and by cutting down to two the number of lives which could be used as a measurement of the permissible period. Other statutory provisions made this shortened permissible period applicable not only to the creation of future interests but also to the duration of trusts created to manage property and to apply the proceeds for the benefit of designated persons. These New York innovations influenced other states through two channels; namely, the westward migration of large numbers of New York residents and the handy embodiment of the New York statutes in the so-called Field Code which was prepared between 1860 and 1865. The states which by statute adopted some or all of the New York peculiarities have tended to change their statutes back to approximate closely the common law rule. At present, however, there are still a good number of jurisdictions in which the permissible period is determined otherwise than under the common law rule; it is usually shorter.

A trust may be so constituted that the trustee is required to retain the specific property originally given to him in trust. In such a case the alienability of the property constituting the trust res is curtailed, if not destroyed, for the duration of such trust. If, then, the duration of the trust can exceed the permissible period fixed by the rule against perpetuities, it would seem that the underlying policy of the rule would have been transgressed and that the indestructibility of the trust should result in its invalidity. Gifts in trust for charities, however, are regarded as having such a social desirability that all question of measuring their permissible duration is excluded. In trusts for the benefit of individuals the requirements of the rule as to shifts in the legal and equitable interests normally prevent litigation arising as to the legality of the duration of the trust. In the so-called honorary trusts, created for a noncharitable purpose, such as the maintenance of a beloved animal or of a graveyard, the duration of the trust has been held subject to the restrictions of the rule against perpetuities. In such cases a present trust is treated as a perpetuity. Some jurisdictions, acting under the influence of the New York statutes, have treated the duration of a trust as restricted to the permissible period of the rule even when the trustee had full power to change the form of investments of the trust res. This holding embodies a social policy hostile to the protracted existence of the economic security assured to the beneficiary of a trust rather than the social policy safeguarding the easy transmissibility of property. Consequently the term perpetuity cannot with propriety be applied to such a trust.

Although the period of twenty-one years after lives in being was fixed upon by the courts as a proper period to safeguard the social interests involved in limitations which affected alienability, the English courts used this same period as the utmost time for which an accumulation could be directed [Thellusson *v.* Woodford, (1805) 11 Ves. Jun. 112]. This holding assumes that the social interest in the duration of a directed accumulation is at least highly comparable to the social interest in the postponement of free alienability. A realization that the permissible period should be shorter in the case of a directed accumulation has led to statutory modifications of this rule both in

England and in about one fourth of the states of the United States. Elsewhere the perpetuity period applies to accumulations.

The underlying policy of the law as to perpetuities, which is the safeguarding of the alienability of property, is supplemented by other rules regulating the extent to which present interests, in fee or for life, legal or equitable, can be created without the characteristic of full alienability. These rules do not involve perpetuities in any sense.

In the countries of the civil law there are varying degrees of liberality in allowing what is called a substitution. A substitution involves the creation of a future interest in a person who is entitled, on the occurrence of a stipulated future event, to demand that he be substituted for the erstwhile owner of the affected property. By regulating the circumstances under which substitutions are permissible and the period within which an otherwise permitted substitution must take effect, results comparable to the common law rule as to perpetuities are attained.

RICHARD R. POWELL

See: PROPERTY; LAND TENURE; ALIENATION OF PROPERTY; CHARITABLE TRUSTS; TRUST AND TRUSTEES; ENTAIL; LANDED ESTATES.

Consult: GENERAL: Gray, J. C., *Rule against Perpetuities* (3rd ed. Boston 1915); Kales, A., *Estates, Future Interests and Illegal Conditions and Restraints in Illinois* (2nd ed. Chicago 1920); Holdsworth, W., *History of English Law*, 10 vols. (3rd ed. London 1922–32) vol. vii, p. 193–238; Chaplin, Stewart, *Suspension of the Power of Alienation and Postponement of Vesting under the Laws of New York* (3rd ed. New York 1928); Powell, R. R., *Cases and Materials on the Law of Trusts and Estates*, 2 vols. (St. Paul 1932–33) vol. ii, chs. xxv–xxix; Rundell, O. S., "The Suspension of the Absolute Power of Alienation" in *Michigan Law Review*, vol. xix (1920–21) 235–64; Fraser, E., "The Rationale of the Rule against Perpetuities," and "The Rules against Suspension of the Absolute Power of Alienation in Minnesota" in *Minnesota Law Review*, vol. vi (1921–22) 560–78, and vol. ix (1924–25) 314–52; Goddard, E. C., "Perpetuity Statutes" in *Michigan Law Review*, vol. xxii (1923–24) 95–106; Anderson, W. H., "The Modern Rule against Perpetuities" in *University of Pennsylvania Law Review*, vol. lxxvii (1928–29) 862–78, and "Restraints on Alienation and the Rule against Perpetuities" in *United States Law Review*, vol. lxiv (1930) 640–48; Smith, Bryant, "Honorary Trusts and the Rule against Perpetuities" in *Columbia Law Review*, vol. xxx (1930) 60–72; Russell, F. F., "Proposed Changes in the New York Rule against Perpetuities" in *St. John's Law Review*, vol. vi (1931–32) 50–72; Runk, L. B., "American Statutory Modifications of the Rule against Perpetuities, of Trusts for Accumulation, and of Spendthrift Trust" in *University of Pennsylvania Law Review*, vol. lxxx (1931–32) 397–410; New York State, Commission to Investigate Defects in the Laws of Estates, *Fourth Supplemental Report--Including a Special Report on the Proposal to Change the Rule of New York State Regulating Perpetuities Submitted to the Legislature of 1932*, New York State Legislature, 1933, Document no. 55 (Albany 1933).

FOR CONTINENTAL LAW: Bureau, P., *La jurisprudence française en matière de substitutions* (Lille 1906), especially p. 182–90, and Appendix to Gray, *Rule against Perpetuities*, above cited.

PERSECUTION may be described as intolerance, implemented and active. It exists wherever differences of any kind are treated as moral and legal offenses and are penalized with disabilities and punishments. Whereas oppression is the exploitation of the weak by the strong regardless of the nature of the weak, persecution considers this nature, and makes it the justification of its cruelties. The persecutor usually rationalizes his conduct with the claim that he is saving his victims from worse evils than those which he inflicts or that he is saving the state, or church, or "law and order" and the like, from corruption and death. His basic sentiment is a mixture of intolerance and fear. To these, familiarity and custom usually add greed and other passions. Together these determine a point of view to which St. Augustine gave the classic expression: "When error prevails it is right to invoke liberty of conscience, but when on the contrary truth predominates, it is proper to use coercion." Macaulay, in his essay on Sir James Mackintosh, gave this dictum of Augustine's the aptest recorded restatement. "I," he wrote, "am in the right, you are in the wrong. When you are stronger you ought to tolerate me for it is your duty to tolerate truth. But when I am the stronger, I shall persecute you for it is my duty to persecute error."

The sentiment underlying this formula is, as indicated, by no means simple. The persecution syndrome is a manifold in which sadism often figures largely. Sometimes a feeling of inferiority is to be discerned for which the persecution activity compensates. Frequently there are elements of psychopathic fear. In the course of time, economic greed, or the lust for power, or both, complicate the picture. When persecution is established as a social practise and has become a part of the mores, rationalization of the Augustinian type enters in, to still the uneasy consciousness of the persecutor that he may be wrong and wicked, by means of the idea that he is saving the soul of his victim, or defending the church, the state, the family, the moral law and so on.

The persecutor's activities may range from

the enforcement of invidious social distinctions, such as the exclusion of Jews from certain clubs or hotels; through the elaborately implemented organization of persecution embodied in the Holy Inquisition; to the collective extermination of sects, cults and classes such as have been carried out upon the Hussites, the Albigenses and other minority cults by orthodox religious majorities, or the persecution of the "bourgeoisie" by Russian Communists and of the Jews of Germany by the German National Socialist party since it took power. Occasionally persecution may appear as a simple defensive policy of the state, having no other than a police function. The persecution of Christians under Marcus Aurelius has often been cited as an instance. But for the most part the intent and significance of persecution are those expressed by the dictum of St. Augustine, and its premise and ultimate logic are to be found in the Levitical code.

The treatment of witchcraft provides a representative case of the persecution syndrome. So long as faith was universal that witches existed and could practise their black magic, fear of them led everywhere to the enactment of laws designed to protect society against their power. Such laws are to be found in the Old Testament, among the decrees of Constantine and Constantius, in the canon law of the Catholic church. The deliverances of Luther and other Protestant leaders showed the same fear of magic and magicians and the same anxiety for defense against them. These fears and anxieties are faced by the perverse will to power and by other forms of the *psychopathia sexualis* which have led women to claim for themselves the dangerous abilities of the witch. The zeal, especially of churchmen, in persecuting witches migrated with other items of European culture over continental Europe and America. Thousands were brutally tortured and killed for witchcraft.

This zeal usually died out, as most persecution manias do die out, because of a change in the social climate, of a displacement of old fears by new interests and passions. For persecution is effective, in the first instance, only by the force of its own blind momentum, such as was manifest in the German persecution of the Jews during the spring of 1933. This initial momentum is by its very nature self-limiting and soon spent. Unless its force is canalized by means of adequately implemented laws reenforced by sanctions, it passes, leaving hardly more than a scar. When, however, it is institutionalized through legislation, it becomes subject to all the influences which usually modify the administration of law, and in course of a longer or shorter time is tempered to the level of the prevailing opinion of the community. Thus it is normally subject to the irruption of new moods at home, to the penetration of doctrines and attitudes from other parts of the world. Persecutors and beneficiaries of persecution recognize this and fear it. Often they endeavor by means of the censorship of the press, of speech and of other forms of communication, to prevent or to shut out such doctrines and sentiments. So the Hitler government of Germany rigidly controls the organs of public opinion at home, and cuts off the unwelcome ones from abroad. Russian Communists and Italian Fascists have maintained a similar censorship from the day their respective governments came to power. Churches have vigorously enforced such censorships when they have had power, and still endeavor to do so.

For on the record, neither the abolition of differences nor the imposition of conformity can be accomplished through persecution. So long as there exists an awareness of an excluded alternative, the mind will either boldly seek that alternative or pretend to conform to prescribed conduct or doctrine while secretly dealing with the forbidden. Galileo and Descartes are representative of whole populations where persecution was the penalty for free thought. The state of mind brought on by prohibition in the United States and by various enactments against "criminal syndicalism," anarchism and communism, coincides with this pattern. Persecution sets up hypocrisy in both the persecutor and his victim but does not shut out alternatives of doctrine and of discipline; only extermination could do that.

Hypocrisy is not, of course, the sole consequence of persecution among the persecuted. After the initial reaction of fear has been spent, there appears usually a compensating adjustment whereby the intensity of faith increases proportionately to the danger which it brings. The doctrine and discipline which were the occasion for the persecution become more and more precious because of the persecution. The latter forces the persecuted together and binds them to one another by means of the feelings of solidarity and intimacy which their common danger awakens. It intensifies their differences from their neighbors, which are exalted from

natural variations into salvational ways of the life that the persecutors are declared to envy and therefore to penalize. Suffering is made a measure of virtue, whose high point is martyrdom for the cause. The martyrs of the persecuted group become its heroes. Their lives are studied, their sacrifices and their conduct emulated. Their tragic fate is interpreted and rationalized by an unquestioning faith in the ultimate triumph of the persecuted cause. Its now hunted and driven champions are glorified as the heirs of the future; they are the poor, the meek, the humble, who shall inherit the earth, the chosen people for whose sake destiny unfolds itself, the City of God which shall finally triumph over the City of the World.

Such a view was the view of the Christians, suffering persecution in pagan antiquity; of the Jews, suffering persecution in the prescientific and prehumanitarian Christian world. It is not a view which can long withstand the relaxation of persecution or the presence of alternatives. Since the middle of the eighteenth century the feeling for the parity of alternatives has reached wider and wider ranges of the civilized peoples of the West and has found a footing, somewhat precarious but nevertheless genuine, in the common sense of the western mind. As a consequence, the passionate insurgences of persecuting movements do not receive the secure standing within the mores which used to accrue to them. Soviet Russia ostensibly permits religious freedom. The strong public sentiment against Communism in the United States is confronted by aggressive manifestations of the traditional passion for civil liberties. The mad Nazi assault upon the German Jews is confronted and modified by the public opinion of the world. Persecution is as " always with us " as poverty or disease, but the resources of society against it are, today, perhaps not less improved than society's resources against poverty and disease.

HORACE M. KALLEN

See: INTOLERANCE; COERCION; PROSELYTISM; FANATICISM; APOSTASY AND HERESY; SOCIAL DISCRIMINATION; INQUISITION; ANTISEMITISM; CONFORMITY; RELIGIOUS FREEDOM; CIVIL LIBERTIES.

Consult: Haynes, E. S. P., *Religious Persecution, a Study in Political Psychology* (London 1904); Pollock, Frederick, "The Theory of Persecution" in his *Essays in Jurisprudence and Ethics* (London 1882) ch. vi; Ritchie, D. G., *Natural Rights* (London 1895) ch. viii; Döllinger, J. I. von, "History of Religious Freedom" in his *Historical and Literary Addresses*, tr. from the German by Margaret Warre (London 1894) ch. vi; Fiske, John, "The Causes of Persecution" in his *Excursions of an Evolutionist* (Boston 1883) ch. viii; Bouché-Leclercq, A., *L'intolérance religieuse et la politique* (Paris 1911); Allard, Paul, *Histoire des persécutions pendant les deux premiers siècles* (3rd ed. Paris 1903), *La persécution de Dioclétien*, 2 vols. (2nd ed. Paris 1900), *Histoire des persécutions pendant la première moitié du troisième siècle* (3rd ed. Paris 1905), and *Les dernières persécutions du troisième siècle* (2nd ed. Paris 1898); Canfield, L. H., *The Early Persecutions of the Christians*, Columbia University, Studies in History, Economics and Public Law, whole no. 136 (New York 1913); Workman, H. B., *Persecution in the Early Church* (4th ed. London 1923); Maillet, H., *L'église et la répression sanglante de l'hérésie*, Université de Liége, Faculté de Philosophie et Lettres, Bibliothèque (Liége 1909).

PERSONAL LOANS. *See* LOANS, PERSONAL.

PERSONALITY. The term personality is too variable in usage to be serviceable in scientific discussion unless its meaning is very carefully defined for a given context. Among the various understandings which attach to the term there are five definitions which stand out as usefully distinct from one another, corresponding to the philosophical, the physiological, the psychophysical, the sociological and the psychiatric approaches to personality. As a philosophical concept, personality may be defined as the subjective awareness of the self as distinct from other objects of observation. As a purely physiological concept, personality may be considered as the individual human organism with emphasis on those aspects of behavior which differentiate it from other human organisms. The term may be used in a descriptive psychophysical sense as referring to the human being conceived as a given totality, at any one time, of physiological and psychological reaction systems, no vain attempt being made to draw a line between the physiological and the psychological. The most useful sociological connotation which can be given to the term is an essentially symbolic one; namely, the totality of those aspects of behavior which give meaning to an individual in society and differentiate him from other members in the community, each of whom embodies countless cultural patterns in a unique configuration. The psychiatric definition of personality may be regarded as equivalent to the individual abstracted from the actual psychophysical whole and conceived as a comparatively stable system of reactivity. The philosophical concept treats personality as an invari-

ant point of experience; the physiological and psychophysical, as an indefinitely variable reactive system, the relation between the sequence of states being one of continuity, not identity; the sociological, as a gradually cumulative entity; and the psychiatric, as an essentially invariant reactive system.

The first four meanings add nothing new to such terms as self or ego, organism, individual and social role. It is the peculiarly psychiatric conception of personality as a reactive system which is in some sense stable or typologically defined for a long period of time, perhaps for life, which it is most difficult to assimilate but important to stress. The psychiatrist does not deny that the child who rebels against his father is in many significant ways different from the same individual as a middle aged adult who has a penchant for subversive theories, but he is interested primarily in noting that the same reactive ground plan, physical and psychic, can be isolated from the behavior totalities of child and adult. He establishes his invariance of personality by a complex system of concepts of behavior equivalences, such as sublimation, affective transfer, rationalization, libido and ego relations. The stage in the history of the human organism at which it is most convenient to consider the personality as an achieved system, from which all subsequent cross sections of individual psychophysical history may be measured as minor or even irrelevant variations, is still undetermined. There is no way of telling how far back in the life of the individual the concept of an essentially invariant reactive system may usefully be pushed without too disturbing a clash with the manifest and apparently unlimited variability of individual behavior. If this conception of personality is to hold its own, it must in some way contradict effectively the notion of that cumulative growth of personality to which our practical intelligence must chiefly be directed. The psychiatrist's concept of personality is to all intents and purposes the reactive system exhibited by the precultural child, a total configuration of reactive tendencies determined by heredity, and by prenatal and postnatal conditioning up to the point where cultural patterns are constantly modifying the child's behavior. The personality may be conceived of as a latent system of reaction patterns and tendencies to reaction patterns finished shortly after birth or well into the second or third year of the life of the individual. With all the uncertainty that now prevails with regard to the relative permanence or modifiability of life patterns in the individual and in the race it is unwise, however, to force the notion of the fixation of personality in time.

The genesis of personality is in all probability determined largely by the anatomical and physiological make up of the individual but cannot be entirely so explained. Conditioning factors, which may roughly be lumped together as the social psychological determinants of childhood, must be considered as at least as important in the development of personality as innate biological factors. It is entirely vain in the present state of knowledge to argue as to the relative importance of these two sets of factors. No satisfactory technique has been developed for keeping them apart and it is perhaps safe to take for granted that there is no facet of personality, however minute, which is not from the genetic standpoint the result of the prolonged and subtle interplay of both.

It is unthinkable that the build and other physical characteristics of an individual should bear no relation to his personality. It is important to observe, however, that physical features may be of genetic significance in two distinct respects. They may be organically correlated with certain psychological features or tendencies or they may serve as consciously or unconsciously evaluated symbols of an individual's relation to others, belonging properly to the sphere of social determination. An example of the former class of physical determinants would be the association, according to Kretschmer, of the stocky, so-called pyknic, build, with the cyclothymic type of personality, which in its psychotic form shows as manic depressive insanity, the so-called asthenic and athletic builds being associated with the schizothymic type of personality, which, under the pressure of shock and conflict, may disintegrate into schizophrenia. An example of the latter type of determination, stressed by Alfred Adler and his school of individual psychology, would be the feeling of secret inferiority produced in a person who is of abnormally short stature, and the ceaseless effort to overcome this feeling of inferiority by developing such compensatory mechanisms as intelligent aggression or shrewdness, which would tend to give the individual a secondary ego satisfaction denied him by his sense of physical inferiority. It is highly probable that both of these genetic theories of personality have a substantial core of value although too much has doubtless been claimed for them.

The most elaborate and far reaching hypotheses on the development of personality which have yet been proposed are those of Freud and his school. The Freudian psychoanalysts analyze the personality topographically into a primary id, the sum of inherited impulses or cravings; the ego, which is thought of as being built upon the id through the progressive development of the sense of external reality; and the superego, the socially conditioned sum of forces which restrain the individual from the direct satisfaction of the id. The characteristic interplay of these personality zones, itself determined chiefly by the special pattern of family relationships into which the individual has had to fit himself in the earliest years of his life, is responsible for a variety of personality types. Freudians have not developed a systematic theory of personality types but have contented themselves with special hypotheses based on clinical evidence. There is no doubt that a large amount of valuable material and a number of powerfully suggestive mechanisms of personality formation have been advanced by the Freudian school. Even now it is abundantly clear that an unusual attachment to the mother or profound jealousy of the older or younger brother may give the personality a slant which remains relatively fixed throughout life.

Various classifications of personality types have been advanced, some of them based on innate factors, others on experiential ones. Among the typological pictures the one worthy of special note is perhaps that of Jung. To him may be attributed the popular contrast between introverts and extraverts, the former abstracting more readily from reality and finding their sense of values and personal identification within themselves, while the latter evaluate experience in terms of what is immediately given by the environment. This contrast, it is true, means something substantial, but it is unfortunate that a host of superficial psychologists have attempted to fix Jung's meaning with the aid of shallow criteria of all sorts. Jung further divides personality into four main functional types—thinking, feeling, sensational and intuitive—the two former being called rational, the two latter irrational. For these somewhat misleading terms, organized and unorganized may fitly be substituted. The classification according to functional types is believed by Jung to intercross with the introvert extravert dichotomy. The validity and exact delimitation of these terms present many difficult problems of analysis. There is much that is suggestive in his classification of personality and it may be possible to integrate it with the dynamic theories of Freud and Adler. What is needed at the present time, however, is the ever more minute analysis and comparison of individual personality pictures.

There is an important relation between culture and personality. On the one hand, there can be little doubt that distinctive personality types may have a profound influence on the thought and action of the community as a whole. Furthermore, while cultural anthropologists and sociologists do not consider that the forms of social interaction are in themselves definitive of personality types, particular forms of behavior in society, however flexibly the individual may adapt himself to them, are preferentially adapted to specific personality types. Aggressive military patterns, for instance, cannot be equally congenial to all personalities; literary or scientific refinement can be developed only by individuals of highly differentiated personalities. The failure of social science as a whole to relate the patterns of culture to germinal personality patterns is intelligible in view of the complexity of social phenomena and the recency of serious speculation on the relation of the individual to society But there is growing recognition of the fact that the intimate study of personality is of fundamental concern to the social scientist.

The socialization of personality traits may be expected to lead cumulatively to the development of specific psychological biases in the cultures of the world. Thus Eskimo culture, contrasted with most North American Indian cultures, is extraverted; Hindu culture on the whole corresponds to the world of the thinking introvert; the culture of the United States is definitely extraverted in character, with a greater emphasis on thinking and intuition than on feeling; and sensational evaluations are more clearly evident in the cultures of the Mediterranean area than in those of northern Europe. Social scientists have been hostile to such psychological characterizations of culture but in the long run they are inevitable and necessary.

EDWARD SAPIR

See: CHARACTER; CONDUCT; HUMAN NATURE; HEREDITY; ENVIRONMENTALISM; PSYCHOLOGY; PSYCHIATRY; PSYCHOANALYSIS; ABNORMAL PSYCHOLOGY; MALADJUSTMENT; MENTAL HYGIENE; MENTAL DISORDERS; MENTAL DEFECTIVES; MENTAL TESTS; GENIUS; LEADERSHIP; CRIME; CHILD.

Consult: Allport, G. W., and Vernon, P. E., "The Field of Personality" in *Psychological Bulletin*, vol. xxvii (1930) 677–730; Roback, A. A., *A Bibliography*

of Character and Personality (Cambridge, Mass. 1927); Murphy, G., and Jensen, F., *Approaches to Personality* (New York 1932); Young, K., *Social Psychology* (New York 1930) pts. iii–iv; Folsom, J. K., *Social Psychology* (New York 1931) chs. iv–vii; *Problems of Personality*, ed. by C. M. Campbell and others (New York 1925); Gordon, R. G., *Personality* (New York 1926); Kretschmer, E., *Körperbau und Charakter* (4th rev. ed. Berlin 1925), tr. from the 2nd German ed. by W. J. H. Sprott as *Character and Physique* (London 1925); Adler, A., *Praxis und Theorie der Individual-Psychologie* (4th ed. Munich 1930), tr. by P. Radin (New York 1924), and *Über den nervösen Charakter* (4th ed. Munich 1928), tr. by Bernard Glueck and J. B. Lind as *The Neurotic Constitution* (New York 1921); Kraepelin, E., and Lange, J., *Psychiatrie*, 2 vols. (9th ed. Berlin 1927), tr. and adapted by A. R. Diefendorf from 7th German ed. as *Clinical Psychiatry* (rev. ed. New York 1907); Bleuler, E., *Lehrbuch der Psychiatrie* (5th ed. Berlin 1930), tr. by A. A. Brill (New York 1924); Freud, S., *Sammlung kleiner Schriften zur Neurosenlehre*, 3 vols. (1st–3rd ed. Leipsic 1906–13), tr. by J. Riviere as *Collected Papers on Psychoanalysis*, 4 vols. (New York 1924–25); Jung, C. G., *Psychologische Typen* (Zurich 1921), tr. by H. G. Baynes (New York 1923); Sapir, E., "Cultural Anthropology and Psychiatry" in *Journal of Abnormal and Social Psychology*, vol. xxvii (1932) 229–42; Hinkle, B., *The Re-creating of the Individual* (New York 1923); Benedict, Ruth, "Configuration of Culture in North America" in *American Anthropologist*, vol. xxxiv (1932) 1–27.

PERSONNEL ADMINISTRATION may be defined as the planning, supervision, direction and coordination of those activities of an organization which contribute to realizing its defined purposes with a minimum of human effort and friction, with an animating spirit of cooperation and with proper regard for the genuine well being of all members of the organization. More specifically the scope of personnel administration includes the securing, selection and placement of workers, training them to qualify for particular jobs and organizations; corrective and preventive health work; safety work; adjustment of grievances and disciplinary problems; supervision of the conduct of negotiations for the determination of the terms of the labor or employment contract under which all workers are hired; the maintenance of services which will take into account the amenities of the employment relation and the surrounding conditions of work. The necessity for coordinating these activities arises in large scale undertakings with an intricate division of occupations and a numerous and diversified labor group, whose cooperation and good will are necessary both for efficiency and for their own economic welfare.

Thus defined personnel administration is applicable to and necessary in every organization involving a large body of employees, including municipal, state and federal governmental bureaus; public and semipublic institutions, such as universities, hospitals and prisons; and even an entire national economy, as in the Soviet Union. The fact that as a recognized and special function of management it has been most fully developed in private industry and under the partial spur of the profit incentive by no means precludes the application of its basic principles to non-profit making institutions. Nor does the existence of such organizations for collective negotiation as labor unions obviate the need for effective personnel administration. Of course the interpretation of economic effectiveness and economic welfare will vary widely according to the purpose of the enterprise, as will also the organization of the work, the selection of the directing expert or specialist, the scope of decisions made and the process by which they are reached.

In the United States personnel work as a distinct and separately named function among the major executive divisions of an organization dates from about 1912, when at least a dozen corporations saw the advisability of grouping under one executive various activities which had been undertaken in order to increase labor output and cultivate the good will of employees. These ranged from experiments in scientific management in its more limited scope, such as time study and wage incentive methods, and in so-called welfare work to a variety of activities now included as part of the personnel function, which were based on recognition of the fact that maximum, continuous quality output involved the intelligent cooperation of the workers.

These several activities and procedures gradually came to be considered necessary with the disappearance of the personal relation between workers and management or ownership as a result of the growth of large scale corporate enterprise, and with the increasing division of labor and the necessity of lowering labor costs per unit of product. Other accelerating influences were the shortage of labor during the World War and the incentive given to proper work organization by wartime production. In connection with these and as a result also of the emphasis placed at that time on the advantages of collective over individual bargaining, personnel work was often accompanied by various schemes of employee representation.

At the present time personnel management

is well established in the United States. About one thousand companies, including a majority of those with more than fifteen hundred workers, have personnel executives and departments and many others carry on one or more personnel functions without specialized executive supervision. Personnel vice presidents or otherwise prominent executives, known by such titles as personnel managers, industrial relations managers and labor managers, are to be found not only in manufacturing and mercantile companies but in banks, insurance companies, public utilities and mines.

The authority and responsibility of the personnel executive are, in the vocabulary of administrative science, those of a "staff" rather than a "line department." This distinction carries over from army organization theory the segregation of the operating from the advisory or facilitating functions and duties. The personnel manager and his staff exercise no direct authority over dealings with workers in the operating or line departments of the organization. Hence in close cooperation with the various department heads who direct workers the personnel manager is typically authorized to hire new employees, supervise their training, participate in deliberations where terms of employment are settled, assist in the handling of difficult disciplinary problems and assume responsibility for the conduct of health, safety and service work of all sorts. Beyond these operating duties his major task is to work with the entire executive group in consultation, education and advice and to offer to employees personal aid and counsel on particular difficulties to which their own department heads cannot give adequate attention.

In order to exercise effective influence in such matters of policy and procedure as have just been outlined the executive charged with responsibility for the personnel function should be on an equal footing with the major, staff and line executives of an organization. In many companies he therefore occupies one of three or four vice presidencies. In others he is a staff assistant associated directly with the president of the company or has the same executive status as the sales manager, production manager or treasurer. In enterprises where there are fewer than five hundred employees the president himself may assume responsibility for the personnel function, supervising the work of the employment interviewer, the nurse and other members of the specialized personnel staff.

This remarkable growth of the organization of personnel work suggests that in undertakings where the criterion of profit making stands as the important test of social worth, the owners or managers must be satisfied that all staff services contribute more or less directly toward success in the usual business sense. It has been demonstrated that what only a few years ago would have been regarded as a very liberal industrial relations policy can in fact be justified as contributing to employee morale and effectiveness at work. The development of the personnel function has moreover brought with it great advances in the application of attendant specialized activities: in industrial psychology, vocational guidance and the elaboration of effective techniques for the most economical utilization of the efforts of the workers.

There has also been a growing recognition of personnel work in institutional management, where its scope broadly corresponds to that in private industry. In the educational world it has been highly developed more with regard to the relationship of the students to the institution than to that of the faculty and other employees to the institution.

In contrast to the development of personnel administration in private enterprise, progress in the field of American public services has been slow and piecemeal; for many of the terms of employment, such as salaries, hours, tenure, promotion and other conditions, are often specified in legislative enactments or administrative regulations, so that direct negotiations with regard to them are not likely to be entered into. Under the aegis of civil service provisions for municipal, county, state and federal employees, however, much attention has been centered on the procurement of competent and qualified workers for the available positions. With the acceptance of a broader concept of the personnel function much stress is also being laid on the value of proper classification of governmental workers in respect to positions, titles, duties, relative salary scales and the like.

The functional development of personnel administration in its characteristic form has been far more extensive in the United States than in Europe. It is true that individual corporations in Great Britain, Germany, Czechoslovakia and Holland may be cited as examples of an administrative structure similar to that in the United States and that such terms as labor manager, industrial welfare manager, industrial relations department, personnel director are employed

also in Europe. In England there is an Institute of Labor Management composed of executives of several scores of English companies where work parallels more or less closely that of personnel departments in the United States. In England, Germany and the Soviet Union industrial and vocational psychology has received more serious attention in specialized institutions, often fostered by educational interests. In some instances, as in the firm of Rowntree & Company, Ltd., a degree of expert specialization in the whole personnel field has been developed which compares favorably with the most marked advances in the United States. Yet as a movement of distinctive, coordinated, inclusive, managerial status the rise of specialized personnel administration in European industry is far less impressive than in the United States.

Any appraisal of the difference in development of industrial relations as between Europe and the United States must be conditioned by the social philosophy of the student. An examination of employer-employee relations in the overwhelming majority of corporations in the United States as contrasted with those in Europe or in the field of government employment shows that there is usually no instrumentality for collective negotiations with the workers. While in Europe only a few of the corporations with well developed personnel departments are run on a non-union basis, in the United States there are few instances of enterprises where personnel work is coordinated with a system of collective bargaining with unions in which the latter encourage and participate in the personnel function, and only a minority have any scheme of employee representation. While logically there is no conflict of function between the work of the personnel executive and that of the labor union, in practise it is claimed that improvements in employment conditions in many plants resulting from competent personnel work have lessened the interest of many workers in joining labor unions; and in some instances it is likely that this result has been intended by managements. On the other hand, account must be taken of the prior growth in Europe of a strong labor movement, the existence of a more elaborate code of protective labor legislation including social insurance, and the development of other kinds of industrial cooperation in the form of industrial relations councils. Another factor has been the relatively slow recognition abroad of the possibilities of a science of administration. The weakness of labor unionism and the absence of such social provisions in the United States have encouraged the development of personnel work in private industry, although it must not be assumed that all the interests of the workers in a company are in complete harmony with those of managers or owners. It is obvious that if the objective of the company is merely to obtain maximum profit for absentee stockholders, employee interest and loyalty can never be developed to the most significant degree. Such restraints on the rate of profit as participation by the workers in the net yield of business, combined with a genuine interest in performing an honest service to the public at a reasonable price, would perhaps yield more far reaching results in employee morale. But whatever modifications or transitions in the title to corporate ownership or in the nature of the employer-employee relationship may occur in the United States, the integral administrative value of the personnel function promises to stand as a permanent asset in the development of a science of administration.

ORDWAY TEAD

See: SCIENTIFIC MANAGEMENT; INDUSTRIAL RELATIONS; LABOR DISPUTES; TRADE UNIONS; COLLECTIVE BARGAINING; WELFARE WORK, INDUSTRIAL; INDUSTRIAL RELATIONS COUNCILS; COMPANY UNIONS; EMPLOYEE STOCK OWNERSHIP; PROFIT SHARING; INDUSTRIAL DEMOCRACY; LABOR-CAPITAL COOPERATION; LABOR, METHODS OF REMUNERATION FOR; LABOR TURNOVER; VOCATIONAL GUIDANCE; INDUSTRIAL EDUCATION; ABSENTEEISM, LABOR; FATIGUE; INDUSTRIAL HYGIENE; SAFETY MOVEMENT; COMPANY HOUSING; COMPANY TOWNS; EFFICIENCY; MANAGEMENT; BUSINESS ADMINISTRATION; ADMINISTRATION, PUBLIC; CIVIL SERVICE; PUBLIC EMPLOYMENT.

Consult: Tead, O., and Metcalf, H. C., *Personnel Administration; Its Principles and Practice* (3rd rev. ed. New York 1933); Scott, W. D., Clothier, R. C., and Mathewson, S. B., *Personnel Management* (2nd ed. New York 1931); Walters, J. E., *Applied Personnel Administration* (New York 1931); Strang, Ruth M., *The Rôle of the Teacher in Personnel Work* (New York 1932); Feldman, H., *A Personnel Program for the Federal Civil Service*, United States, 71st Cong., 3rd sess., House Document, no. 733 (1931); Willoughby, W. F., *Principles of Public Administration* (Baltimore 1927); White, Leonard D., *Trends in Public Administration* (New York 1933); "Studies on Industrial Relations," and Richardson, J. H., "Industries Relations in Great Britain" in International Labour Office, Geneva, *Studies and Reports, Series A*, 2 vols. (Geneva 1930–33) nos. xxxiii, xxxv and xxxvi; Lipmann, Otto, *Lehrbuch der Arbeitswissenschaft* (Jena 1932); Ford, Adelbert, *A Scientific Approach to Labor Problems* (New York 1931).

PERSONNEL MANAGEMENT. *See* PERSONNEL ADMINISTRATION.

PERTZ, GEORG HEINRICH (1795–1876), German historian. Pertz was born in Hanover and studied at the University of Göttingen. His chief importance lies in his connection with the founding and publication of the *Monumenta Germaniae historica* (vols. i-cxvii, Hanover 1826–30), that enormous collection of sources of German mediaeval history which has become the foundation of all research into German history. The project itself was started by Baron vom Stein, who in 1819 founded the Gesellschaft für Deutschlands Ältere Geschichtskunde, for the publication of these source materials. He aimed to supply for Germany what Muratori had done for Italy and the Maurists for France. Stein was impressed with the first published work of Pertz, *Die Geschichte der merowingischen Hausmeier* (Hanover 1819) and invited him to cooperate in the new enterprise. He was subsequently appointed director of the scientific work and editor of the *Archiv der Gesellschaft für ältere deutsche Geschichtskunde*, which was published in connection with the organization. Pertz traveled widely gathering archive materials and he himself prepared the editions of the first volumes on the Carolingian period.

The motives behind the publication of the *Monumenta* series were both patriotic and scientific. Stein, Pertz and Böhmer, who later became associated in the work, sought to foster the development of a historical sense and bring before the Germans the brilliant epoch of their Middle Ages when they had possessed a powerful empire and vigorous rulers. Out of the memory of the common national history was to come the spiritual unity of all the German people. Scientifically this work was of tremendous significance in setting a model for the critical editions of source materials. Pertz' editions were based on a critical comparison of the various manuscripts and were guided by the aim to reproduce the works of the authors with all their peculiarities. He continued to direct the *Monumenta* until 1873 and developed a whole school of *Monumenta* workers, drawn mainly from Ranke's seminar in Berlin. The most distinguished of these was Georg Waitz, who succeeded him as editor of the series.

FRANZ SCHNABEL

Consult: Waitz, G., "G. H. Pertz und die Monumenta Germaniae historica" in Gesellschaft für ältere deutsche Geschichtskunde, *Neues Archiv*, vol. ii (1876–77) 451–73; Bresslau, H., *Geschichte der Monumenta Germaniae historica*, Gesellschaft für Ältere Deutsche Geschichtskunde, Neues Archiv, vol. xlii (Hanover 1921).

PESCH, HEINRICH (1854–1926), German economist. Pesch studied law and social sciences in Bonn from 1872 to 1875 and in 1876 joined the Society of Jesus. He experienced his first contact with industrial and social problems while studying in Lancashire during the *Kulturkampf*. Later in Bohemia he became intimate with Rudolf Meyer, who was carrying on the traditions of Freiherr von Vogelsang. As spiritual in the Mainz theological seminary from 1892 to 1900 he became acquainted through Bishop Haffner with the social views of Bishop von Ketteler (*q.v.*). Here he published his *Liberalismus, Sozialismus und christliche Gesellschaftsordnung* (2 vols., Freiburg i. Br. 1893–1900; 2nd ed. 1901), a systematic and historical study of the relation of Catholic social thought to the two dominant currents of the nineteenth century. From 1901 to 1903 Pesch studied economics in Berlin, where he came under the influence of Schmoller, Sering and above all Adolf Wagner. Thereafter he resided in Marienfelde near Berlin, where he worked upon his *Lehrbuch der Nationalökonomie* (5 vols., Freiburg i. Br. 1905–23; vols. i–iii, 2nd–6th ed. 1924–26; vols. iv–v, 1st–2nd ed. 1923).

At a time when German economic discussion was gradually inclining toward the view that value judgments should be excluded from economic theory, Pesch firmly upheld the moral basis of economics. The function of the economist, he maintained, is not only to study economic activity but also to evaluate it in terms of human welfare—the ultimate criterion of all social and economic activity. Pesch rejected the principle of liberalism as an inadequate basis for social organization and dismissed Marxian socialism as a mere projection of the liberal doctrine. His own social system, which he called Christian solidarism, represented a moral and organic conception of society based on the principle that man rules the world by God's commandment and that he is the subject and supreme goal of all social activity. He held further that a strong bond of solidarity pervades the entire social organization; the welfare of one vocational group is closely dependent upon that of all other groups and the well being of future generations is conditioned by the performance of the past generation. *Volkswirtschaft* is thus the economics of the people as an integrated social unit bound by common interests which find their expression in the national state—the highest form of social organization. Pesch consequently rejected internationalism; he repudi-

ated narrow nationalism, however, in his emphasis upon the virtues of justice and love for all nations.

Fundamental to Pesch's system was his insistence that labor is the basic source of wealth and superior to the non-human factors of production and that private economic interests should be subordinated to the collective welfare of the people. This welfare does not arise from the automatism of free activity of the individual but is the product of an order in whose building individual, social and political factors share, an order which harmonizes the interests of labor and management, reconciles the freedom of the individual with the well being of the whole and preserves the greatest amount of freedom consistent with the common good. Pesch saw the best guaranty of such an order on the one hand in the reason and conscience of the individual, on the other in an economy organized into vocational groups and integrated in the state.

G. BRIEFS

Consult: Weinberger, Otto, in *Zeitschrift für die gesamte Staatswissenschaft*, vol. lxxxii (1927) 512–35; Reder, Franz, 'Die Grundlagen der Wirtschaftstheorie Heinrich Peschs" in *Jahrbücher für Nationalökonomie und Statistik*, 3rd ser., vol. lxxiv (1928) 747–60.

PESCHEL, OSKAR (1826–75), German geographer. Peschel, who was trained as a jurist, served as newspaper editor in Augsburg from 1848 to 1854 and as editor of the *Ausland* from 1854 to 1871. He was a brilliant publicist, contributing many political and economic essays distinguished by their clarity, their liberal viewpoint and their insight into historical processes. As a commentator on world events Peschel became increasingly absorbed in geographic studies, and in 1871 he relinquished his editorial chair to become professor of geography at the University of Leipsic. His first book, *Geschichte des Zeitalters der Entdeckungen* (Stuttgart 1858, 2nd ed. 1877), revealed his views on the interrelation of economic principles, geographic backgrounds and historical events, and expressed most of the ideas now current regarding the bearing of oriental trade on the progress of discovery. He was then commissioned by the king of Bavaria to write *Geschichte der Erdkunde* (Munich 1865, 2nd ed. 1877); in executing this task he formulated the definition of the objectives and methods of geography which later found expression in his principal work, *Neue Probleme der vergleichenden Erdkunde* (Leipsic 1870, 4th ed. 1883). During his academic career Peschel wrote his well known *Völkerkunde* (Leipsic 1874, 6th ed. by A. Kirchhoff, 1885; tr. as *The Races of Man*, London 1876), which discusses general anthropology with emphasis on the geographic distribution of cultural forms. Posthumous publications, compiled from his notes, indicate the wide range of interests to which he was devoting his attention at the time of his premature death (*Abhandlungen zur Erd- und Völkerkunde*, 3 vols., Leipsic 1877–79).

Peschel initiated modern academic geography by disposing through vigorous polemic of the historical philosophic orientation of Ritter and by introducing the morphologic viewpoint. The half century of Ritter's dominance had resulted in many textbooks but in little productive scholarship. Peschel pointed out a field of investigation and blocked out many problems for study. By their originality, order and comprehensiveness his lectures and books became programs of inquiry which students still consult. In Germany there sprang up after him a generation of important investigators and teachers, all of whom were indebted to him as their master. The major tradition of modern geography runs in uninterrupted line from Peschel by way of Ferdinand von Richthofen to the currently dominant school of continental geographers.

CARL SAUER

PESHEKHONOV, ALEXEY VASILYEVICH (1867–1933), Russian statistician and publicist. Peshekhonov, the son of a poor village priest, turned from school teaching to zemstvo statistics. His memorable contribution was the study of 1113 peasant households of the Kozel district in the province of Kaluga (in *Statisticheskoe opisanie kaluzhskoy guvernii*, vol. i, Kaluga 1898). It was one of the first of its kind to approach the peasant household as a production unit rather than as an aggregation of consumers; and it avoided the misleading practise then common of lumping together all peasant households without regard to the employment of outside labor or the hiring out of family members. A methodological innovation, previously unknown even outside Russia, was the study of a sample sufficiently large to give the conclusions a statistical character and yet entailing much less effort and expense than an exhaustive study. Peshekhonov's formal connection with statistics was terminated by the government, which eventually forbade him zemstvo employment; but he maintained his interest in zemstvo statistics as a student of the

Russian agrarian problem, on which he published articles in the populist monthly *Russkoe bogatstvo* (Russian fortune), whose editorial board he joined in 1904. This collaboration gained for him not only wide popularity but also the status of spokesman for the moderate wing of the populists.

Peshekhonov held that the essential characteristic of the peasantry is a close connection between the family and the economic unit, and that therefore the typical peasant household tends to be of such a size as to allow for a balance between the labor power of the family and its consumption requirements on the one hand and production capacity on the other. From the available statistics he concluded that the maintenance of this balance was endangered by the existence of large landed estates, which interfered with the extension of peasant farming, and by the exploitation of the peasantry, which made impossible the accumulation of surpluses and the intensification of peasant agriculture. The peasant economy is in a state of decay and the peasant is essentially a proletarian rather than a proprietor-cultivator; thus he has common interests with the city worker, himself but a former peasant rooted in the village and the land. To improve the condition of the laboring masses a radical reform of existing class relations is necessary; the most important single measure should be land nationalization—acquisition of the land by the state for a moderate compensation and distribution on a lease basis for cultivation by family units.

This was the chief plank in the agrarian program of the People's Socialist party, formed in 1906 with Peshekhonov's active participation by a small group of intellectuals who split from the main body of populists in the Socialist Revolutionary party. The new party was more realistic in its approach to the land question and wished to avoid overt revolutionary action, such as terroristic attempts or peasant riots, in order to facilitate organization of the masses. Although it did not succeed in attracting a wide following, its influence was considerable partly because the Laborite group in the Second Duma adopted its agrarian platform. In 1917, when Kerensky headed the Provisional Government, Peshekhonov was appointed minister of food and supplies. He remained in Russia under the Soviet regime as a statistical expert until 1922, when with a number of other intellectuals he was exiled abroad. Among the émigrés he was one of the leading advocates of repatriation, urging them to return to their native country. Although he was given the post of economic adviser to the Soviet trade agency in Riga, he was not allowed to resume residence in Russia.

S. PROCOPOVICZ

PESSIMISM. *See* PROGRESS.

PESSINA, ENRICO (1828–1916), Italian jurist and statesman. Pessina educated three generations of jurists, first as professor of constitutional law at the University of Bologna and then as professor of penal law and procedure at the University of Naples. As a patriot in the revolutionary period of 1848 he experienced exile and confinement. His subsequent political activities included prolonged service as deputy, as senator and as minister of agriculture, of justice and of state. He worked with Zanardelli on the Penal Code of 1889 and inspired legislative reforms which were of great importance in helping to guarantee the autonomy of the judicial function.

Together with Giovanni Carmignani and Francesco Carrara, Pessina carried the classical school of criminal law to its peak. But he did not look upon law as a purely formal and rigidly mechanical affair; rather it was intimately connected with a wide philosophical conception based on the idea of the absolute which is embodied in human conscience, and through which man transforms the physical world into a moral one and unites himself with God. It was in accordance with this wider philosophic view as well as with his religious belief in expiation as a means of redemption that Pessina advocated the theory of retributive justice. For he believed that this would make it possible for human society to achieve a legal order as an integral part of the moral life and to reaffirm the law even when it is denied in practise.

Nevertheless, his familiarity with the natural sciences led Pessina ultimately, if not to lose faith in the principle of free will, at least to recognize that human actions cannot be purely contingent, indeterminate and entirely unmotivated. He began to realize that human liberty is restricted by the influences of the past and the forces of environment. This realization signified a transition to the naturalistic conception of crime as maintained by the positivistic school. And it was this realistic view of justice that enabled him to advocate such reforms as probation and the abolition of the death penalty,

measures which seem to invalidate Carrara's mathematical construction of law.

ENRICO ALTAVILLA

Chief works: *Trattati elementari sul diritto penale delle Due Sicilie*, 3 vols. (Naples 1858); *Della pena di morte* (Turin 1863); "Dello svolgimento storico della dottrina della espiazione come fondamento del diritto penale" in R. Accademia di Scienze Morali e Politiche, *Atti*, vol. i (Naples 1864) p. 187–234; *Dei progressi del diritto penale in Italia nel secolo XIX* (Florence 1868); *Elementi di diritto penale*, 3 vols. (Naples 1882–85).

Consult: Altavilla, Enrico, "La modernità del pensiero di Enrico Pessina," and Napodano, Gabriele, "L'opera scientifica di Enrico Pessina" in *Rivista di diritto e procedura penale*, vol. v, pt. i (1914) 513–28, and vol. viii, pt. i (1917) 481–90; Garofalo, Raffaele, "Enrico Pessina, filosofo e legislatore" in R. Accademia di Scienze Morali e Politiche, *Atti*, vol. xlv (Naples 1918) p. 65–84; Ferri, Enrico, "Enrico Pessina e il pensiero italiano sulla giustizia penale" in his *Difese penali*, 3 vols. (3rd ed. Turin 1925) vol. iii, ch. xii.

PESTALOZZI, JOHANN HEINRICH (1746–1827), Swiss educational reformer. Pestalozzi was born in Zurich and educated in the local Latin schools and the university, where he pursued a course in theology. During his college days he came under the spell of the powerful liberal forces which were sweeping Europe at the time, and he very early manifested an interest in reforms directed at improving the lot of the common people. Although in his social philosophy he owed a great deal to the writings of Rousseau, other intellectual tendencies influenced him, notably Pietism and romanticism. His chief affiliation with the idealism of the late eighteenth century appears in his acceptance of a concept of individual development and self-realization as the core of the educative process.

His failure as a preacher led him to take up the practise of law as a means of furthering his interest in social reform. Finding the law and politics equally unsatisfactory he turned for a livelihood to farming on an estate near Zurich, which he called Neuhof. It was here during the winter of 1774–75 that he undertook his first educational experiment—the care and training of a small group of neglected and in some cases delinquent children of the neighborhood. He depended upon daily industry, plain but wholesome living and an affectionate home atmosphere to reclaim the waifs whom he had gathered together. Educationally the venture was a success, representing as it did the beginning of reform in the treatment of neglected and delinquent children. Financially, however, the school failed and Pestalozzi was obliged to discontinue it in 1779.

For the next nineteen years he derived his extremely slender subsistence from literary work. His first effort was a series of aphorisms on life and education under the title "Abendstunde eines Einsiedlers," appearing in May, 1780, in *Ephemeriden der Menschheit*, edited by his friend Iselin (tr. in *Pestalozzi and Pestalozzianism*, ed. by H. Barnard, New York 1859, pt. ii, p. 155–65). Foremost in the output of this period, however, was his novel, *Lienhard und Gertrud* (4 vols., Berlin and Frankfort 1781–87; abridged translation by E. Channing, Boston 1885), which reflects his deep sympathy with the working classes and unfolds his program for their ultimate regeneration. It was through this work that Pestalozzi became widely known for his advocacy of education as the means of social improvement.

Pestalozzi returned to the field of practical education in 1798–99, when for five months he conducted an orphanage at Stans. In 1799 he was offered a teaching post in Burgdorf where his efforts resulted in the founding of the Erziehungsanstalt, an educational institute for the children of the middle classes. In 1805 this educational experiment was transferred to Yverdon, and there Pestalozzi and his helpers worked for nearly twenty years. Both at Burgdorf and at Yverdon Pestalozzi's methods aroused great interest and attracted visitors from all parts of Europe and from America, among them Robert Owen, Madame de Staël, Karl Ritter, Herbart and Fröbel. The Prussian government sent official observers who were later instrumental in introducing Pestalozzian ideas into the German folk schools. In 1825 Pestalozzi retired to Neuhof, where he devoted himself to writing. *Schwanengesang* (written 1811–15) was his last important work.

Unfortunately Pestalozzi failed to systematize his ideas or his method. *Wie Gertrud ihre Kinder lehrt* (Zurich 1801; tr. by L. E. Holland and F. C. Turner, 5th ed. London 1915) is a partial exposition of his educational doctrine, the salient feature of which was his insistence upon direct experiences for the child instead of verbal symbols. Things were to come before words. This procedure greatly changed methods of teaching language and arithmetic and led to the introduction of new subjects, such as drawing and geography, in the common school curriculum. Neither Pestalozzi's

performance nor that of his imitators, however, entirely fulfilled its promise and as a result formalism crept into the system, a tendency which was accentuated by Pestalozzi's effort to organize instruction in carefully graded steps, each preparing the way for the one logically following. Perhaps a more lasting effect of Pestalozzi's teaching was the elimination of repressive discipline and cruel and degrading forms of punishment from the common schools. Modern elementary education in the western world rests largely upon Pestalozzian principles; and in the formulation of these principles through the medium of his writing, rather than his services as teacher and organizer, lay his greatest contribution to educational reform.

EDWARD H. REISNER

Works: *Pestalozzi Sämtliche Werke*, ed. by A. Buchenau, E. Spranger, and H. Stettbacher, vols. i–v, viii–xi, xiii (Berlin 1927–33).

Consult: Guimps, Roger de, *Histoire de Pestalozzi, de sa pensée et de son oeuvre* (2nd ed. Paris 1888), tr. by John Russell (New York 1890); Natorp, Paul, *Pestalozzi, sein Leben und seine Ideen* (5th ed. Leipsic 1927); Heubaum, Alfred, *J. H. Pestalozzi* (3rd ed. Leipsic 1929); Pinloche, Auguste, *Pestalozzi and the Foundation of the Modern Elementary School* (New York 1901); Compayré, Gabriel, *Pestalozzi et l'éducation élémentaire* (2nd ed. Paris 1904), tr. by R. P. Jago (New York 1907); Holman, Henry, *Pestalozzi* (London 1908); Green, J. A., *Life and Work of Pestalozzi* (London 1913); Schönebaum, Herbert, *Der junge Pestalozzi, 1746–1782* (Leipsic 1927); Werneke, Franz, *Pestalozzi und die Physiokraten*, Pädagogisches Magazin, no. 1130 (Langensalza 1927).

PESTEL, PAVEL IVANOVICH (1793–1826), an outstanding figure in the group responsible for the Russian Decembrist insurrection of 1825. Pestel, the son of the governor general of Siberia, served in the Russian wars against Napoleon and was later attached to the headquarters of the second army in south Russia. In 1816 he joined the first secret Society of the True and Loyal Sons of the Fatherland (also known as the Union of Salvation) and soon became leader of its radical wing. He occupied the same position in the Union of Welfare, founded in 1818, which substituted peaceful propaganda and political education for revolutionary schemes; this society had a larger membership than its predecessor, but its majority consisted, as did that of the other secret societies, of high army officers and titled aristocrats. For the next three years Pestel tried personally to influence the moderates in St. Petersburg. This attempt, however, succeeded only in bringing about the formal dissolution of the union, which Pestel did not recognize; he continued the southern branch as a separate Southern Society to counterbalance the conservative northerners. After attempting in vain to incite the Northern Society to revolutionary action in the following two years Pestel lost some of his zeal for immediate uprising. An unsuccessful military insurrection was launched in St. Petersburg on December 14 (26), 1825, on the occasion of the accession of Nicholas I; another insurrection led by the affiliated Society of United Slavs was begun in the south a fortnight later, but it also failed lamentably. Pestel was arrested on December 13; considered by the government as the arch-revolutionary, he was sentenced to death.

The clearest expression of Pestel's views is to be found in an unfinished pamphlet, *Russkaya pravda* (Russian justice), which was intended as a guide for the future provisional government. While Nikita Muraviev, spokesman for the northern moderates, urged for Russia a constitutional monarchy on a federal basis similar to the American, Pestel advocated a republic, strongly centralized and unified. For the transitional period he proposed a military dictatorship, while Muraviev looked to a regular constitutional regime to be introduced legally by a constituent assembly. Pestel, believing that perfect political equality must be the basis of democracy, sought to introduce universal suffrage. Muraviev, on the contrary, strove to preserve the landed aristocracy and to limit suffrage to the rich. While the latter reluctantly consented to the emancipation of peasants with a small land allotment, Pestel planned the transfer of half of the arable area to the peasantry and the other half to a state reserve, from which land could be leased by entrepreneur farmers. The memory of Pestel's imposing personality and of the Decembrist group as a whole has become part of the Russian oppositionist and revolutionary tradition and is now shared both by émigrés and the ruling group in the Soviet Union.

PAUL MILIUKOV

Works: *Russkaya pravda*, ed. by P. E. Shchegolev (St. Petersburg 1906); "Prakticheskie nachala politicheskoy ekonomii" (Practical elements of political economy), with introduction by S. Milman, in *Kransny arkhiv*, vol. xiii (1925) 174–249; Pestel's detailed depositions at the trial, in U. S. S. R., Tsentrarkhiv, *Vosstanie dekabristov. Materiali* (Insurrection of the Decembrists. Materials), vol. iv (Moscow 1927).

Consult: Pavlov-Silvansky, N. P., "P. I. Pestel'

in his *Ocherki po russkoy istorii XVIII–XIX vv.* (Essays on Russian history of the 18th–19th centuries) (St. Petersburg 1910) p. 206–38; Lubin, I. M., *Zur Charakteristik und zur Quellenanalyse von Pestels "Russkaja Pravda"* (Hamburg 1930); "Konstitutsiya N. Muravieva" (N. Muraviev's constitution) in *Dekabristi. Sbornik materialov* (Decembrists; a collection of materials), ed. by V. Nevsky (Leningrad 1926) p. 58–100; Semevsky, V. I., *Politicheskiya i obshchestvenniya idei dekabristov* (Political and social ideas of the Decembrists) (St. Petersburg 1909); Gessen, S., *Dekabristi peredsudsmistorii (1825–1925)* (Decembrists at the bar of history, 1825–1925) (Leningrad 1926); Kornilov, A. A., *Kurs istorii Rossii XIX veka*, 2 vols. (Moscow 1912–14), tr. by A. S. Kaun as *Modern Russian History* (2nd ed. New York 1924) ch. xii; Masaryk, T. G., *Zur russischen Geschichts- und Religionsphilosophie*, 2 vols. (Jena 1913), tr. by E. and C. Paul as *The Spirit of Russia*, 2 vols. (London 1919) vol. i, p. 95–104. For a bibliography of the literature by and about the Decembrists consult U. S. S. R., Tsentrarkhiv, *Vosstanie dekabristov. Bibliografiya*, compiled by N. M. Chentsov (Moscow 1929).

PETER I (Peter the Great) (1672–1725), emperor of Russia. Peter is known as the "great reformer" who Europeanized Russia by harsh and violent means. This policy split Russian opinion into two camps: the Westerners, who thought Peter's Europeanization performed a great service for Russian civilization; and the Slavophils, who censured it as the greatest crime against Russian national individuality. More sober investigations, however, have led to the view that before his time the foundations had been laid for Peter's reforms, that they represented a logical step in Russia's development and that they were thus necessary and historically inevitable, regardless of the force of Peter's own personality. A better understanding of the distinctions between the personal and incidental elements in Peter's reforms and those which were deeply implanted in Russian historical development can be derived from a study of Peter's personal story. In his early youth, which he was compelled to pass in the country, he made a hobby of the study of military and naval science. This knowledge he perfected on his journey to the wharfs of Holland and Great Britain in 1697–98 and gave it practical application in a series of wars whose object was dictated by national aims. He failed to achieve satisfactory results in the wars against Turkey of 1700 and 1711; but as an outcome of the long Northern War (1700–21) he annexed the shores of the Baltic. Here in the midst of the Finnish moors was built his new capital, St. Petersburg (1703), and he succeeded in opening Russia to Europe. This accomplishment was exceedingly costly as regards both men and financial resources. Ancient institutions were completely destroyed and the population was reduced, probably by about 20 percent. After his second journey to France (1717) Peter found it necessary to build an entirely new system of central and local institutions, borrowed from Sweden; these met with only partial success. He was compelled moreover to seek new sources of income; to this end he introduced foreign methods into industry and imposed new taxes on the population, whose number was fixed by the first census ("Revision" of 1720).

The Russian people reacted not so much to these institutional reforms, although there were some rebellions in the southeastern provinces, as to the external changes in Russian dress and social habits introduced immediately after Peter's return from his first travels abroad. The camp of "old believers," who looked upon the reforms as conflicting with old religion, was greatly strengthened by these developments. Peter's educational reforms consisted in the establishment of the very imperfect system of professional secondary and to some extent primary schools. Hampered by lack of teachers and by the opposition of the population, Peter's educational improvements were successful only in part although they paved the way for further advances by his successors. Peter introduced also a reform in the church administration in his substitution, on the Protestant pattern, of a synod for the patriarch. He never aimed at social reform; but the creation of a standing army helped to transform the ancient "men of service" into a nobility, while the peasants of the estates were debased to the state of serfdom. Peter completely disrupted the former social categories, replacing them by a new scale of "ranks" which were to correspond to the posts in the state service. He tried also to take over European forms of municipal institutions, an attempt which led to nothing more than changes in names.

PAUL MILIUKOV

Consult: Bain, R. Nisbet, *The First Romanovs* (London 1905); Waliszewsky, K., *Pierre le Grand* (3rd ed. Paris 1897), tr. by M. Loyd (London 1897); Solovev, S. M., *Publichniya chteniya o Petre Velikom* (Lectures on Peter the Great) (Moscow 1872), and *Istoriya Rossii s drevneishikh vremen* (History of Russia), 29 vols. (Moscow 1862–79) vols. xiii–xviii; Miliukov, P., *Gosudarstvennoe khozyaistvo Rossii v pervoi chetverti XVIII stoletiya i reforma Petra Velikago* (State

economy in Russia in the first quarter of the eighteenth century and the reforms of Peter the Great) (2nd ed. St. Petersburg 1905); Stählin, Karl, *Geschichte Russlands*, vols. i–ii (Berlin and Königsberg 1923–30) vol. ii, bk. i; Bogoslovsky, M. M., *Russkoe obshchestvo i nauka pri Petre Velikom* (Russian society and science under Peter the Great) (Leningrad 1925).

PETER OF ANDLO. *See* ANDLO, PETER OF.

PETER LOMBARD (*c.* 1100–60/64), Italian teacher and theologian. Peter Lombard, a native of Novara, studied at Bologna, Reims and Paris. He was bishop of Paris from 1159 to 1160. He was the author of commentaries on the *Psalms* and the epistles of Paul and of some sermons, but is remembered chiefly for the *Libri IV sententiarum* (finished about 1150; best modern edition, 2 vols., Quarachi 1916), from which he was known as the "Master of the Sentences." His importance lies not in any doctrine that may be attributed to him, but rather in his method and materials, which he used in common with the numerous canon lawyers and theologians of the twelfth century. Peter Abélard, Hugh of Saint-Victor and Gratian were among the earlier workers from whom Lombard borrowed information and solutions. The method, from which the so-called scholastic method evolved, consisted in collating a variety of Scriptural and patristic quotations (the Sentences) relevant to a succession of questions, and, when the citations were in apparent disagreement, in resolving the contradiction dialectically. The Sentences constitute a systematic organization of the whole field of theology, including the more general problems of canon law, as well as a comprehensive collection of the principal "texts" of the subject. During the thirteenth century the study of Lombard's Sentences became the fundamental course in the faculties of theology. Most of the great mediaeval philosophers, among them Bonaventura, Aquinas, Duns Scotus and William of Ockham, left commentaries on the work, and in these commentaries are to be found the beginnings of many important ethical, political and economic doctrines; thus Aquinas in his commentary gives the first statement of his doctrines on perjury and the nature of law and the foundations of his theory of usury. When the humanists and reformers in the fifteenth and sixteenth centuries censured the methods of scholasticism, it was not unusual for them to direct their criticisms specifically against the dialectic of the sententiaries, or commentators on the Sentences.

RICHARD MCKEON

Works: "Opera omnia" in *Patrologia latina*, ed. by J. P. Migne, vols. cxci–cxcii (Paris 1854–55). One distinction of the *Libri IV sententiarum*, together with the commentaries of Bonaventura and Duns Scotus, is translated in *Selections from Medieval Philosophers*, tr. and ed. by Richard McKeon, 2 vols. (New York 1929–30) vol. i, p. 185–201, vol. ii, p. 118–48, 313–50.

Consult: Ghellinck, J. de, *Le mouvement théologique du XIIe siècle* (Paris 1914) p. 126–69; Espenberger, J. N., *Die Philosophie des Petrus Lombardus und ihre Stellung im zwölften Jahrhundert*, Beiträge zur Geschichte der Philosophie des Mittelalters, vol. iii, no. 5 (Münster 1901).

PETERS, CARL (1856–1918), German colonial administrator. Intellectually gifted and strong willed to the point of recklessness, Peters contributed a dynamic force to German colonial history. Deflected from an academic career by a long stay in England, where he became enthusiastically interested in imperialism, he returned to organize the Gesellschaft für Deutsche Colonisation in 1884 as a protest against the inaction of the Kolonialverein. He then explored independently the districts of Useguha, Ukami, Nguru and Usagara in east Africa. His energetic action helped precipitate the German colonial movement from an idea into a glorious reality and added about 60,000 square miles to the newborn colonial empire.

Peters' subsequent expeditions into Uganda on his adventurous search for Emin Pasha, into Wituland and along the Nile materially increased German holdings and prestige; but they also brought his country into conflict with the aims and claims of other powers, especially Great Britain. The result influenced Bismarck to place the colonies under direct imperial control, which effected Germany's entrance into international, imperialistic competition.

Appointed imperial commissioner, Peters was accused by political enemies, chiefly socialists, of atrocious cruelty toward natives. He was dismissed from service in 1894 and retired to England. He remained permanently withdrawn from German affairs but in 1906 he was reinvested with his title. The "Peters' scandal," illustrating the constant and significant connection between Germany's expansion and its party politics, indicates that Peters left an indelible impress upon both the external and the internal history of the German colonial movement.

MARY E. TOWNSEND

Consult: Townsend, Mary Evelyn, *The Rise and Fall*

of Germany's Colonial Empire, 1884–1918 (New York 1930); Ludwig, Emil, *Genie und Charakter* (Berlin 1924), tr. by Kenneth Burke (New York 1927) p. 69–76; Schnee, Heinrich, in *Deutsches biographisches Jahrbuch, 1917–1929*, vol. ii (Berlin 1928) p. 285–98.

PETITION, RIGHT OF. The history of the right of petition in England is bound up with the development of the separate legislative, judicial and administrative organs and procedure of the state. From the right of petition have developed the procedure on public and private bills, the equity jurisdiction of the chancellor and the peculiarities of the procedure against the crown by petition of right. As the functions of the courts, the Chancery, the Council and Parliament were separated and defined, there was left a residual right of the subject to appeal to the king or to Parliament, which in the seventeenth century was recognized by the judges as the 'birthright of the subject" and in the eighteenth century as inseparable from civilized government.

The right to petition the king as the source of justice was admitted at least as early as Magna Carta, when John promised that he would not deny or postpone justice to anyone. Barons and Commons in their earliest meetings asserted the right of initiative in the form of petitions. The ordinary mode of legislation was by statute made on petition of the Commons. The words petition and bill were used interchangeably in legal and common speech down to Tudor times (McIlwain, C. H., *High Court of Parliament*, p. 211). The procedure by petition was flexible enough to deal with the intermittent functions of mediaeval parliaments. The king summoned a parliament partly for advice but mainly for supply, and was petitioned for a redress of grievances in return for meeting his financial needs. But as parliaments grew in importance in the fifteenth century they were not satisfied to make grants after receiving a favorable reply to their petitions but claimed to dictate the form of reply themselves. By so doing they prevented the equivocation and evasion of the king in Council. In 1414 the Commons declared themselves to be "as well assentirs as petitioners." The king answered: "The King of his grace especial graunteth that fro hens forth no thyng be enacted to the Peticions of his Commune, that be contrarie of hir askyng, wharby they shuld be bounde withoute their assent." In the fourteenth century legislation was "at the request of the Commons"; in the fifteenth it was "by authority" of the same

In the thirteenth and fourteenth centuries the distinction between the work of the king in Council and the king in Parliament was not clearly drawn. There was no sharp line between the petitions of the assembled Lords and Commons and the general mass of suitors. The latter wanted to get by peaceable means something not obtainable in the ordinary procedure of the law. They addressed their petitions not to Parliament but to the king in Council. For Parliament was then, as Maitland puts it, "rather an act than a body of persons. One cannot present a petition to a colloquy, to a debate." The petitions were of various kinds. They came from individuals and from communities. If they could be satisfied in the ordinary courts of law they were referred to the appropriate court. If they asked relief which no known writ could give, or a favor of the king or even new legislation, their petition was considered by the king in Council, in which was concentrated for the time all the powers of the state. The king was to devise remedies for new wrongs and to distribute justice according to each man's deserts. In the fourteenth century the House of Commons attempted to secure that all petitions involving a change of law should be determined by themselves. Receivers and triers of petitions were appointed by the king from among the Lords of Parliament—a practise which lingered until 1886 in the procedure of the House of Lords. Gradually, however, the High Court of Parliament ceased to be the resort of suitors who desired a remedy for individual grievances. Instead from the time of Henry IV they addressed themselves to the Commons, both houses of Parliament or the king in Council for *privilegium*, or change of law for their benefit; and from these proceedings modern private bill procedure has developed.

In the sixteenth and seventeenth centuries there appeared public petitions for a change in the general law. A Committee of Grievances, to which petitions were referred, was appointed by the House of Commons in 1571. In 1640 there is the entry in the Commons *Journal*: "These [members] are added to the Committee for sorting of Petitions, and are specially to consider of, and to sort such Petitions as concern the Publick" (House of Commons, *Journal, 1640–1642*, vol. ii, 1803, p. 61). In the seventeenth century the organization of petitions became a method of propaganda, and some of the most fundamental political ideas of the Commonwealth period are to be found in them. The

Petition of Right (1628) was a peculiar and special case. The Commons was determined to deal with illegal taxation, arbitrary imprisonment, billeting of soldiers on individuals and punishment by martial law. A simple confirmation of the existing law by the king would leave him free to continue his own interpretation; he would never agree to a change in the law. Therefore a Petition of Right was resorted to as being a declaratory act by the High Court of Parliament, which in the opinion of the Commons would be binding on the courts. Petitions of right from individuals were common but a petition for a judicial remedy drawn up by both houses of Parliament was very unusual. Technically the Petition of Right was not a statute but a judicial decision. The form of assent given by the king was that given to a private bill: "Soit droit fait come est desire." It secured a striking statement of the supremacy of the law, which, however, had yet to be implemented by civil war.

If the petition of right may be regarded as effective propaganda by learned and propertied lawyers in the language they best understood, wider demands were to be heard in simpler words in the period of revolution. Parliament approved the petitions of its supporters and snubbed or imprisoned petitioners of whom it disapproved. In 1641 a petition was signed by 15,000 Londoners and rolled into Westminster Hall by 1500 persons. In 1643 "a great multitude of the wives of substantial citizens came to the House of Commons with a petition for peace . . . a troop of horse . . . charged among the silly women and killed and wounded many of them, and easily dispersed the rest" (Clarendon). In 1647 a Lilburnian petition of the kind Clarendon found "horrible" was presented to the House of Commons; it addressed the House as the supreme authority of the nation, presenting a program which Gardiner says menaced the habits and interests of thousands who belonged to the influential classes. The lawyers, the clergy and the city were all opposed to it and it was burned by the common hangman.

As the habit of propaganda by petition spread, it was found necessary to restrict tumultuous petitioning on matters of public policy. This was done by statute (13 Car. II, St. 1, c. 5), but its provisions were not seriously enforced. They stipulated that no petition to the king or either house of Parliament for an alteration in church or state should be signed by more than twenty persons without the approval of three justices of the peace or the majority of a grand jury; nor should any petition be presented by more than ten persons at a time. In 1669 the House of Commons resolved: "That it is the inherent right of every commoner in England to prepare and present Petitions to the House of Commons in case of grievance, and the House of Commons to receive the same"; "That it is an undoubted right and privilege of the Commons to judge and determine concerning the nature and matter of such petitions, how far they are fit or unfit to be received." In 1680 the "Petitioners" to the king to summon Parliament and the "Abhorrers" of such interference with the royal prerogative supplied the first party names in something of the modern vein.

The right of popular petition seemed a natural liberty to Clarendon, as it did to more than one of the judges in the Seven Bishops Case (State Trials XII, p. 183, 407). The Bill of Rights asserted that "it is the right of the subjects to petition the King, and all commitments and prosecutions for such petitioning are illegal." But king and Parliament did not hesitate to show their disapproval of petitions that touched their privileges. In 1701 the House of Commons voted that a petition of the grand jury of Kent that they should turn their loyal addresses into bills of supply was "scandalous, insolent, and seditious." Doubtless the petition and others modeled on it were part of an organized Whig propaganda. In 1769 Dr. Johnson remarked: "This petitioning is a new mode of distressing government, and a mighty easy one. I will undertake to get petitions either against quarter guineas or half guineas, with the help of a little hot wine." In the same year a petition to the king by the supporters of Wilkes was received in contemptuous silence. But in 1782 the first petition against the slave trade was helped by something more than hot wine. The habit of organized petitioning grew steadily. Petitions were a method by which the unfranchised could take part in politics. In 1795 when Pitt introduced his bill to repress seditious meetings he disclaimed expressly any intention of interfering with the right of petition. In 1812 Brougham secured the revocation of the Orders in Council by organizing petitions on a large scale. In the unreformed Parliament there were occasionally great debates on petitions. Petitions played their part in the passage of the Reform Bill itself. As in the eighteenth century they were organized and not spontaneous. Croker said that in 1821 nine-

teen petitions were presented for reform, in 1822 twelve, in 1823 twenty-nine, from 1824 to 1829 none and in 1830 only fourteen; "then came the dissolution; the Whigs organised a clamour in the country; 650 petitions have been the result of that appeal" (Butler, J. R. M., *The Passing of the Great Reform Bill*, p. 200).

With the passing of the Reform Bill petitions became a plague. Whereas in the five years ending in 1790 there had been 800, in the five years ending in 1847 there were over 80,000. Every petition had to be presented to the House of Commons by a member and the procedure permitted four regular motions for each separate petition with the possibility of debate on each motion. So severe were their inroads on the time of the House that in 1833 a Select Committee was appointed to which were referred all petitions except those relating to private bills, with instructions to classify, abstract and report. In 1839 debate was forbidden. In 1842 and 1853 the House by standing orders limited the procedure to a statement by the member presenting the petition as to the parties from which it came, the number of signatures, the material allegations and the prayer with which it concluded. The present procedure is substantially the same. (For details, see May, T. E., *Parliamentary Practise*, ch. xxii.)

The right of petition involves the right of private persons to meet for the joint preparation and signature of the statement of their grievances and their right to meet to decide the time of presentation. The right of petition merges thus into the right of assembly and the right of association for the protection of interests. The most picturesque exercise of this right in England was in the Chartist petitions of 1839, 1842 and 1848. The first was a document drawn up by R. K. Douglas and brought forward at Chartist meetings all over the country, until it became a "beautiful and majestic roll" (*Northern Star*, May 11, 1839) three miles long with 1,200,000 signatures. An alarmed House of Commons rejected it five to one. The petition of 1842 achieved six miles of length and had to be broken into lumps and bundles before it could enter the House. It too was rejected five to one. That of 1848—a poor thing of O'Connor's own—was a fiasco; its procession was abandoned and its alleged 6,000,000 signatures were found to be fewer than 2,000,000. For the rest of the century petition played some part in the political life of the country. Lost causes, strange faiths and new thoughts all used it for its publicity value. In the period 1833–37 there were 5000 petitions for the better observance of the Lord's Day; in 1850 nearly 5000 against Sunday labor in the post office; in 1856, 5000 against the opening of the British Museum on Sundays. In 1848 there were 577 petitions for universal suffrage with 2,000,000 signatures. In the five years ending in 1872 there were 101,500, but after that the number declined steadily and in the five years ending in 1922 there were only 245. The extension of the suffrage, the development of the press, the increased use of questions in the House and the greater competence of the police in the management of processions has robbed petitions of their power to threaten or persuade.

The right of petition was regarded in the eighteenth century both in England and in America as a natural right which despotism itself could hardly stoop to withhold. It was a common law tradition in the colonies. The Declaration of Rights of the Stamp Act Congress of 1765 declared "That it is the right of the British subjects in these colonies, to petition the King or either house of parliament." "In every stage of these Oppressions," says the Declaration of Independence, "We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered by repeated injury." The right to assemble and petition is found in most of the longer bills of rights of the revolting colonies. It was included in the First Amendment to the federal constitution. Even when not specifically stated it was still thought to be implied in the very nature of republican government. Story expresses this view in his comments on the First Amendment, and in United States *v.* Cruikshank *et al* [92 U. S. 542 (1875)] the court handed down a similar interpretation. Nevertheless, at times of passion or of danger it has of course been denied in practise. In 1836 the defenders of slavery were irritated by a constant stream of petitions against it. A special committee recommended that since discussion of the topic was disquieting, all petitions regarding it should be laid on the table without publication, notice or action. This seemed to John Quincy Adams a gag on the constitutional rights of free men, and until it was withdrawn in 1845 he fought the recommendation, maintaining that not even "the most abject despotism" would "deprive the citizen of the right to supplicate for a boon, or to pray for mercy." In war time petitions for the repeal of the espionage and sedition laws or against

military measures for recruiting have resulted in imprisonment [United States *v.* Baltzer, *Report of the Attorney General* (1918) p. 48]. Processions for the presentation of petitions have often led in the United States to the same tragi-comic denouements as in Chartist England. In 1894 armies of unemployed were organized by General Coxey of Ohio to march on Washington and present a "petition in boots," only to see their leaders arrested for unlawfully walking on the grass of the capitol. A somewhat similar march on Washington by unemployed veterans in 1932 to dramatize their plight and apply pressure upon Congress for bonus legislation was also defended as an exercise of the right of petition. The Hoover administration, however, regarded it as a threat against the constitution and called out the army to expel the bonus marchers and burn their camps. Except as an actual prelude to revolution the attempt to overawe a legislature by physical force can have little use either for propaganda or persuasion.

On the continent the right of petition was in many states traditional. It received a new significance from the French Revolution. While not specifically mentioned in the Declaration of the Rights of Man it was implicit in the whole theory of republican government. At the beginning of the French Revolution petitions were presented in pompous terms in the name of Reason, Virtue, Liberty, Humanity. The French constitution of 1791 suffered severely from the pernicious influence of petitions presented by individuals, soldiers and localities, often with the assistance of armed mobs. But as twenty years before the French Revolution every enlightened Frenchman had read the text of American constitutions, so that part of the political vocabulary of the revolution in France was American (Aulard, A., *Histoire politique de la Révolution française*, Paris 1901; tr. by B. Miall, 4 vols., London 1910, vol. i, p. 113), it is not surprising that the specific right of petition appeared in the declaration prefixed to the constitution of 1793. It is to be found also in article 21 of the Belgian constitution of 1831. In the revolutionary movement of 1848 Dahlmann's address to the Prussian government was signed by nearly the whole professoriat of Bonn. There was almost a universal claim for freedom of the press, the right of free assembly and petition and a national parliament. Throughout the Revolution of 1848 the procedure was nearly always the same—mass meetings with "storm petitions" to the sovereign or to the diet. The use of petitions as a preliminary to riots and revolution led to limitations of the right of petition, such as that of the law of July 22–23, 1879, in France (art. 7). The right of petition is found in the new post-war constitutions of Europe. The Weimar constitution (art. 126) made provision for it. But, as the subsequent downfall of parliamentary government in Germany has proved, such rights have little meaning save as incidental safeguards to an already healthy representative government.

K. SMELLIE

See: ASSEMBLY, RIGHT OF; BILLS OF RIGHTS; FREEDOM OF ASSOCIATION; FREEDOM OF SPEECH AND OF THE PRESS; NATURAL RIGHTS; CIVIL LIBERTIES; MAGNA CARTA; CONSTITUTIONALISM; LEGISLATIVE ASSEMBLIES, section on GREAT BRITAIN AND DOMINIONS.

Consult: May, T. E., and Holland, F. C., *The Constitutional History of England since the Accession of George the Third*, ed. by F. C. Holland, 3 vols. (new ed. London 1912) vol. i, p. 349–55; May, T. E., *A Treatise on the Law, Privileges, Proceedings and Usage of Parliament* (13th ed. by T. L. Webster, London 1924) ch. xxii; Anson, W. R., *The Law and Custom of the Constitution*, vol. i– (5th ed. by M. L. Gwyer, Oxford 1922–), especially vol. i, p. 390–97; Adams, George Burton, *Constitutional History of England* (New York 1921) chs. viii–xii; Relf, F. H., *The Petition of Right*, University of Minnesota, Studies in the Social Sciences, no. 8 (Minneapolis 1917); Great Britain, Parliament, 1305, *Records of the Parliament Holden at Westminster . . . (A.D. 1305)*, ed. by F. W. Maitland, Public Record Office, Chronicles and Memorials of Great Britain and Ireland during the Middle Ages, no. 98 (1893); Holdsworth, W. S., "The History of Remedies against the Crown" in *Law Quarterly Review*, vol. xxxviii (1922) 141–64, 280–96; Redlich, Josef, *Recht und Technik des englischen Parlamentarismus* (Leipsic 1905), tr. by A. E. Steinthal as *The Procedure of the House of Commons*, 3 vols. (London 1908) vol. i, p. 3–25 and vol. ii, p. 239–41; McIlwain, C. H., *The High Court of Parliament and Its Supremacy* (New Haven 1910), especially p. 195–212; Butler, J. R. M., *The Passing of the Great Reform Bill* (London 1914); Hovell, Mark, *The Chartist Movement*, ed. by T. F. Tout, University of Manchester, Publications, Historical Series, no. 31 (Manchester 1918), especially chs. x and xvi; West, Julius, *A History of the Chartist Movement* (London 1920); Story, Joseph, *Commentaries on the Constitution of the United States*, ed. by M. M. Bigelow, 2 vols. (5th ed. Boston 1891) vol. i, p. 644–46; Corwin, E. S., *The Constitution and What It Means Today* (4th ed. Princeton 1930) p. 195–97; Adams, J. T., *The Adams Family* (Boston 1930) p. 215–24; Hicks, J. D., *The Populist Revolt* (Minneapolis 1931); Chafee, Zechariah, *Freedom of Speech* (New York 1920) p. 5–7, 64–65; Whipple, Leon, *The Story of Civil Liberty in the United States* (New York 1927) p. 114–17; Becker, Karl, *Die Entwicklung des Petitions- und Beschwerderechtes in ausländischen und deutschen Verfassungen bis z. J. 1848* (Greifswald 1913).

PETRARCH, FRANCESCO (1304–74), Italian poet and humanist. Petrarch's name is associated in the history of literature chiefly with his *Canzoniere*, or collection of lyrics, in which he celebrated and idealized his love for Madonna Laura. But his rich and colorful personality left a lasting imprint also upon the wider field of social and cultural relations. He is one of the most outstanding representatives of that new type of man which began to emerge out of the mediaeval world under a decidedly modern banner. Discarding the attitude which treated classical antiquity as merely an accumulation of religious and philosophic dogmas, something to be appropriated by an impersonal study, Petrarch was one of the first to turn directly to the original sources, attempting to reconstruct them philologically and to appreciate the purity of a content freed from conventional interpretations.

The example of Petrarch was to yield rich fruit in the fifteenth century, inspiring scholars with an absorbing passion for the monuments of classical literature and giving rise to that historical movement which is usually designated as humanism. This interest in antiquity, however, transcended the confines of literature, for it was accompanied by a new sentiment for the secular elements in human life as expressed in a love of glory, a desire for self-affirmation and self-expression, a restless quest for originality and a curiosity about new things. The new tendencies did not of course exclude imitations of classical models, imitations which often bordered on servility. As a matter of fact the recently emerged personalities found a source of both moderation and strength in their contact with the individualities of the great classics, whose true significance had scarcely begun to be appreciated. Thus the work of Petrarch represents a mixture of imitations, motives and attitudes expressive of the life of his time and displaying original features under the cloak of Cicero and Livy. The new traits are conspicuous above all in Petrarch's rich correspondence, which reveals the variety of interests and intricacy of relationships so characteristic of the renascent humanistic culture. Like those of Cicero, Petrarch's letters were written with a view to publication and were intended for wide, educated audiences. In this way they contributed to the crystallization of a public literary opinion, determined no longer by the religious and the academic but by laymen, a development which went far in emancipating culture from the trammels of tradition. Likewise of great importance as signs of a new realistic and secular attitude are the autobiographical references scattered throughout Petrarch's writings, particularly in the *Epistola ad posteros* and in the polemical *De sui ipsius et multorum ignorantia*.

Petrarch's philosophical writings too give evidence of a conscious detachment from the past, which to be sure does not go beyond a strong aversion to the confused learning of the schoolmen. Against the prevailing Averroistic interpretations of Aristotelianism, which were very popular among the scholars of the University of Padua, Petrarch vindicated the cause of Plato, thus preparing the ground for studies which in the fifteenth century culminated in the Florentine Academy of Marsilio Ficino. His meager knowledge of Greek prevented Petrarch from deriving proper benefit from the new cultural orientation. The Platonic philosophy was accessible to him only through the interpretation of St. Augustine, whom he admired both as a person and as an exponent of his own Christian sentiments. The philosophic dialogues—*De vita solitaria*, *De vera sapientia*, *De contemptu mundi*—betray Augustinian motives, stressing the separation of the sacred from the profane and evaluating the latter from a skeptic and pessimistic point of view. Certainly there is an obvious opposition between the skeptical tendencies of these writings and the new humanistic attitude. But Petrarch was not a systematic and rigorous thinker; hence his frequent oscillations between an admiration for the classics and a contempt for secular knowledge. It must be pointed out furthermore that his religious strictness became more intense in the last period of his life and that he even went so far as to regard as youthful lapses those products of his literary and humanistic activity upon which his most lasting fame rests.

The political ideas of Petrarch do not equal in precision and clarity those of his older contemporary, Dante Alighieri. They are interesting, however, as signs of the new age. The papacy and the mediaeval empire, which for Dante were the highest expression of political life, Petrarch held to be of but secondary importance as guiding forces of humanity. Great changes had occurred in Christianity during the few decades which separated the literary activity of Dante and Petrarch: the papacy, severely hit by the French monarchy, had moved to Avignon in the so-called Babylonish captivity, and the empire had proved its inability to govern an Italy split up into minute constellations of com-

munities and principalities. Petrarch was deeply sensitive to the decadence of the two great powers of Christianity. Although occasionally he entreated them passionately to restore Italy's peace and unity, he pinned his greatest hopes on an awakening of secular forces, which he imagined after the pattern of Brutus and Scipio, the founders of the republican grandeur of ancient Rome. He extolled the images of the ancient heroes in the Latin poem *Africa*, in which he described the Second Punic War, and in an incomplete work, *De viris illustribus*, which was intended as a sort of biographical history of Rome. The brief emergence in Rome of Cola di Rienzi, who was animated by the generous but visionary ideal of restoring the ancient glory of Italy, Petrarch hailed in the famous song, *Spirto gentil che quelle membra reggi*, as a reincarnation of the classic spirit.

Petrarch's political ideas exhibit in general a tendency to fuse the history of ancient Rome with that of modern Italy and to extol the political unity of the latter by appealing to the tradition of the past as well as to the affinities of race, language and customs. These motives have played an important part in the formation of an Italian national sentiment. They have led to the creation of what might be called "the cultural nation," which became the necessary condition for the existence of the political nation. But the fact that this ideal of a cultural nation assumed a merely literary and too often an academic character has at times given rise to disproportionate ambitions, fallacious illusions and bitter disappointments.

GUIDO DE RUGGIERO

Works: *Opera que extant omnia*, 4 vols. (4th ed. by Johannes Herold, Basel 1554).

Consult: Voigt, Georg, *Die Wiederbelebung des classischen Alterthums*, 2 vols. (3rd ed. by Maximilian Lehnerdt, Berlin 1893) vol. i, bk. i; Burckhardt, Jacob, *Die Kultur der Renaissance in Italien* (new ed. by Anton Mayer, Berlin 1930), tr. by S. G. C. Middlemore (new ed. London 1929); Sanctis, Francesco de, *Storia della letteratura italiana*, 2 vols. (new ed. by Benedetto Croce, Bari 1912), tr. by Joan Redfern (New York 1931); Dilthey, Wilhelm, *Weltanschauung und Analyse des Menschen seit Renaissance und Reformation*, Gesammelte Schriften, vol. ii (3rd ed. Leipsic 1923); Nolhac, Pierre de, *Pétrarque et l'humanisme*, 2 vols. (new ed. Paris 1907); *Petrarch, the First Modern Scholar and Man of Letters*, tr. from Latin and ed. by J. H. Robinson and H. W. Rolfe (2nd ed. New York 1914), with introduction; Ruggiero, Guido de, *Italienische Philosophie*, tr. from ms. by P. A. Becker (Breslau 1925), and *Rinascimento, riforma e controriforma* in his *Storia della filosofia*, pt. iii, 2 vols. (Bari 1930).

PETRAZHITSKY, LEV IOSIFOVICH (Petrażycki, Leon) (1867–1931), Russian jurist. Petrazhitsky was professor at St. Petersburg before the revolution and after 1918 at Warsaw. He was the greatest legal philosopher of both countries. In his first civilistic works, written in German and containing vigorous criticism of the project for a German civil code, he opposed to the individualism and egoism of the Roman law which inspired its authors "the gospel of love applied to the juridical sphere." His thesis of the impossibility of separating completely justice and charity led him ultimately to revise the traditional theories of the relation of law and morals but first to create a separate juridical discipline, "the politics of law," as a substitute for the old theory of natural law. Founded partly upon a positive knowledge of human psychology and partly upon idealism, the politics of law was to point the way to an everlasting reconciliation of law with the ideal of love.

In his fundamental works, written in Russian, Petrazhitsky developed a theory of law based upon an "emotional" psychology. Law can be understood only as a subjective psychological experience. It is an "emotion" which as a psychic phenomenon is distinct from cognition, feeling and will, for it is simultaneously active and passive. Not the pleasures or rational purposes but the moral and juridical emotions are the guides of human conduct. They are the reactions, directly appulsive and repulsive, which are provoked by ideas of certain patterns of actions. Thus in contradistinction to hedonistic or utilitarian motivations of conduct they are autonomous and truly normative. Moreover while the moral emotions and their immediate data have a "unilateral" and simple "imperative" character, the juridical emotions have a "bilateral," or "imperative-attributive," character; in other words, they not only impose duties but create corresponding claims. The law is in this way differentiated from morals without complete detachment from the latter, as in Kant. The moral emotion is immanent in the juridical emotion but in a more limited form. The possibility of compulsion, the tendency toward positivity, and "unification" or the resolution of social conflicts—all the characteristics of the legal order—are derived simply from the bilateral and imperative-attributive nature of the juridical emotions.

Petrazhitsky's theory was descriptive rather than explanatory and it was not entirely free

from contradiction, for it harbored positivistic as well as idealistic elements. In its "emotional intuitivism" it is related to the phenomenological philosophy of Max Scheler as well as to the psychology of the school of Franz Brentano. It helped, however, to establish the juridical pluralism which is characteristic of the present generation. In recognizing the existence of any authority as a sufficient basis for law Petrazhitsky contributed to the liberation of the notion of positive law from all necessary connection with the idea of the state. He held that there existed "unofficial," or extrastate law, which not only was frequently not derived from the state but was actually ignored by it. The sources of the positive law were indeed in principle infinite. Petrazhitsky distinguished between positive law and "intuitive" law, but the distinction was not based upon the official character of the former. Positive law was heteronomous, deriving its obligatory force from external elements, but intuitive law was autonomous. Unlike positive law it did not depend for its validity upon "normative facts." This intuitive law, which played an essential role in the life of the law, might prove to be a conservative as well as a progressive force.

GEORGES GURVITCH

Important works: *Die Fruchtvertheilung beim Wechsel der Nutzungsberechtigten* (Berlin 1892); *Die Lehre vom Einkommen*, 2 vols. (Berlin 1893–95); *Ocherki filosofia prava* (Outlines of the philosophy of law) (St. Petersburg 1900); *Vvedenie v izuchenie prava i nravstvennosti* (Introduction to the study of law and morals) (St. Petersburg 1906); *Teoriya prava i gosudarstva* (The theory of law and government), 2 vols. (St. Petersburg 1907–08, 2nd ed. 1909–10).

Consult: Gurvitch, G., "Une philosophie intuitionniste du droit" in *Archives de philosophie du droit et de sociologie juridique* (1931) 403–20, and *Le temps présent et l'idée du droit social* (Paris 1931) sect. iii, ch. iii; Laserson, M., "Russische Rechtsphilosophie" in *Archiv für Rechts- und Wirtschaftsphilosophie*, vol. xxvi (1932–33) 289–358; Sorokin, P. A., *Contemporary Sociological Theories* (New York 1928) p. 700–06; Meyendorff, A., in *Modern Theories of Law*, ed. by W. I. Jennings (London 1933) ch. ii.

PETROLEUM. *See* OIL INDUSTRY.

PETTY, SIR WILLIAM (1623–87), English economist and statistician. Petty was the son of a poor clothier. As a lad he went to sea and through an accident was stranded in France, where by virtue of his precocity he gained admission to the Jesuit College at Caen. Subsequently he went to the Netherlands and studied at Utrecht, Amsterdam and Leyden. In Paris he met Thomas Hobbes, from whom he learned the general principles of statecraft Returning to England Petty occupied himself for some time with projects of mechanical inventions. His first publication was a pamphlet in which he proposed a general system of education for children over seven from which none was to be excluded because of the parents' lack of means. He was also anxious to provide for technical education and he threw out the suggestion of a learned society for the advancement of knowledge. In England Petty studied medicine at the University of Oxford and subsequently at the College of Physicians in London. When the successful parliamentary party undertook the reorganization of the University of Oxford he was elected fellow of Brasenose College and deputy and later successor to the professor of anatomy. In 1652 he was appointed physician general of the English army in Ireland, and after the Cromwellian conquest of Ireland he was charged with the task of making a survey of the forfeited estates of the Irish landowners. This survey, carried through on a large scale and in a scientific manner, will always remain one of his chief claims to fame. He was a member of the group of scientists which formed the nucleus of the Royal Society and was named a charter member of its council when it was incorporated in 1662. He was knighted in the same year.

Experience in Ireland had deepened Petty's interest in the study of society and after the Restoration he devoted much of his energy to the economic problems of government. His mind was dominated by a desire, as he puts it, to express facts "in terms of *Number*, *Weight* and *Measure*." So closely was he associated with John Graunt (*q.v.*), whose *Natural and Political Observations . . . made upon the Bills of Mortality* (London 1662) laid the foundations of the study of vital statistics, that the authorship of the work has frequently been ascribed to Petty himself. In his most important publication, *A Treatise of Taxes and Contributions* (London 1662), which established his reputation as the most significant English writer on taxation prior to Adam Smith, he discussed the principles of taxation, particularly the distribution of the tax burden. In *Verbum sapienti* (*The Political History of Ireland . . . to which is added Verbum sapienti*, London 1691) he attempted to show how national wealth may be computed. He had a clear understanding of what constitutes wealth and was almost free from the characteristic mercantilist misconcep-

tions. He recognized that there may be too much or too little money and that the demand for it will vary according to the velocity of circulation. In *Quantulumcunque* (London 1695) he dealt with the general problems of money, condemned restrictions on the export of the precious metals and suggested that limitations on the rate of interest were futile. In *Political Arithmetick* (London 1690) Petty made an interesting attempt to compare the relative economic position of various countries. Like most of his contemporaries he was deeply interested in the progress achieved by the Dutch and offered such rational explanations of their success as the factors of geographical position, density of population and economy of labor by mechanical devices. He was not much concerned with foreign trade and apparently was not acquainted with contemporary tracts on the balance of trade. Here and there in his writings he insisted that it was folly to interfere with the laws of nature and it is probable that he had little faith in the value of regulation.

While Petty's main purpose was usually practical, he frequently indulged in theoretical speculations. The most interesting was his effort to find a natural objective basis of value in which all prices may be expressed. He suggested that the source of this might be in land and labor, but he reached no very definite conclusion. The germs of many principles may be discerned in his essays: for instance, he was quite explicit on the importance of division of labor; he adumbrated the abstinence theory of interest; and while he characterized rent as a mystery, he grasped the fact that it is in part a differential charge due to relative situation. But intermittent illumination does not prove that he had a real appreciation of the connection between underlying principles.

J. F. Rees

Consult: Fitzmaurice, Edmond, *Life of Sir William Petty* (London 1895); *The Economic Writings of Sir William Petty*, ed. by C. H. Hull, 2 vols. (Cambridge, Eng. 1899); Pasquier, Maurice, *Sir William Petty; ses idées économiques* (Paris 1903); *The Petty Papers: Some Unpublished Writings of Sir William Petty*, edited from the Bowood Papers by the Marquis of Lansdowne, 2 vols. (London 1927); *The Petty-Southwell Correspondence, 1676–1687*, edited from the Bowood Papers by the Marquis of Lansdowne (London 1928); Goblet, Y. M., *La transformation de la géographie politique de l'Irlande au XVIIe siècle dans les cartes et essais anthropogéographiques de Sir William Petty*, 2 vols. (Paris 1930); Greenwood, M., "Graunt and Petty" in Royal Statistical Society, *Journal*, vol. xci (1928) 79–85.

PEUTINGER, KONRAD (1465–1547), German humanist. Peutinger was born in Augsburg. As a humanist, a friend of the arts and one familiar with the works of Roman and German antiquity this learned diplomat and political counselor of the Hapsburgs came to exercise a great influence on the artistic and literary commissions of Maximilian I, and it was in large part through him that the Renaissance penetrated into Augsburg. The spirit of the Italian Renaissance was apparent also in his important activities in connection with economic policy and social reform both in his native city and in the empire at large. Completely immersed in the world of the Roman law and its strong individualistic strain, Peutinger not only helped to formulate an economic policy for the city of Augsburg which should be cordial toward capitalism but also was influential in persuading the city to advocate such a policy at the Reichstag meetings during the sixteenth century. Descended from a merchant family and related intimately to the Welsers and Fuggers, he demanded that individual freedom in the pursuit of economic interests should become the fundamental principle for all state and municipal economic policies. It was through Peutinger's influence, second only to that of Jacob Fugger, that Augsburg espoused the most liberal economic policy of any city in Germany. Whereas other and larger cities of the empire demanded greater concessions to the middle classes and the artisans as opposed to the more powerful commercial houses, Augsburg alone supported the party of the great capitalists almost without reservation. The town council decreed that no restrictions should be placed on the expansion of the trading companies either within or without the city. No limit was to be imposed on their capital invested or on the number of their branch establishments. All the great merchants, especially Jacob Fugger, came to Peutinger for advice on the legal and canonical questions connected with their business and commercial affairs. Scarcely any other economic theoretician of the time stood out so determinedly for the freedom of the price process and for concessions to private capitalist monopolies and cartels. Peutinger's opposition to the economic ethics of the Middle Ages is clearly evident in his dictum on the question of price fixing: every merchant may sell his wares for as high a price as he desires and is able to secure. This new conception of economic policy Peutinger introduced into the laws of the empire through a series of

brilliant legal opinions and through his outlines for numerous progressive commercial laws of Charles V.

JAKOB STRIEDER

Consult: König, Erich, *Peutingerstudien*, Studien und Darstellungen aus dem Gebiete der Geschichte, vol. ix, no. 1–2 (Freiburg i. Br. 1914); *Konrad Peutingers Briefwechsel*, ed. by Erich König, K. Akademie der Wissenschaften, Historische Kommission für Erforschung der Geschichte der Reformation und Gegenreformation, Veröffentlichungen, Humanisten-Briefe, vol. i (Munich 1923); Strieder, Jakob, *Studien zur Geschichte kapitalistischer Organisationsformen* (2nd ed. Munich 1925).

PFEIFFER, EDUARD VON (1835–1921), German cooperator. Equipped with a good theoretical training Pfeiffer traveled in England and France, studying their economic and social problems. The fruits of these studies were embodied in his *Über Genossenschaftswesen: Was ist der Arbeiterstand in der heutigen Gesellschaft? Und was kann er werden?* (Leipsic 1863). Opposed to both socialism and communism, he favored the retention of the institution of private property and maintained that the condition of the working classes could gradually be improved through cooperative self-help. Consumers' societies, he declared, would reduce the living costs of the masses and would at the same time bring about such other advantages as encouragement of cash payments What was most important, they would train the masses in the accumulation of capital for cooperative large scale production. In accordance with these fundamental and, for his time, significant ideas he created in 1864 the Stuttgarter Konsumverein, which is still in existence. Pfeiffer prepared his handbook, *Die Consumvereine, ihr Wesen und Wirken* (Stuttgart 1865, 2nd ed. 1869), at the request of the German labor organizations. In 1867 he founded the Verband Deutscher Konsumvereine and became editor of its official organ At the same time he began to organize cooperative large scale purchasing. The Allgemeiner Deutscher Genossenschaftsverband, founded and directed by Schulze-Delitzsch, at first assumed an unfriendly and critical attitude toward Pfeiffer's efforts, but in 1871 Pfeiffer was able to effect the fusion of his organization with the Allgemeiner Verband. Thereafter, although he continued in friendly contact with the Stuttgart society, he retired completely from the movement and devoted his attention to other social and political tasks. He was particularly active in connection with public housing projects. Pfeiffer was the clearest theoretician and the most practical leader of the consumers' cooperative movement in Germany in its early period.

THEODOR CASSAU

Consult: Bittel, Karl, *Eduard Pfeiffer und die deutsche Konsumgenossenschaftsbewegung*, Verein für Sozialpolitik, Schriften, Untersuchungen über Konsumvereine, vol. cli (Munich 1915).

PFEIFFER, JOHANN FRIEDRICH VON (1718–87), German economist. Pfeiffer was one of the group of German economists, represented by Dohm and Sonnenfels, who opposed the physiocratic system, particularly the absolute and universal character of its principles. The rejection of this unhistorical theism, which attempted to solve all conflicts of epistemological, ethical and social nature by the concept of preordained harmony, found strong expression even in the writings of the German physiocrats, which tended to assert the organic nature of the state instead of the elements of natural rights. Pfeiffer likewise adhered to the principle of absolute government. In harmony with the ideal of enlightened absolutism which was characteristic of German cameralism, he saw in the state a positive force in the shaping and direction of the economic destinies of the country. He was, however, sufficiently influenced by Adam Smith to believe that the principle of individual self-interest should guide the state in drawing up its economic program. In the interests of a strong, unified state he advocated the abolition of internal customs duties.

Pfeiffer paid scant attention to the philosophical bases of the physiocratic system, treating it rather from the narrow viewpoint of economic and fiscal organization; and it was from this angle that he sought to refute it. He rejected the principle of the single tax, arguing that contrary to a tax on industry a tax on agricultural products is rarely shifted to the rest of society and would therefore burden agriculture unduly. Moreover a tax on agricultural products alone would not yield revenue sufficient to meet the fiscal requirements of the state. Pfeiffer's general views, the organization of his works and the technological slant of his writings link him definitely with the tradition of cameralism.

LOUISE SOMMER

Works: *Der Antiphysiokrat* (Frankfort 1780); *Lehrbegriff sämmtlicher öconomischer und Cameral-Wissenschaften*, 4 vols. (Mannheim 1764–78); *Grundsätze der Universal-Cameral-Wissenschaft*, 2 vols. (Frankfort

1783–84); *Grundriss der Finanzwissenschaft* (Frankfort 1781).

Consult: Napp-Zinn, A. F., *Johann Friedrich von Pfeiffer (1718–1787) und die Kameralwissenschaften an der Universität Mainz* (Cologne 1921); Stieda, W., *Die Nationalökonomie als Universitätswissenschaft*, Sächsische Gesellschaft der Wissenschaften, Philologisch-historische Klasse, Abhandlungen, vol. xxv, no. ii (Leipsic 1906) p. 187-203.

PHARMACY. *See* MEDICAL MATERIALS INDUSTRY.

PHILANTHROPY. *See* CHARITY.

PHILIP II (1527–98), king of Spain. The wish of Charles V to leave all his dominions to Philip, his only legitimate son, was frustrated by the resistance of the German Hapsburgs. Nevertheless, when in 1556 Philip became ruler of Spain, the Netherlands, Naples, Sicily, Milan and the Spanish oversea possessions, he was the most powerful sovereign in the world. Moreover his marriage with Mary Tudor two years previously aroused hopes that England might be brought within the orbit of the Hapsburg interests. While Charles V was a Fleming, Philip was brought up as a Spaniard, although his political education was based in large part upon the advice and instructions of his father. It has been suggested that Philip's bureaucratic rule and his characteristic hesitation may have resulted from the nature of his father's precepts. Although he was an absolutist, Philip did not pursue a centralistic policy. When he annexed Portugal and its possessions in 1580 he displayed a scrupulous respect for its national institutions and peculiarities. As the leading partisan of the Counter-Reformation Philip made religion, dynastic considerations and the unification of the peninsula the primary factors in his policy. He did not tolerate heresy, either in Spain, where he provoked and put down a bloody rebellion of the Moriscos, or in the Netherlands. The Dutch provinces, as a result, were lost to Spain. Philip's ships battled the Turks and the English; his armies waged war against the French, who persisted in their fear of Hapsburg encroachment, and against the Protestants in the Netherlands and the Rhineland. But the destruction of the great armada near the English coast in 1588 marked a permanent setback for Spanish world domination. Nevertheless, the strongest factor in the Spanish decline lay not in military defeats but in economic causes which had their origin in part in the reign of Charles. The constant wars drained the man power as well as the wealth of the nation. The state enforced burdensome regulations upon industry and agriculture and assumed a monopoly over the American trade; the great landowners oppressed the peasantry; the shift of trade routes from the Mediterranean to the Atlantic involved a disorganization of commerce and industry in older centers, so that excessive trust was placed in the surplus of gold and silver from the colonies. Neither Philip nor his statesmen, however, were able to ward off the catastrophe.

WALTER GOETZ

Consult: Ballesteros y Beretta, Antonio, *Historia de España y su influencia en la historia universal*, vols. i–vi (Barcelona 1918–32) vol. iv, pt. i, ch. ii; Bratli, Carl, *Philippe II, roi d'Espagne* (new ed. Paris 1912); Marcks, Erich, "Philipp II. von Spanien" in *Meister der Politik*, ed. by Erich Marcks and K. A. von Müller, 3 vols. (Stuttgart 1922–23) vol. i, p. 559–91; Hume, M. A. S., *Philip II of Spain* (London 1897); R. Academia de Jurisprudencia y legislación, *Reivindicación histórica del siglo XVI*, ed. by Fidel Pérez Mínguez (Madrid 1928); Namèche, A. J., *Le règne de Philippe II et la lutte religieuse dans les Pays-Bas au XVIe siècle*, 8 vols. (Louvain 1885–87); Figueiredo, Fidelino de Sousa, *As duas Espanhas* (Coimbra 1932) chs. iii–vii.

PHILIP IV (The Fair) (1268–1314), king of France. Philip's reign of almost thirty years saw the triumph of the national state over the papacy, the first Estates General and the foundation of a permanent administrative centralization. His taxation of the clergy called forth the bull *Clericis laicos* (1296), in which Boniface VIII forbade such taxation under penalty of excommunication. Philip replied by striking at papal revenues through an embargo on the exportation of gold and silver, and Boniface was forced to yield. A few years later the quarrel broke out afresh, and Boniface announced a synod at Rome to discuss the affairs of France. French patriotic nationalism was roused by numerous pamphlets; Philip convoked the Estates General and succeeded in crystallizing public opinion in his favor. He was thereupon excommunicated. A desperate plan to kidnap Boniface and bring him to France failed. Philip made his peace with the next pope, Benedict XI, who was succeeded by the archbishop of Bordeaux as Clement V. With the latter began the Babylonish captivity of the papacy at Avignon.

Philip was heavily in debt to the Knights Templar and planned to have the order dissolved and its property entrusted to the crown He brought pressure to bear on Clement by

accusing the deceased Boniface of heresy and insisting on a trial. To avoid this embarrassment Clement finally agreed to an investigation of the Templars. Philip and his advisers so manipulated this investigation that the order was formally suppressed; much of its property remained in the king's possession.

In the field of national administration Philip built upon the work of his predecessors. The powers and duties of bailiffs and seneschals were extended, and trained lawyers from the middle class were introduced into the royal court. An increasing number of cases were reserved for this court, and appeals from local courts were heard. The added functions of the court caused it to be separated into three divisions, the King's Council, the Chamber of Accounts and the Parlement of Paris. In financial affairs Philip showed little ability; he failed to establish an adequate system of taxation and even resorted to debasing the coinage.

WALTHER I. BRANDT

Consult: Boutaric, Edgar, *La France sous Philippe le Bel* (Paris 1861); Finke, Heinrich, *Papsttum und Untergang des Templerordens*, Vorreformationsgeschichtliche Forschungen, vols. iv–v, 2 vols. (Münster 1907); Holtzmann, Robert, *Wilhelm von Nogaret: Rat und Grossiegelbewahrer Philipps des Schönen von Frankreich* (Freiburg i. Br. 1898); Langlois, C. V., in Lavisse, E., *Histoire de France depuis les origines jusqu'à la Révolution*, 9 vols. (Paris 1900–11) vol. iii, pt. ii, p. 119–267, 302–19; Rivière, Jean, *Le problème de l'église et de l'état au temps de Philippe le Bel*, Spisilegium Sacrum Lovaniense, Études et Documents, no. viii (Louvain 1926); Scholz, Richard, *Die Publizistik zur Zeit Philipps des Schönen und Bonifaz' VIII*, Kirchenrechtliche Abhandlungen, nos. vi–viii (Stuttgart 1903).

PHILIP AUGUSTUS (1165–1223), member of the Capetian dynasty, king of France from 1180. The reign of Philip Augustus, a crucial period in the territorial consolidation of the French kingdom, is no less significant for the evolution of political ideas and of administrative and social institutions. The keynote of his entire program was the restoration of the royal power at the expense of feudalism. In extending his jurisdiction either as seignior or, according to the system of tenure *en pariage*, as coseignior over the territories of feudal lords, he based his claims upon the immunity of the king to the ordinary rules of feudal custom and insisted unequivocally that his position as sovereign rendered him superior to the status of vassalage. In 1209 he further strengthened his authority by introducing the rule that the division of a fief among several heirs automatically converted those heirs into immediate vassals of the lord of the whole, who very frequently was the king himself. A different aspect of Philip's program to exalt the royal power was his destruction of the control formerly exercised by the lords over the high offices of state. Two of the most formidable offices he left vacant indefinitely, that of chancellor from 1185 and that of seneschal from 1191; the other posts of the Curia Regis he entrusted to compliant members of the bourgeoisie or clergy, thus inaugurating the reign of the "legists." In order to provide a check upon the provincial officials and to promote administrative centralization he created the office of *bailli*. At first merely representatives on mission or members of the Curia Regis serving as special emissaries and entrusted with control over the provosts, with appellate judicial functions and with the task of centralizing the revenues and of rendering periodical account of them by personal trips to Paris, the *baillis* were apparently a well established institution as early as 1190, when on the eve of his departure for the crusade Philip prepared his famous *Testament*. Among the bulwarks of monarchy which he was particularly solicitous to create were a systematic budget and a professional army. There is proof that the royal fiscal system acquired in his reign a large measure of regularity and precision and that with the aid of new levies, such as the famous *dîme saladine*, introduced as special emergency measures but gradually absorbed into the system of normal obligations, he managed to maintain a constant surplus of receipts over expenditures. The commutation of military service for a money payment became a general privilege and practise under Philip, who applied the money thus obtained to the construction of a dependable professional army. The protection and assistance which he offered the communes in their struggle for emancipation from the lords also foreshadow the policy of later unifying monarchs. In European politics, particularly in his controversies with Innocent III (*q.v.*) and in his interference in the affairs of the Holy Roman Empire, Philip played a role coordinate with his glamorous conception of kingship. It has frequently been asserted that the popular enthusiasm following the victorious consummation of the battle of Bouvines in 1214 represents the first clear manifestation of a dawning national sentiment in France.

LOUIS HALPHEN

Consult: Cartellieri, A., *Philipp II. August, König von*

Frankreich, 4 vols. (Leipsic 1899–1922); Luchaire, A., *Louis VII, Philippe Auguste, Louis VIII*, Histoire de France, ed. by E. Lavisse, vol. iii, pt. i (Paris 1901), and *Manuel des institutions françaises. Période des capétiens directs* (Paris 1892); Borrelli de Serres, L. L., *Recherches sur divers services publics du XIIIe au XVIIe siècle*, 2 vols. (Paris 1895–1904); Audouin, É., *Essai sur l'armée royale au temps de Philippe-Auguste* (new ed. Paris 1914); Lot, Ferdinand, *Le premier budget de la monarchie française*, Bibliothèque de l'École des Hautes Études, Sciences Historiques et Philologiques, fasc. 259 (Paris 1932).

PHILIPPINE PROBLEM. In the middle of the sixteenth century, when the Spanish undertook to establish sovereignty over the group of islands in the western Pacific discovered by Magellan, they found no organized state but a number of small semicivilized villages on the coasts and rivers, each governed by a chief, and a few wild tribes in the interior. The population, estimated at half a million, was predominantly Malay. Agriculture and some small industries were well developed and certain cultural influences were received through trade with the surrounding lands, particularly China. The majority of the people were pagan, but Moslemism had been introduced from Borneo a short time before.

In 1898, at the conclusion of the Spanish regime, there were evidences that real progress had been achieved. The great proportion of the population of nearly seven million had become in many respects a nation, bound together by the Christian religion; only 10 percent of the inhabitants, the Moros of the south and the pagan tribes of the interior, had withstood the missionary zeal of the Spanish friars. The state had joined the church in furthering education and more than 20 percent of the adults could read and write, while a native professional class had been built up. The export industries of Manila hemp, sugar, coconut products and tobacco had become well established under Filipino control; this was particularly so during the latter half of the nineteenth century, when restrictions on foreign commerce had been removed and new encouragement given to the trade with Spain. Most of the foreign trade was with Europe and the United States; the commerce with far eastern countries, less than 10 percent of the total, no longer held the position that it had had in the seventeenth century, when Manila had been the chief trading center in the Orient.

Strictly speaking there had never been a Spanish conquest of the islands. Credit can be given to Miguel López de Legazpi, leader of the first colonizing expedition, and to the friendly attitude of the island tribes for the establishment of a spirit of cooperation that survived nearly three centuries. With the decline of Spain's world power, however, the quality of her oversea administration fell, here perhaps more than elsewhere, for the Philippines were considered the least desirable post in the Spanish colonial service. Unchecked by the state, the influence of the religious orders increased, becoming more pervasive in the economic, political and social realms. Although the demands of enlightened Filipinos for reform were supported by Spanish liberals, they brought no effective action and finally open rebellion broke out against Spanish rule.

When at this juncture the United States came to the assistance of the Cubans and declared war on Spain, exiled Filipino insurgent leaders joined gladly in the offensive against Spain in the Philippine Islands. Reassured verbally of the disinterested aims of the United States, they wrested most of the country from the Spanish troops, declared their independence and established a republican form of government. The leaders kept the American government fully informed and, although they were unable to secure formal recognition of their independence, they were not curbed and no American protest was registered.

Admiral Dewey and his colleagues, representing the United States in Manila Bay, were in a difficult position. They did not know what attitude to assume toward the islands and their peoples—for an official policy had not yet been formulated in Washington. In the absence of any intimation to the contrary they seem to have assumed that the Cuban policy would be extended to the Filipinos, and as late as June 27, 1898, Dewey cabled the secretary of the navy: "In my opinion, these people are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races."

But the United States' policy toward Cuba had been dictated more by the necessities of the international situation than by the sentiments of the government. The Philippines, however, were not under consideration at the time war was declared and no commitment respecting them had been made. Thus, following Dewey's victory at Manila Bay, President McKinley was left free to respond to the appeals for a nationalistic policy toward the archipelago.

The growing wealth and power of the United States, newly evidenced by the overwhelming victory of the national arms, encouraged American expansionists. Since isolation was at an end, they said, McKinley should boldly lead the country to take its rightful place in the world. At this critical juncture of far eastern affairs, when Russia and Germany had precipitated a raid of the powers on China's best seaports and a scramble for special rights in the interior, public men like Henry Cabot Lodge, Albert J. Beveridge, John Hay and Whitelaw Reid could speak of the "manifest destiny" that had dropped the Philippines into the lap of the United States. Strongly pro-English, they seconded the many appeals from English leaders urging the retention of the islands as a means of forming a strong Anglo-American front against the threatening partition of China. Further arguments touching the interests of special groups in the United States were not overlooked. The navy had long cherished a desire for a far eastern base. Expanding industry and agriculture demanded new markets for their surpluses; not only would the Philippine trade be theirs, but Manila would become the great entrepôt of the East, giving the United States access to "China's illimitable markets."

McKinley recognized the force of these considerations but he chose to base his own decision for retention on higher ground. Aware of the sentiment against imperialism in the country, and of the activities of his opponents in making political capital of that sentiment, he appealed for national unity in accepting the obligation placed upon the American people by an "all wise Providence." It was the task of the United States to uplift and civilize the Filipinos; honor and duty left no other choice.

In the Philippines the native leaders were not disillusioned as to the objectives of the United States until after the American forces had taken Manila and unceremoniously excluded Filipino troops from the city. In the following six months ill feeling grew, encouraged by sensational journalism on each side. No attempt was made to handle the situation constructively until Dewey cabled on January 7, 1899, to advise that a "civilian commission composed of men skilled in diplomacy and statesmanship should be sent to adjust differences." The commission was dispatched immediately, but it was too late. The inevitable conflict broke out spontaneously on February 4 and the most tragic war in which the United States has ever engaged was launched.

In the United States meanwhile the Democrats, joined by a few Republicans, appeared to have ratification of the peace treaty blocked as long as it transferred the Philippines to the United States. Through a tactical move by William Jennings Bryan the deadlock was finally broken on February 6 when the treaty was ratified with one vote to spare. The Democrats then demanded extension of the Cuban policy to the Philippines, and when this was rejected in Congress Bryan made the question the "paramount issue" of the 1900 presidential campaign.

The question of Philippine independence remained a party issue in the United States. It is essential that this fact be realized, for in no other way can the seeming inconsistencies of American policy toward the Philippines be understood. Proponents of the independence cause have repeatedly attempted to show that from the first the United States promised independence to the Philippines. But certainly the Republican party in 1899 defeated all attempts to enact such a commitment into law. McKinley himself studiously avoided every mention of the word independence. He did promise liberty and self-government; but these were to be attained and enjoyed under the American flag through a program of benevolent assimilation. Thus William Howard Taft, McKinley's appointee as first civil governor of the islands, introduced the notion of the "Philippines for the Filipinos"; this program, bitterly attacked by the dyed-in-the-wool imperialists, nevertheless succeeded not only in winning the gratitude of the Filipinos but also in securing their trust and cooperation, so that the separatist movement was seriously checked.

McKinley's Republican successors in the White House as well as those of Taft at Manila followed the lines of the original policy with little variation, although occasionally their true nature was somewhat obscured by the exigencies of political debate. As time went on and as independence agitation continued, however, it was considered wise to include as a part of America's benevolent policy a promise of freedom. But always to this promise, when uttered by responsible Republicans, have been attached two conditions; namely, independence was to be granted when the United States should deem the Filipinos capable of maintaining it; and it was to be granted if at that time the Filipinos were still convinced that they wanted it. There was never any wavering in the conviction of these Republican leaders that a permanent con-

nection between the two peoples was wise and desirable; and they believed firmly that the Filipinos would share this opinion when they had experienced more of the advantages and benefits of American rule.

The Democratic platforms, on the other hand, repeatedly declared for independence. The Jones Law (signed August 29, 1916) enacted the Democratic purpose into law, for it stated in the preamble that the independence of the Philippine Islands was to be recognized "as soon as a stable government can be established therein." But a Senate amendment to the Jones bill, providing definitely for independence within four years, was defeated in the House when a number of Democrats deserted the party standard for religious reasons. President Wilson's recommendation of immediate independence, in his annual message to Congress in 1920, was little more than a gesture for the Democrats were no longer in control.

In the Philippines, in spite of every American effort to strengthen the conservative forces and to make American sovereignty attractive, there was never a considerable difference of opinion on the independence question; even the most uncompromising of its opponents came to admit that the nationalist movement was supported by the great majority of the Filipinos.

While this simplified statement of attitudes toward independence, that is to say, the Filipinos and Democrats in favor and the Republicans opposed, fits the facts reasonably well up to 1928 or 1929, certain new elements entered to complicate the situation from then on. Thus in the United States important groups of farmers, processors and workers either began to feel, or feared that in the future they would feel, the competition of increasing shipments of Philippine goods to the American market as well as the unrestricted entry of Filipino laborers. By 1928 Philippine sugar imported into the United States exceeded 500,000 long tons and in 1932 total shipments equaled 1,000,000 tons. American domestic sugar producers expressed alarm and Americans with large interests in Cuban sugar were even more perturbed since Philippine sugar with tariff protection was displacing the Cuban product in the American market. Duty free shipments of Philippine coconut oil to the United States exceeded 300,000,000 pounds annually from 1928 through 1931 (although they dropped to 240,000,000 pounds in 1932); resulting competition, direct or indirect, with domestic vegetable oils and butter fats aroused the opposition of powerful farm and dairy organizations. Failing in their efforts to gain tariff protection against Philippine products, these various groups espoused the cause of complete independence for the islands. They were joined in this movement by organized labor, which protested the unrestricted entry of Filipinos into the United States (there were some 45,000 in the country by 1930), and by various organizations on the Pacific coast which objected to the concentration of Filipino laborers in that section. In many instances old political alignments in Congress were upset by these aroused economic interests and on January 17, 1933, a large proportion of the Republicans in each house joined the Democrats in passing a Philippine independence act over President Hoover's veto.

As for the Philippines themselves, the imminence of freedom gave rise to a new interest in its probable effects, especially in the economic sphere, and led to a widespread desire for modification of the former objective of "immediate" independence. Provisions of the independence act were attacked so vigorously that its acceptance by the Filipinos, required under the terms of the law, appeared to be doubtful.

These developments gave new meaning to the question, "Are the Filipinos prepared for independence?" Formerly debated from partisan points of view, it had little relation to the realities of the problem. But in reference to a definite independence act consideration of the available data pertinent to the question became of more importance.

In the political sphere Filipinos had been urged to take part in their own government from the very first. Taft appointed the "better elements" in the population to important positions, including a minority representation on the Philippine Commission, the governing body He sponsored a provision in the first Organic Act, passed by Congress July 1, 1902, for a Philippine elective assembly, although Beveridge opposed this as hasty and unwise and succeeded in delaying its creation for five years by insisting upon the taking and publication of a census first. By the use of this governmental machinery the Filipinos could participate in native public affairs and effect legislation as long as they followed the general lead of the Americans; but when policies diverged, as frequently occurred, the real power rested with the latter.

Filipinos were introduced into the government offices and into the schools, especially in

subordinate positions, as rapidly as they were considered available. It is interesting to note, however, that when the Republican regime came to an end in 1913 the number of Americans in the Philippine services had remained approximately stationary, at about 2600, for the preceding six or seven years. But the Democrats, under Francis Burton Harrison as governor general, immediately set out to "Filipinize" the services and by 1921 had reduced American officeholders to 600. Also in 1913 Filipinos were given majority control of the Philippine Commission, and in 1916 the Jones Law substituted an elective Senate for that body. It is true that the new law left final discretionary power, in most important matters, in the hands of the governor general, but Harrison chose to cooperate closely with the legislature; in effect therefore a responsible form of government was established. Under Democratic rule this native government assumed a significant role in the national life. There were striking achievements that could be pointed to with pride, such as government ownership and operation of the Philippine National Bank, the Manila Railroad and the National Development Company (with coal, cement and agricultural interests). On the other hand, there were shortcomings in some of the services, especially during the immediate post-war years, which served as ammunition for those who wished to attack the capacity of the Filipinos.

With the return of the Republicans to power in 1921 General Leonard Wood, the new governor general, set out determinedly to correct what he felt were the evils that had crept into the government through Filipino control. Although he wrought no change in the basic law and did not increase the number of American officeholders, he did assert all of the legal authority of his office. Conflict with the Filipino legislative leaders was inevitable, and it was not until Henry L. Stimson, the next governor general, reintroduced some of the features of responsible government that harmony between the legislature and the executive was once again restored.

The Filipinos have been under great pressure to shape their political life to the American model in order to make a good impression on the Americans, who alone held the power of judgment respecting their capacity to govern. On the whole they appear to have made a good record with the democratic forms of government, especially popular elections and majority rule. But they have not been impressed with the American dogma of the separation of powers nor have they been greatly perturbed by the fact that a two-party system of government has not developed.

Opponents of independence, at least of independence "at this time," claim that an intelligent public opinion, essential to a democratic form of government, does not yet exist in the Philippines. It is pointed out that the total circulation of newspapers has reached only about 200,000, although it is recognized that each copy is widely read. Americans are proud of the accomplishments of the system of public education they introduced, but the 1,200,000 students now in schools represent less than 40 percent of the population of school age. Over half of the people are now literate, although only 10 percent can use English and an equal percent Spanish. Tribal dialects still persist as the predominant means of communication and the attempt to make English a common language, through its exclusive use in the school system, has been far from successful; Spanish is still the favored language in cultured circles, the courts and the legislature. The determination of a national policy toward the language question would be one of the major problems of an independent government.

The American administrators in the Philippines have labored constantly to bring the country health, education, security, justice and prosperity. Once the "pacification" of the islands was complete, peace and security for the individual were not difficult to achieve; nor have there been any violent outbreaks against the constituted authorities. The judicial system, with the exception of the Supreme Court, which is still controlled by an American majority, has been placed in the hands of Filipinos. Although tuberculosis is increasing and the energetic fight against cholera and leprosy must still be carried on, there have been striking advances in health and sanitation. The death rate of approximately 20 per 1000 is a considerable improvement over that of the Spanish period and the early years of American government. Filipinos have had a major part in these achievements; the most severe condemnation of the Harrison regime, however, concerned the failure of the Filipinized health service to prevent a disastrous smallpox epidemic.

Americans and Filipinos alike take pride in the public hospitals, the government buildings and the schools and markets that have been erected. One of the most popular and important

accomplishments of American rule has been the construction of more than 9000 miles of good roads and hundreds of modern bridges. Filipinos can claim credit jointly with Americans for this public works program; incidentally, it was paid for entirely by Filipino revenues. But in relation to the possibility of independence important questions are raised in this connection. The material progress of the country under American rule has been due very largely to economic advantages that may end or be diminished with American withdrawal. Will a native government then be able to continue the social services? And will its imposing roads and buildings turn out to be white elephants? The economic position of the Philippines has come to hold a most important place in the consideration of the problem of independence.

Outside capital has played a major role in the development of dependent countries and it is possible that in most instances a large part of this capital would be withdrawn if the political and military control of the governing power were removed. While such a result might follow the termination of American sovereignty in the Philippines, the loss could hardly be as important to their national economy as it would be to that of most dependencies. American capital has been slow to invest in the Philippines; indeed the total does not exceed that in Hawaii or Porto Rico, which are tiny islands in comparison with the archipelago. The Philippine government estimated American investments in 1932 at $257,000,000, which sum included practically all of the $65,000,000 of government bonds outstanding. American direct investments, chiefly in sugar centrals, coconut oil mills, electric utilities, railroads and commercial establishments, represented about half of all the investments in the country exclusive of agriculture and real estate; these latter are almost entirely in Filipino hands. The small retail trade is virtually controlled by the Chinese.

The comparatively small economic stake of Americans in the Philippines can be ascribed to the continuous uncertainty regarding the future status of the islands and also to the prevailing corporation and land laws. Leases or sales of the public lands (including more than 16,000,000 acres classified as arable), either to individuals or to corporations, have been limited to such small areas that it has been difficult to establish large enterprises. The United States Congress included strict corporation laws and limitations on landownership in the Organic Act of 1902. Filipinos, with legislative power over these subjects since 1916, have maintained the restrictions tenaciously, fearing the postponement of independence if large American interests entered the islands.

Republican administrators, especially in recent years, have attacked these policies on the ground that they discouraged economic development and therefore blocked the extension of the government's welfare and educational services. It is to be noted, however, that this desire to further the prosperity of the people and to increase the economic bonds between the Philippines and the United States was gratified in another way. President McKinley had declared that it was to be the purpose of the United States to maintain an open door in the Philippines. But in 1909, partly to aid stricken Philippine agriculture and partly to further American exports to the islands, reciprocal free trade was established between the archipelago and the United States. The only restrictions were the placing of liberal limits on the amounts of sugar and tobacco that could enter the United States duty free, and even these limitations were removed in 1913. The Philippine assembly protested unanimously against the free trade policy on the score that it would encourage the growth of vested American interests and further postpone independence. Filipino business men and producers, however, did not hesitate to take advantage of the superior returns offered by a protected American market; the result was that the existence of free trade with the American mainland became the most important single factor in the economic system of the islands.

In the first year of the new relationship imports from the United States were trebled; by 1919 American imports mounted to more than 60 percent of the total. Three fourths of all Philippine exports went to the United States by 1927 and 85 percent in 1932. A considerable part of the available Filipino and foreign capital went into productive activities that depend very largely upon the preferred position in the American market (principally sugar and coconut oil but also tobacco, cordage, embroideries and pearl buttons). Production for the domestic market became less attractive; in fact in many lines it became altogether unprofitable because of the competition of duty free American imports. Trade with other countries, including those in the Far East, languished.

It is not surprising therefore that the immediate prospect of independence alarmed all those

concerned with the major export industries (except Manila hemp and copra, which enjoy no protection in the American market). It was demonstrable that the entire economic structure of the islands would receive a severe blow from a sudden termination of free trade, some commentators estimating that government revenues would fall off at least 40 percent. Filipino independence objectives were accordingly modified to include the proviso that privileged access to the American market should continue for a time, either before or after an independent government had been set up, to allow for economic adjustment in the islands. The 1933 act as finally adopted by Congress provided for a ten-year period preceding independence during which free trade should continue but with duty free imports into the United States limited, in the case of sugar to 850,000 long tons annually and in the case of coconut oil to 200,000 long tons; on the other hand, the law did not empower the Philippine government to levy tariffs against American goods during this period as a means of encouraging domestic industries or to negotiate trade agreements abroad in an effort to develop new foreign markets.

The independence question has always had its international aspects. It is quite possible that the attainment of the goal in the Philippines would strengthen independence movements in British India and Malaya, in the Dutch Indies and in French Indo-China. No one can tell how extensive this influence might be, however, and in the United States and throughout the world judgment of the consequences will depend upon attitudes toward the whole colonial problem.

The problem of the balance of power in the Pacific also enters. It is presumed in some quarters that the withdrawal of the United States from the Philippines would create a new situation leading to the unsettlement of political forces and a new struggle for naval power in the Pacific. As a matter of fact, if the United States should retain a naval base in the islands, as it is empowered to do by the independence act, the international situation would be little changed. Japan would continue to hold naval dominance in the western Pacific at least so long as the terms of the Four Power Pacific Pact of 1922, precluding the further armament of bases in that area, were maintained. But in the potentialities of the Philippine base the United States would still hold a strong bargaining point in relation to possible revision of that pact. If, on the other hand, all rights to an American base in the archipelago are relinquished, perhaps in connection with the neutralization of the islands (and this is a possibility under the terms of the independence act), then American policy would be modified materially. In the judgment of some this would mean an irreparable loss of that "prestige" which they deem essential in dealings with oriental peoples. But others maintain that the withdrawal of the United States from the islands and the renunciation of force in the Orient would strengthen the American position in that area.

When the United States obtained the islands, one of the reasons advanced for the step was the possibility of their acquisition by some other nation (Germany was usually named); and this was presumed to be undesirable from the standpoint of Americans and Filipinos alike. But with the rise of Japanese power, Americans and to a lesser degree Filipinos have feared the inclusion of the Philippine Islands in the Japanese program of expansion. In substantiation of this it has been pointed out that the islands are a natural geographical extension of the Japanese archipelago and that the two areas combined form a potential barrier to all direct Pacific trade routes between Asia and the Americas. Also not only do the tropical Philippines and industrial Japan complement each other economically, but Japan's eyes cannot be entirely closed to the presence in the Philippines of coal and iron deposits. It is further maintained that the existence of great areas of arable land, at present unoccupied, might attract the Japanese as an outlet for a rapidly increasing population. The usual reply to this point has been that the Japanese will not live in the tropics and would not find the Philippines attractive. There were, however, in 1932 nearly 20,000 Japanese in the islands, twice as many as in 1925, and most of them were in abaca fiber colonies in the province of Davao on the sparsely populated island of Mindanao, the extreme southern and tropical part of the archipelago. It is true that the Chinese outnumber the Japanese in the Philippines by 50,000, and some observers express greater fear of their overrunning the islands.

Certainly possible Japanese interest in the islands is a problem that requires consideration. It is quite probable that the United States will find it either impossible or inconsistent to retain a naval base and at the same time negotiate a multilateral treaty of neutralization of the islands. The great majority of Filipinos appear to oppose military and naval reservations of the

United States, the early desire of some for an American protectorate having yielded to a preference for international guaranties, especially through membership in the League of Nations. Furthermore it is charged that an American base would continue to expose the Philippines to probable attack in the event of hostilities in the Pacific involving the United States. Japanese leaders, on their part, have always denied territorial ambitions in the Philippines and on many occasions have given assurances that Japan would join in an international treaty of guaranty. Indeed Japan's trade with the islands is certain to profit so greatly by the termination of the present exclusive free trade policy between the United States and the Philippines that Tokyo probably would be glad to make any reasonable commitments to accomplish that end —although, to be sure, the relinquishment of an American naval base at Cavite, menacing Japanese waters, might be requested as a preliminary to any agreement.

In any event there will always be considerable foreign political and economic interest, particularly on the part of Americans and Japanese, in an independent Philippines. If there is to be a general guaranty of Philippine sovereignty, it is important that agreement should be reached at the outset as to the precise nature of that guaranty as well as to the specific measures to be employed in safeguarding the vested rights and interests of foreign nationals.

Tremendous difficulties must be faced by an independent Philippine government. The educational, social and political advances of the Filipino people under American rule have been good preparation for the responsibilities of citizenship. The material progress of the country at the price of an ever increasing dependence upon the United States must, however, be considered a mixed blessing. It has become apparent that if independence is to be achieved at all it must be at the price of at least temporary economic loss.

As the inevitability of the choice has become clearer to Filipinos, they have been forced to reexamine the independence objective. An attractive picture was drawn for them of the advantages of a permanent connection with the United States, voluntarily accepted by them, with continuing economic prosperity combined eventually with complete self-rule under the protection of the American flag. It is quite possible that this program, the culmination of the Republican policy for the Philippines, would have carried the day, or that it might yet do so, if it were not for three seemingly insuperable obstacles. First, it was realized by Filipinos that there could be no guaranty of the indefinite continuance of the present favored position of Filipino products in the American market; the demonstrated political power of competing American interests established that fact. Second, it was obvious that there could be no voluntary agreement between these peoples as long as one maintained sovereignty over the other; the character and the permanency of the relationship were bound to be subject to unilateral action on the part of the United States and at any time. And, third, there was the inescapable fact that a racial barrier would continue to exist between the two peoples, strictly adhered to by many Americans and forever resented by Filipinos.

These are some of the complexities of the Philippine problem. One may be forced to the conclusion that it never will be permanently solved until the Filipino people become an independent nation able to work out their own destiny in a world which will not require them to appeal to arms either for the achievement or for the maintenance of their independence.

ROY VEATCH

See: IMPERIALISM; COLONIES; COLONIAL ADMINISTRATION; FOREIGN INVESTMENT; NATIVE POLICY.

Consult: Forbes, W. C., *The Philippine Islands*, 2 vols. (Boston 1928); Worcester, D. C., and Hayden, Ralston, *The Philippines Past and Present* (new ed. New York 1930); Harrison, F. B., *The Corner-Stone of Philippine Independence* (New York 1922); Storey, Moorfield, and Lichauco, M. P., *The Conquest of the Philippines by the United States, 1898–1925* (New York 1926); *The Philippine Islands, 1493–1898*, tr. and ed. by E. H. Blair and J. A. Robertson, 55 vols. (Cleveland 1903–09); Barrows, D. P., *History of the Philippines* (rev. ed. Yonkers 1924); Fernández, L. H., *A Brief History of the Philippines* (rev. ed. Boston 1932); Fiske, B. A., *War Time in Manila* (Boston 1913); Roosevelt, Nicholas, *The Philippines; a Treasure and a Problem* (New York 1926); Bowers, Claude G., *Beveridge and the Progressive Era* (Boston 1932) p. 97–114; Hagedorn, Hermann, *Leonard Wood*, 2 vols. (New York 1931) vol. ii, chs. xvii–xix; Malcolm, G. A., and Kalaw, M. M., *Philippine Government* (rev. ed. Boston 1932); Kalaw, M. M., *Development of Philippine Politics (1872–1920)* (Manila 1926); Miller, H. H., *Principles of Economics Applied to the Philippines* (Boston 1932) pt. ii, p. 153–556; Hammond, L. P., *A Survey of Economic Conditions in the Philippine Islands* (Manila 1928); Reyes, J. S., *Legislative History of America's Economic Policy toward the Philippines*, Columbia University, Studies in History, Economics and Public Law, whole no. 240 (New York 1923); Faustino, L. A., *The Natural Resources of the Philippine Islands* (Manila 1928); Tucker, R. S., "A

Balance Sheet of the Philippines" in *Harvard Business Review*, vol. viii (1929–30) 10–23; United States, Tariff Commission, *United States-Philippine Tariff and Trade Relations*, Report no. 18, Second series (1931); Philippine Islands, Board of Educational Survey, *A Survey of the Educational System of the Philippine Islands* (Manila 1925); Lasker, Bruno, *Filipino Immigration*, Institute of Pacific Relations, American Council (Chicago 1931); Independence Congress, First, Manila, 1930, *Proceedings* (Manila 1930); United States, Congress, House of Representatives, Committee on Insular Affairs, *Independence for the Philippine Islands. Hearings before the Committee*, 72nd Cong., 1st sess. (1932); United States, Congress, Senate, Committee on Territories and Insular Affairs, *Independence for the Philippine Islands. Hearings before the Committee*, 72nd Cong., 1st sess. (1932).

PHILIPPOVICH VON PHILIPPSBERG, EUGEN (1858–1917), Austrian economist. Although he was a Viennese by birth and early training Philippovich—at least at the beginning of his career—was closer to the German historical school than to the contemporaneous Austrian school of Menger, Wieser and Böhm-Bawerk, with whom his name is commonly associated. Soon after his admission as *Privatdozent* to the University of Vienna, he obtained a chair at the University of Freiburg, which he held from 1885 to 1893. His first book, *Die Bank von England im Dienste der Finanzverwaltung des Staates* (Vienna 1885, 2nd rev. ed. by F. Somary 1911; tr. by C. Meredith, National Monetary Commission, vol. viii, no. 2, Washington 1911), is the one best known outside Germany. His main interest, however, was in the movement for social reform (*Sozialpolitik*), in which he took a very active part. Although cooperating closely with the German group of the Verein für Sozialpolitik he realized better than most of its other prominent members the necessity for a sound theoretical foundation for any program of economic policy.

In the course of time he became more influenced by the Austrian theorists, and when he published the first volume of his *Grundriss der politischen Ökonomie* (2 vols., Freiburg i. Br. 1893–1907, rev. ed. Tübingen 1914–16), which was destined to become the leading German textbook on general economics for the next quarter of a century, it proved to be the kind of compromise between the two opposing schools which would make it acceptable to both. Because Austrian ideas became known in Germany mainly through his *Grundriss*, he came to be considered as one of the leading members of the Austrian school. While this is not strictly correct, it is true that during his activity in the University of Vienna, where he held one of the chairs of political economy until his death, his increasing interest in theory made him more critical of many of the schemes of social reform. This is clearly evident in *Die Entwicklung der wirtschaftspolitischen Ideen im neunzehnten Jahrhundert* (Tübingen 1910), which is perhaps his most brilliant and mature publication. He remained, however, a lifelong believer in a state regulated economic system, which was to be neither pure capitalism nor socialism. With this object in view he took an active part in German and Austrian political life and in 1907 became a member of the upper house of the Austrian parliament. The influence which Philippovich and the group called the Austrian Fabians, of which he was the leading spirit, have exercised on social legislation in Austria is very considerable.

FRIEDRICH A. HAYEK

Other important works: *Der badische Staatshaushalt in den Jahren 1868–1889* (Freiburg i. Br. 1889); *Über Aufgabe und Methode der politischen Ökonomie* (Freiburg i. Br. 1886).

Consult: Amonn, Alfred, in *Jahrbücher für Nationalökonomie und Statistik*, 3rd ser., vol. liv (1917) 158–63; Mises, Ludwig, in *Neue österreichische Biographie*, vol. iii (Vienna 1926) p. 53–62.

PHILIPPSON, LUDWIG (1811–89), German Jewish theologian and journalist. Philippson was born in Dessau and educated at the University of Berlin. At the age of twenty-two he was appointed rabbi by the Jewish community of Magdeburg, where he officiated for twenty-eight years. The rest of his life he spent at Bonn. Philippson took an active part in German and Jewish politics and negotiated with the German government concerning the political status of the Jews. He advocated a central organization of the German Jewish communities and was one of the founders of the Deutsch-Israelitischer Gemeindebund. He helped also to establish the Hochschule für die Wissenschaft des Judentums in Berlin.

Philippson's religious standpoint was that of moderate reform. He was the mediator between the extreme reform movement of Abraham Geiger and the extreme orthodoxy of Samson Raphael Hirsch. His goal was the regeneration of Judaism on the basis of the historical heritage of Israel. He declared that messianism was the central idea of Judaism and that it was Israel's task to preach and spread the idea of ethical monotheism throughout the world. These theories, developed in Philippson's numerous

homiletic writings, exercised a strong influence upon German Jewry.

Philippson's lasting accomplishment, however, was the creation of Jewish journalism. In 1837 he established the first regular Jewish weekly, the *Allgemeine Zeitung des Judentums*, which he edited until his death. Whereas previous periodicals had dealt only with restricted spheres of Judaism and had appeared irregularly, the *Allgemeine Zeitung des Judentums* aspired to cover the entire range of Jewish life and letters. Jost was fully justified when in 1847 he called Philippson's paper "an epoch in Jewish history." The *Allgemeine Zeitung des Judentums* became the model for Jewish magazines all over the globe.

In order to spread Jewish education Philippson founded in 1855 the Institut zur Förderung der Israelitischen Literatur, which became the model for later Jewish literary publication societies.

TRUDE W. ROSMARIN

Important works: *Die Entwicklung der religiösen Idee im Judentum, Christentum und Islam* (Leipsic 1847, 2nd ed. 1874); *Die Religion der Gesellschaft und die Entwicklung der Menschheit zu ihr* (Leipsic 1848); *Über die Resultate in der Weltgeschichte* (Leipsic 1860); *Die israelitische Religionslehre*, 4 vols. (Leipsic 1861–65); *Weltbewegende Fragen in Politik und Religion*, 2 vols. (Leipsic 1868–69); *Gesammelte Abhandlungen*, 2 vols. (Leipsic 1911).

Consult: Kayserling, M., *Ludwig Philippson* (Leipsic 1898); Philippson, Martin, in *Jahrbuch fur jüdische Geschichte und Literatur*, vol. xiv (1911) 84–108; Kornfeld, Joseph S., *Ludwig Philippson* (St. Paul, Minn. 1911); Ellbogen, I., *Ludwig Philippson*, Gesellschaft zur Förderung der Wissenschaft des Judentums, Schriften, vol. xvi (Leipsic 1912), and "Rede bei der Ludwig Philippson-Feier" in Lehranstalt für die Wissenschaft des Judentums in Berlin, *Bericht*, vol. xxx (1912) 51–69; Feiner, Joseph, *Ludwig Philippson* (Berlin 1912); Cohen, Hermann, "Über die Bedeutung einer philosophischen Jugendschrift Ludwig Philippsons" in his *Jüdische Schriften*, 2 vols. (Berlin 1924) vol. ii, p. 439–45.

PHILLIP, ARTHUR (1738–1814), British empire builder. Phillip was a naval officer of varied experience when in 1786 he was appointed governor of the convict colony in New South Wales. As organizer of the expedition and founder of the first settlement in Australia he showed foresight, industry and idealism. When the first fleet reached Botany Bay in 1788, Phillip, realizing it was unsuitable for settlement, established the colony instead at Sydney Cove in Port Jackson. For some years the settlement depended upon irregular arrivals of supply ships and was continually threatened with starvation. Phillip's courage and resource, however, enabled it to survive. His aim was to make the colony self-sufficing; but in addition to the usual pioneering problems he had to deal with the poverty of the soil around Sydney, friction with the natives, whom he tried vainly to conciliate, and the poor quality of convict labor. Phillip offered land grants to those who were willing to clear and cultivate the land and remain on it for at least five years, and he even exceeded his instructions in giving them assistance. He instituted the practise of assigning convict laborers to free persons and urged upon the home authorities the need for sending free colonists of the farmer class who would provide a capable nucleus for a farming population. He endeavored by favored treatment of the deserving to induce the better class of emancipated convicts or those whose terms had expired to remain in Australia, but without much success. Nevertheless, when he left for England in 1792 he had organized the government farms and workshops, established civil and criminal courts and in general laid the foundations of the colony.

W. K. HANCOCK

Consult: Becke, Louis, and Jeffery, Walter, *Admiral Phillip* (London 1899); Rusden, G. W., *History of Australia*, 3 vols. (2nd ed. Melbourne 1897) vol. i, p. 24–65, 122–86.

PHILLIPS, WENDELL (1811–84), American reformer and abolitionist leader. Phillips came of an old and wealthy American family and was educated at Harvard University and Law School. Apparently his interest in abolition was aroused when he witnessed the attempted lynching of William Lloyd Garrison by a mob of Boston "respectables" in 1835. He ascribed his actual conversion to the abolitionist cause to Ann Terry Greene, whom he met in 1836 and who subsequently became his wife. Phillips sprang into prominence as an abolitionist orator as a result of his speech at Faneuil Hall on December 8, 1837, at a meeting to protest the murder of Elijah Parish Lovejoy; this speech has been ranked by George William Curtis with those of Patrick Henry at Williamsburg and Abraham Lincoln at Gettysburg. In 1839 Phillips abandoned his law practise because he could no longer comply with the attorney's oath to support the constitution.

Like Garrison, whom he followed in most matters, Phillips urged immediate and unconditional abolition; advocated education and agi-

tation rather than political action; attacked the constitution as a defense for slavery, urging disunion if necessary; opposed Negro colonization in Africa; and excoriated the ministry for justifying slavery by Scriptural quotations. Unlike Garrison he opposed the reelection of Lincoln. After the Civil War he insisted, successfully despite Garrison's opposition, that the Anti-Slavery Society continue its agitation until suffrage was granted to the Negro. He succeeded Garrison as president of the society, which was finally dissolved after the passage of the Fifteenth Amendment.

Phillips was one of the few prominent abolitionists who transferred their ideas of freedom to the support of the labor movement. In 1870 he was the candidate for governor of Massachusetts on the newly formed Labor party ticket. At one time or another he also supported such unpopular causes as woman's suffrage, nihilism, independence for Ireland and the abolition of capital punishment.

McALISTER COLEMAN

Works: *Speeches, Lectures and Letters*, 2 vols. (Boston 1863–92). Phillips' writings appeared in the *Liberator* and *Antislavery Standard*.

Consult: United States, Library of Congress, *Wendell Phillips (1811–1884)*, Select List of References, no. 1206 (1931); Austin, G. L., *The Life and Times of Wendell Phillips* (new ed. Boston 1888); Sears, Lorenzo, *Wendell Phillips: Orator and Agitator* (New York 1909); Russell, C. E., *Wendell Phillips: Soldier of the Common Good* (Chicago 1914).

PHILO JUDAEUS (*c.* 30 B.C.–*c.* 45 A.D.), Jewish philosopher and theologian. A member of a distinguished family and the brother of the alabarch, the head of the Alexandrian Jewish community, Philo lived in Alexandria, his native city. In the year 40 he visited Rome with a Jewish mission to Caligula. In his numerous writings, composed in Greek, he set himself the task of amalgamating the spirit of Judaism or Mosaism with that of Greek philosophy. Indeed he regarded the laws of Moses as a philosophy, the only true one, and endeavored to show that the best thought of the Greek philosophers was in agreement with it. To this end he employed the so-called allegorical method of interpreting the Scriptures. On the Greek side he was influenced chiefly by Plato, Aristotle and the stoics, all of whom he used eclectically.

Philo's main contribution to philosophy and theology is his doctrine of the Logos, which reflects Heraclitean, Platonic and stoic influences. Maintaining the extreme transcendence of God, Philo found it impossible to conceive of God as coming directly in contact with matter, which in its pure and lowest form is the essence of passivity. Hence he looked upon the physical world as the product not directly of God, but indirectly of certain intermediate powers emanating from Him. The Logos is the principal one of these powers. It is the universal reason, in which man's reason participates. The lower parts of the human soul, the senses and the passions, are like the body tainted by matter and hence inferior in their nature. The aim of human existence therefore is to live as little as possible the life of the body, the senses and the passions and as much as possible that of the mind or reason; in other words, man should endeavor to be as like unto God as is permitted to a creature.

Virtue is the path to this ideal, and among the virtues justice occupies an important place. Philo defines justice in Platonic fashion as the harmony of the other three cardinal virtues, wisdom, courage and temperance, and like Aristotle and the stoics as that which gives to everyone his due. His definition of law is stoic also. To follow reason and imitate God is to keep God's law, for "Law is nothing else but divine reason (*Logos*), enjoining what is right and forbidding what is wrong."

The Logos of Philo has an interesting history, since except for the prologue to the *Gospel of John*, which may or may not be influenced by Philo, it was hypostatized, or personified, by the early patristic writers and identified with Christ, the second person in the Trinity, representing divine wisdom. This idea was adopted by the scholastics, from John Scotus Erigena through Anselm and Abélard to Thomas Aquinas, and even by later philosophers.

ISAAC HUSIK

Works: *Opera quae supersunt*, ed. by Leopold Cohn and Paul Wendland, 7 vols. (Berlin 1896–1930); *Works*, tr. by C. D. Yonge, 4 vols. (London 1854–55), and translation by F. H. Colson and G. H. Whitaker, Loeb Classical Library, vols. i–iv (London 1929–32).

Consult: Drummond, James, *Philo Judaeus*, 2 vols. (London 1888); Arnim, Hans von, *Quellenstudien zu Philo von Alexandria*, Philologische Untersuchungen, vol. xi (Berlin 1888); Martin, Jules, *Philon* (Paris 1907); Bentwich, N. D., *Philo-Judaeus* (Philadelphia 1910); Geiger, Franz, *Philon von Alexandreia als sozialer Denker*, Tübinger Beiträge zur Altertumswissenschaft, vol. xiv (Stuttgart 1932).

PHILOSOPHY. Definitions of philosophy are usually made from the standpoint of some system of philosophy and reflect its special point of view. For the purposes of this account the

difficulty may be avoided by defining philosophy from the point of view of its historical role within human culture. Since the survey is confined to western civilization, the origin of European philosophy in Greece supplies the natural beginning. For not only does the name "philosophy" come from Greek thought, but also the explicit consciousness of what is denoted by the term. Greek thinkers moreover distinguished the branches into which philosophy is still conventionally divided; they laid the foundations of logic, cosmology, metaphysics, ethical and political philosophy, and to a lesser degree, aesthetic theory. Even if these foundations are not always built upon, it is impossible to understand departures and innovations apart from some reference to Greek thought. In Greek philosophy the problems of western philosophy are either formulated or adumbrated.

The reason for the primacy of Greek thought is not accidental, nor is it for the most part a mere matter of chronological priority. On the contrary, the reason for it is an essential part of a definition of philosophy from the cultural point of view. For Greece was a ground for exhibiting and proving most of the difficulties and predicaments that arise in the collective relation of man to nature and fellow man. This condition would not of itself have generated philosophy without the extraordinary capacity of the Greek mind for observation and statement. An explanation of this fact would here be irrelevant and perhaps impossible. Such is not the case, however, with respect to the traits of Greek culture that called forth the reflections that initiated western philosophy: these exhibit in striking fashion the typical conflicts of collective human experience. Consequently, in spite of the limitations of the Greek world in space and time, Greek traits form the very stuff out of which philosophy is made. Greece, and especially Athens, was an intellectual looking glass in which the western world became conscious of its essential problems. The Greek origins of the European philosophical tradition dispose completely of the notion that philosophical problems evolve in the consciousness of lonely though brilliant thinkers. These origins prove that such problems are formulations of complications existing in the material of collective experience, provided that experience is sufficiently free, exposed to change and subjected to attempts at deliberate control to present in typical form the basic difficulties with which human thought has to reckon.

Greece was distinguished from other ancient civilizations in that priests lacked political authority, having indeed become subordinate civic officers. Equally important was the fact that religious beliefs were early set forth in literature of great artistic merit, never in the form of dogmas. The resulting intellectual freedom furnished the primary condition for the production of philosophy. The cosmogonies that characterized Greek mythology in common with all other religions were emancipated with comparative ease from a predominant religious setting and were transformed into reasoned attempts at a rational account of the origin and constitution of the known world. The early thinkers in the Grecian colonies in Asia Minor and Italy and its islands were geographers, astronomers, geologists, meteorologists, founders of the natural sciences quite as much as they were philosophers. Their generalized and comprehensive stories of the cosmos and its origin created an idea of completeness and breadth of view that remained as part of philosophy after the sciences had become specialized. The physical interest of these early thinkers persists today in that branch of philosophy called cosmology.

It was probably natural that interest in physical nature should have predominated in the adventurous, seafaring, trading Greek colonists, especially as their political life was borrowed. In Athens, however, cosmology was definitely subordinated to moral and political interests. Throughout Greece generally, with the exception of Sparta, civic matters were adjusted through the medium of discussion. Athens was moreover a pure democracy in that all citizens rather than a delegated body took part in public affairs. Party conflict was rife and changes in type of government were frequent. The situation was expressed, on the intellectual side, in consciousness of a number of problems defined in terms of antitheses. There were, for example, the problems of stability versus change, of harmony and order versus conflict, of reason (represented by discussion and consultation with a view to persuasion) versus force. Intermingled with these were other questions brought to the fore by the traveling scholars called sophists. Although, chiefly owing to the attacks made upon them by Plato, the term sophist has now a distinctly derogatory significance, the sophists were only the learned men of the day who traveled about offering their intellectual wares for sale—and with the Greeks all important education was adult education. Disputes regarding

the role assumed by these men evoked such further antitheses as tradition versus innovation, the relations between custom and conscious thought, between nature and culture, between nature and art—since the sophists professed to teach all of the arts that were in good repute; that is, those above the level of the manual craftsman, such as the military art and the art of managing the household and the city-state.

Socrates, the initiator of Athenian philosophic reflection, deliberately strove to limit theoretical discussion to moral and political subjects. Apparently the direct stimulus to his conversations on these topics came from the sophists. His primary question was whether the various forms of social excellence, the "virtues," which command recognition by others, can be taught and if so how. Consideration of this theme led him to consideration of the relation of the various virtues to one another and to their unity in understanding, or rational insight. Since rational insight was found by him to be practically non-existent among politicians, among the poets, who were the acknowledged moral teachers of the community, as well as among the sophists, his teaching came to its climax in a demand for the pursuit of understanding or wisdom.

The philosophical tradition of the western world did not originate because of a mere taste for abstract speculation or yet because of pure interest in knowledge divorced from application to conduct. On the contrary, wisdom, in its material and goal, was something more than science even though it was not possible without science. It was science enlisted in the service of conduct, first communal, or civic, and then personal. Most of the distinctive traits of philosophy through the ages are intimately connected with this fact. The connection is not external or due to the accident of its origin in Greece, but is intrinsic. The Greeks brought to consciousness three problems that are bound to emerge whenever civilization becomes reflectively turned back upon itself: What are the place and role of knowledge and reason in the conduct of life? What are the constitution and structure of knowledge and reason by virtue of which they can perform the assigned function? And, growing out of this question, what is the constitution of nature, of the universe, which renders possible and guarantees the conceptions of knowledge and of good that are reached? Upon the whole, in course of time, philosophy began with the last question, and this fact often disguises the initial problem as to the guidance of life and conduct. But the tie that unites the seemingly most remote speculations with this issue has never been completely cut.

The problem of the organization and direction of personal and community conduct was still uppermost with Plato, although he took steps which led to an apparent relegation of that issue to a secondary position, a fact that has frequently caused his modern interpreters to place him in a perspective foreign to his own intent. Instead of excluding or neglecting speculations about the constitution of nature in formulating the end of the organized state and individual, he asserted that the problem of the end and of good can be solved only when the inquiry is extended to include the totality of things and when the final conclusion is reached by understanding the constitution of nature. This latter problem moreover can be solved only as the problem of the structure and method of knowledge is solved. Thus the ethico-political problem was widened to include cosmology and logic. Dialectic became central, not merely auxiliary, in the philosophic scheme, for it was the means by which insight into the good was to be attained. By reason of the place of the good in the structure of the universe this fact instituted a necessary connection between logic and metaphysics.

Because of the inherent relation set up by Plato between cosmology, science (especially mathematics), logic and political ethics, his fundamental distinctions, such as those between being and becoming, reality and appearance, form and matter, whole and part or universal and particular, were not presented by him as detached intellectual distinctions. While he defines philosophy as desiderated science of the whole, he defines it also as the legislative science, or science of the state, since social organization is the form in which man is most directly concerned with the whole.

The distinction of reality and appearance has an ethical import as well as one running through knowledge—where it appears in connection with the distinction between science and mere opinion—and through metaphysics. Morally it involves the question of the individual in his relations to others, since evil never offers itself as such but disguises itself as a good: the bad man strives to *seem* good in order to obtain recognition, while the truly good man is content to *be*, without regard to appearance, that is, the impression made on others. Starting from this ethical distinction, Plato was able to follow the

difference and relation of the two throughout a series of logical and cosmological terms, such as one and many, permanent and changing and so on. Being with Plato always has the connotation of the stable, the dependable, while change imports instability and variation—departure from a standard which is fixed. In a similar way his distinction of universal and particular is not merely logical or merely metaphysical, but is concerned with the relation of law—which is legislative and normative—to application to the individual in judicial decision and administration. Such points are arbitrarily selected examples of the interpenetration of the politico-moral with the logical and metaphysical, which is evidenced on a larger scale in his most systematic work, the *Republic*, since this is at once a treatise on metaphysics, theory of knowledge, politics and education.

It is evident that the interpenetration which, in the case of Plato, gave meaning to philosophy as the search for wisdom could not long be maintained in the form in which he set it forth. Philosophy was in a condition of unstable equilibrium with respect to the various factors contained in it. To Plato it seemed still possible, at least as an intellectual and moral aspiration, to reform and preserve the city-state. The fact that Aristotle was a tutor of Alexander the Great indicates that the failure of this dream was imminent and consequently a redistribution of the constituents of the whole inevitable. The direction it took, especially in the subordination of morals and politics to metaphysics and science and of practise in general to theory defined as contemplative cognitive possession and enjoyment of being, was connected with Aristotle's own naturalistic interests. It thus happened that while he could retain and utilize most of the leading distinctions of Plato, he gave philosophy as a whole a radically different turn and form. While to Plato the apprehension of real being was not complete until the insight was reembodied in control of phenomena through the appropriate organization of the latter, to Aristotle science was its own end, and everything in the sphere of action dealing with persons and things was relegated to an inferior order of probability and opinion. The separation thus effected by Aristotle enabled him to distinguish, define, and classify in a way not open to Plato, since the latter's problem was to institute actual connection between matters assigned by Aristotle to different classes or realms. The outcome was a marvel of systematization which much later, at the height of scholasticism, became the model for the summing up and organization of knowledge from the standpoint of the prevailing theologies, Jewish and Christian.

Subsequent to the dissolution of Greece, during the time of the supremacy of Rome in politics, of Alexandria and oriental beliefs in religion, the values assigned by Aristotle became as unreal to his successors as the Platonic social aspirations had been to Aristotle. During the period which Gilbert Murray describes as "failure of nerve," the chief interest of thinkers was in the supernatural. There ensued of necessity a period of acute metaphysical speculation with all phenomena arranged and interpreted in hierarchical descent from supreme being, a reality unattainable by way of scientific thought but capable of being at least occasionally grasped in mystic intuition. Thus neo-Platonism effected a further distinctive redistribution of the constituents of philosophic reflection, because of a new center of dominant value. Thinkers in Rome, more removed from oriental influence, translated philosophy into a practical direction of conduct, a tendency common to stoic, Epicurean and skeptic schools. The domination of western European life by the Roman church introduced another factor, and from the time of St. Augustine through the twelfth century there was a systematic distribution of metaphysical, logical, cosmological and ethical factors worked out on the basis of the supremacy of the values characteristic of religious faith.

The purpose of the foregoing is not to sketch, even in outline, the history of philosophic thought, but to suggest the features that have always been characteristic of philosophy, and to indicate that cultural causes have produced the main changes in the direction and content of philosophic systems. If the movement of modern philosophy were followed, its tendencies would be seen to be connected with the new values that emerged with the revival of scholarship in the Renaissance, and especially with the growth of the natural sciences and the secularization of interest that mark recent centuries. Such a historical survey shows the necessity of defining philosophy from the standpoint of value, since the changes of philosophy are all inherently bound up with problems that arise when new emphases and new redistributions in the significance of values take place. For example, it is as certain as anything can be that if science, at present a dominant interest, were to become subordinated to some value that may

emerge in the future, there will be produced a new set of problems and hence of philosophies.

The connection of philosophies and of change in the aim and method of philosophizing with changes in culture and social organization, which bring about redistributions of collective valuations and prestige, makes it possible to explain the fact that each system has a definition of philosophy couched in its own terms. For each philosophy is in effect, if not in avowed intent, an interpretation of man and nature on the basis of some program of comprehensive aims and policies. The generality and comprehensiveness claimed for philosophy have their origin in this fact. Each system has of necessity an exclusive aspect, often expressing itself in a controversial way, because it is, implicitly, a recommendation of certain types of value as normative in the direction of human conduct.

This intimate connection of philosophy with the values that interpret existence and direct conduct explains certain matters related to it. Philosophy has always, for example, been associated with religion either by way of derivation and justification or by way of criticism, and religious beliefs evidently claim to be concerned with ultimate values while religious attitudes claim to be supreme in conduct. But since philosophy must formulate its conceptions and interpretations in rational form, each philosophy depends necessarily upon the intellectual currents and the best authenticated knowledge of its time—in other words, upon science. As a consequence of its relation to religion and morals on one side and to science on the other, philosophy occupies a peculiar position with respect to literature. While philosophies have not as a rule been presented in an especially satisfactory form, they have aimed at appeal and persuasion more general and more moving than those of the specialized sciences. They have striven to bring about adoption of certain basic attitudes, not merely to convey information.

Finally, philosophy has a close connection, in some cases direct and in others indirect, with matters of conduct. The connection is direct when those studying or accepting a given philosophy are thereby committed to a certain way of life, including personal discipline. This was the case, for example, with the Pythagoreans, cynics and stoics, and Epicureans. A trace of the idea remains in the popular notion (derived from stoicism) that a philosopher should be able to endure pain and the vicissitudes of life better than others. The indirect connection is illustrated in what has been said about the socio-ethical setting of philosophy in the case of Socrates and Plato. It is exemplified also with the scholastics, with Spinoza and John Locke, with the materialistically inclined *philosophes* of the eighteenth century, with Rousseau, Karl Marx, John Stuart Mill, Herbert Spencer and most great names in the history of thought. In spite of Aristotle's deviation from Plato, concern with the good, with value, is characteristic of the Stagirite thinker as well. For he asserts that the life of *theoria* is higher than that of *praxis*, so much higher that it defines the being and activity of God. Distinctions of higher and lower are found indeed throughout all his professedly purely cognitive distinctions and classifications. The philosophies that most emphasize scientific form and content also set forth a conception of the value of science.

It is a generic definition of philosophy to say that it is concerned with problems of being and occurrence from the standpoint of value, rather than from that of mere existence. There are of course various and varying types of philosophy that claim to connect philosophy directly and exclusively with science. Some of them regard philosophy as the ultimate science, holding that it deals with reality as a totality or as perfect being, in contrast with the special sciences, which deal with it piecemeal or with mere phenomena. Others hold that it is concerned with effecting a comprehensive synthesis of the results of the special sciences. Still others assert that it is concerned with analysis of the unexamined concepts and postulates that lie at the base of the special sciences. It would not be just to say that the conflict of these views with one another throws out of court any view that connects philosophy exclusively with science. But upon examination it will be found that the cause of the divergence of views resides in some difference of valuation or else that the theory of science is itself enclosed in a tacit context of valuation.

The connection of philosophy with conflicts of ends and values serves to explain two criticisms frequently brought against the enterprise of philosophy. One of them points to the diverging and controversial character of philosophy in contrast with the definite trend toward unity in the sciences. If, however, valuation enters into philosophy, divergence is inevitable. It could not be eliminated except by attainment of a complete consensus as to universal ends and methods. If those who hold up different values

as the directive aims of life were to agree with one another in their interpretations of existence, it would be a sure sign of insincerity. Relativists and absolutists, radicals and conservatives, spiritualists and materialists, differ primarily in their systems of value, and their strictly intellectual differences follow logically. How can those who believe in the necessity of a transcendent source of authority agree with those who believe that the seat of authority is and should be in the processes and operations of actual experience? In spite of conflicts philosophy serves the purpose of clarifying the source of opposition and the problems attendant upon it; while with respect to some problems articulation and clarification are more significant than formal solution.

The other indictment of philosophy, that it mills around among the same problems without settling any of them, may be met, on the basis of the relation of philosophy to value, by pointing out that no phase of culture can settle the problems that arise in and for another phase of culture. General problems regarding aims and the means appropriate to their realization arise in every type of social life. They have formal features in common, and these are stated in philosophical generalizations. But in actual content they differ, and hence they have to be dealt with in the terms both of the science and of the dominant practical tendencies of each period. Only if social institutions and the culture attending them were wholly static would it be possible to carry over completely the solutions or even the methods of one epoch into the conditions of another.

A striking illustration of the formal constancy of certain problems along with tremendous change in content is found in the question of the relation between the individual and the universal. Conflicts between the individual and the total order of which he is a part are bound to arise in every complex and changing culture. Wherever reflection is free and energetic, these conflicts will be generalized and will take conceptual form as the problem of the relation of universal and particular. In this conceptual form they will have a certain independent dialectical career of their own. But the state of knowledge and the state of institutions are the variables of the formal relationship, and they will inevitably color the meaning of the problem. One has only, for example, to contrast Greek, mediaeval and contemporary culture with respect to the knowledge of nature bearing upon this problem and with respect to the political and economic conditions that determine the actual status of individuals, to see how constancy of the problem in formal terms is compatible with great variability in content, so that the issue must be approached from a new point of view, never repeated in subsequent history.

The same considerations explain the diversity of solutions propounded. For difference of valuation signifies difference of interest, of emphasis and hence of weight and perspective. For example, one who at the present time gives primary weight to the findings of the physical sciences will still have at least two opposite courses open to him. From one point of view he will see how careless nature is of the conservation and development of complex highly organized individuals, and will rate low the place of individuality in the scheme of things. On the other hand, he may be impressed by the breakdown of the Newtonian philosophy of ultimate atoms, inherently all alike and differing from one another only in external matters, such as spatial position and rate of motion, and by the tendency to regard all laws as statistical norms not exactly applicable to any individual particle, and hence will infer that unique individuality is rooted in the very nature of things. And one who approaches the problem from the side of material organized biologically and socially has open to him also a choice in valuations. He may esteem development as higher than order and identify individuality with the principle of progress. Or he may be troubled by disorder and disturbance and thus be led to subordination of individuality to the whole on the ground that individuality by itself leads to anarchy and chaos. There will be other times in which a fair equilibrium of the two principles will obtain and this particular problem will temporarily sink into the background, some other widely felt predicament directing attention and interest to the need of conceptual formalization of another conflict.

The conception of philosophy that results from the account just presented is in fundamental contrast to that view of philosophy which regards it as an ultimate science disclosing the intrinsic nature of reality as distinguished from the special sciences, physical and social, which reveal only phenomenal manifestations. Even, however, if the latter view is held, it must be admitted that it can apply literally only to some one of the diverse systems characterizing the history of thought, and that other systems have to be accounted for, if at all, in cultural terms.

Presumably also one may find in the contemporary state of culture at least the causes for the emergence of the particular view of reality assumed to be correct.

In other words, whatever else philosophies are or are not, they are at least significant cultural phenomena and demand treatment from that point of view. When philosophy is so approached, a highly important role must be given to any intellectual effort which seizes upon the characteristic disturbances and needs manifested in a particular culture (including of course its scientific resources as well as its institutions) and which formulates them in the most generalized terms the epoch has at its command. The conception of philosophy reached from a cultural point of view may be summed up by a definition of philosophy as a critique of basic and widely shared beliefs. For belief, as distinct from special scientific knowledge, always involves valuation, preferential attachment to special types of objects and courses of action. Beliefs moreover are intimately attached to customs and institutions, partly as effects, partly as causes, so that forces which impinge upon institutions and tend to unsettle them have a disturbing impact upon beliefs, and vice versa. Thus philosophies are generated and are particularly active in periods of marked social change, provided of course that the people undergoing change have sufficient powers of reflection to undertake the task of abstraction and generalization.

This last statement obviously applies to the origin and development of philosophy in Greece; to the twelfth century, when Christian doctrine received comprehensive formulation; to the Renaissance; to the seventeenth century, when the scientific revolution occurred; to the eighteenth, when there dawned a conception of the applicability of science to a progressive determination of social life. When once the principles underlying beliefs and valuations have received formal statement, the resulting concepts obtain a certain independent intellectual existence of their own and are capable of having their own career without reference to the cultural conditions of their origin. This secondary and derived existence is accentuated when, as so often happens, professional teachers are the chief guardians and representatives of philosophy.

From one point of view, then, the chief role of philosophy is to bring to consciousness, in an intellectualized form, or in the form of problems, the most important shocks and inherent troubles of complex and changing societies since these have to do with conflicts of value. Viewed with reference to this highly general function, historic systems tend to divide into the conserving and the revolutionary. The tendency of some is to preserve the values that are already embodied in the traditional, relatively established order. They accomplish this task by giving these values a reasoned statement and by setting forth their rational justification. Other thinkers, sometimes the most important of an entire generation, are acutely conscious of the deficiencies and corruptions of the existent order. They shape their logical methods, their interpretations of knowledge and even their interpretations of the cosmic order, with a view to showing the necessity of radical changes and to pointing out the character of needed reforms.

In this general sense the philosophy of Plato is "revolutionary," that of Aristotle is "conserving." The so-called transcendentalism of Plato, his insistence upon pure forms apart from concrete incarnation as standards of existence, is directly associated with his desire for thoroughgoing reform. To change the actual he required leverage outside of the actually existent, an independent realm of possibilities higher in value and potency than anything found in existence. Aristotle's insistence that forms have no existence apart from their actual embodiment corresponds, on the other hand, with his general tendency to rationalize the existent world by exhibiting it as containing upon the whole (special aberrations excepted) all the meaning and value that the nature of the case permits. His oft cited justification of slavery, for example, does not indicate a private harsh preference on his part, but an attempt to find a rational meaning in a universally established institution. The formulations of scholasticism are of the same rationalizing import, finding an underlying meaning to justify the beliefs and practises sanctioned by the church. The general tendency of eighteenth century thought, on the contrary, was determined by Locke and also, as regards the *encyclopédistes* and Condorcet, by Bacon; it was critical of if not actually hostile to existing institutions, and it used the new sciences of nature to project ideals of a new and better future. In contrast, the philosophy of Germany in the first half of the nineteenth century, culminating in Hegel, was distinctively justificatory of the main types of existence, exhibiting them as necessary stages in the self-manifestation of absolute mind and treating the French Revolution as proof of

the bankruptcy of the opposite empirical philosophy.

The opposition is never as polar in fact as are the tendencies in the abstract. There is always a certain amount of adverse criticism and of implicit condemnation in the philosophies whose main purport it is to exhibit the meaning implicit in the existent forms of nature and culture. For in justifying the logical content of their philosophies, thinkers are usually compelled to indicate the transitory and relatively unimportant character of some of the particular forms in which they are embodied, regarding them as husks in comparison with the inner kernel. Thus Hegel, for example, treated the doctrines and institutions of Christianity; their rational meaning was sound, but their garb was that of the pictorial imagination. Since his interpretation excluded acceptance of the supernatural in its received sense, the effect was "revolutionary" as far as popular belief was concerned. On the other hand, thinkers who are most critical of the status quo are compelled, in order to get a foothold for intentional change, to accept and justify some features of the existing order, although their usual method is to resort to an idealized view of the ideas of an earlier epoch. Thus historic philosophies constitute a spectrum rather than cluster about opposite poles.

Irrespective of the tendency of a reforming philosophy to resort to a prior culture in which it is assumed that its own doctrines and ideals were embodied in a "pure" form, the generalized character of a philosophic statement renders it peculiarly available for formal transfer from one cultural situation to another. The actual state of the world and of science in the mediaeval period, when Christian doctrine was formulated in a metaphysical theology that also embraced the entire universe of extant knowledge, had little similarity to the culture of the time in which Aristotle wrote. Nevertheless, the abstract generality of the latter made it possible for the scholastics to use Aristotelian doctrines as the intellectual framework of their system. The administrative genius of Rome was alien to free speculation, but it fell back upon Greek philosophers to achieve a formulation which would be sufficiently comprehensive to meet the complex needs of the empire. The dawning science of the Renaissance reverted to Platonic and pre-Socratic thought in order to achieve emancipation from fossilized Aristotelianism. In spite of the distance that separated the territorial national state of the nineteenth century from the small city-state of antiquity, Hegel and his followers employed the political philosophy of Plato and Aristotle to interpret and justify the structure and procedures of the European states of their day. The thought of Spinoza, contemned in his own time, came to life in the non-mathematical organic vitalism of Herder and Goethe. In general it may be said that the philosophies that seem to their immediate contemporaries to be wilful novelties (because they depart from doctrines that have become conventionally current) are more often in line with some great traditional current than are the intellectual fashions that cry out against them. For the former go back and lay hold upon some leading generalization that has become obscured.

The specific cultural contributions of philosophy have been in natural science and the social disciplines, the latter including education. Philosophy has been the matrix within which the conceptions that have given new direction in both the physical and the human fields were conceived and nourished. It has served this purpose in two ways, the first of which is comparatively accidental and external, although one that has at times been practically helpful to the progress of scientific inquiry. For example, there can be little doubt that the acceptance of mathematical mechanics for interpreting physical phenomena was facilitated (in its struggle with the qualitative teleological science inherited from Aristotle) by Descartes' dualistic separation of the material world from mind and by the use that he made of a thoroughly spiritualistic rationalism and theism to explain the nature and justify the role of mathematical conceptions.

The really important role of philosophy in science, however, is intrinsic. The notion that science proceeds merely by the accumulation of observations unregulated by theory has no support from the history of scientific inquiry. There is a basic reason for this. Fruitful observations cannot be made nor can their results be arranged and coordinated without the use of hypotheses, of ideas that go beyond the existing state of knowledge. The origin of modern science is to be understood as much by the substitution of new comprehensive guiding ideas for those which had previously obtained as by improvement of the means and appliances of observation. By the necessity of the case, comprehensive directive hypotheses belong in their original formulation to philosophy rather than to science. For they outrun past knowledge and even the possibility of adequate test by contemporary

means to such an extent that they are speculative in nature. Only later do they become an accepted part of that body of beliefs that is termed science.

Cases in point are the mathematico-mechanical conceptions that played such a part from the time of Descartes and Newton; the idea of evolution that was developed speculatively and applied to human history long before it could be used to direct specific inquiries in geology and biology; the doctrines of the conservation of matter and energy and so on. Indeed conceptions that are now the commonplace foundations of science and that seem to be self-evident in clarity are, if traced back, philosophical in origin. Such is the case, for example, with the ideas of motion, matter and energy, of atoms, of continuity and discreteness. But it must not be understood from this statement that philosophy has some inherent sovereignty over science. It means in fact that the division between philosophy and natural science is often arbitrary. What actually exists is a certain division of labor, in which the more speculative and hypothetical phase of intellectual activity is distinguished as philosophical and the more detailed and specifically verified part as scientific. The distinction that is made, ex post facto, is of temporal aspects of development rather than of something intrinsic. While it is true, as Lewes and some of the positivists have contended, that what was once philosophy is now science, the conclusion that philosophy is bound ultimately to disappear in science does not hold, at least not unless significant advance in science is to come to an end. For it is equally true that the generative ideas of future science will appear first in a speculative or philosophical form.

The intrinsic need of scientific progress for free speculation is reenforced by a cause which is moral or psychological in character. The human mind is subject, in its higher as well as in its more casual and directly practical activities, to the principle of habit and inertia. When scientific investigation gets definitely launched in a given direction, depending upon certain guiding ideas, it tends to move in grooves. Even when difficulties are encountered, the tendency is to follow the line of least resistance and to make some minor adaptation in the directive concept instead of trying some other principle. The use of epicycles in Ptolemaic astronomy is an example of a principle not confined to astronomy. All scientific theories tend to assume at some stage an epicyclical form. Thus it often happens that a philosopher, approaching the matter from a different point of view from that which obtains in current science and breaking loose from concepts that have become conventional through use, will initiate a fruitful line of inquiry. Even ignorance or lack of specialized knowledge may be an aid in freeing imagination and permitting the generation of ideas that give a new direction to interest and attention.

It is not claimed of course that this particular role of philosophy with respect to science has always been beneficial. Sometimes positive inquiry has been either started off or else confirmed in lines that lead nowhere by philosophy. There has been an overproduction in philosophy of speculative hypotheses, especially with respect to those advanced as being proved by intuition or reason apart from experimental evidence. Nevertheless, the philosophic function is indispensable, and a certain amount of excess production and seeming waste is necessary in order to insure freedom and flexibility in scientific advance.

The cultural role of philosophy has been even more extensive in social and political theories and the practical movements connected with the latter than in the natural sciences. Indeed it would be difficult to find in the social disciplines an important idea whose origin cannot be traced to one or another historic system of philosophy. The thoroughness with which philosophic ideas have been wrenched loose from their original context and given a career of their own in jurisprudence, political science and economics is the chief reason why their origin in philosophy can so easily be ignored. The influence of Greek philosophy upon Roman law, partly through the stoics and partly by more indirect channels, has already been alluded to. The very concept of law was indeed philosophical in origin. The idea of the "law of nature" was central in the ethical and political theories of the scholastic thinkers, and the organizing principle of all jurisprudence. It was given a new interpretation in the sixteenth and seventeenth centuries and became at the hands of Grotius the generating, directive idea of international law as regulative of war and peace. It is almost superfluous to point out the practical influence of the conception of natural rights in the seventeenth and eighteenth centuries and its effect upon the formation of political constitutions as well as upon court decisions far into the nineteenth century—nor is its power exhausted even now. Yet the idea originated not

in legislative or judicial halls but in abstract theory.

The concept of sovereignty, which has had such an enormous role in political organization and practise, was quickly taken up by statesmen and made the basis and justification of their activities. But for the most part the idea received reasoned formulation at the hands of philosophers, in its extreme form by Hobbes and Spinoza and in its limited, or "liberal," form by John Locke. John Austin could not be classed as a philosopher in the technical sense of that term, but he (like Jeremy Bentham, who was specifically a moral and political philosopher) is not explicable historically apart from a philosophical tradition that includes Hobbes and also a thinker very different from Hobbes, namely David Hume. The entire conception of what Bentham called the "omnicompetence" of the legislature is strictly philosophical in origin.

As in the case of the natural sciences, many of the ideas borrowed by political theory and taken over into practical political life have had unfortunate consequences. This is particularly true because as a rule these ideas and their rational support have been set forth as if possessed of universal validity, instead of as directive intellectual instrumentalities for particular periods. Hence they have often had their greatest influence in a sense opposite to that entertained by their original promulgators. The use made in the nineteenth century of the doctrine of natural rights, or of liberty of contract, to protect property in a privileged position is a case in point, for in its early phase it was a weapon of attack upon the class then having legal and political control. Nevertheless, the role of philosophy is indispensable if political activity is to rise above rule of thumb procedure. Only leading ideas, not themselves verified at the time or indeed verifiable in a strict positivistic sense, can bind together the mass of empirical details of political practise into an organized whole and thus canalize aspiration and endeavor toward definite ends.

What is true of law and politics is equally true of economics. In Plato and Aristotle economics is definitely subordinated to politics; and politics is a branch, the most important branch, of ethical theory. Upon the whole this conception remained dominant into the seventeenth century. The rise of the natural sciences produced in the eighteenth century a new conception of nature and of natural law, now distinguished not from positive law but from artificial, man made regulations. Social phenomena were regarded as expressions of human nature in a definite technical sense whereby "nature" was set over against deliberate and conscious arrangement and control, the latter being artificial. The consequence was that economic relations like that of supply and demand were treated as "natural" laws, and political relations as artificial and secondary. The philosophical psychology associated with classic political and legal theory had set up ideas and reason as the ruling factors in man. The theory of human nature which the philosophy of economics brought forward treated wants as fundamental and ideas as subordinate. "Reason" was merely the power of calculating the means by which desires could be satisfied economically and effectively. This mode of theorizing coincided with the growth of industry following the industrial revolution and was used as a weapon to free commerce from regulations adapted to feudal agrarianism but now operating to shackle human activity. The alleged "scientific" form of the psychology that was employed disguised the strictly philosophic character of the basic ideas of the new economics and of the whole laissez faire economy and politics.

There is an obvious reason why the affiliation of philosophy is more intimate in the case of the social sciences than in that of the physical. The former are more directly connected with problems of policy, and problems of policy all involve ends and purposes, and hence judgments of value. This fact is peculiarly conspicuous in the career of philosophy as matrix of educational theory and practise. Every important movement in education having conscious direction, that is, every one that does not follow tradition and custom, has been initiated by some philosophic development. The basic educational import of Plato's philosophy is clearly brought out in his *Republic*; and while it had no practical effect in its own day, its conception of the relation of education and social reform has since inspired members of different schools of thought. The fact that the philosophers of the mediaeval period are known as the schoolmen and that the philosophy of the period has the name of scholasticism is sufficient evidence of the close union of philosophy and education during that period. John Locke wrote specifically upon education of the young and his theories played a decided role in shaping Rousseau's *Émile*. It is probable also that the influence of his essay on human

understanding and his treatise on civil government in formulating the intellectual creed of liberalism had an even more marked effect upon subsequent educational ideas than his express writings on the subject. The conception of the omnipotence of education in forming mind and character, presented most explicitly by Helvétius, was a direct outcome of Locke's theory of the receptivity of the mind to impressions from without.

The two leading directions of educational thought in Germany in the early nineteenth century were set by philosophy. The dominant theories of method in instruction and discipline were derived from the thought of Herbart. The conception of education as an expression of national culture and a means of maintaining its vitality came from the idealistic school. While the most striking single manifestation of this fact is the influence of Fichte in promoting a moral revival after the Napoleonic defeat, the influence of the Hegelian philosophy of history and the state permeated far beyond the bounds of strictly Hegelian circles. In Great Britain John Stuart Mill and Herbert Spencer carried over into education the influence of the opposed empirical school, Spencer in particular constituting himself the champion of the claims of natural science.

In addition to the definite services of philosophy in generating ideas that inspire and direct thinking in the physical and social fields, philosophy exercises a third and rather indirect and vague function. Although few philosophers have found a significant aesthetic form of expression for their ideas, when expression is judged by the criterion of literature, nevertheless philosophy performs for some exactly the same office that the fine arts perform for others. There is a kind of music of ideas that appeals, apart from any question of empirical verification, to the minds of thinkers, who derive an emotional satisfaction from an imaginative play synthesis of ideas obtainable by them in no other way. The objective side of this phenomenon is the role of philosophy in bringing to a focus of unity and clarity the ideas that are at work in a given period more or less independently of one another, in separate cultural streams. Much of the culture characteristic of the eighteenth century is summed up for all subsequent history in the Enlightenment, and the Enlightenment is definitely a philosophical synthesis. The same is true of the romanticism of the nineteenth century, especially in Germany It applies also to the vogue, during the latter part of the nineteenth century, of the idea of universal evolution. The significance of such synthesizing ideas is more or less independent of the question of verifiability. The human mind, taken collectively, experiences the need of holding itself together, and during periods of rapid influx of new materials and the inception of new and diverging tendencies, accomplishes this task by means of comprehensive speculative ideas.

On the other hand, the failure from the standpoint of verifiability of these adventures in synthesis is one cause, and a rather large cause, of the comparative eclipse of philosophy in recent days. If such ventures were frankly offered as imaginative, without claiming objective truth, it is probable that the reaction against philosophy provoked by them (and largely in proportion to their previous vogue) would not occur. The positive cause which accounts for the recent comparative decline of the prestige of philosophy is found, however, in the tremendous multiplication of specialized knowledge and in the irreconcilable divergences among social tendencies characteristic of the present time. Uncertainty in the position of religion, due to its affiliation with a supernaturalism that is discredited from the standpoint of natural science; the enormous mass of specialized detail in science; sharp conflicts between movements in politics and economic life, between tradition and innovation, have often forced philosophy into either taking sides and becoming the intellectual partisan of a particular movement, or else withdrawing completely from the field of vital common experience and becoming itself another technical mode of specialization. The recent general revival of formalism in philosophical thought is probably to be accounted for on this basis. Judging from past history, this divided and crippled state of philosophy is a transitional phenomenon, preliminary to the appearance of comprehensive even if rival formulations, as subject matter is better digested and the lines of cleavage in social movements become more articulate. From the standpoint of culture philosophy is a perennial adventure of the human spirit.

JOHN DEWEY

See: RELIGION; ETHICS; SCIENCE; LOGIC; METHOD, SCIENTIFIC; IDEALISM; MATERIALISM; RATIONALISM; REALISM; NATURALISM; PRAGMATISM; POSITIVISM; EDUCATION; POLITICAL SCIENCE; SOCIOLOGY; VALUES.

Consult: Paulsen, Friedrich, *Einleitung in die Philosophie* (24th ed. Stuttgart 1912), tr. from 3rd German ed. by Frank Thilly (2nd ed. New York 1898);

Varisco, Bernardino, *I massimi problemi* (2nd ed. Milan 1914), tr. by R. C. Lodge (London 1914); Santayana, George, *The Life of Reason*, 5 vols. (New York 1922); Dewey, John, *Reconstruction in Philosophy* (New York 1920), and *Philosophy and Civilization* (New York 1931); Dilthey, Wilhelm, "Über das Studium der Geschichte der Wissenschaften vom Menschen, der Gesellschaft und dem Staat," and "Das Wesen der Philosophie" in his *Gesammelte Schriften*, 8 vols. (Leipsic 1921–31) vol. v, p. 31–73, 339–416; Groethuysen, Bernhard, "Philosophische Anthropologie," and Dempf, Alois, "Kulturphilosophie" in *Handbuch der Philosophie*, ed. by Alfred Baeumler and Manfred Schroeter, pt. iii, nos. 21, 32–33, and pt. iv, nos. 35–36 (Munich 1928–32); Brunschvicg, Léon, *Le progrès de la conscience dans la philosophie occidentale*, 2 vols. (Paris 1927).

PHOTIUS (*c.* 820–*c.* 891), Byzantine scholar and patriarch of Constantinople. Photius, who was destined to become one of the chief representatives of classical erudition in Byzantium, was born of an eminent family at Constantinople; he was a nephew of the patriarch Tarasius and was related to the Amorian imperial family. After distinguishing himself as a student he engaged in teaching, under conditions which are still unknown. It is established at least that he had as disciples the two brothers Cyril and Methodius, the future apostles of the Slavs, and that his home was a meeting place for scholars, a sort of academy where the works of ancient authors were read. His *Bibliotheca* (*Myriobiblion*), composed of notices and extracts especially of historians, orators and grammarians, affords an idea of these works, as do his *Amphilochia*, essays of all sorts, in part theological, addressed to Amphilochios, metropolitan of Cyzicus. Photius was a friend of Caesar Bardas, the uncle of Michael III, but the part he played in the reorganization of the imperial university in the Magnaura palace is unknown. Photius was made *protosekretis* (first secretary of state) and *protospatharios* (first sword bearer) and was sent as ambassador to Bagdad around 856–58; he allied himself with certain Moslem emirs, one of whom, a Cretan, was his disciple. In 858 as a result of a violent dispute which broke out between Caesar Bardas and the patriarch Ignatius, leader of the group of monks opposed to the scholars, the latter was exiled, and Photius, a simple layman, was consecrated as patriarch on Christmas Day. This appointment, which was not without precedent in Byzantium, evoked protests on the part of Pope Nicholas I; but Bardas and Photius outwitted the legates sent to Constantinople and Ignatius was deposed by a council in 861. This news caused the pope to denounce his legates and to excommunicate Photius in 863. After five years of vain negotiations Photius decided to break with Rome, and in 867 he published an encyclical in which he attacked vigorously all the liturgical and disciplinary usages of the Roman church, insisting above all on his doctrine of the double procession of the Holy Spirit, which had been denounced as heresy. This document has remained the point of departure of the Greco-Roman schism in the Catholic church.

The close of Photius' career was marked by considerable agitation. In 868 Basil I, the Macedonian, his personal enemy, became reconciled with the pope and had Photius deposed by an oecumenical council held at Constantinople in 869–870. Ignatius was once more established in the patriarchate but died in 878. After reconciliation with Basil, Photius again became patriarch and was recognized by Pope John VIII (Council of Constantinople, 879) with certain reservations. In 886 Basil's son and successor, Leo VI, had Photius deposed a second time and he died in exile.

LOUIS BRÉHIER

Works: *Opera omnia*, ed. by J. Hergenröther in *Patrologia graeca*, ed. by J. P. Migne, vols. ci–civ (Paris 1860).

Consult: Hergenröther, J., *Photius, Patriarch von Constantinopel*, 3 vols. (Regensburg 1867–69); Bury, J. B., *A History of the Eastern Roman Empire . . . 802–867* (London 1912); Vogt, A., *Basile Ier* (Paris 1908); Dvorník, F., *Les slaves, Byzance et Rome au IXe siècle* (Paris 1926), especially ch. v, and *Les légendes de Constantin et de Méthode*, Byzantinoslavica, Supplementary no. i (Prague 1933), especially ch. viii.

PHYSICAL EDUCATION proceeds from those activities which contribute to the normal growth and the efficient functioning of the human body. The character and importance of physical education in a social order are influenced by the bellicosity, religion, philosophy, economics, aesthetics and social ideals of the group. Physical efficiency under modern business conditions differs from physical efficiency in a feudal society, for example, and necessitates a different type of physical education. In primitive and pioneer societies big muscle activities consist in chasing game, bearing burdens, lifting, pulling, climbing, dancing and participation in athletic contests, while the making of tools, weapons and ornaments provides training in neuromuscular skill. Civilization destroys this mass participation in varied muscular exercise and it becomes necessary to promote physical

growth and efficiency through an established program of physical education.

Ancient China, lacking in national ambition, in general unappreciative of individualism and indifferent to the beauty of the normal body, afforded a barren field for physical education. The long finger nails of the mandarin and the deformed feet of the women constitute grotesque evidence of this attitude. Similarly the mystic creeds of India minimized the importance of physical welfare and regarded bodily neglect and abnormality as a mark of religious distinction. On the training fields of Persia boys and young men were taught "to ride, to shoot and to speak the truth," a physical and moral education. The prevailing ideal was not an ascetic or an intellectual but a man of action, a satrap or a soldier.

Greek civilization from earliest times showed a many sided appreciation of the importance of physical education. The society of the Homeric age, although rustic and simple, honored athletic prowess, manifested a high degree of sportsmanship, attributed to the contests a religious significance and incorporated the stories of the games into epic poems and folklore. In Sparta gymnastics (from *gymnos*, naked) was only a part of the state administered program which had as its objective the development of a race superior to all others in physical courage and stamina. The importance which the Athenians attached to physical education is reflected in the existence of boys' gymnastic schools (palaestrae); in the number and size of the public gymnasia, which were frequented by men of all ages; and in the symbolic use of the athletic figure in sculpture, in vase painting and in coinage. Greek philosophers and physicians valued physical education in terms of physical and mental fitness, beauty, resistance to disease and national defense. The sportsmanship of the people is indicated by the regulations governing the contests, in the odes to the victors, in the simple wreath as the official prize. A close relationship between religion and physical well being is apparent from the fact that the Olympic games were held in honor of Zeus.

During the early period of Roman history physical education, military training and moral discipline were closely allied and had as their common objective war and national defense. With the decline of the empire simplicity gave way to luxury, free labor to slavery, patriotism and discipline to civic and moral laxity, sports fields to the thermae and athletic competitions to the more spectacular shows of the circus and the arena.

The converts to Christianity condemned worldly pleasures and taught that the flesh was of the devil and the soul was of God. This doctrine led to an exaltation of asceticism and bodily mortification as a means of subduing the flesh and winning salvation, an emphasis in which physical education, hygiene and sanitation were notably absent. With the Renaissance came a diminution in the importance of the hereafter and a corresponding stress upon the factors of pleasurable activity and individual achievement during earthly existence. This transition to humanist philosophy was expressed by a renewed interest in games, swimming, physical exercise, training in the use of sword and rapier, and in horsemanship.

The appearance of Rousseau's *Émile* convinced educators of the time that the normal physical growth of a child is of first importance and should take precedence over all other education. Among the German advocates of physical education during the decades following were Johann Guts-Muths, who asserted that physical exercises, athletic competitions and swimming could be made a part of the school program; Friedrich W. Fröbel, who stressed the importance of the instinct to play as an agency in general education; and Friedrich Ludwig Jahn, who believed that the only hope for the regeneration of Prussia lay in the mental, moral and physical education of youth. Jahn's program included the development of physical skill and stamina through such activities as running, jumping, wrestling, climbing, hiking, swimming, apparatus work and group games and led to the organization of the *Turnvereine* (gymnastic societies), which had as their objective physical education and recreation together with liberalism in government and religion. Adolf Spiess established physical education as part of the regular school curriculum in the boys' and girls' schools with which he was connected in Switzerland and Germany. The formalism characteristic of nearly all school activity permeated his gymnastics and gave rise to the free movement exercises, or calisthenics, whereby a teacher may give intensive movements to a large class in a brief time. From the foundations laid by these pioneers the German people developed a national interest in physical education.

Since the World War Germany is again looking to recreation and physical development of the masses as a means of national rehabilitation.

This movement manifests itself in the increased membership of the *Turnvereine* and athletic clubs, in the popularity of hiking organizations (*Wandervögel*), in the abundance of gymnastic and athletic literature and in experimentation with new ideas and methods in physical education.

In the Scandinavian countries during the eighteenth and nineteenth centuries there was a similar recognition of the close relationship between the physical efficiency of the citizenry and their willingness and ability to defend the fatherland. Influenced by Franz Nachtegall, Denmark in 1814 was the first modern nation to require a physical education program in the schools. In Sweden, Per Henrik Ling, who was a student of anatomy and physiology, perfected a system of exercises which were later to develop into the Swedish medical gymnastics. Under his direction the Royal Central Institute of Gymnastics was opened in Stockholm in 1814 and became the leading normal school for teachers of the Swedish methods. In recent years the system of primitive gymnastics developed by Niels Bukh at the Gymnastic High School at Ollerup, Denmark, has attracted wide interest both in Europe and America.

From Germany, Sweden and Denmark the theory and practise of physical education spread to Holland, Belgium, Poland, Bohemia and Switzerland. France, Italy and Spain were less influenced, chiefly because of the lack of adequate leadership. Attempts were made in France during the nineteenth century to require compulsory gymnastic exercises in the schools, but since the laws did not apply to ecclesiastical schools, they reached only a small percentage of the children. In the army modified forms of Swedish and German gymnastics were employed by both Italy and France. The extension of the movement to the British Isles took a somewhat different form. In contrast to the more or less military gymnastics prevailing on the continent, English physical education found its expression through outdoor sports, games and mass activities practised since earliest times. Sporadic efforts were made to introduce the Ling system into the army during the 1840's, but so far as the schools were concerned no concerted program of physical education appeared until the close of the century. Since 1900, when investigations into the health of school children revealed a prevalence of physical defects, advocates of physical education have induced the government to promote systematic training in the schools.

Concomitant with the geographical diffusion of physical education came a gradual shift in its emphasis. A growing interest in physiology led to a recognition of the value of regular exercise for civilians as well as soldiers, adults as well as children, healthy individuals as well as those who were physically defective. Systematic physical training came to be regarded both as an agent for the promotion of health and bodily vigor and as a means of correcting defects. Moreover from a special privilege available only to the aristocracy and the military it spread to the entire community, until today in most countries facilities for physical education exist for all classes.

Physical education in the United States dates from the early 1820's, when Charles Beck and Charles Follen, political refugees and members of the German *Turnvereine*, came to America. Follen became the first gymnastic instructor at Harvard and Beck, who joined the faculty of the Round Hill School at Northampton, Massachusetts, became the first teacher of physical education in an academic secondary institution. At the request of several leading citizens of Boston Follen opened a public gymnasium in 1826, the first of its kind in the United States. During the years 1848 to 1850 the German populations in several large cities organized *Turnvereine*, which provided recreation, physical education and cultural entertainment for members and their families. The American Turnerbund (union of *Turnvereine*) was organized in 1850; in 1932 it comprised 150 societies, with a total membership of 26,659.

The Young Men's Christian Association, which originally confined itself to religious teaching, adopted a program of athletics and gymnastics in 1860 largely as "a safeguard against the allurements of objectionable places of resort." The Young Women's Christian Association took a similar step about 1880. Today the gymnasium and swimming pool are regarded as indispensable and reflect the changed attitude toward the place of physical education in the association programs.

In universities and colleges physical education derived its impetus largely from the efforts of President William A. Stearns of Amherst College, who urged his board of trustees in 1855 to establish a department of physical education so that the health of the students might be safeguarded and frequent "breakdowns" prevented. A gymnasium was completed in 1860 and a department of hygiene and physical education was

organized. Harvard built its second gymnasium (the Hemenway) in 1879 and secured as its director Dr. Dudley Allen Sargent, who contributed much to physical education throughout his long service, especially with regard to individual exercises and the invention of machines designed to develop certain parts of the body and to correct specific defects. Present day college physical education departments have received larger and finer gymnasia, but few have been able to surpass the work of the early models. In women's schools and colleges active physical training was at first frowned upon as injurious to the feminine constitution and socially inappropriate. It was not until the closing decades of the nineteenth century that physical education and programs of athletics and games for women appeared in colleges and universities.

Among the factors which operated to place physical education in an important position in the curriculum of the public schools should be mentioned the enthusiastic lectures of Dr. Dio Lewis in 1860, the agitation of the *Turnvereine* for more time and better facilities, the work of Hartvig Nissen and Baron Nils Posse in promoting the Swedish methods during the 1880's, the founding of the American Physical Education Association in 1885, the literature of the followers of Delsarte in the 1890's and an ever increasing interest in play and in organized athletics as agencies in general education. As early as the 1850's physical exercises were introduced in the schools of numerous cities, among them St. Louis, Boston and Cincinnati, and by 1895 educational leaders agreed that a physical education program was indispensable. Interest in physical education increased rapidly in the following decades, especially during the World War, and by 1932 thirty-five states had passed laws making physical education compulsory in the public schools.

Physical education is an important feature of many institutions. In the schools it contributes to normal physical growth and serves to emphasize cooperation, teamwork and good sportsmanship. In colleges the physical education program offers recreation from mental strain and encourages students to strive for and to value physical fitness. The objectives of the men's and women's classes in the athletic clubs and *Turnvereine* as well as in churches and religious associations are physical welfare, from the point of view of health and aesthetics, and sociability. Physical education is an important by-product of the public health and social welfare movements and an integral part of playground and settlement activities as well as of numerous scouting, swimming, golf, tennis and other athletic organizations, including those supported by government subsidies, as is frequently the case in Europe, and those sponsored by philanthropic enterprise.

In nearly every country the World War served to give a new impulse to physical education. In conjunction with public hygiene and sanitation it has been fostered by both military and educational authorities as an effective agency of national regeneration. Schools for training teachers have been established within recent years at Prague, Vienna, Paris, Budapest and Rome, in some cases under the direction of national ministries of physical education and hygiene. Under the Fascist regime in Italy there has been a definite effort to promote physical education and mass athletics. In Turkey traditional opposition to sports and athletics has been overcome by the present government, which has established an official school of physical education offering training to women as well as to men. Japan, China and other oriental countries are witnessing a similar introduction of physical education, a movement which resulted largely from the effort of missionaries who laid considerable emphasis on play activities in the school curriculum. Probably the most marked change has come about in Soviet Russia, where a concerted effort to popularize physical education is made through political organizations, labor unions, youth groups, rest homes and sanitaria as well as through the schools. In all cases the movement is coupled with the broader emphasis on public health, hygiene and sanitation.

The controversies among the advocates of the various "systems" of physical education are no longer heard. The modern physical educator desires only to make his program profitable to his pupils. He draws upon the Swedish and German methods, utilizes games and dances of all countries, tries out the fundamental gymnastics of Niels Bukh and the expressive gymnastics of Dr. Rudolf Bode, acquaints himself with the German rhythmic movements and with the natural movement advocated by Dr. Thomas D. Wood and Dr. Jesse F. Williams of Teachers College, New York, devises programs and exercises to suit his particular pupils and uses efficiency tests to interest them and to measure their achievements. Outside the gymnasium and the athletic field the physical instructor is a pro-

moter of folk dancing, hiking, camping and all forms of outdoor recreation. Physical education is coming to be regarded as an increasingly important aid to the profitable employment of leisure time and as a means of offsetting the detrimental effects of the machine age.

EMMETT A. RICE

See: ATHLETICS; SPORTS; PLAY; PLAYGROUNDS; RECREATION; PUBLIC HEALTH; EDUCATION; YOUTH MOVEMENTS; BOYS' AND GIRLS' CLUBS.

Consult: Gardiner, E. N., *Athletics of the Ancient World* (Oxford 1930); Forbes, C. A., *Greek Physical Education* (New York 1929); Rice, Emmett A., *A Brief History of Physical Education* (New York 1926); Leonard, F. E., *Pioneers of Modern Physical Training* (2nd ed. New York 1915); Ainsworth, D. S., *The History of Physical Education in Colleges for Women* (New York 1930); Bukh, Niels, *Grundgymnastik eller primitiv Gymnastik* (2nd ed. Copenhagen 1924), tr. by E. R. Andrews and Karen Vesterdol as *Fundamental Gymnastics* (New York 1928); Nash, Jay B., *The Administration of Physical Education* (New York 1931); Williams, Jesse F., *The Principles of Physical Education* (2nd ed. Philadelphia 1932); Wood, T. D., and Cassidy, R. F., *The New Physical Education* (New York 1927); Neuendorff, Edmund, *Geschichte der neueren deutschen Leibesübungen*, vols. i–ii (Berlin 1930–31); Ambert, G. d', "L'éducation physique, la méthode française" in *Nouvelle revue*, 4th ser., vol. lxxii (1924) 193–203; Hoh, G., *Physical Education in China* (Shanghai 1926); Schroeder, L. C., "Physical Education and Sports in Europe" in *American Physical Education Review*, vol. xxxiv (1929) 516–21; Woody, T., *New Minds: New Men?* (New York 1932) ch. xii.

PHYSIOCRATS. *See* ECONOMICS, section on PHYSIOCRATS.

PI Y MARGALL, FRANCISCO (1824–1901), Spanish publicist, political theorist and politician. A Catalan by birth, Pi y Margall studied at Barcelona and Madrid and achieved a reputation as a critic of literature and the arts before he became active in politics. After the revolution of 1854 he published *La reacción y la revolución* (Madrid 1854), a volume of political and social studies. Thereafter he took a leading part in political debates and definitely formulated his own political ideas. Aware of the extreme variety of regional development in Spain, he held that Spain must be organized as a federation, but not in mere slavish imitation of federal governments already established, such as those of the United States, Germany and Switzerland. Pi y Margall's federalism was influenced by Proudhon and its ideological basis was the expansion of the principle of liberty; the assurance of freedom for the natural person in the sphere of individual autonomy; municipal liberty and a consequent field of activity reserved to municipalities; a group of functions proper to a region and accordingly a regional state with peculiar powers; and, finally, a superior order of national integration.

Pi y Margall was elected deputy to the Cortes in 1868 and campaigned openly for republicanism and federalism. In 1873 when the republic was established he became a member of the government and for a short time served as president. After the restoration of the monarchy in 1874 he continued to struggle for his ideals. He was elected to the Cortes in 1886, 1891 and 1893. The first to foster the federalist idea in Spain, he organized the Republican Federal party and his doctrines have made a deep impress upon modern Spanish political thought. His program, which was broad in scope but minute in detail and offered solutions for all problems pertaining to the state, took special cognizance of social questions; it advocated protection of the working classes and the development of public education.

Pi y Margall translated Proudhon's writings into Spanish and was the author of a number of works on politics and economics, including *Las nacionalidades* (Madrid 1877, 3rd ed. 1882) and *Lecciones de federalismo* (ed. by J. Pi y Arsuaga, Barcelona 1931). Among his writings on history his study of America before the discovery, *Historia general de América* (2 pts., Madrid 1878–88), is noteworthy. He contributed to a number of periodicals and in 1890 founded the weekly *Nuevo régimen*, a party organ.

ROMÁN RIAZA

Consult: Sánchez Pérez, A., *Francisco Pi y Margall* (Madrid 1917); Vallés y Ribot, J. M., "Francisco Pi y Margall" in Real Accademia de Jurisprudencia y Legislación de Madrid, *Jurisconsultos españoles*, 2 vols. (Madrid 1911) vol. ii, p. 251–61.

PICAVEA, RICARDO MACÍAS. *See* MACÍAS PICAVEA, RICARDO.

PICKETING. *See* STRIKES AND LOCKOUTS.

PIERSON, NICOLAAS GERARD (1839–1909), Dutch economist, banker and statesman. As a young man Pierson went to England and the United States in order to study the cotton industry. His first article, on banking in the United States, appeared when he was only twenty. Returning to Amsterdam in 1861, Pierson entered the cotton trade and a few years later went into the banking business. In 1863,

in the course of the great controversy over the continuation of the note issue monopoly of the Nederlandsche Bank, Pierson, although a strong advocate of competition in general, wrote a pamphlet urging monopolistic centralization of note issue in order to prevent overissue. This pamphlet and his other economic writings in the *Gids* and the *Economist* led W. C. Mees, president of the Nederlandsche Bank and himself an economist, to effect Pierson's appointment in 1866 to the board of directors of that bank, of which he became president on the death of Mees in 1885. Although he had had no university training, Pierson was made professor of economics when the Athenaeum Illustre of Amsterdam was converted into a university in 1877. He retained the presidency of the bank until 1891, when he accepted the post of minister of finance. By 1894, when the cabinet fell, he had succeeded in putting through several significant reforms in line with his view that taxation should be based upon ability to pay. He eliminated or reduced most of the indirect taxes and converted the business tax into a general income tax, with separate provisions for income derived from property and other sources. Pierson again entered the government in 1897, serving as prime minister and minister of finance until 1901; his administration was marked less by fiscal reforms than by progress in social legislation. From 1905 almost until his death he was a member of the Second Chamber. On his seventieth birthday a group of friends established the Pierson Foundation in his honor.

Pierson's most important work was his *Leerboek der staathuishoudkunde* (2 vols., Haarlem 1884–90, 3rd ed. by C. A. Verrijn Stuart, 1912–13; tr. into English by A. A. Wotzel as *Principles of Economics*, London 1903–12, and into French and Italian). The book indicates his interest in the practical significance of economics as a means of improving material welfare rather than in pure economics. Pierson was one of the first economists to accept the theory of value of the Austrian school, but he was unable to free himself entirely from the influence of Smith and Ricardo. In methodology Pierson advocated the deductive method as the most fruitful, although he recognized the value of historical and statistical research as auxiliary tools. While his principal interest was in economic theory, Pierson produced a number of masterful studies in economic history and in the history of economic science. In his *Leerboek* he attempted one of the first comprehensive theories of the incidence of taxation. He was a strong advocate of free trade and a vigorous opponent of Marxism. Pierson was the outstanding Dutch economist of his time and exerted a considerable influence through his clear exposition of economic principles in both his university lectures and his writings.

H. W. C. BORDEWIJK

Other important works: *Verspreide economische geschriften*, ed. by C. A. Verrijn Stuart, 6 vols. (Haarlem 1910–11); *Grondbeginselen der staathuishoudkunde*, 2 vols. (Haarlem 1875–76).

Consult: Verrijn Stuart, C. A., in *Zeitschrift für Volkswirtschaft, Sozialpolitik und Verwaltung*, vol. xix (1910) 265–70, in *Economist*, vol. lix (1910) 1–7, and in Maatschappij der Nederlandsche Letterkunde, *Levensberichten 1910–1911* (Leyden 1911) p. 26–80; Seligman, E. R. A., *Essays in Taxation* (10th ed. New York 1925) p. 466–73; Bordewijk, H. W. C., *Theoretisch-historische inleiding tot de economie* (The Hague 1931), and *De theorie der belastingen en het nederlandsche belastingwezen* (Theory of taxation and the Netherlands tax system) (Zwolle 1930); Lecarpentier, G., "G. Pierson et l'économie politique" in *Revue des sciences politiques*, vol. xli (1919) 80–95.

PIETISTS. *See* SECTS.

PILLET, ANTOINE (1857–1926), French jurist. Pillet was professor at the University of Grenoble from 1886 to 1896 and at the University of Paris from then until his death. He wrote copiously upon questions of international law but he is important rather as the leading French theoretician of the conflicts of laws. He is indeed one of the chief figures in this field after Savigny, whose specific doctrines he rejected but whose fundamental approach he really assimilated. Savigny conceived the bases of private international law to be the community of nations, and he sought to determine a conflict of laws by referring it to the jurisdiction to which it belonged by virtue of its peculiar nature. Pillet attempted an entire reconstruction of the conflict of laws by positing as fundamental the unity of public and private international law. The choice between laws is a question of securing the "respect of sovereignties," and the law of that sovereignty is to be preferred which has the most direct interest in the solution. The problem involved in this choice may be solved by considering the essential qualities of all laws. These are two in number and consist of "generality" and "permanence." The generality of a law, which requires that it must be applicable to all persons within a country, implies its territoriality; its permanence, which requires that its authority be uninterrupted from the moment of its promulgation, involves its exterritoriality.

Since in a conflict of laws one or the other of these qualities must necessarily yield, it is necessary to have a criterion of choice. This is to be found in the "social purpose" of all laws which are intended primarily either for the protection of individuals or for the security of society. In the first case only they should be exterritorial in their effects. Pillet emphasized the importance of international respect for "acquired rights" as a fundamental principle of the application of foreign law rather than as a principle of comity. Nevertheless, in common with all theoreticians of the conflicts of laws, Pillet recognized the exception of the *ordre public*; namely, the principle that public policy might justify the refusal to apply a foreign law when contrary to the interest of the local sovereign.

J. P. NIBOYET

Chief works: *Principes de droit international privé* (Paris 1903); *Traité pratique de droit international privé*, 2 vols. (Paris 1923–24); *Manuel de droit international privé* (Paris 1924), in collaboration with J. P. Niboyet. A series of Pillet's articles has been collected in *Mélanges Antoine Pillet*, 2 vols. (Paris 1929).

Consult: Niboyet, J. P., Gaudemet, E., and Lapradelle, A. de, Articles in *Mélanges Antoine Pillet*, vol. i, p. 1–15, 89–103, and 105–24; Wigny, Pierre, "La théorie des droits acquis d'après Antoine Pillet" in *Revue de droit international et de législation comparée*, 3rd ser., vol. xii (1931) 341–63.

PINEL, PHILIPPE (1745–1826), French psychiatrist. Pinel, the son of a liberal Catholic physician, was trained first for the priesthood but soon became interested in literature, philosophy, mathematics, natural science and medicine. In 1778 he removed to Paris, where he associated with the leading liberals of the period. When appointed physician of the Bicêtre in 1793 he undertook to eliminate the practises of binding the insane in chains and subjecting them to other gross brutalities and introduced administrative reforms in the face of strong opposition. He discontinued the drugging and blood letting of patients and instituted regularity of schedule, occupational therapy and considerate but firm management, using the straitjacket when he thought it necessary. In 1795 he became head of the Salpêtrière, where he also put into effect his humane policies, which, however, were not adopted widely in the treatment of the insane until many years after his death. While at the Salpêtrière, through a class in clinical medicine, he greatly encouraged the scientific study of insanity.

Pinel's most important theoretical works are his medical classics *Traité médico-philosophique sur l'aliénation mentale ou la manie* (Paris 1801, 2nd ed. 1809) and *Nosographie philosophique* (Paris 1798, 6th ed. 1818). He sought physiological foundations for psychiatry but avoided materialism, which he held to be dogmatic metaphysics. He insisted on the need for scientific study, classification and treatment of the insane; his own classification of mental disorders was a distinct advance over all previous efforts in this field; he saw as causes of insanity heredity, environmental stresses and uncontrolled living. As a member of the faculty of medicine at the University of Paris he influenced many students, particularly his successor, Esquirol.

W. S. TAYLOR

Consult: Semelaigne, René, *Aliénistes et philanthropes* (Paris 1912); Laignel-Lavastine, Maxime, and Vinchon, Jean, *Les maladies de l'esprit et leur médecine du XVIe au XIXe siècle* (Paris 1930) p. 309–64; Courbon, P., "Pinel psychiatre" in *Annales médico-psychologiques*, vol. lxxxv, pt. ii (1927) 30–52.

PINHEIRO FERREIRA, SILVESTRE (1769–1846), Portuguese statesman and publicist. Although Pinheiro Ferreira was trained for the church he abandoned an ecclesiastical career. As a young man he taught logic and philosophy at the University of Coimbra, following the sensationalism of Locke and Condillac. The suspicious attitude of the reactionary government compelled him to flee the country in 1797, but he was subsequently given diplomatic posts in Paris, The Hague and Berlin. From about 1810 to 1821 he was in Brazil, where he enjoyed the confidence of John VI; he was the first to recommend to the latter that he grant a constitution to his subjects. After the revolution of 1820 he held the portfolios of war and foreign affairs in the first constitutional cabinet in Portugal and favored the recognition of de facto governments without regard to the principle of legitimacy. According to Planas Suárez, Portugal became during his tenure of office the first state to recognize any of the new Hispanic American governments. Pinheiro Ferreira also sought a defensive alliance of free countries against the Holy Alliance. Upon the restoration of absolutism in 1823 he was exiled again and did not return to Portugal until 1842.

One of the most cultured and renowned Portuguese of his time, Pinheiro Ferreira published in Portuguese, French and English a great number of works on philosophy, natural science, public and private law and political economy, some of which enjoyed considerable influence

both at home and abroad. He was modern Portugal's first important writer in international law. In his legal philosophy he opposed to the concept of "the greatest good of the greatest number" "the greatest possible amount of good, as much for society in general as for each individual in particular"; he held, however, that society was formed in order to facilitate the enjoyment of the inalienable natural rights of the individual. M. B. Amzalak (*Do estudo da evolução das doutrinas economicas em Portugal*, Lisbon 1928) states that Pinheiro Ferreira was the first Portuguese economist to develop doctrines with a more or less accentuated socialist bias, which is evident in various of his writings including *Précis d'un cours d'économie politique* (Paris 1840).

LUIS CABRAL DE MONCADA

Other important works: *Projectos de ordenações para o reino de Portugal*, 3 vols. (Paris 1831–32); *Cours de droit public interne et externe*, 3 vols. (Paris 1838); *Précis d'un cours de droit public, administratif et des gens*, 2 vols. (Lisbon 1845); *Questrõs de direito publico e administrativo, philosophia e litteratura*, 3 vols. (Lisbon 1844–45).

Consult: Silva, Innocencio F. da, in his *Diccionario bibliographico portuguez*, vol. vii (Lisbon 1862) p. 259–73, with bibliography of Pinheiro Ferreira's works; Louzada de Magalhães, J. J., *Silvestre Pinheiro Ferreira, sein Leben und seine Philosophie* (Bonn 1881); Teixeira de Vasconcellos, A. A., in his *Glórias portuguezas*, vol. i (Lisbon 1869) p. 1–60; Planas-Suárez, Simón, *Notas históricas y diplomáticas* (Lisbon 1918); Oliveira Lima, Manuel de, *O movimento da independencia, 1821–1822* (São Paulo 1922) chs. iii–iv.

PINSKER, JEHUDA LOEB (Leon) (1821–91), Jewish national leader. Pinsker was born in Poland but lived most of his life in Odessa. Having dropped the study of law, he took up medicine and became a practising physician. For many years he was a champion of Jewish assimilation and reform, but under the impression of the Jewish pogroms of 1881 he lost his faith in assimilation and became converted to Jewish nationalism. His *Autoemancipation, ein Mahnruf an seine Stammesgenossen von einem russischen Juden* (Berlin 1882, 2nd ed. Brünn 1903; tr. by A. A. L. Finkelstein, London 1891, and by D. S. Blondheim, New York 1916), in which he anticipated Herzl, was the first important formulation of the proposal for the territorial concentration of the Jewish people as a remedy against the dangers of antisemitism. Pinsker called upon the Jews to cease relying upon others and to bring about emancipation by the concentration of their own forces. Antisemitism, he declared, is a psychosis caused by the abnormal situation of the Jews, who form everywhere a scattered and unprotected minority, a nation in spirit but not in body. Only by territorial concentration in a country of their own will the Jews become a normal nation and thus bring to an end the irritation which their presence provokes among the nations. Pinsker did not propose that Palestine should become the Jewish homeland but asked only for some suitable territory. His ideas, which seemed both utopian and contrary to the course of Jewish history, were rejected by the Jews of western Europe, to whom Pinsker had addressed his work. Pinsker joined the small group of Chovevei-Zion (Lovers of Zion), the first pioneers of Zionism among Russian Jewry, and became their leader. The first small group of young Jews set out in 1882 from Russia to establish the first Jewish agricultural settlements in Palestine. To help them and to concentrate the weak and disorganized efforts of the Chovevei-Zion, Pinsker convoked in November, 1884, a conference at Kattowitz, where there was formed a Committee for the Support of Jewish Artisans and Settlers in Syria and Palestine, with its seat in Odessa. The scope of the activity of the committee was very restricted; its appeal was mostly philanthropic and directed toward transferring the Jews to productive occupations such as handicraft and agriculture. But with all these limitations the movement led by Pinsker was the first step toward political Zionism. In his later years Pinsker himself came under the influence of the purely cultural Zionism of Ahad Ha-am.

HANS KOHN

Consult: Sokolow, Nahum, *History of Zionism*, 2 vols. (London 1919) vol. i, ch. xxxix; *Sefer Pinsker*, ed. by J. Klausner (Jerusalem 1921); Drujanov, A., "Pinsker uzmano" (Pinsker and his time) in *Hatekufah*, vol. xii (1922) 214–50, vol. xiii (1922) 275–320, and vol. xvi (1923) 308–25; Ginzberg, Asher, "Dr. Pinsker umachbarto" in his *Al parashat derachim*, 4 vols. (new ed. Berlin 1921) vol. i, p. 74–85, tr. by H. Szold as *Pinsker and His Brochure* (Baltimore 1892).

PIRACY is the crime of robbery or of forcible depredation of persons and property on the high seas, comparable with the crime of banditry or brigandage on land. According to international law piracy is a crime against all mankind which is justiciable in the competent court of any country where the offender may be found or carried. Everyone moreover has the right to pursue, capture or exterminate pirates without declaration of war. By statute of various nations

other acts, not defined as piracy by international law, have been made to constitute piracy. Cases involving statutory piracy may be tried only in the courts of the nation making the enactment and when committed in areas within that country's jurisdiction.

The trade of preying upon commerce has flourished in many periods of recorded history, particularly in areas where civil authorities have been lax in patrolling sea routes. Sea rovers swarmed over the Mediterranean Sea to harass in turn the Phoenician and the Greek carrying trades. In the early period of Roman expansion the peoples of Cilicia and Pamphylia took to organized piracy. Countless cargoes were plundered and captured and passengers were sold into slavery until 102 B.C. when Antonius, a Roman praetor, embarked with Greek allies on a successful mission to clear the sea of pirates. During the social and civil wars sea robbery was again rampant until Pompey was entrusted with a fleet of 270 vessels to make the Mediterranean safe for legitimate commerce. From the third century A.D. to the collapse of the Roman Empire piracy once more became prevalent, for now Roman resources were so concentrated on the protection of the frontiers as to prevent the effective patrolling of sea routes.

During the Middle Ages pirates infested every sea. Organized bands of marauders operated from rendezvous in the Greek islands and along the eastern shores of the Adriatic. Still more expert and deadly to peaceful craft were the Moslem pirates who from the ninth century onward used their nests along the African and Spanish coasts for acts of piracy and for territorial conquests in Sicily and southern Italy. Altogether for a period of a thousand years the Mohammedan pirates of Algeria, Tunis and Tripoli partially closed the western Mediterranean to Christian shipping. While they plied their trade most actively within the Strait of Gibraltar, they might be encountered as late as the seventeenth century in the English Channel or far west in the Atlantic. Piratical Norse sea rovers in the ninth and tenth centuries raided sea going traffic along the coasts of northern Europe.

During the Middle Ages piratical acts were as numerous as land robberies. Even a reputable merchantman might turn pirate, if it chanced to meet a smaller ship. Accordingly merchant vessels were armed, sailed in fleets and were sometimes accompanied by convoys of armed ships. In the eleventh century the maritime cities of Italy, whose prosperity rested on regularized commerce, sought to suppress piracy within their respective spheres of influence. Thus Venice crushed piracy first in the Adriatic and later in the eastern end of the Mediterranean. The Hanseatic League rendered a similar service for the Baltic. Venice, nevertheless, did not hesitate to plunder the shipping of eastern cities, particularly that of Constantinople. Genoa and Pisa owed their prosperity partly to their own piratical attacks on the shipping of rival cities. Other piratical deeds were encouraged by the law of wreck whereby goods washed ashore or left in a stranded vessel became the property of the owners of the adjoining shore. While the great inland seas were more effectively policed, piracy was still unchecked in the English Channel except for the few instances when private merchants embarked on punitive expeditions against English, Dutch or French offenders. French and Spanish pirates were active also along the south coast of England and about the Isle of Wight.

When the discovery of new trade routes in the fifteenth and sixteenth centuries brought western Europeans in contact with large supplies of gold, silver and the precious spices, piracy became significant in the economic sense. Conditions in this period were peculiarly favorable to the growth of piracy. New trade routes over which valuable cargoes were transported were opened up, while national navies had not yet been developed to such an extent as to facilitate the suppression of piracy. At the same time many seamen were being thrown out of work as naval forces were demobilized after the wars of the period. The harsh treatment, low pay and bad food of the sailors on shipboard were added incentives to revolt. The result was that many of them turned to piracy both to escape intolerable conditions and to seek tempting profits. Sometimes they mutinied against their officers and seized the ships, in other instances they joined pirates who had captured them. By an easy transition many privateers also became pirates. From the sixteenth to the eighteenth century the most profitable ventures in piracy were centered, not along European coasts, but in the routes of world trade, particularly the long sea route of the Portuguese to India and Spanish routes in the Caribbean and along the Spanish Main. The inability of the Iberian powers to enjoy the monopoly of the seas which had been awarded them by papal edict in 1493 rendered ineffective their attempt to exclude

navigators of other countries. Nor were the pirates of this period necessarily outlaws. With financial backing from prominent men at home and with the encouragement of their rulers, daring seamen, recruited chiefly from the *petite noblesse* and the middle class of France, Holland and England, challenged Spanish supremacy by raiding Spanish commerce. Smiled upon by fortune, by royal favor and by public opinion, they emerged as heroes in a patriotic struggle against Spain and as the builders of future empires for their mother countries. Nevertheless, these activities constituted piracy. Technically France and England were at peace with Spain in Europe, but it was tacitly recognized that the international law of Europe did not extend to the New World.

Those who preyed upon Spanish commerce in the New World were called buccaneers, or more generally corsairs or freebooters. Among the outstanding buccaneers of the sixteenth century were Hawkins, Cavendish and Drake. In 1572 Francis Drake sailed to the West Indies, where he plundered the Spanish treasure convoy, raided towns along the coast, despoiled two hundred trading vessels and arrived home with a great treasure, part of which went to Queen Elizabeth. Five years afterward he sailed around South America in his flagship the *Golden Hind*, seized rich prizes on the west coast and circumnavigated the globe. A century later Morgan, after a successful year of piracy, sacked Panama and returned to England, where a benevolent sovereign pardoned him for his crimes, conferred knighthood upon him and appointed him governor of Jamaica.

By 1665 the Caribbean freebooters were not only numerous but well organized, with their principal rendezvous on the island of Tortuga. Nominally under French rule, Tortuga was virtually a pirate state, whose governor gave every requisite, including fake commissions, to buccaneers of all nationalities. It was estimated that in 1717 there were 1500 pirates off the coast of the Carolinas. So keen indeed was the competition, and so lean were the pickings, that ambitious buccaneers forsook the Caribbean for the west coast and the Pacific. Among them was Captain Dampier, who looted Peru's silver fleet and Manila's golden galleons. Buccaneers of the type of Drake and Dampier occasionally proved their worth as explorers and cartographers of uncharted waters and unknown lands. Their exploits in the aggregate involved a new technique in shipbuilding, created a large unofficial navy and an embryonic mercantile marine, while serving at the same time to awaken their compatriots at home to the possibilities of legitimate commerce in distant parts of the world.

Buccaneering on such a scale greatly embarrassed English traders. Morgan's administration as governor of Jamaica marked the first serious attempt to curb piracy in the Caribbean. With English men of war policing these waters, fake commissions failed to save suspicious characters from hanging. Nor could offenders henceforth rely on full pardons for their crimes after surrendering to the home government. By 1750 the swift sailing corsairs had been brought under effective control. The great age of piracy was over. National navies had been established and communications and transportation in general had been improved to such a degree that the seas could be policed fairly effectively. Piracy survived only under especially encouraging conditions.

At the opening of the nineteenth century piracy was still prevalent in three widely separated areas. The waters of the Caribbean once more attracted swarms of pirates when the revolt of the Spanish colonies resulted in the complete breakdown of colonial administration. The marauders were easily routed about 1816 by the combined navies of Great Britain and the United States. Meanwhile the Barbary pirates, with a sprinkling of renegades from other countries, were still making a business of piracy. Cargoes of passing merchantmen were plundered and captured passengers held for ransom or sold into slavery. The United States government resorted to war (ending in 1816) upon the Barbary powers, after diplomatic negotiation and the payment of tribute had failed to win immunity for American shipping. In 1816 a large fleet of English and Dutch warships under the command of Lord Exmouth bombarded Algiers, destroyed the Algerian fleet and achieved the rescue of about 1100 Christian captives. With the last of the pirates in the western world reduced to passivity, the coast of China remained as the final great rendezvous of pirates. During the first half of the nineteenth century Chinese natives and European traders were equally involved in high handed acts of piracy on the seas and in the harbors and rivers. Piracy was one of the issues in the Opium War and the Anglo-Chinese war of 1856. From the latter date to the close of the World War the great powers effectively patrolled the Chinese coast. In recent years, however, the collapse of

central authority in China has once more encouraged native pirates to operate.

The unrestricted submarine campaign of Germany in the World War created problems whose legality has not clearly been determined by international law. Among them is the question whether the sinking of merchant vessels on sight, involving the destruction of life and property of neutrals and non-combatants, constitutes an act of piracy. In a petition brought by the Cunard Steamship Company in the Federal District Court of New York for limitation of its liability resulting from the sinking of the *Lusitania*, it was held that this sinking was an illegal act on the part of Germany [The "Lusitania," 251 U. S. 715 (1918)]. In the Washington treaties of 1921–22 it was stipulated that submarines were not to be used as commerce destroyers. According to the provisions of the treaty signed by the United States, British Empire, France, Italy and Japan, no merchant ship, even though carrying contraband of war, may be sunk without specific warning, and due opportunity must be granted for the safety of all on board. Furthermore attack upon, or destruction of, merchant vessels upon visit and search by any person or persons in the service of any power was declared to be an act of piracy. According to this definition the precedent was established that offenders may be brought to trial as pirates before the competent courts of any power within whose jurisdiction they may be found.

JAY BARRETT BOTSFORD

See: MARITIME LAW; COMMERCE; PRIVATEERING; ARMED MERCHANTMEN; MERCHANTMEN, STATUS OF; SEAMEN; MUTINY.

Consult: Gosse, Philip, *The History of Piracy* (London 1932); Ormerod, H. A., *Piracy in the Ancient World* (Liverpool 1924); Dow, G. F., and Edmonds, J. H., *The Pirates of the New England Coast, 1630–1730*, Marine Research Society, Publications, no. 2 (Salem, Mass. 1923); Hughson, S. C., *The Carolina Pirates and Colonial Commerce 1670–1740*, Johns Hopkins University, Studies in Historical and Political Science, 12th ser., no. 5–7 (Baltimore 1894); *Privateering and Piracy in the Colonial Period*, ed. by J. F. Jameson (New York 1923); Haring, C. H., *The Buccaneers in the West Indies in the XVII Century* (New York 1910); Bradlee, F. B. C., *Piracy in the West Indies and Its Suppression* (Salem, Mass. 1923); Irwin, R. W., *The Diplomatic Relations of the United States with the Barbary Powers, 1776–1816* (Chapel Hill, N. C. 1931); Moore, J. B., *A Digest of International Law*, 8 vols. (Washington 1906) vol. ii, p. 951–79; Birkenhead, F. E. S., *The Destruction of Merchant Ships under International Law* (London 1917); Buell, R. L., *The Washington Conference* (New York 1922) p. 220–32; "Piracy" (Draft Convention with Comments) in *American Journal of International Law*, vol. xxvi, sect. ii (1932) 739–885; "A Collection of Piracy Laws of Various Countries," ed. by Stanley Morrison in *American Journal of International Law*, vol. xxvi, sect. ii (1932) 887–1013.

PIRRIE, VISCOUNT WILLIAM JAMES (1847–1924), British shipbuilder. Pirrie was born in Quebec of Scotch-Irish parents and educated in Ireland at the Belfast Royal Academic Institution. At the age of fifteen he became an apprentice draftsman in the shipbuilding firm of Harland and Wolff at Belfast. In 1874 he was made a partner in this concern and later its chairman. The era of iron shipbuilding had begun, and it was largely through the efforts of Pirrie that Harland and Wolff as builders of the White Star Line and other transoceanic steamships developed one of the greatest shipbuilding yards of the world. Pirrie was lord mayor of Belfast in 1896–97, and in 1906 he was raised to the peerage.

During the World War Pirrie rendered valuable service to the British government as commercial adviser to Lord Derby, secretary of state for war. On account of the devastation wrought on mercantile shipping by German submarines responsibility for shipbuilding had been vested since 1916 in a single head. In 1918 it was decided to entrust the entire responsibility to a leader of the industry itself, and Pirrie was given the important post of controller general of merchant shipping. The German offensive had hampered the shipbuilding program by increasing the demand for labor and steel on the part of the Ministry of Munitions. Pirrie on his entrance to office, while adhering strictly to the prior claims of the Admiralty and Ministry of Munitions, hastened the speedy release from Admiralty work of yards previously allocated to merchant shipping. The output of British shipyards during the spring and summer months of 1918 rose well above the level of the corresponding seasons of the previous year.

In 1921, on the occasion of the king's visit to Belfast to inaugurate the new Parliament of northern Ireland, Pirrie was made a viscount. His last official service was that of chairman of the Agricultural Aid Committee for the relief of agriculture in northern Ireland.

ABRAHAM BERGLUND

Consult: *Review of Reviews*, London, vol. xlv (1912) 243–249; *Le correspondant*, vol. cclxxi (1918) 207–17; Fayle, C. E., *Seaborne Trade*, History of the Great War Based on Official Documents, 3 vols. (London 1920–24) vol. iii, p. 290–91, 367–68.

PISAN, CHRISTINE DE (1364– *c.* 1430), French authoress and feminist. Christine de Pisan was probably the first woman to support herself by the profession of literature. She was born in Italy, in 1368 accompanied her father to the court of Charles V and passed the rest of her life in France. She was married at the age of fifteen to Étienne de Castel, who died ten years later, leaving her in great financial straits, with a mother and three young children to support. From 1399 she maintained herself and her family by her pen, composing and writing a series of poems and prose works of astonishing variety, in the service first of the house of Orléans and then in that of Burgundy. She inaugurated the quarrel over the *Roman de la rose*, which occupied court and literary circles in the early years of the fifteenth century and in which she defended her sex with such judgment and eloquence that she won the support of Gerson. In 1418 she retired to an abbey but continued to write. From the point of view of the social historian her most interesting works are her feminist writings, the group of poems and epistles connected with the *Rose* controversy and the two treatises which she wrote in 1405 for the daughter of Philip of Burgundy, *La cité des dames* (tr. into English, London 1521) and *Le livre des trois vertus*. The latter is one of the most important didactic treatises on the education and duties of women produced during the Middle Ages and is distinguished by its good sense and enlightenment.

EILEEN POWER

Works: *Oeuvres poétiques de Christine de Pisan*, ed. by Maurice Roy, 3 vols. (Paris 1886–96). Most of her prose works are unpublished.

Consult: Thomassy, M. J. R., *Essai sur les écrits politiques de Christine de Pisan* (Paris 1838); Koch, F., *Leben und Werke der Christine de Pisan* (Leipsic 1885); Robineau, E. M. D., *Christine de Pisan, sa vie et ses oeuvres* (Saint-Omer 1882); Rigaud, Rose, *Les idées féministes de Christine de Pisan* (Neuchâtel 1911); Laigle, Mathilde, *Le livre des trois vertus de Christine de Pisan* (Paris 1912); Nys, E., *Christine de Pisan et ses principales oeuvres* (Brussels 1914); Pinet, M. J., *Christine de Pisan* (Paris 1927).

PITKIN, TIMOTHY (1766–1847), American politician and historian. Pitkin entered politics in 1790 as representative of Farmington in the general assembly of Connecticut. Subsequently as a member of the national House of Representatives from 1805 to 1819 he strongly opposed Jeffersonian policies and the War of 1812. In the Connecticut constitutional convention of 1818 he fought unsuccessfully to prevent the complete severance of church and state and the constitutional guaranty of the rights of conscience. From 1819 to 1830 he was again a member of the state house of representatives.

While in Congress he wrote *A Statistical View of the Commerce of the United States of America* (Hartford 1816, new ed. New Haven 1835), a history of American commerce from the discovery of America, thickly interspersed with statistical tables, which remains today an exceedingly valuable study in economic history. Indefatigable in collecting historical data, he was recognized in his day as a leading authority on American history, and his *A Political and Civil History of the United States of America from the Year 1763 to the Close of the Administration of President Washington* (2 vols., New Haven 1828) is an accurate if dry account of the early republic written from the Federalist point of view. After his retirement from politics in 1830 he devoted his remaining years to further historical studies, which have not been printed.

HAROLD U. FAULKNER

Consult: New England Historic Genealogical Society, *Memorial Biographies*, 9 vols. (Boston 1880–1908) vol. i, p. 76–85; Purcell, R. J., *Connecticut in Transition, 1775–1818* (Washington 1918) ch. x.

PITT, WILLIAM, FIRST EARL OF CHATHAM (1708–78), and WILLIAM (1759–1806), British statesmen. For over half a century the two Pitts, father and son, dominated the parliamentary developments and the national life of their country. The elder Pitt, known as Chatham from the peerage he accepted in 1766, entered Parliament by way of the pocket borough of Old Sarum. His eloquence, his love of country, his indifference to financial reward during a period of extreme venality, won for him rapid parliamentary advancement. At the crisis of the Seven Years' War, when England's sun seemed about to set, Pitt "organized victory" with an arrogant and justifiable pride. As a war minister he has seldom if ever been excelled for dispatch and vigor. Believing that trade was a natural outlet for islanders he sought to advance the colonial expansion of England by annihilating the house of Bourbon in every quarter of the globe. On the accession of George III in 1760 he found it impossible to work with an autocratic king or his servile ministers. Pitt's intractable obstinacy, coupled with the king's determination to control the patronage, led to chaos for the first ten years of the reign. Although he had sympathized with the American colonials until it became apparent

that their revolutionary activities might entail a disruption of the empire, Pitt's inveterate hatred of France blazed out when he saw the Bourbons come to their assistance.

The younger Pitt, trained in the liberal Whig tradition, entered Parliament in his twenty-second year. With all his father's arrogance he refused a subordinate post in 1782. A year later a cabinet crisis brought him the premiership. During the remainder of his life, except for the period from 1801 to 1804, Pitt was absolute master of the House of Commons and of the nation.

Although not so distinguished an orator as his father, he wielded a greater influence. He cared even less than Chatham for honorary distinctions, and his one passion was to lead the House of Commons. Pitt's earlier ministerial career was distinguished by political and economic reforms of various kinds. Chatham's earlier efforts to correct borough "misrepresentation" by adding members to the counties were continued by his son in the 1780's, when reform seemed to be imminent as a result of the disastrous American war. The king, however, was averse, even with compensation to the disfranchised pocket boroughs. This failure, which postponed the attainment of parliamentary reform for another half century, has often been blamed on Pitt, who, it is argued, as an all powerful minister could have forced reform on king and Parliament had he wished to do so. Although parliamentary corruption was greatly lessened by Pitt's integrity and independent fortune, peerages were bestowed lavishly in order to insure the control of the House of Lords. Not the least of Pitt's achievements was the firm establishment of a new Tory party on a solid basis.

His financial measures were notable. Many sinecures were abolished, the debt was funded, the customs and excise were consolidated and duties were lowered to a reasonable level. The influence of Adam Smith had much to do with this part of Pitt's work. A commercial treaty was negotiated with France, while a similar arrangement for Ireland was abandoned only because of the opposition of commercial leaders in England. The establishment of a sinking fund strengthened the credit of the nation, even if its supposed value rested on fallacious grounds. Determined opposition, which Pitt might have overcome, led to a withdrawal of his efforts to abolish the slave trade and the discontinuance of steps to emancipate the Catholics.

The French Revolution and the ensuing European wars covered Pitt's last years like a pall. The liberalism of the preceding decade disappeared. Severe repression at home, the suspension of habeas corpus from 1794 to 1801, the suppression of free speech, the enforced union of the Irish Parliament with that of Great Britain by means of colossal bribery, the utter indifference to social problems, make the war ministries of Pitt a somber contrast to his earlier years. Pitt was as keenly interested in empire as Chatham. Early in the 1780's he fathered an India bill which placed the company under more direct control of the government. The separation of the Canadas in 1791 into two provinces was a needed recognition of changing conditions. During the French war Pitt's policy, which aimed at the capture of every available colony of the enemy, resulted in a considerable increase of Britain's naval and trading facilities when peace ultimately came.

HOWARD ROBINSON

Consult: May, T. Erskine, *The Constitutional History of England since the Accession of George III, 1760–1860*, 3 vols. (new ed. London 1912); Ruville, A. von, *William Pitt, Graf von Chatham*, 3 vols. (Stuttgart 1905), tr. by H. J. Chaytor and M. Morison (London 1907); Winstanley, D. A., *Lord Chatham and the Whig Opposition* (London 1912); Williams, Basil, *The Life of William Pitt*, 2 vols. (London 1913); Namier, L. B., *The Structure of Politics at the Accession of George III*, 2 vols. (London 1929), and *England in the Age of the American Revolution* (London 1930); Rosebery, A. P. P., *Pitt* (London 1891); Rose, J. H., *William Pitt and the National Revival* (London 1911), and *William Pitt and the Great War* (London 1911); Wilson, P. W., *William Pitt, the Younger* (New York 1930); Salomon, Felix, *William Pitt*, 2 pts. (Leipsic 1901–06).

PITT-RIVERS, AUGUSTUS HENRY LANE-FOX (1827–1900), English archaeologist and museum director. Pitt-Rivers was one of the first archaeologists to discover evidences of palaeolithic man in England and to find early flint implements in Egypt. The records of his intensive archaeological excavations of Roman and pre-Roman sites near Salisbury, England, are models in technique. As inspector of ancient monuments he was instrumental in shaping England's public policy respecting antiquities. Pitt-Rivers is best known, however, as the originator of a method of studying the development of technology and art through the arrangement of museum collections. He visualized a complete ethnographical museum as containing exhibits of two types, one in which objects were grouped geographically according to area in the traditional manner and another in which they were

classified according to form and structure to demonstrate genetic relations; in his extensive museum collections he specialized on the latter type of classification. He attempted, for example, to determine empirically from decorative objects the origin of conventional designs. He defended his method as scientific, regarding it as analogous to the comparative morphological procedures used in the study of languages and in zoology, but anthropologists have rejected many of the conclusions as to origin and sequence in his evolutionary classifications.

Pitt-Rivers was a pioneer in conceiving museums as educational institutions and in advocating that their exhibits should be so arranged that the fundamental relations in the materials presented could be easily comprehended by visitors. His excellent collection of specimens of human manufacture, derived largely from primitive cultures, was eventually housed at the University of Oxford; he also established the Pitt-Rivers Museum at Farnham.

CLARK WISSLER

Important works: *Excavations in Cranborne Chase, near Rushmore, on the Borders of Dorset and Wilts*, 4 vols. (London 1887–98); *Antique Works of Art from Benin* (London 1900); *The Evolution of Culture and Other Essays*, ed. by J. L. Meyres (Oxford 1906).

Consult: Reader, F. W., in *Essex Naturalist*, vol. xi (1899–1900) 245–51; Haddon, A. C., in *Nature*, vol. lxii (1900) 59–60; Gray, H. St. George, in *The Pitt-Rivers Museum, Farnham: General Handbook*, ed. by L. H. Dudley Buxton (Farnham 1929) p. 17–23.

PIUS II (1405–64), pope from 1458. Under the name of Aeneas Silvius he wrote during the conciliar period, when controversy between pope and church council foreshadowed the later contest between monarchy and representative democracy. At this time the theory arose that social institutions originated in the rational actions of men. To this idea Aeneas Silvius contributed in his "De ortu et auctoritate imperii romani" (reprinted in Goldast, M., *Monarchia sancti romani imperii*, 3 vols., Hanover 1611–14, vol. ii, p. 1558–66), in which the Biblical account of Paradise was combined with the ideas of Plato and Polybius to give a historical survey of the rise of man from the state of nature. Living originally like the beasts, men discovered through reason the value of association and deliberately created bodies politic. When oppressed they agreed to delegate authority to someone of outstanding virtue. Thus kingship originated. When, however, the king abused his power, he might be deposed by those who created him. Natural rights, social contract, popular sovereignty and the right of revolution were embodied in his thought. His work was the first study of the nature and content of sovereignty.

R. G. GETTELL

Consult: Creighton, M., *History of the Papacy*, 6 vols. (London 1899–1901) vol. iii, p. 51–358.

PIUS IX (1792–1878), pope from 1846. Pius IX exercised an extraordinary influence upon the liberal and reform movement which agitated the entire Italian peninsula between 1846 and 1848. His progressive activities at that period were apparently inspired by the doctrines expounded by the philosopher Vincenzo Gioberti, who maintained that it was within the power of the papacy to initiate a regeneration not only of Italy but also of Europe in general by means of reforms which were to reconcile the Catholic tradition with the modern spirit. With the reforms carried out in the pontifical state between 1846 and 1848 Pius IX seemed to have embarked upon the road mapped by Gioberti. His progressive measures called forth great enthusiasm and high hopes among the Italian patriots and liberals, contributing to the development of the conditions which made possible the outbreak of the national and liberal Revolution of 1848 as well as of the Italian war against Austria.

But Pius IX changed his policies as soon as the events of 1848 began to go counter to his expectations, threatening the security of his state and arousing the suspicions and resentments of the traditionalists and of the German Catholics. He immediately cut himself loose from the liberal and national movement, repudiated the war against Austria and tried to direct the government of the pontifical state along conservative channels. This reversal gave rise to a vehement opposition on the part of the democratic elements. The pope was consequently compelled to flee from Rome in November, 1848, and to invoke the intervention of foreign troops against the republic proclaimed in that city in February, 1849. The Republic of Rome, which was governed by Mazzini and defended by Garibaldi, was able to withstand only for a few months (April–June, 1849) the attacks of the Austrian and French armies. But the episode entailed fatal consequences for the temporal power of the popes. Beginning with the summer of 1849 the antagonism between the Italian liberal and national currents became stronger, culminating in the movement which in twenty years was destined to bring about the

collapse of the whole pontifical state and to lead to the setting up of Rome as the capital of Italy. Pius, returning to Rome in the spring of 1850, was able to retain the state and temporal power only by resorting to the assistance of foreign troops and by combating the liberal movement energetically.

After 1861 the gulf between Pius IX and the Italian national and liberal state became unbridgeable. It was in vain that statesmen like Cavour, Ricasoli and Minghetti tried to effect a reconciliation by which the pope was to relinquish his temporal power of his own accord and to retain full spiritual sovereignty. Pius IX refused to entertain any idea of compromise, basing his resistance on the support of the French troops maintained at Rome by Napoleon III.

The collapse of the Second Empire after the battle of Sedan and the subsequent discontinuance of Napoleon III's protection naturally led in September, 1870, to another vehement clash between Pius IX and the Italian national state. The Italian troops attacked Rome and put an end to the sovereignty of the pope, an action which evoked the most vigorous protests on the part of Pius IX, who disdainfully rejected the conciliatory solution proposed by the Italian state through the Law of Papal Guarantees of May, 1871. Confined to the Vatican until his death, he remained rigidly intransigent to the end and refused to recognize Rome as the capital of Italy, thus creating a problem which persisted until the Concordat of February, 1929.

His antiliberal attitude after the experiment of 1846–48 was revealed not only in Pius IX's political attempts but also in his religious activities. Such acts as the issuance of the famous Syllabus of 1864, in which the errors of modern civilization were condemned, and the proclamation of the dogma of papal infallibility (July, 1870) merely tended to create conflicts and dissensions among the liberal Catholics themselves.

PIETRO SILVA

Consult: *Acta Pii IX*, 4 vols. (Rome 1854–78); Pougeois, Alexandre, *Histoire de Pie IX et de son pontificat*, 6 vols. (Paris 1877–86); Cesare, R. de, *Roma e lo stato del papa del ritorno di Pio IX al XX settembre*, 2 vols. (Rome 1907), abridged tr. by Helen Zimmern as *The Last Days of Papal Rome* (London 1909); Legge, A. O., *Pius IX*, 2 vols. (London 1875); Monti, Antonio, *Pio IX nel Risorgimento italiano* (Bari 1928); Thayer, W. R., *The Dawn of Italian Independence*, 2 vols. (Boston 1893) vol. ii; King, Bolton, *A History of Italian Unity*, 2 vols. (London 1899); Bury, J. B., *History of the Papacy in the 19th Century* (London 1930).

PLACE, FRANCIS (1771–1854), English radical. Place was closely connected with almost every aspect of the radical and working class movement between the 1790's and about 1840. He left behind an immense mass of writings and printed papers and documents bearing on every phase of radical activity in which he participated. Now located in the British Museum, this material constitutes the most valuable storehouse of information for all students of the period and one which has not by any means been completely explored.

Place is remembered chiefly for his connection with Westminster radical politics in the early nineteenth century and with the agitation for the repeal of the combination laws and of the stamp duties on newspapers and periodicals. At first a journeyman breeches maker and secretary to the Breeches Makers' Union, he soon became an independent master tailor, and his shop in Charing Cross was from 1799 a well known meeting place for radical politicians. Place belonged to the London Corresponding Society, formed after the French Revolution, but resigned in 1797 when the society became definitely revolutionary. He became later a close friend of Bentham and James Mill, whose utilitarian views he accepted; but he continued to work closely with the trade union and working class movement and organized the successful campaign for the repeal of the combination laws in 1824–25. He was also associated with Lovett in the drafting of the People's Charter, but took no part in the later stages of the Chartist movement.

Place was no speaker and a dull and diffuse writer. In addition to his one book, *Illustrations and Proofs of the Principle of Population* (London 1822; new ed. by N. E. Himes, London 1930), which represents one of the earliest unequivocal statements of neo-Malthusianism, he published pamphlets on the stamp duties and on other questions; but most of his writings, including his autobiography, remain even now in manuscript. He was an indefatigable organizer, constantly consulted by radicals of every sort. He was, however, vain and somewhat quarrelsome, caustic in his comments on those who ventured to differ from him and inclined in his writings to take exclusive credit to himself for everything he approved in the movements with which he came into contact. His *Life* (London 1898, rev. ed. 1918) by Graham Wallas is a classic study of the radical movements in the early nineteenth century but is written too much under the influ-

ence of Place's strongly biased opinions about his contemporaries.

G. D. H. COLE

Consult: Webb, Sidney and Beatrice, *The History of Trade Unionism* (rev. ed. London 1920); Cole, G. D. H., *A Short History of the British Working Class Movement, 1789–1925*, 3 vols. (London 1925–27) vol. i; Kent, C. B. R., *The English Radicals* (London 1899); Wickwar, W. H., *The Struggle for the Freedom of the Press, 1819–1832* (London 1928).

PLACENTINUS (d. 1192), Italian legist. Placentinus was born in Piacenza in the first half of the twelfth century—indeed he has no known name other than this indication of origin—and died in Montpellier. He taught first at Mantua and then at Bologna, from which he was driven by the hostility of a rival legist, Henricus de Baila; this sort of an occurrence was quite common in the early histories of the universities. Placentinus then went to Montpellier, which in the twelfth century was a thriving and agitated center. Here he founded a law school, the first in France, and hence the first non-Italian outpost of the new Bolognese learning. Later he went back to Bologna under powerful feudal protection but finally returned to Montpellier.

Placentinus carried the methods of legal interpretation a few steps further than the founders of the Bologna school. He laid emphasis upon the application of formal logical categories to the difficult materials with which he dealt. His masters had already emancipated themselves from the interlinear gloss which had dominated the older systems. Placentinus completed the first *Summa* (systematic exposition) of the Codex, which had been begun by Rogerius. He himself wrote a *Summa*, called in mediaeval fashion after its opening words, *Cum essem Mantuae*, which, as is shown by its later title *De varietate actionum*, was an exposition of an important branch of law which cut across the separate parts of the legislation of Justinian. It was really a general introduction to law and probably the first of its kind since the revival of jurisprudence. Besides several smaller treatises on special titles or fragments of the Digest Placentinus wrote a *Summa* on the Institutes and one on the *Tres libri*, the last part of the Codex, which in mediaeval studies was a separate book.

MAX RADIN

Consult: Tourtoulon, Pierre de, *Placentin 1: sa vie, les oeuvres* (Paris 1896), and earlier literature which is cited there.

PLACING OUT is a term used to define the provision made for the care of a child with a family other than his own. The foster home in which the child is placed may be one in which the foster family provides for him as it would for an own child or may be one in which payment is made for the child's maintenance. Older children may be required to give some service in return for a home. The children who are most likely to be placed in foster homes are the orphaned, the abandoned, those whose parents are too ill, incompetent or irresponsible to provide properly for them and the children who, because of some special physical or mental handicap or some unusual social situation in the home, require care which their own families cannot furnish. Placing out may be done by the children's relatives, by public welfare or health departments, by courts or by philanthropic organizations. Placing out is usually regulated by statute. Adults who are sick, aged, mentally disturbed or otherwise handicapped may also be placed with families other than their own, but this type of placement, known as "boarding out," is used only to a limited degree.

In the United States, where public relief patterned after the English Poor Law system was well established by the early nineteenth century, needy children were for the most part cared for by relief given to families in their homes. It was also part of the accepted plan to place them in foster homes, usually by indenture or by auctioning them off to the highest bidder. In the early days many of the placed-out children apparently chanced to find homes in which they received good care. Later, as industry became highly organized and living conditions more complicated, the bound-out child was frequently a victim of exploitation by those whose sole concern was his productive capacity, usually in some form of domestic or industrial service. With the growth of humanitarian consideration for the less fortunate of the community the position of these children was improved, and the systems by which they were indentured and apprenticed gradually fell into disuse. During the middle of the nineteenth century private child placing agencies began to be organized, and the emphasis shifted from that of gain on the part of the person taking the child to that of mutual benefit and satisfaction to both the child and his foster parents. In many localities children were removed from the almshouses, where they had been indiscriminately housed with the sick, the feebleminded and the

aged, and were placed in orphan asylums established under both public and private auspices.

By the end of the century leaders in child welfare increasingly expressed themselves in favor of individual foster homes for dependent or neglected children. In 1909 at the White House Conference, held in Washington, experts in child welfare clearly stated the basic principles that "children should not be deprived of it [home life] except for urgent and compelling reasons" and that a "carefully selected foster home is for the normal child the best substitute for the natural home." These principles have been repeatedly endorsed since that time and have gained widespread support. The extension of public aid to mothers to enable them to provide for their children at home is one evidence of this trend. It has been estimated that at the end of June, 1931, more than 253,000 children were cared for in their own homes by some provision of the Mother's Allowance Law. A large proportion of these would unquestionably have had to be placed out in foster family homes or brought up in institutions had there been no provision for keeping them with their own families. Other factors which have been effective in strengthening the family status and thus obviating the necessity for the placing out of children are: improved standards of social case work and home relief by both public and private agencies; more adequate maternity protection, particularly in the case of the unmarried mother and her child; advanced public health measures which prevent premature death and illness of parents; and compensation to parents for industrial accidents.

It has been estimated that approximately 112,000 children in the United States were cared for in foster family homes in 1930. This is nearly two fifths of the total of 287,500 children who were provided for under the supervision of child caring institutions and agencies during that year. While the number of children cared for outside their own homes is decreasing, the proportion of dependent children who are provided for in foster families is increasing as compared with those living in institutions. This extension of foster family care has come about through a growing public conviction that family life meets a child's basic needs and provides a more normal environment than is possible in an institution. It gives him a sense of belonging, experience in close human relationships and opportunities for participation in family and community activities.

The home in which a child is placed out may be an adoption home, a free home, a boarding home, a work home (sometimes called an opportunity or school home) or a wage home. An adoption home is one in which the child placed is accepted as an own child and has substantially all the rights, privileges and obligations of an own child. The legal act of adoption may be consummated immediately after placement or after a period of residence with the foster family. The laws governing details as to rights of inheritance of the adopted child vary in the different states and countries. Adoption in its legal aspects and in human relationship is hardly distinguishable from the natural relationship between parents and child. A free home is one in which a child is placed with a foster family without the transfer of legal guardianship o the foster family. The foster family provides care for the child, clothes him and treats him as a member of the family. Usually the organization responsible for placing the child supervises him and his foster home, giving such assistance as may be necessary for the child's growth and development. A boarding home is one in which the family with whom the child lives receives some remuneration in money, ordinarily little more than the actual cost of maintenance. The placing organization supervises the child and frequently his parents or relatives keep in touch with him as well. A work home is one in which a child of school age is placed and given care, clothing and an opportunity to continue his education in return for some assistance to the family. A wage home is one in which a child who is beyond school age is placed and given regular wages. These are the definitions in common usage by welfare agencies. They are not legal definitions nor are they all inclusive.

Child placing agencies have made marked progress in the application of scientific knowledge in their work for children and in more effective attempts at preserving human values. Through the development of modern social case work and mental hygiene children have been individualized, their social, physical and personal needs recognized and respected. Prospective foster homes are evaluated not only with respect to their ability to furnish shelter and maintenance to a child, but in terms of their capacity to understand the child and give intelligent care and guidance. Placing out agencies have developed skills in the selection of the particular foster home best suited to the individual child and in the supervision of both child and foster family after placement. As a result

of the realization that no one kind of care will meet the needs of all types of children, communities have organized facilities which are flexible and provide specialized care according to the children's needs. Placing out in boarding homes has been extended not only for the dependent and neglected children but for special groups, such as problem children, convalescent children, backward children and those who have some physical handicap.

Child placing in the United States varies widely with respect to financial support and responsibility for administration. It may be organized and administered wholly as a public function or under private auspices or in some combination of the two. In general, however, most of the placing out work is administered by private charitable agencies which have been organized by sectarian, non-sectarian, fraternal, regional, racial or other groups for the benefit of children of these particular groups. But in the majority of states some form of public aid is given to private charitable child caring institutions and agencies, including those which place out children. This subsidy may be appropriated in a lump sum or in specified amounts on a per capita basis.

Among the other countries in which placing out in family homes is well established as a system of care for dependent and neglected children are France, Germany, Soviet Russia, Sweden, Norway, Denmark, Holland, Great Britain and Canada. It is less prevalent in Italy and only slightly known in Latin American countries. Placing out is done either by public authorities or through private charitable agencies or both. There are, however, varying governmental provisions and restrictions which regulate the details of the work. In some countries a uniform system prevails; in Germany, for example, the placing out of all children is regulated by a federal child welfare law passed in 1922. On March 31, 1930, there were 698,467 placed-out children under government supervision in Germany. Recent figures from England indicate that with the extension of the various forms of social insurance and mothers' pensions larger numbers of dependent children are able to remain at home with their families. The number of homeless children under the care of public assistance authorities in England decreased more than 20 percent between 1926 and 1932; this applies both to children under institutional care and to those placed in family homes. In practically all countries there is increasing evidence of the tendency to shift emphasis from the child to the foster parent in order to insure not merely minimum essentials of shelter and maintenance for the child but an adequate environment conducive to his complete development, physical, mental and social. Only through such provision can placing out prove effective as a means of safeguarding the children from whom the protection of an own home or family has been removed.

SOPHIE VAN S. THEIS

See: CHILD; ADOPTION, section on MODERN; SOCIAL CASE WORK; MOTHERS' PENSIONS.

Consult: Thurston, Henry W., *The Dependent Child*, New York School of Social Work, Publications (New York 1930); Healy, William, and others, *Reconstructing Behavior in Youth*, Judge Baker Foundation, Publication no. 5 (New York 1929); Slingerland, W. H., *Child Placing in Families* (New York 1919); Doran, Mary S., and Reynolds, B. C., *The Selection of Foster Homes for Children*, New York School for Social Work, Child Welfare series, Monograph no. 1 (New York 1919); State Charities Aid Association, *How Foster Children Turn Out*, by Sophie van S. Theis, Publication no. 165 (New York 1924); Theis, Sophie van S., and Goodrich, Constance *The Child in the Foster Home* (New York 1921); Trotzkey, E. L., *Institutional Care and Placing-out* (Chicago 1930); Warner, A., Queen, S. A., and Hayser, E. B., *American Charities and Social Work* (4th ed. New York 1930) p. 136–41, 299–317; *The International Handbook of Child Care and Protection*, compiled by Edward Fuller (3rd ed. London 1928); United States, Children's Bureau, *Foster-home Care for Dependent Children*, *The Work of Child Placing Agencies*, *The A. B. C. of Foster Family Care for Children*, and *Mother's Aid, 1931*, Publications, no. 136 (rev. ed. 1929), no. 171 (1927), no. 216 (1933), and no. 220 (1933); White House Conference on Child Health and Protection, 1930, Section IV, The Handicapped, *Dependency and Neglect* (New York 1933); Doran, M. S., and Reynolds, M. S., *The Selection of Foster Homes for Children*, New York School of Social Work, Monographs in Child Welfare, no 1 (New York 1919).

PLANCK, GOTTLIEB (1824–1910), German jurist and statesman. Planck was a grandson of Gottlieb Jakob Planck, professor of Protestant theology. Following the example of his father, a respected Hanoverian jurist, he embarked upon a judicial career. His intellectual interests led him to make an early entrance into political life. Since the Kingdom of Hanover was still an absolute monarchy and his own sympathies were democratic, he found himself subjected to a series of penal and disciplinary measures. Put upon half pay for a time, he continued his education by travel and further study at the University of Göttingen. During this time he became interested in modern legal reform, particularly

in the creation of a German code of civil procedure. He was very active in the Deutscher Juristentag as well as in the Deutscher Nationalverein, which had for its ultimate goal the political unification of Germany.

The second great epoch in Planck's life begins with the annexation of Hanover by Prussia in 1866. As a member of the National Liberal party he entered the Reichstag of the North German Confederation, whose constitution he had helped to draft. He also played an important part in the legislative work of the reestablished German Empire, for instance, in the preparation of the German Criminal Code and the new Code of Civil Procedure. His permanent place in German legal history, however, is the result of his participation in the creation of the present German Civil Code, the *Bürgerliches Gesetzbuch*. Planck was one of the most active members of the first commission (1874–87) and general reporter of the second commission (1890–95), and he drafted the book of the code dealing with family law. His activities are the more remarkable in view of the total blindness which afflicted him in 1873. After completion of this great work in 1897 he retired laden with honors to Göttingen, where as honorary professor he lectured upon its provisions and founded the great commentary upon it (7 vols., 1897–1902; 4th–5th ed., 5 vols., 1913–32), the first part of which he himself prepared.

The scientific character of Planck's personality is clearly reflected in the German Civil Code: his calm and unimpassioned manner, his terse and lucid mode of expression, his strong inclination toward conceptual clarity and casuistic statement, his scrupulous working up of existing legal material and also his devotion to Romanistic modes of thought, a certain imperviousness toward the fundamental ideas of Germanic law as well as toward life and the pressure of new social forces. When a new economic and social epoch was beginning, he bent his energies toward the legal regulation and sanction of the declining liberal and individualistic order.

HEINRICH LEHMANN

Consult: Frensdorff, F., *Gottlieb Planck, deutscher Jurist und Politiker* (Berlin 1914).

PLANCK, GOTTLIEB JAKOB (1751–1833), German church historian. Planck, who was born in Württemberg, pursued both an academic and an ecclesiastical career. In 1775 he was a tutor on the Tübingen foundation, in 1780 pastor in Stuttgart, in 1781 professor in the Stuttgart Karlsschule, in 1784 professor of theology in the University of Göttingen; from 1792 on he was active in high posts in the Lutheran church of Hanover, in 1805 general superintendent, in 1828 abbot of Bursfelde, in 1830 superior councilor of the consistory.

Two of his many publications are of particular importance: the *Geschichte der Enstehung der Veränderungen und der Bildung unseres protestantischen Lehrbegriffs vom Anfang der Reformation bis zu der Einführung der Konkordienformel* (6 vols., Leipsic 1781–1800), continued in the *Geschichte der protestantischen Theologie von der Konkordienformel bis in die Mitte des achtzehnten Jahrhunderts* (Göttingen 1831), and the *Geschichte der christlich-kirchlichen Gesellschafts-Verfassung* (5 vols., Hanover 1803–09). The basic idea of both works was novel. Planck, unlike his predecessors, did not merely offer an external presentation of the development of the church but tried to show how, on the one hand, the Reformation worked out a particular doctrine and how, on the other hand, Christianity throughout its history created fixed social forms. The latter study emphasizes the establishment of the constitutional forms of the church itself, the clerical offices, bishoprics, patriarchates, papacies, synods, diocesal unions, monastic systems and the like. The relation of state and church also is portrayed. Planck was concerned not so much with showing to what extent state institutions were penetrated by the Christian spirit as with the endeavors of the Catholic church to subordinate secular power to itself. Planck's historical method was that of individual pragmatism. The forms of things, the changes, according to this theory, are determined by the activity, "character, passions and prejudices" of individuals and the course of history is not planned but rather influenced by accident. Through his *Historische und vergleichende Darstellung der dogmatischen Systeme unserer verschiedenen christlichen Hauptparteien* (Göttingen 1796, 3rd ed. 1822) Planck was the founder of the comparative study of denominations. His *Einleitung in die theologischen Wissenschaften* (2 vols., Leipsic 1794–95; sect. i of pt. iii tr. by S. H. Turner as *Introduction to Sacred Philology and Interpretation*, New York 1834) and his *Grundriss der theologischen Enzyklopädie* (Göttingen 1813) materially advanced the development of this discipline. Planck was a confirmed advocate of tolerance.

KARL VÖLKER

Consult: Lücke, Friedrich, *Dr. Gottlieb Jakob Planck*

(Göttingen 1835); Baur, F. Christian, *Die Epochen der kirchlichen Geschichtsschreibung* (Tübingen 1852) p. 174–92; Völker, Karl, *Die Kirchengeschichtsschreibung der Aufklärung* (Tübingen 1921) p. 48–90.

PLANCK, JOHANN JULIUS WILHELM VON (1817–1900), German jurist. Planck studied at Göttingen and at Jena, where his uncle Christoph Martin, the proceduralist, influenced him to choose procedural law as his special field. In 1839 he became an instructor at Göttingen, teaching criminal and civil procedure and civil and Roman law. He was appointed professor successively at Basel, Greifswald, Kiel and finally at Munich, where he remained from 1867 until his retirement in 1895. Planck was one of the outstanding legal scholars of the nineteenth century and is considered a master of internal comparative procedural law; that is, of the comparative study of civil and criminal procedure by the historical method.

Planck's thesis, *De legitimatione ad causam* (Göttingen 1837), pointed out that the *Sachlegitimation*, the establishment of the plaintiff and defendant as proper parties to the action, was not a precondition of a suit but pertained to the facts constituting the cause of action. His first important work, *Mehrheit der Rechtsstreitigkeiten* (Göttingen 1844), together with his earlier study, *Continentia causae* (written in 1839 but never published), constituted a historical survey of the "cumulation" or joinder of actions, of counterclaims, joint parties and "principal intervention" and also of the influence of one action upon another, from the period of Roman law to modern times. These works were followed by *Die Lehre von dem Beweisurteil* (Göttingen 1848), in which Planck took Germanic law as his starting point, showing how it was the source of the Saxon and common law interlocutory proof judgment. He explained how the latter separated the action into two parts, the phase of allegations and the phase of proof; how it standardized the rules of evidence and the burden of proof and was itself unimpeachable. In 1854 appeared his *Systematische Darstellung des deutschen Strafverfahrens auf Grundlage der neueren Strafprozessordnungen seit 1848* (Göttingen), which traced by particular laws the development beginning in 1848 of reformed criminal procedure, the change from the inquisitorial to the accusatorial principle, from the written and secret to the oral and public form and from trial by judges to trial by jury.

Planck's greatest works, however, are *Das deutsche Gerichtsverfahren im Mittelalter* (2 vols., Brunswick 1879) and *Lehrbuch des deutschen Civilprozessrechts* (3 vols., Nördlingen and Munich 1887–96). The former is a historical and systematic presentation of court organization of civil and criminal procedure in the late Middle Ages in the territories under Saxon law. It is based upon the *Sachsenspiegel* and related law books and is the most comprehensive history of mediaeval Saxon procedure. The *Lehrbuch* deals with civil procedure on the basis of the imperial arrangement of 1877 but takes cognizance always of the historical connection of modern legal principles with those of earlier law.

JAMES GOLDSCHMIDT

Consult: Seuffert, L., in *Zeitschrift für deutschen Zivilprozess*, vol. xxviii (1901) v–xviii; Mayer, Ernst, in *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanistische Abteilung*, vol. xxii (1901) xvii–xxii.

PLANTATION. The term plantation was originally used to designate a plot of ground set with plants; during the period of British colonization of the West Indies and North America it came to denote a group of settlers or even the political unit constructed by such a group. Thus the colony of Rhode Island was long known as the Providence Plantations, the colonies in the West Indies as the Caribbean Plantations; and the term was applied also to the English and Scotch settlements in Ulster after the expropriation of the Irish from the land in the seventeenth century. When in 1768 the British government created the Office of Secretary of State for the Colonies, it was popularly known as the Plantations Office. As oversea possessions came to be called colonies the term plantation was restricted to the large scale agricultural units in the warmer climates. It is commonly applied moreover only to a property producing a single crop or possibly two crops grown primarily for export. Plantations accordingly are a form of great landed estate, usually in colonial or semicolonial countries, which raise such tropical or semitropical products as cotton, sugar, rubber, coffee, tea, rice, pineapples and bananas, with a laboring class kept in economic if not political servitude.

Plantations are essentially tropical institutions; they are not found in regions where winters are cold or where altitude results in year round temperatures too low for the typical plantation crops. Only in location, however, is the plantation tropical: the owners and managers are mostly from the middle latitudes, the laborers alone being from the warm lands to

which its crops belong. It represents therefore an invasion of the tropics prompted by the growing desire among non-tropical peoples for the objects (mainly edible, but including two important industrial raw materials, cotton and rubber) which only the warmer lands can furnish. Plantations are intimately bound up with colonial and imperialist conquest and exploitation.

In the British North American colonies the plantations of the south at first depended upon growing tobacco, but precedence was soon yielded to cotton. While these plantations were bound up with the colonial system, they lost their colonial character after the War of Independence and never acquired an imperialist character; but their general economic and labor relations bear striking similarity to those of plantations in colonial and semicolonial countries. Originally the plantations relied for labor upon free or indentured white laborers; but their persistence and expansion were made possible by Negro slavery, without which the plantations could not have developed as they did notwithstanding favorable climatic conditions. The planters, a small group owning millions of slaves, became a sectional ruling class, dominating the economics and politics of the southern states until their power was broken by the Civil War. The abolition of slavery imposed new relations between master and man. Many of the plantations ceased to exist; others, however, adjusted themselves to the changed conditions and operated with Negro tenants, croppers or cash renters; while still others employed their former slaves at a nominal wage or under a system of peonage. In all these cases the laborers were still in a semiservile state. Moreover, while the plantation was usually divided into tracts or parcels of land, instead of being cultivated as a whole by gangs of laborers under direct control of an overseer, it did not lose its distinguishing feature of unified supervision over the choice of crop, the methods of cultivation and the marketing of the yield. In this form the plantation continues to exist in the American south, where it is the characteristic agricultural type.

There are few plantations in the United States north of the Mason and Dixon's line; in climatic rather than in political terms, almost none are found far enough north to have fewer than two hundred days of frostless season. The usual plantation crops, if raised beyond this frost line, are grown on small holdings or with independent laborers. Westward too of such a line which passes through northwest Oklahoma and cuts off the western third of Texas the plantation is practically unknown; it is supplanted by the cattle ranch or the irrigation farm, reappearing only, and then in small numbers and in a modified form, upon the delta of the Colorado River and in the mild climate of California. While plantations are thus limited almost entirely to the southern states, none is found in the hill country or in the less fertile areas, where agriculture is carried on in other forms. The plantations are restricted to the regions where soil is best and where land is level or nearly level. Within these areas, according to government estimates of 1910, there were 39,073 plantations, averaging in size from a few hundred acres to several thousand and containing an aggregate of over 11,000,000 acres of improved land—equivalent approximately to the entire improved land in such states as Michigan or Indiana. As the plantations averaged ten families each, they represented a population of about 2,000,000. Cotton, the major plantation crop, is grown in practically all the southern states (*see* COTTON); many of the great plantations in the delta of the Mississippi are devoted to the growing of sugar cane, while rice is cultivated along the gulf coastal plain in Texas and Louisiana and tobacco on the piedmont slopes of the Carolinas and Virginia.

Plantations in the West Indies developed sugar as their principal crop. In Cuba, Porte Rico and several of the other islands of the Lesser Antilles the plantation is still the customary unit of production for this commodity. Tobacco figures, although not as prominently, chiefly in the Vuelta Abajo region and adjoining districts of western Cuba and banana plantations are found in Jamaica, northeastern Cuba and a few other districts. No other crops are grown extensively by this system, the main native food supplies such as corn, beans, casaba, sweet potatoes, yams and fruits being produced on small holdings or as incidental crops on the larger ones. It was as sugar estates that these islands first became of value to the British, the French, the Dutch and to a lesser degree to the Spaniards. Throughout their history the plantations have played a conspicuous part and planters have largely dominated in all affairs. In Jamaica during the seventeenth and eighteenth centuries most of the cultivated land was in this form; much the same was true in the Barbados and other British islands. Many of the planta-

tions disappeared with the rise in the price of slaves, the numerous Negro insurrections and finally the abolition of slavery, but many still survive. In Cuba most of the sugar growing, which makes that island the foremost producer in the world, is carried on under the plantation system with hired labor but under conditions that leave little economic independence to the laborer. Many of the sugar plantations are owned by American capital, which dominates the sugar industry as a whole.

Although in Central America and Mexico the hacienda type of property devoted to mixed farming is more prevalent than the plantation proper, there are some estates which fall definitely into this latter category. Such are the relatively few sugar and tobacco farms in Mexico, centered chiefly in the Valle Nacional district in southern Vera Cruz, the maguey bearing lands about Mexico city and the henequen, or sisal, estates of Yucatan. These properties in all essential points belong in the plantation class, and labor is still in a semiservile state despite the recent agrarian revolution. In Central America there are also a few properties of similar character, but the great plantations of this region are the banana estates, for the most part strung along the low, warm, humid coast of the Caribbean. These estates, which conform in all particulars to the definition of plantation, embrace large areas; they are the property of absentee foreign owners, mainly American; they depend upon cheap, native semiservile labor and are devoted to a single crop, which is shipped to distant consuming centers. The development of banana plantations in the Caribbeans was bound up with the penetration of American economic and political influence; the United Fruit Company owns plantations of 470,000 acres, in addition to about 2,830,000 acres of unimproved land.

South America's agricultural holdings, despite their large extent, belong, like those of Mexico and Central America, mainly to the hacienda class. In a few regions, however, agriculture is of the plantation type. The coffee estates of Brazil and Colombia constitute the bulk of this kind of property, although in the latter country much of the coffee grown is on small holdings. In Brazil the coffee *fazendas*, as distinguished from the many small farms which also grow this plant and from the great estates given over to stock raising or mixed farming, are definitely in the plantation class. Most of the coffee exported from the country is the product of these large properties, where thousands of acres are devoted to a single crop and where the land is worked by low class labor and owned and administered in huge units. On the lower eastern slopes of the Andes plantations yield coca, sugar and coffee, although their number is not great or their production important. Cacao growing plantations occur about the Gulf of Guayaquil and along the Brazilian coast near Bahia. This latter region has numerous sugar plantations also, some of them of large size and dating back to early colonial days. Plantations in the Guianas are devoted chiefly to sugar cane cultivation along the narrow coastal plain. Some of the irrigated sugar estates of the Peruvian littoral likewise differ little from the typical plantation. Elsewhere in South America this type of property is little known. Labor conditions vary on these plantations; but it is seldom better than semiservile and often much worse.

In the British and Portuguese possessions of tropical east and west Africa there are many large plantations owned by Europeans and worked under their supervision by native laborers; the chief crops are cotton, sugar, maize, tobacco and coconuts. Cotton is grown also upon enormous plantations in the Gezira of the Sudan and in other sections along the Nile. American tire interests have for some time contemplated the development of huge rubber plantations in Liberia. In all the African plantations labor is servile or semiservile and frequently exploited brutally.

The plantations of the Hawaiian Islands are devoted to two principal export crops, sugar and pineapples. Their combined acreage constitutes probably 50 percent of all the improved land on the islands. Ownership and management are in the hands of Americans, while Asiatic labor is used generally. Plantations are maintained in a few other islands of the Pacific, native labor being employed to cultivate such crops as coconuts, sugar and rice.

The plantation is the typical unit for the raising of export products in India, Indo-China, the Straits Settlements and the Dutch East Indies. It is devoted mainly to rubber, sugar, tea, coffee, tobacco, rice and coconuts, which are for the most part produced on large holdings, real plantations in the strict meaning of the word. These generally contain from a few hundred to several thousand acres, employ a large force of dependent laborers, mainly Chinese, Javanese and Indians, and are managed as large units with or without subdivisions. The

rubber plantations, which supply the greater part of the world's rubber, are located chiefly in Malaya, Sumatra, Java, Borneo, Ceylon and Burma. They are mainly owned or controlled by British and Dutch interests, frequently corporations. An increasing number are owned by Chinese, Japanese and other Asiatics; in recent years American corporations have a considerable interest in rubber plantations in British Malaya and the Dutch East Indies. Plantations depend exclusively upon native labor. In the case of rubber plantations there is a considerable importation of labor from India, China and Java, which is recruited and transported at the expense of planters. Despite its own large plantations Java has such an abundance of labor that much of it migrates to other countries. The hiring and maintenance of a plantation labor force are frequently in the hands of a native contractor, who receives a fee for each worker in his gang; the system has developed serious abuses. Labor has still a forced character, despite the abolition of indentured labor. The pay is low, the work is hard and the living conditions are bad. Labor conditions are particularly bad in the Dutch colonies. At first the Dutch merely traded and levied tribute; then the government formed plantations with forced labor, the cruelties of which finally compelled abandonment of the system in the 1860's and 1870's. Now "free" labor is employed, but the planters have developed various devices which practically enslave the workers. Penal sanctions still exist, giving government support to labor contracts and making it a criminal offense for a worker to quit the employer who hired him. Labor troubles of a revolutionary character have developed here in recent years.

The plantation has come into far greater prominence within the last half century. This development has been made possible by the improvement in ocean transportation, including refrigeration and ventilation systems, which permit the shipping of products to the distant regions where large industrial populations are concentrated. The demand for automobile tires has fostered the growth of rubber cultivation. In recent decades the extension of plantations has far outstripped older types of agriculture, including the one-family farm. Most of the plantations in such regions as the Straits Settlements, the Caribbean coasts of Central and South America, and Brazil date from the beginning of the twentieth century. If the demand for tropical products continues to increase, it is probable that the plantation system will be still more widely extended, since under proper management it yields extremely high profits to the planter. Owned almost wholly by foreigners and dependent almost exclusively upon foreign markets for the sale of its products, the plantation can afford to pay low wages, which, while exerting a restrictive influence on the purchasing power of local markets, have no adverse effect upon consumption abroad.

Plantation agriculture is probably the only system by which large scale production can be carried on at present in the warmer regions of the earth. The natives of such climates are usually lacking in energy and are not inclined to steady, hard work except under pressure. The white foreigner also loses much of his accustomed physical activity, does not become sufficiently acclimated to produce by his own labor and must depend upon forcing others to work for him. This was formerly done by means of slavery. Almost the same results are now accomplished by less direct methods, such as peonage, serfdom or indentured labor. Many plantations are worked by nominally free men, but the wage scale is so low that it restricts the liberty of the individual and keeps him in semi-servitude. Properly regulated, plantations might be operated with completely free labor; but the profit to the owner would be reduced, possibly to the point where under present conditions capital would not be available for such undertakings. It is true that many of the typical plantation crops—bananas, rubber and sugar, for example—are grown successfully also on small properties. But so long as the colonialism and imperialism of the industrialized nations continue to dominate the colored races of the tropics, the plantation system is likely to persist.

Plantations, in most parts of the world, are organized avowedly for the purpose of large scale production and accumulation of wealth. In general there has been no other objective. The planters regard them not as social or political agencies but simply as money making institutions. In so far as law and expediency permit, they adopt whatever methods or organizations lead most directly to this goal. Wage scale, living conditions, systems of securing labor, size of holdings, methods of marketing, relation to the existing order of society, are all determined solely by the desire for profit. The large scale production of plantations, the fact that they are frequently the property of corporations, their distance from the absentee owners, their fre-

quent administration by managers whose sole obligation is to get results and the fact that they involve relations between diverse racial groups, all these considerations remove from the plantation system much of that human element characteristic of most other systems of agricultural production, leaving the economic element dominant, largely at the expense of the workers.

A plantation society develops a character of its own. The native order is usually disrupted seriously, as families or members of families are uprooted and moved into a new environment, under new superiors who know little of the hereditary customs and institutions of their laborers. In this new setting people of diverse customs must adjust their ways to the habits of their fellows. Such a mingling was strikingly apparent in the slave communities of the southern United States, where Negroes from several parts of Africa were assembled without regard to the differences among them and where the elements of several diverse primitive cultures were further modified by the white civilization into which they had been introduced. The planters' culture too suffered a modification, its language, customs, art, music, literature and even its religion being affected by the slaves. Much the same situation existed in the plantations of Brazil and the West Indies. Something of this social amalgamation is in process in Malaya, where Indian, Javanese and Chinese laborers meet under supervision of Anglo-Saxon, Japanese or Chinese planters, and in Hawaii, where Hawaiian, European and Asiatic cultures mingle.

At the same time the plantation exerts a conspicuous influence in its introduction of new tools, machinery, systems of wages, fashions in clothing, standards of living, notions of sanitation, types of organization, methods of work, sometimes educational institutions and ideas and not infrequently religious beliefs and practises. The effect of these changes is extended beyond the bounds of the plantation and helps to mold the general social order of the district. In these respects at least the plantation is a civilizing force, although its destructive effect upon native cultures appears sometimes to overshadow any constructive influence it may have.

A further consequence, and one which seems inherent in the system, is the stratification of society. Upon the plantation and in a plantation society there is a sharp differentiation between the upper class, represented by the owners and the higher (particularly the white) agents of the plantation, and the laboring class. As the line of cleavage between the upper and lower classes is at least partly racial as well as economic, it becomes firmly fixed and individuals seldom pass from one to the other. This division runs through all phases of life, economic, social and political. The laborer may be completely free and still considered of a lower order. The higher foreign employees may be of low social origin in their native land, yet on the plantation they belong distinctly to the upper class. Distinctions grow up, such as that in Panama between "gold employees" and "silver employees." Where such a class division becomes typical of the agricultural population, it inevitably characterizes most if not all of the spheres of life, since the planters generally dominate all circles of society. These differences are emphasized by their introduction into industrial and commercial enterprises, where employees are drawn largely from the rural laboring class and where the lowest foreign employee lords it over the native workers. The aristocracy, mainly agrarian, is sharply separated from the servile class of workers.

In such a social order there is little room for a middle class. The plantation largely markets its own crops; it procures supplies, directly or indirectly, for its entire population; hence the trader class is small and usually dependent upon the estate. Economic groups outside of the plantations are also decidedly limited. The professional class is not numerous. Most of the population bears some relation to the plantation and falls into one or the other of the categories into which its people are divided. Furthermore the plantation tends, precisely as in the old plantation system of the southern United States, to prevent the development of a middle class farming population, in that it crowds out the small agricultural holding. This process was particularly conspicuous in the British West Indies, where the planters made success for the small farmer virtually impossible. The consequent stratification of society results in political oligarchy. In many regions where the plantation regime is established the laborers are imported from other sections and have no more share in governmental affairs than if they were slaves. Such is the status of the laborers from India, China and the Dutch East Indies employed on the plantations of the Middle East, of many laborers on the banana plantations of Central America and on numerous plantations in Africa. Even where the laborer is a native of the region

in which he works, he generally has no legal part in the government or, if accorded such rights by law, he has little opportunity of exercising his privileges. The political situation in the southern United States, in Cuba, Java and Malaya, is characteristic of a society built upon a plantation regime.

The political oligarchy of a plantation country is intimately tied up with foreign interests. Where the country is independent the connection is economic and financial, with an indirect political character. The political connection becomes direct where the plantation country occupies a colonial or semicolonial status, as is usually the case. From the beginning the plantation has been a colonizing force, a means of occupying new lands effectively and of initiating their development. This was true of Spain in the Antilles; of Portugal in its African possessions; of the United States in Hawaii; of Great Britain in Borneo, the Straits Settlements and Africa; of Holland in the East Indies. The planter consolidates the occupation of the conquering power. Where there is no direct conquest, as in the case of the American banana plantations in the Caribbean, a "sphere of influence" is created. As colonialism merged into modern imperialism, plantations acquired an increasingly imperialistic character, becoming entangled with corporate ownership, the export of capital and the domination of an international financial oligarchy. Plantation countries are producers of agricultural commodities and are dominated by the highly industrialized, imperialistic nations, which supply plantations with both capital and markets.

GEORGE MCCUTCHEN MCBRIDE

See: LANDED ESTATES; LAND TENURE; PLANTATION WARES; COTTON; RUBBER; SUGAR; FRUIT AND VEGETABLE INDUSTRY; TOBACCO; SLAVERY; PEONAGE; FORCED LABOR; INDENTURE; IMPERIALISM; COLONIES; COLONIAL ECONOMIC POLICY; AGRARIAN MOVEMENTS; NEGRO PROBLEM.

Consult: Adams, F. U., *The Conquest of the Tropics* (New York 1914); Wilcox, E. V., *Tropical Agriculture* (New York 1916); Barrett, Owen W., *The Tropical Crops* (New York 1928); Pitman, F. W., *The Development of the British West Indies 1700–1763*, Yale Historical Publications, Studies iv (New Haven 1917), and "The Settlement and Financing of British West India Plantations in the Eighteenth Century" in *Essays in Colonial History* (London 1931) p. 252–83; Laborie, P. J., *The Coffee Planter of Saint Domingo* (London 1798); Keller, A. G., *Colonization: a Study of the Founding of New Societies* (Boston 1908); Ireland, Alleyne, *Tropical Colonization* (New York 1899); Gaines, F. P., *The Southern Plantation*, Columbia University, Studies in English and Comparative Literature (New York 1924); Potter, D. M., Jr., "The Rise of the Plantation System in Georgia" in *Georgia Historical Quarterly*, vol. xvi (1932) 114–35; Phillips, U. B., "Plantation and Frontier" in *A Documentary History of American Industrial Society*, ed. by John R. Commons and others, 10 vols. (Cleveland 1910–11) vols. i–ii, and *American Negro Slavery; a Survey of the Supply, Employment and Control of Negro Labor as Determined by the Plantation Régime* (New York 1918); Brannen, C. O., *Relation of Land Tenure to Plantation Organization* (Fayetteville, Ark. 1928); Boeger, E. A., and Goldenweiser, E. A., *A Study of the Tenant Systems of Farming in the Yazoo-Mississippi Delta*, United States, Department of Agriculture, Department Bulletin no. 337 (1916); United States, Bureau of the Census, *Plantation Farming in the United States* (1916); Gray, L. C., "Southern Agriculture, Plantation System and the Negro Problem" in American Academy of Political and Social Science, *Annals*, vol. xl (1912) 90–99; Bitter, Wilhelm, *Die wirtschaftliche Eroberung Mittelamerikas durch den Bananen-Trust* (Brunswick 1921); Maclaren, W. A., *Rubber, Tea and Cacao* (London 1924); Phillips, U. B., "Plantations East and South of Suez" in *Agricultural History*, vol. v (1931) 93–109; Jenks, Leland H., *Our Cuban Colony, a Study in Sugar* (New York 1928); United States, Bureau of Foreign and Domestic Commerce, "Cuban Sugar-Crop Financing," *Trade Information Bulletin*, no. 29 (1922); Maestri, R., *El latifundismo en la economía cubana* (Havana 1929); Josa, Guy, *Les industries du sucre et du rhum à la Martinique, 1639–1931* (Paris 1931); Mandere, H. Ch. G. J. van der, *De Javasuikerindustrie* (Amsterdam 1928); Cavadia, T. G., *Les plantations de caoutchouc, leur développement, leur avenir* (Paris 1911); Akers, C. E., *The Rubber Industry in Brazil and the Orient* (London 1914); Figart, D. M., *The Plantation Rubber Industry in the Middle East*, United States, Bureau of Foreign and Domestic Commerce, Trade Promotion series, no. 2 (1925); Fowler, J. A., *Plantation Rubber in the Netherlands East Indies and British Malaya*, United States, Bureau of Foreign and Domestic Commerce, Trade Information Bulletin, no. 27 (1922); Tervooren, W., *Die Finanzierung von Kautschukplantagen* (The Hague 1930); Brown, E., and Hunter, H. H., *Planting in Uganda; Coffee, Para Rubber, Cocoa* (London 1913); McDonald, J. H., *Coffee Growing; with Special Reference to East Africa* (London 1930); McCreery, W. G., and Bynum, M. L., *The Coffee Industry in Brazil*, United States, Bureau of Foreign and Domestic Commerce, Trade Promotion series, no. 92 (1930).

PLANTATION WARES. The typical plantation products are mostly tropical, subtropical or at least exotic to the north Atlantic nucleus of modern industrialized nations. They include cotton, rubber, sugar, tobacco, spices, coffee, tea, cocoa, bananas and some other fruits and some industrial raw materials. Certain items, like indigo and sugar, have to some extent moved out of the plantation group as a result of changes in production and transportation, while rubber is an outstanding example of a product which

has shifted in the opposite direction for similar reasons.

Historically the spices have been the most consistently interesting group. Far from being the relatively cheap staple groceries that they are now, the tropical spices, such as cinnamon, cloves and pepper, played a dramatic role in the luxury trade between Europe and Asia in ancient as well as in later times. The world was knit together commercially as much by the quest for spices as by the search for gold. The trade in spices was an important aspect of the commercial awakening in Europe after the thirteenth century. Factual accounts of the effects of greed and conflicting cultures present this history as incomprehensibly atrocious, and some of the chapters are so recent as to be disturbing. To maintain control over the market the Portuguese and the Dutch not only destroyed accumulated supplies and plantations but even massacred native populations to prevent selling to other countries—methods generally characteristic of civilized peoples engaged in the production of plantation wares in the colonies.

The term spices refers to all aromatic vegetable products used chiefly for the seasoning of foods and the flavoring of drinks. Many spices have other uses, however, their essential oils being consumed in the manufacture of perfumes, soap, incense and medicines. The most important spices of general modern consumption are pepper, ginger, vanilla, nutmegs, mace and cloves. From the standpoints of value and quantity the Asiatic tropics are overwhelmingly the most important source of spices, especially the Dutch East Indies and the Malay Peninsula. Other tropical areas have a much more limited range of products, and with very few exceptions they are less important as producers of outstanding single wares. Most of the pepper comes from Malacca, Java, Siam and Singapore. Vanilla, originally from Mexico, is now cultivated extensively in the Seychelles islands, Mauritius, Java, Tahiti, the Fiji Islands and the West Indies. Nutmegs and mace are grown principally in the Dutch East Indies. Ginger production is well scattered through the tropics, with the great volume in the East and West Indies. The British Empire is self-sufficient in the production of spices, except vanilla, and exports large amounts.

Spices are cultivated either as permanent plantation crops (nutmegs, cloves, cardamoms, cinnamon and vanilla), as garden crops (ginger, pepper), often subsidiary to other products, or as field crops on a large scale. In this last case the spice may be rotated with other crops, as are cumin and coriander. The spices proper have lost a very large part of their earlier relative importance. Swift and cheap transportation, variegated diets, the variety of available flavorings and refrigeration are among the factors which have effected this change. Sugar and chocolate in their various forms and combinations, coffee, tea and tobacco are probably all more interesting to our palates than the mediaeval luxury of pepper.

Cocoa, tea and coffee are all great quantity crops which play a role in the contemporary world comparable to that of the spices proper in earlier times. Cocoa, one of the most concentrated foods, has the widest range of uses, including flavoring, beverages, confections and desserts. The raw product of commerce is sometimes called cacao after the tree (*Theobroma cacao*), which the first white men found in various parts of tropical America. Cocoa as it is sold in grocery stores today consists of the pulverized seeds, dried and with the fat, or cocoa butter, extracted. Chocolate is cocoa plus sugar and flavoring, usually cinnamon or vanilla. The United States consumes about a third of the world's cacao, Europe practically all of the remaining two thirds. Germany is the largest consumer next to the United States, with about half the American imports and roughly the same per capita consumption; the other large importers are Great Britain, the Netherlands and France.

According to tradition Bernal Díaz, one of the Spanish officers with Cortés, was the first to report the beverage known to the Mexicans as *chocolatl*, made from the *cacauatl*, a word quickly corrupted into cacao. Introduced into Spain and Portugal, the new luxury soon spread to Italy and thence to France and England. Chocolate factories existed in the south of Europe as early as 1550, but nearly two centuries passed before the product came into anything like general use. The really phenomenal increase has taken place since 1850. Nearly two thirds of the world supply of this originally American product comes from west Africa, the Gold Coast alone accounting for over two fifths of the total. Until the twentieth century tropical America produced around three fifths of the world supply. The decline there has been relative only, Brazil's output nearly doubling between 1910 and 1925 and the American crop as a whole increasing substantially. What upset the ratio was a sixfold increase in the production of the Gold Coast, where the

government authorities planned and directed the production of cocoa. The output of St. Thomas and Principe—Portuguese islands off the west coast of Africa—dropped sharply from first rank during the period when world production was more than doubling. Practically the entire world supply of cocoa is produced in British colonies.

The fermenting and drying of cacao seeds, or beans, requires no such expensive machinery on the ground as a sugar mill; nor is there any problem of swift transport to distant markets, as in the case of bananas. Native farmers can easily be taught to prune cacao trees as well as the more complicated technique of preparing the beans without destroying the flavor or food values. This shift from the plantation system was made deliberately in Nigeria and the Gold Coast after investigations in 1908–09 by Joseph Burtt and W. A. Cadbury had shown the prevalence of forced labor in St. Thomas and Principe. The largest British buyers promoted the small farming system both directly and by giving preference to its product; with the exception of a few large plantations, practically the whole output of cocoa in west Africa comes from small native plantings, the product being bought from the farmers through a system of native brokers and storekeepers, who get substantial commissions. This system has been little better than the other from the standpoint of limiting output and thus maintaining prices which would enable the actual cultivator to live decently from his labor. While at first it easily absorbed the net increase, the world market showed distinct signs of saturation by 1928. The suddenness of the change has been explained not only by the increasing supply but also by shifts in eating and drinking habits in consuming countries, such as the use of tobacco by women, dieting and the rise of fruit consumption.

There are several species of coffee tree, all indigenous to Africa. The best varieties come from tropical plateaus and valleys. Introduced into Arabia probably in the eleventh century, coffee drinking spread rapidly to Persia, Syria, Cairo, Constantinople and finally to western Europe, where, although a comparatively expensive luxury item, it was popular in London and Paris in the seventeenth century. The Arabian species is the important one in world trade. Spaniards early introduced the crop into the West Indies, which were long the center of quantity production. Then came the shift to Java, and lastly—late in the nineteenth century —to Brazil. Brazil now produces a little over two thirds of the world's export coffee by weight, although its preeminence would be lessened somewhat in terms of value. Many of the higher priced blending coffees are grown elsewhere, especially in Colombia and Central America. Brazilian attempts to support prices by curtailing production and marketing in the present century have encouraged planting elsewhere, including the Dutch East Indies, partially recovered from the pest disasters of the 1880's. For the production of especially high grades of coffee in relatively small quantities the historic big plantation system used in Brazil has its disadvantages. The usual practise on these plantations is to use the "dry" process of depulping the coffee bean with machinery; the finer Colombian coffees are depulped by hand labor in the more careful and tedious "wet" process.

The large Brazilian plantations have their own equipment for preparing coffee for market and their own railways; the capital requirements are comparatively large. These plantations also produce the main food crops for their workers, who number roughly five millions and work under conditions of low wage servitude. In Brazil the small planter is usually financed by the exporting firms or by the owners of the processing plants. Large planters often obtain advances on crops from foreign importing houses. In Colombia, Venezuela and Central America the planters are financed to a large extent by importers in the United States. Coffee is raised on large European owned plantations in the Dutch East Indies and either shipped direct to Amsterdam or sold at public auctions. The greatest coffee exchange is in New York, that of Le Havre occupying second place, and the only exchange in an exporting country is in Santos, Brazil. Export taxes are high in some smaller producing countries, such as Haiti, where this method of raising revenue is convenient as compared with others which would distribute the burden of government more equitably. South America provides 75 percent of the world's coffee imports, Central America 9 percent, Asia 8 percent and Africa 3 percent.

Brazil and Colombia, two large producers, consume less than 5 percent of their own coffee. This one item makes up roughly three fourths of Brazil's exports (by value) and about two thirds of Colombia's. After early attempts to prevent the extension of planting Brazil used foreign loans in 1906 and currency inflation in 1917–18 to buy and store coffee. Since both

operations turned out profitably because of later rises in prices (largely independent, however, of the government's efforts), it was decided in 1921–22 to make such a program permanent, and a "defense institute" was accordingly set up. The stocks increased to hundreds and then thousands of millions of pounds, and with them the burden of financing the growers whose crops did not flow to consumers. Already weakened, prices fell nearly 50 percent in four months, beginning with September, 1929. A loan of $100,000,000 was subscribed in London and New York in the spring of 1930 to bring the coffee situation under control. One condition was the orderly marketing of coffee, so that the old stocks would be liquidated within ten years and one twenty-fourth of the estimated production of two years disposed of monthly. Destruction on a grand scale was part of the plan adopted. It is estimated that 10,500,000 bags, or roughly 3,860,000,000 pounds, were destroyed in sixteen months following June, 1931. A successful revolution on the fringes of the country against the coffee districts and a fierce but unsuccessful counter-revolution complicated the government's problem. Early in 1932 the world's coffee stocks were still sufficient for fifteen months' consumption. How Brazil's economic situation was hit by the fall in price of one commodity may be seen from the fact that its 1931 exports were down in value almost to half those of 1929, although the export of its great staple was greater in quantity by a sixth in the later year.

During the decade after the World War the world's coffee consumption increased to roughly 22.5 percent above the average for the five years before the war. The chief importers of about 3,000,000,000 pounds annually are roughly as follows, by percentages: United States, 47.5 percent; France, 11.1; and Germany, 10.1. Denmark ranks first in per capita consumption (16.09 pounds). Sweden and Norway also outrank the United States, where the consumption per capita is 11 pounds. Great Britain is far down in the list because of the wide use of tea and cocoa. Coffee is treated as a necessity in the American tariff system and is thus admitted free of duty. Other large consumers, like Germany, impose heavy duties, and there has been a general tendency since the war to treat coffee as a luxury in this respect.

Tea (Chinese *ch'a*, Amoy dialect *te*) is the name given to the dried leaves of a group of shrubs or trees allied to the camellia. The original home of the shrub seems to have been the province of Assam, India, whence it spread to China in the third century A.D. It was introduced into Europe by the Dutch, reaching England in 1645. At that time it sold at £3 per pound. Tea is today surpassed only by water as a beverage, its supremacy being most notable in Asia, the United Kingdom and Russia.

After the tea leaves are gathered they are put through four distinct processes, withering, rolling, fermenting and drying; fermenting is omitted in the case of green tea. Large and hygienic machines are now used for rolling on the great tea plantations of India, Ceylon and Java. Drying is done either in the sun or in firing machines. Brick tea, largely for Russian consumption, is generally made of inferior leaves, residue, stocks and dust. Recently, however, high grade tea dust has been compressed by steam machinery into tablets for shipment to Soviet Russia. Practically all tea is selected, graded and priced by sample, taste being the basis of choice.

World production of tea increased from an annual average of 721,000 tons in 1909–13 to 810,000 tons in 1924–28, or 12.5 percent. (This includes estimates of China's total production. The much lower figures frequently encountered count only the tea exported from China, not that consumed there.) The annual export value in 1924–29 was roughly $210,000,000. China, still the chief producer and for centuries the main exporter of tea, now takes fourth place as an exporting country, following India, Ceylon and the Dutch East Indies. Around 1890 tea made up over a fourth of China's exports, but by 1925–29 it had fallen to 3.3 percent. Japan ranks a rather weak fifth even with the addition of the Formosan crop, which about equals that of Japan proper. There has been a considerable decline since the World War. Even after a sixteenfold rise since the period 1870–75, the value of India's tea exports in 1924–29 was only 8.5 percent of its total exports. India furnished about 40 percent of the world's tea exports by weight but over 50 percent by value. Ceylon exports about two thirds as much tea as India, but this one item constitutes roughly 50 percent of the total exports. Thus the major share of the world's tea imports is supplied by British possessions.

The plantation system, with British capital, prevails in India and Ceylon. Big holdings, cheap labor, mechanization and rational management have led to relatively cheap production

and controlled grades, which simplify marketing. The rapid rise of tea growing in the Dutch East Indies in the present century has been founded on similar methods. Calcutta is the immediate destination of the bulk of the India tea, although Colombo is also an export center. From Calcutta the tea is either sent direct to London on consignment or it is sold at auctions to export buyers. In Ceylon perhaps 10 percent of the tea is disposed of directly from estates to large buyers, 40 percent is auctioned off in Colombo, and the remainder is sold through brokers operating on the London exchange. Tea is grown in China and Japan mainly as a side line on small scattered holdings. The want of organization, machinery and capital has made competition with British and Dutch growers increasingly severe. As in the case of coffee, tea growing is menaced by overproduction; and the chief exporters have been considering various schemes for the restriction of output.

London has suffered as a central distributing market since the rise of steam navigation and the opening of the Suez Canal, but it still has the central market, which determines the value of tea in every country save perhaps China. Much tea is now shipped directly from producing to consuming countries.

With some exceptions, for example, American cotton and tobacco, plantation wares are for the most part grown in colonial or semicolonial countries and are usually financed by foreign capital. Wages are low and forced labor is common. The movement in the production and export of plantation wares played a decisive part in the development of colonialism and constitutes an important aspect of modern imperialism. The colonial character of these wares and the fact that their production is disproportionate in terms of the whole local economy mean that the bulk is absorbed by the more industrialized nations. Thus an unusually large proportion of plantation wares is exported; in 1929 exports were as follows: 3,762,000 tons of cotton, or 60 percent; 1,511,000 tons of coffee, or 60 percent; 863,558 tons of rubber, or 90 percent; 13,574,000 tons of sugar, or 44 percent; 700,000 tons of tobacco, or 36 percent. World exports of tea were 430,000 tons. This is 98 percent of production outside China; but the inclusion of any reasonable estimate of the Chinese output would bring the percentage below 60. The export of 540,000 tons of cocoa was 98 percent of the total product. Figures on the wide range of spices are of course extremely complicated, but they also indicate nearly 100 percent exported.

Like all raw materials and agricultural products sold in considerable quantities on the world market, nearly all plantation wares are confronted with the problem of adequate markets because of overproduction. Hitherto unimagined possibilities for overproduction have been opened up by the migration of crops under more recent economic conditions. Control by peaceful assignment of production quotas and by holding back supplies from the market has never succeeded very long. There are many areas where most of the wares can be grown, and the differences in transport costs are now slight.

Shifts of any of these products into or out of the plantation groups still depend as in the past upon economic, social and geographic differentials. The advantage of cheap labor tends to disappear with time. A high degree of specialization, coupled with a large initial investment and heavy fixed costs, has advantages which evidently depend largely upon the size and reliability of the market outlets to be reached by the advertising and the large scale handling of a uniform product.

NATHAN G. SILVERMASTER
MELVIN M. KNIGHT

See: PLANTATION; SUGAR; TOBACCO; COTTON; RUBBER; FRUIT AND VEGETABLE INDUSTRY; FOOD INDUSTRIES; RAW MATERIALS; NATURAL RESOURCES; IMPERIALISM; COLONIAL ECONOMIC POLICY; NATIVE POLICY; FORCED LABOR; PEONAGE; COMMODITY EXCHANGES; VALORIZATION; COMMERCE.

Consult: Pratt, E. E., *International Trade in Staple Commodities* (New York 1928); Smith, J. Russell, *The World's Food Resources* (New York 1919); Chisholm, G. G., *Handbook of Commercial Geography* (12th ed. by L. D. Stamp, London 1932); Ridley, H. N., *Spices* (London 1912); Ciasca, R., *L'arte dei Medici e speziali nella storia e nel commercio fiorentino dal secolo XII al XV*, Biblioteca Storica Toscana, vol. iv (Florence 1927); Maclaren, W. A., *Rubber, Tea and Cacao, with Special Sections on Coffee, Spices and Tobacco*, Resources of the Empire, vol. v (London 1924); Knapp, A. W., *The Cocoa and Chocolate Industry* (2nd ed. London 1930); Great Britain, Empire Marketing Board, *Cocoa: World Production and Trade*, E. M. B. no. 27 (1930); Williams, I. A., *The Firm of Cadbury 1831–1931* (London 1931); United States, Bureau of Foreign and Domestic Commerce, "Cocoa in West Africa" and "Cocoa in the Ivory Coast," by Leonard J. Schwarz, *Trade Promotion Series*, nos. 68 and 125 (1928–31); Keable, B. B., *Coffee from Grower to Consumer* (London 1910); Cheney, R. H., *Coffee: a Monograph of the Economic Species of the Genus Coffea L.* (New York 1925); United States, Bureau of Foreign and Domestic Commerce, "The Coffee Industry in Brazil," by W. G. McCreery and M. L. Bynum, "The World's Exports of Coffee," by M. L. Bynum, and "The Coffee Industry in Colombia," by M. L. Bynum

and others, *Trade Promotion Series*, nos. 92, 110 and 127 (1930–31); McDonald, J. H., *Coffee Growing, with Special Reference to East Africa* (London 1930); Marx, Herbert, *Der Kaffeeanbau auf Sumatra* (Leipsic 1931); Hirschmann, August, *Die Kaffee-Weltwirtschaft in ihrer neueren Entwicklung* (Marburg 1930); Leeuw, Henry de, "Coffees of Java and Dutch East Indies" in *Tea and Coffee Trade Journal*, vol. lvii (1929) 25–33; Medeiros, S., *Problemas do Café* (2nd ed. São Paulo 1930); Roth, Hans, *Die Überzeugung in der Welthandelsware Kaffee im Zeitraum von 1790–1929*, Beiträge zur Erforschung der wirtschaftlichen Wechsellagen, Aufschwung, Krise, Stockung, vol. ii (Jena 1929); Mennell, R. O., *Tea* (London 1926); Staveacre, F. W. F., *Tea and Tea Dealing* (London 1929); Manninga, A. W., *De theecultuur in Nederlandsch-Indië* (Amsterdam 1916); Torgasheff, B. P., *China as a Tea Producer* (Shanghai 1926).

PLATFORM, POLITICAL. *See* CAMPAIGN, POLITICAL.

PLATO AND PLATONISM. In the eyes of posterity the philosophy of Plato (427–347 B.C.) has all the appearance of a finished type of speculative idealism, while its social conceptions are looked upon as a plan for utopia. But the more the real Plato is known, the more is it perceived that what dominated his life was a political interest—an interest moreover that was closely tied up with the conditions of Greek civilization and particularly of post-Periclean Athens. Plato was profoundly shaken by the condemnation of Socrates, whose enthusiastic disciple he had been and who died the victim of the prejudices and passions of the very people whom he had striven ceaselessly to lead into the ways of methodical reflection and true justice. It is thus understandable that Plato's efforts should have been directed toward inquiring into the causes of Socrates' failure, which cast such a sinister shadow over the destiny of his country, and toward discovering the means to rectify the situation.

Socrates doubtless believed too readily in the harmony between the positive laws and ideal justice, between the habits of language and universal reason. This, however, was not such an error as it might seem. Is it not self-evident that if virtue is to be a science, moral practise must depend upon a speculative theory which is valid in its own right—temporarily putting aside all question of application? The originality of Plato with reference to Socrates—that which gives Plato his place in history—is that he planted himself squarely on the terrain of pure theory and sought to delve more deeply into the sources of strict scientific truth. Using the rigorous postulates of mathematical demonstration already formulated by the Pythagoreans, Plato constructed a doctrine in terms of principles which were to be intelligible in themselves, to have a truth independent of the appearance and flux of things as also of the interests or desires of men. These principles were to be immovable and eternal.

Through the progress of dialectic what was for Plato at first apparently only a means for political success thus became an essential end. The Platonic sage is not to be dazzled either by the gleam of the stars in the visible heaven or by the splendor and wealth of the oriental despot: the sole object worthy of his attachment is the Good—the Good which is perpetually identical with itself and which "in power and dignity is far above anything which presents itself to us as existing." Platonism in short stands out as a pure idealism, an asceticism of the intellect, for which the method of the exact sciences as well as the mystical devotion of love serves only as a preliminary.

It is at this point that there develops what may well be called the drama of Plato's thought. Conceived in this fashion, Platonism may be said to run the risk of missing in its turn the aim which Socrates had assigned to reason—and this time because it may overshoot the mark rather than fall short of it. Under the Platonic exaltation of disinterestedness the wise man will naturally be reluctant to enter the cave and introduce among the shadows the image of the divine order of ideas; he must therefore be constrained to enter against his will. In the *Republic*, where Plato none the less exalts the virtues of a life devoted entirely to abstract philosophy, he at the same time develops in great detail the plan of a state which the philosopher would resign himself to construct by taking very exact account of the geographic and demographic conditions that would render such a state viable. Its architecture is made to rest on a parallelism of the social and psychological functions: the temperance of the artisans and the courage of the warriors are subordinated to the wisdom of the magistrates. Moreover, under the law of the economic division of labor, the hierarchy of classes assures the equilibrium of the just state, exactly as the justice of the just man is defined in his own eyes by the dominance of the brain over the impulse of the heart or the desire of the belly. When this moral authority is lacking, however, it is inevitable that the body social should degenerate, ending in complete dissolu-

tion. In his theory of the degeneration of governmental forms Plato shows how under the pressure of material interests and selfish passions there is a natural movement from aristocracy to timocracy, to oligarchy, to democracy and finally to tyranny.

The sociology of Plato thus has a twofold significance, and it is this in fact which gives it its historic importance. Its first aspect is that of a practical idealism corresponding to the teaching of Socrates during his lifetime; the second aspect is that of a radical pessimism, provoked by reflection on the spectacle of his death. The gap between these two aspects can never be bridged until kings become philosophers or philosophers become kings. Slight as seemed to Plato the likelihood of these eventualities taking place, yet it is noteworthy that he never neglected to cultivate either one. This in fact is the key to his practical activity as well as to his literary work. Three times he went through the perilous adventure of a journey to the court of the Syracuse tyrants in the hope of converting them to his ideal of legislation. In the meanwhile he had founded his school of the Academy. And here, while he initiated his immediate disciples into the study of a dialectic that became more and more involved, subtle and esoteric, he sought in his written *Dialogues* to carry out a different and more practical aim—to rally a wide public for the reconstruction of political life and the salvaging of Hellenic civilization.

This practical, political motivation serves to explain another antithesis in Plato's thought. The same writer who in the *Republic* had banished the poets because their blasphemous fables attributed to the gods the weaknesses and the vices of men resorts to the anthropomorphic psychology of the Demiurge as a means of explaining the order and structure of the visible universe. As Plato writes in the *Timaeus*, the perfect simplicity and unity of the Ideas become damaged and coarsened in the course of their incorporation into the temporal souls—the souls of the physical world as well as the souls of men. In addition to this myth of cosmic creation Plato uses other myths to support the sovereign value of justice in the individual and in the state by giving a vision of human destiny before birth and after death. In the unfinished dialogue of the *Laws* this stiff and archaic character of Plato's thought is carried to extremes in his scheme of state organization: the state is placed under the protection of the gods and ends in a fierce authoritarianism.

The depth, the richness and the complexity of Plato's work account for the diversity of the currents of influence which surround Platonism. At first there were only speculative influences and these were both divergent and confused. Aristotle retained from the teaching of his master the teleological and mythical elements and transposed them into the abstract language of his physics and metaphysics. Plato's successors in the Academy, on the other hand, attached themselves to the mathematical side, but without ever being quite able to define it. Platonism oscillated between the skepticism of the New Academy and the mysticism of the neo-Platonists, which rose to triumph from Plotinus to St. Augustine. The Middle Ages developed especially the mythology of the *Timaeus*, making it conform to the stories of the Bible. Platonic idealism revived, however, with the discovery of mathematical analysis in the Renaissance and in the seventeenth century; its inspiration may be recognized in the religious spiritualism of Descartes, Spinoza and Malebranche. At the present time the great emphasis upon social problems has invested with a new interest the study of the conditions which Plato, with his realistic and precise genius, had outlined for the success of rationalism in the political and moral sphere. Platonism has indeed anticipated several of the great trends of contemporary thought: eugenics, feminism, socialism. At the same time it maintains that these trends would contradict one another and become perverted if they were to be regarded merely as instruments for the egoism of mine and thine—or, in other words, if the technique of morals and laws were not placed at the service of spiritual values which produce unity in the soul of each man and in the souls of all men.

LÉON BRUNSCHVICG

See: PHILOSOPHY; IDEALISM; ETHICS; RATIONALISM; SCIENCE; POLITICAL SCIENCE; COMMUNISM; EUGENICS; WOMAN, POSITION IN SOCIETY.

Works: *Platonis opera*, ed. by J. Burnet, 5 vols. (vols. i–ii 2nd ed., vols. iii–v 1st ed., Oxford 1903–10). English editions: *The Dialogues of Plato*, tr. by Benjamin Jowett, 5 vols. (3rd ed. Oxford 1892); *The Platonic Epistles*, tr. and ed. by J. Harward (Cambridge, Eng. 1932).

Consult: Halévy, Élie, *La théorie platonicienne des sciences* (Paris 1896); Taylor, A. E., *Plato, the Man and His Work* (3rd ed. London 1929); Wilamowitz-Moellendorff, Ulrich von, *Platon*, 2 vols. (2nd ed. Berlin 1920); Ritter, Constantin, *Platon*, 2 vols. (Munich 1910–23); Gomperz, Theodor, *Griechische Denker*, 3 vols. (4th ed. Berlin 1922–31), tr. by L. Magnus and G. G. Berry, 4 vols. (London 1901–12)

vol. ii, p. 247–397, and vol. iii; Shorey, Paul, *The Unity of Plato's Thought* (Chicago 1903); Burnet, John, *Platonism* (Berkeley 1928); Dickinson, G. Lowes, *Plato and His Dialogues* (London 1931); Barker, Ernest, *Greek Political Theory: Plato and His Predecessors* (London 1925); Salin, Edgar, *Platon und die griechische Utopie* (Munich 1921); Pöhlmann, Robert von, *Geschichte der sozialen Frage und des Sozialismus in der antiken Welt*, 2 vols. (3rd ed. by Friedrich Oertel, Munich 1925) vol. ii, p. 8–245; Natorp, Paul, "Platons Staat und die Idee der Sozialpädagogik" in his *Gesammelte Abhandlungen zur Sozialpädagogik*, 3 vols. (2nd ed. Stuttgart 1922) vol. i, ch. i; Robin, Léon, "Platon et la science sociale" in *Revue de métaphysique et de morale*, vol. xxi (1913) 211–55; Brunschvicg, Léon, *Le progrès de la conscience dans la philosophie occidentale*, 2 vols. (Paris 1927) vol. i, p. 17–46; Lodge, R. C., *Plato's Theory of Ethics* (London 1928); More, Paul Elmer, *The Religion of Plato* (2nd ed. Princeton 1926); Klee, Raymond Lucien, "La théorie et la pratique dans la cité platonicienne" in *Revue d'histoire de la philosophie*, vol. iv (1930) 309–53, and vol. v (1931) 1–41; Muirhead, J. H., *The Platonic Tradition in Anglo-Saxon Philosophy* (London 1931).

PLAY represents one of a group of problems which rose to scientific importance when, in the nineteenth century, physiological and evolutionary ways of thinking began to dominate psychology. Prior to this time the general tendency had been to regard play as natural—an attitude which in this connection as elsewhere made serious thought quite unnecessary. But beginning with Herbert Spencer there appeared a long series of so-called theories of play. Taking his cue possibly from some earlier comments by the poet Schiller, Spencer suggested that play is the result of the discharge of surplus nervous energy. He pointed out that higher organisms which live a more sheltered youth could be expected to manifest play behavior to a greater extent than do lower organisms which enter early upon the more serious business of life. Spencer made some mention also of the imitative character of play. To Moritz Lazarus is attributed the recreation theory which brings out the fact that play is frequently associated with fatigue. Recovery from overactivity of one type is brought about not by rest but by an alternative form of activity. Karl Groos in his *Die Spiele der Thiere* and later in his *Die Spiele der Menschen* developed the idea that play is preparatory for adult life; youth is a period during which instincts must be modified and adapted to later requirements. Lilla E. Appleton, after a comparative study of play in adult savages and children, brought forward the suggestion that variations in play at different ages are to be explained in terms of the somatic changes associated with growth. A dominating conception during the period of G. Stanley Hall's leadership in American pedagogy was his theory of recapitulation: "I regard play as the motor habits and spirit of the past of the race, persisting in the present, as rudimentary functions sometimes of and always akin to rudimentary organs. . . . Thus we rehearse the activities of our ancestors, back we know not how far, and repeat their life work in summative and adumbrated ways." Alexander Shand identified play with the primary emotional system of joy. Play, he held, is a type of behavior directed at the maintenance of the emotion of joy. William McDougall in his *Introduction to Social Psychology* claimed that the impulse of rivalry is the basic and differentiating characteristic of play. Various influences of the psychoanalytic movement have appeared in some of the later interpretations. Groos himself suggested that play may have a "cathartic" action, a notion which might very easily be traced to Aristotle. Hall's theory is suggestive of Jung's idea of the racial unconscious. But it is in connection with make believe play that the relation to Freudian theory has become most apparent. It has even been suggested, following Adler, that the play of children is an expression of childhood's obvious inadequacy.

The outstanding feature of these theories is that for the most part they are not theories at all. They are mostly efforts to summarize with maximum relevancy the meaning of the word play. They are certainly not alternative explanations of a defined and accepted group of facts nor are they systematic frameworks within which can be set the multifarious facts commonly referred to under the term. The typical "theory" has simply singled out one of the accepted characteristics of play—the fact that it is associated with an abundance of energy, that it is recreative, that it is reminiscent of historical epochs or that it expresses the child's desire to be an adult—and has then proceeded to the argument that this is the fundamental fact about play. Actually, the argument is relevant only to the use of a term. There is of course nothing more revealing than the linguistic usage which a given author insists should prevail, but the revelation has to do chiefly with the intellectual attitudes of the author. The enumerated "theories" are thus mainly useful in showing the shifting psychological attitudes toward childhood which have prevailed since the days of Herbert Spencer.

Along with the development of the classical theories of play there took place another movement of possibly greater importance—that toward objective and scientific observation of the entire range of child behavior from the reflex reactions of the newborn to the subtle social and imaginative life of adolescence. Preyer, the German physiologist, set a model for much later work by his book, *Die Seele des Kindes* (1881). But interest in this field did not become widespread until, in 1891, G. Stanley Hall founded the *Pedagogical Seminary*, in which journal there appeared many empirical studies of child life. These early studies were based largely upon hearsay evidence, but they were honest searchings after empirical facts and as such they introduced a novel note into a field where sentiment and dogmatism had long been dominant. The methods employed by Hall and his students met severe criticism at the hands of the experimental psychologists of his day, and for a time this general field fell into scientific disrepute. Since the World War, however, child psychology has had a rebirth and both in Europe and in America scores of workers are carrying on studies which would have delighted Hall and his school.

A third development has involved the relationship between play and education. The old doctrine of formal discipline and the puritanical distrust of pleasure had left play as a type of activity that was tolerated but always suspect. With the rise of a scientific psychology in the latter half of the nineteenth century there appeared two important alterations of opinion: first, recognition of the fact that sufficient educational skill might transfer to the business of learning something of the vigor of motivation to be found in spontaneous play; and, second, realization that the play life of adolescent and adult, as well as that of the young child, has an important bearing upon both mental and physical health. It is the increasing acceptance of the latter theory that has given play an important place in contemporary programs of mental and social hygiene and of education.

EDWARD S. ROBINSON

See: AMUSEMENTS, PUBLIC; RECREATION; SPORTS; ATHLETICS; DANCE; PLAYGROUNDS; PARKS; LEISURE; CHILD; EDUCATION; MENTAL HYGIENE; CULTURE.

Consult: Spencer, Herbert, *The Principles of Psychology*, A System of Synthetic Philosophy, vols. iv–v, 2 vols. (3rd ed. London 1890); Groos, Karl, *Die Spiele der Thiere* (2nd ed. Jena 1907), tr. by E. L. Baldwin (New York 1898), and *Die Spiele der Menschen* (Jena 1899), tr. by E. L. Baldwin (New York 1901); Lazarus, M., *Über die Reize des Spiels* (Berlin 1883); Hall, G. S., *Adolescence*, 2 vols. (New York 1904), and *Youth: Its Education, Regimen and Hygiene* (New York 1906) ch. vi; Appleton, L. E., *A Comparative Study of the Play Activities of Adult Savages and Civilized Children* (Chicago 1910); Shand, A. F. S., *The Foundations of Character* (2nd ed. London 1920); Dewey, John, *Human Nature and Conduct* (New York 1922); McDougall, W., *An Introduction to Social Psychology* (22nd ed. London 1931); Murchison, C. A., *Handbook of Child Psychology* (Worcester, Mass. 1931); Piaget, Jean, *The Moral Judgment of the Child*, tr. from French by Marjorie Gabain (New York 1932); Preyer, W., *Die Seele des Kindes* (9th ed. Leipsic 1923), tr. by H. W. Brown, 2 vols. (New York 1888–89); Murphy, Gardner, *An Historical Introduction to Modern Psychology* (2nd rev. ed. New York 1930) ch. xvii; Murphy, Gardner and L. B., *Experimental Social Psychology* (New York 1931); Robinson, E. S., "The Compensatory Function of Make-Believe Play" in *Psychological Review*, vol. xxvii (1920) 429–39; Patrick, G. T. W., "The Psychology of Play" in *Pedagogical Seminary*, vol. xxi (1914) 469–84; Reaney, M. J., "The Psychology of the Organized Group Game" in *British Journal of Psychology: Monograph Supplements*, vol. i, no. iv (1916).

PLAYGROUNDS. In a broad sense any area, indoor or outdoor, where play activities are conducted may be called a playground. More commonly, however, an outdoor site, whether in connection with school, park, public square or municipal institution, devoted to supervised play is known as a playground or play center. The playground movement is a broader term and refers not so much to the allotment of space or the acquisition of land as to the organization of community resources for recreation or leisure time activities. It is largely an American movement and its development lies within the present century. Although athletics, games and gymnastics occupy an important place in European countries, particularly in Scandinavia, central Europe and the British Isles, they are in most cases promoted as part of the physical education program of schools or in connection with sport organizations under religious, political or industrial auspices. Public playgrounds such as have developed in the United States and Canada are almost unknown elsewhere, and where they do exist they have been patterned after American models. It should be said, however, that systematic town planning in certain countries and the garden city movements have resulted in the provision of open spaces which to some extent obviate the need for playgrounds.

The town common of the seventeenth century, prototype of the English village green, served as the first municipal playground in the United States. Here football, cricket, races,

wrestling matches and other informal community sports were indulged in. But it was not until the nineteenth century that there was any conscious provision for organized play. Between 1820 and 1830, under the impulse of German gymnastic teachers who had come to the United States as political refugees, several New England schools and colleges established outdoor gymnasiums, where for the most part activities were conducted without supervision. In 1868 the First Church of Boston utilized the yard of a public school as a vacation playground, and in 1876 Washington Park in Chicago was opened for team games. The date generally agreed upon as the beginning of the playground movement in the narrow sense is 1885; in that year Dr. Marie Zakrzewska, who had visited Berlin and had seen children playing on sand piles in public parks, opened a similar sand garden in Boston. The idea spread to neighboring New England cities, and out of these early play centers for small children grew the model playground equipped with swings, slides and other gymnastic apparatus.

During the remainder of the century the promotion of public playgrounds came chiefly through voluntary and philanthropic effort and served as another manifestation of the humanitarian impulse which sought to counteract the effects of industrialization and urbanization, particularly the growing evil of slum congestion. The movement was at first confined to the summer months and was sponsored by settlements, social welfare organizations, churches, kindergartens and private schools. In large cities, where yards and vacant lots had disappeared and where parks and open spaces were limited, an endeavor was made to utilize school grounds, roofs, public piers or streets temporarily closed to traffic. A vacant lot playground managed by Hull House was introduced in Chicago in 1893, and in 1895 the Henry Street Settlement in New York equipped its back yard as a neighborhood playground. The success of these efforts led to popular agitation for wider provision of playground facilities and as a consequence city governments began to equip existing parks and public squares and to acquire new tracts of land for the purpose. Before 1900 New York, Chicago, Philadelphia, Pittsburgh, Baltimore, New Haven, Providence and San Francisco had begun to provide playground facilities and by 1910 more than 150 cities were operating municipal playgrounds. In 1906 the Playground and Recreation Association of America, now the National Recreation Association, was formed, with the definite purpose of promoting the playground movement. Under its direction the movement was expanded from a summer to a year round service for adults as well as children, so that it is now practically synonymous with the community recreation movement. To the kindergarten activities for small children were added organized games, sports and outdoor activities for older boys and girls, swimming and folk dancing, camping and hiking with their related emphasis on nature study, and a wide range of manual, music and dramatic activities.

Two factors which contributed to the rapid development of the playground movement were the support of the schools and of agencies concerned with crime, especially juvenile delinquency. The latter saw in the playground an outlet for youthful energy, while educators perceived that the biological and social importance of play activity to the growing child made it necessary to supplement classroom instruction not only with formal physical exercise but with games and free play. The movement harmonized with the newer theories of progressive, socialized education and in the case of city children offered possibilities for enlarging the curriculum through the teaching of nature lore and handicraft. Certain cities, notably Newark and New York, organized playgrounds in connection with the public schools in the early years of the twentieth century, but real interest in this aspect of the movement did not come until after the World War and then largely through the expansion of physical education. Recently several states have passed laws requiring the establishment of school playgrounds.

Since 1920 the questions of municipalization of playgrounds and particularly of the agency in which their control should be vested have been most widely discussed. Park boards appear to have been the first official agencies in charge of playgrounds, followed by school boards and by playground and recreation commissions. In certain cities two or more of these bodies are in control, a system which causes confusion and duplication of effort. Recent agitation for centralized direction has resulted in the coordination of several departments under a joint executive and in the appearance of legislative enabling acts authorizing cooperation or expressly placing park and playground activities under one municipal board. The present tendency is to combine all playground and recreation activities under one administrative body with legal standing in

the community and adequate funds appropriated by the municipality.

Some idea of the extent of the playground movement in the United States may be obtained from the following figures based on statistics for 1931 presented in the 1932 yearbook of the National Recreation Association:

Cities reporting play leadership or supervised facilities	1,010
New play areas opened in 1931 for the first time	840
Total number of play areas reported	13,324
Total number of paid recreation leaders	25,508
Total number of volunteer leaders	9,704

Of the 25,508 leaders employed slightly over half were men, and 2686 were employed full time the year round. The average daily summer attendance at playgrounds in 518 cities was given as approximately 1,500,000. A total of 606 recreation buildings was reported by 203 cities, of which 33 were listed as being set aside especially for colored people. This report classifies 228 cities as controlled by park commissions, 200 by playground and recreation commissions, 167 by boards of education. These statistics are not entirely accurate, for there is considerable overlapping. Some cities have a cooperative management which is reported by one department only. The playgrounds of 672 cities are reported as financed by municipal funds, 149 by municipal and private funds, 118 by private funds and 53 by county appropriations. A total recreation expenditure of $36,078,585.37 for the year 1931 was reported by 917 cities. This represents an increase of nearly 100 percent over the amount spent five years previously, the figure for 1926 covering 665 cities being $19,202,123.25.

While these statistics reflect an increasing tendency on the part of municipal bodies to assume responsibility for the playground movement, there is still need for experimentation and demonstration by private agencies. Under the impetus of the latter it has been possible to undertake new types of playground organization, to publish studies inquiring into community playground needs and to emphasize the importance of training leaders. During the past ten years courses in playground leadership have been established by colleges, universities, physical education institutions and in some cases by city recreation commissions. The increasing need for expansion of the movement is apparent from reports assembled in 1930 by the White House Conference on Child Health and Protection. According to these figures only 5,000,000 of an estimated 32,000,000 children between the ages of six and eighteen in the United States are served by public playgrounds. About 4,000,000 of these children live in cities and towns while the remaining 1,000,000 live in rural districts. This means that approximately 12,000,000 urban children and more than 15,000,000 rural children have no opportunity to enjoy playground facilities. Among the recommendations of the conference were the systematic setting aside of playground areas as part of the city planning movement and the establishment of organized recreation facilities in rural communities in connection with schools, churches, county agricultural stations and grange organizations.

JAY B. NASH

See: PARKS; PLAY; RECREATION; AMUSEMENTS, PUBLIC; PHYSICAL EDUCATION; ATHLETICS; SPORTS; COMMUNITY CENTERS; SOCIAL SETTLEMENTS; JUVENILE DELINQUENCY AND JUVENILE COURTS; CHILD.

Consult: Rainwater, C. E., *The Play Movement in the United States* (Chicago 1921); Nash, J. B., *The Organization and Administration of Playgrounds* (New York 1927); Curtis, H. S., *The Play Movement and Its Significance* (New York 1917); Rogers, J. E., *The Child and Play: Based on the Reports of the White House Conference on Child Health and Protection* (New York 1932); Rice, E. A., *A Brief History of Physical Education* (rev. ed. New York 1929) ch. xxv; May, H. L., and Petgen, D., *Leisure and Its Use* (New York 1928) p. 19–25; *Recreation*, Year Book number, vol. xxvi (1932) 53–120; Greater London Regional Planning Committee, *Interim Report on Open Spaces* (Westminster 1931); Playground and Recreation Association of America, *Play Areas, Their Design and Equipment*, ed. by George D. Butler (New York 1928).

PLEBISCITE. A plebiscite is, literally, a popular referendum on any question; but the term is gradually acquiring the more precise connotation of a referendum concerning changes of sovereignty. Conceived in the latter sense, the plebiscite came into use in the French Revolution as a logical consequence of the doctrine of popular sovereignty and of the formal renunciation of wars of conquest voted by the Constituent Assembly on May 27, 1790. Impressed by the moral value of the principle that no change of sovereignty should be made without the consent of the people concerned as well as by its practical value in quieting European apprehension regarding aggressive aims, the Assembly in 1790–91 insisted on a plebiscite in the 98 communes of the papal territory of Avignon and the Comtat-Venaissin before annexation; and it pursued the same course regarding Savoy in

1792 and Nice in 1793. In Avignon and the Venaissin all men over twenty-five years of age who paid a small poll tax were qualified voters, and in Savoy and Nice all men over twenty-one who had taken the civic oath. In each case the result, declared by constituent assemblies, was a majority for union with France. These votes, although taken under French military occupation, appear to have represented a sincere intent to ascertain the popular will.

Faced by refusal on the part of the Belgian communes to absorb the assignats, the Constituent Assembly in 1793 determined on further annexation and, while continuing to employ the plebiscite, used it to cloak conquest. In the plebiscites in the Belgian communes and in the Palatinate pressure was exercised by the French troops and commissioners and the suffrage, limited to those taking the oath of liberty and equality and renouncing privileges, excluded a large number of the inhabitants. The Directory followed the same course in annexing the republics of Geneva and Mulhouse in 1798.

The Napoleonic era and the Congress of Vienna consigned the plebiscite to an oblivion from which it did not emerge until the resurgence of nationalism and democracy in 1848. In that year the leaders of the Risorgimento, in order to demonstrate the general desire for union with Sardinia, held plebiscites, under manhood suffrage, in Lombardy, Venetia, Parma, Piacenza, Modena and Reggio; and the decrees of the Sardinian parliament declared in each case that the union was made in view of the popular vote of the inhabitants. A plebiscite to settle the question of northern Schleswig was urged in the same year by Prussia but was refused by Denmark.

Under the Treaty of Paris, signed March 30, 1856, elections were held in the Danubian principalities of Moldavia and Wallachia for divans ad hoc to settle their reorganization. The divans, elected under a limited suffrage, voted for the same hospodar; this was in effect a vote for union, thus pleasing the powers which had proposed the election, Russia and France, and defeating the policy of disunion supported by Austria, Great Britain and Turkey. A second plebiscite, in 1866, resulted in the formal union of the two principalities as Rumania.

At Villafranca in 1859 Napoleon III had secured for the Italians only the union of Lombardy with Sardinia. As the emperor's claim to his own throne rested on the plebiscite which he had engineered to sanctify his coup d'état, the Italian leaders, supported by Palmerston and Lord John Russell, determined again to appeal to popular consultation, a course at which Napoleon had hinted, and assemblies ad hoc were elected under a limited suffrage like that of Sardinia in Tuscany, Modena, Romagna, Parma and Piacenza. Each assembly voted for Sardinia but, Napoleon declaring himself unconvinced, plebiscites under manhood suffrage were held in the same areas in 1860, which resulted in the fulfilment of Cavour's prophecy: "The dukes, the archdukes and the grand dukes will be found buried under the pile of ballots deposited in the electoral urns. . . ." Thenceforth Cavour made the plebiscite the corner stone of his policy for the union of Italy. Plebiscites were held in 1860 in Sicily, Naples, Umbria and the Marches, in Venetia in 1866 and in Rome in 1870.

As the price for his acquiescence in the annexation of Tuscany and Emilia (Parma, Modena and Romagna) Napoleon exacted the cession of Savoy and Nice. To legitimate in the eyes of Europe a transaction likely to prove repugnant and to protect himself against attack from Italian patriots Cavour insisted on a clause in the treaty making the cession dependent upon consultation of the inhabitants. The plebiscites held in 1860 under manhood suffrage resulted in a majority for union with France. While the conditions surrounding the vote in Nice were such as to deprive it of any convincing quality, the criticisms regarding the vote in Savoy were greatly exaggerated, because of the general fear of Napoleon throughout Europe, of the unpopularity of manhood suffrage in several countries and of the dislike of the principle of self-determination felt increasingly in Germany after 1866.

In a protocol signed August 1, 1863, Austria, France, Great Britain, Prussia and Russia, the four guarantors of the Ionian Islands, agreed that Great Britain should allow the union of the islands with Greece if the Ionian assembly should choose such union rather than continuance of the British protectorate. The Ionian assembly, elected ad hoc under a limited suffrage, voted unanimously for union, and the desire was granted in another treaty between the same powers which cited the vote as the basis of union.

In 1866 Napoleon III succeeded in obtaining the insertion in the Treaty of Prague between Austria and Prussia of a stipulation (art. 5) that Prussia should cede the populations of northern Schleswig to Denmark if, by a free vote, they should express such a wish. Prussia, however,

annexed the duchies in 1867 without any consultation, as it did Alsace and Lorraine a few years later.

There are a few scattered instances of resort to a plebiscite after the Treaty of Prague. Denmark insisted on a plebiscitary clause in the treaty signed at Copenhagen on October 24, 1867, ceding the islands of St. Thomas and St. John to the United States. The plebiscite held in 1868 under manhood suffrage of native born Danish subjects resulted in an overwhelming majority for the cession, but the treaty was never ratified by the United States Senate. France similarly insisted that the treaty by which Sweden in 1877 retroceded to it the island of St. Bartholomew should make the cession conditional on a plebiscite. This was held under manhood suffrage and resulted in an almost unanimous vote for France. A clause making the cession of Tacna and Arica by Peru to Chile dependent on a plebiscite was inserted in the Treaty of Ancón, signed October 20, 1883, but was not carried out. Sweden required a plebiscite in Norway before consenting to its separation in 1905.

The annexation by Prussia of Schleswig and Alsace-Lorraine, however, without plebiscites, had dealt a severe blow to the use of the device and had greatly strengthened imperialist and antidemocratic groups in every country. The Congress of Berlin ignored the plebiscite. Diplomacy had returned to the philosophy of the Congress of Vienna. Thenceforth, until the World War, the history of the plebiscite is primarily one of discussion. Support of the plebiscite came largely from the French and Italian writers, while the German writers were unanimous in opposition. Some American writers supported the plebiscite; others attacked it, the chief of these being Francis Lieber, by birth a Prussian.

Analyzed according to legal bases the plebiscites before the World War fall into two groups, formal and informal. Held as they were without agreement between the two parties in interest, the plebiscites of the French Revolution and the Italian votes of 1848–70 must all be called informal and unilateral. The plebiscites in Moldavia and Wallachia and in the Ionian Islands, Savoy and Nice, the Danish West Indies, St. Bartholomew and Norway were all held by virtue of formal agreements to which both parties, or states representing their interests, were signatory. It should be noted that no one of these formal plebiscites sanctioned a war of conquest.

Whether taken under formal agreement or not, all of the plebiscites held before the World War were under the control of one of the parties only and usually under military occupation. The party in control, however, varied. In the informal plebiscites it was the country which stood to benefit by the cession; in the formal ones it was the party ceding the area. The only vote taken under any degree of international supervision was that in Moldavia and Wallachia; for while this vote was taken under Turkish officials, the regulations governing the voting had been drawn up in agreement with the ambassadors of Austria, France, Great Britain, Prussia, Russia and Sardinia, and the consultative European Commission set up for other purposes extended its powers so far as to be in some sense a commission of control. Although in some of the formal plebiscites the troops of the ceding party were present they apparently played no part in the result. All troops in Savoy, Moldavia and Wallachia were withdrawn previously and order was kept by local militia.

Beginning with the Italian plebiscites special regulations regarding suffrage and voting methods were drawn up. In all of the plebiscites it was required that the voter be a citizen and in some a native as well, and he had to be resident in the area at the time. In most of the plebiscites he did not have to be literate but was disqualified in all of them if he had been convicted of crime involving moral turpitude. The method of voting usually reflected the custom in ordinary elections. The votes in Avignon and most of the other plebiscites of the French Revolution were *viva voce*, in communal assemblies. In the Italian plebiscites of 1848 the voter wrote in a register, under the eyes of the plebiscite officials. Beginning with the votes in 1859 the ballot was used without exception, but with only the rather simple safeguards characteristic of the time. The existing voters' lists were usually made the basis for the plebiscite lists, those wishing to add their names having to present themselves in person to the registration authorities. The votes were always taken by communes, the drawing up of the lists and supervision of the voting being entrusted to the local communal authorities. The preliminary count of the ballots was taken first by these local plebiscite officials and a final count was made by a higher body. In all of the plebiscites before the World War, except in the Belgian and Rhenish communes, the result of the vote, whether or not given for an assembly ad hoc, was counted not by communes but for

the whole territory. Thus it was used not to determine a frontier line in the area but to settle the sovereignty of the whole area.

The methods followed in the pre-war plebiscites appear primitive in comparison with those of the formal post-war plebiscites, all held under international administration and policing and by secret ballot. The best to be said of the pre-war votes is that while some of the informal ones did not express the real wish of the people, the formal ones seem to have given a fairly exact picture of their desires. In any case they marked a long step in the popularizing of the principle of self-determination and paved the way for the far more important and scientific extension of the principle under the treaties of Versailles and Saint-Germain.

SARAH WAMBAUGH

See: SELF-DETERMINATION, NATIONAL; SOVEREIGNTY; ANNEXATION; IRREDENTISM; MINORITIES, NATIONAL; UNIFICATION; LEAGUE OF NATIONS; INITIATIVE AND REFERENDUM.

Consult: Stoerk, Felix, *Option und Plebiscit bei Eroberungen und Gebietscessionen* (Leipsic 1879); Rouard de Card, Edgard, "Les annexions et les plébiscites dans l'histoire contemporaine" in *Études de droit international* (Paris 1890) p. 37–74; Freudenthal, Felix, *Die Volksabstimmung bei Gebietsabtretungen und Eroberungen* (Erlangen 1891); Heimweh, Jean, *Droit de conquête et plébiscite* (Paris 1896); Mattern, Johannes, *The Employment of the Plebiscite in the Determination of Sovereignty*, Johns Hopkins University, Studies in Historical and Political Science, vol. xxxviii, no. 3 (Baltimore 1921); Wambaugh, Sarah, *A Monograph on Plebiscites, with a Collection of Official Documents* (New York 1920), and "La pratique des plébiscites internationaux" in Académie de Droit International, *Recueil des cours*, vol. xviii (1927) 149–258; Great Britain, Foreign Office, Historical Section, *Plebiscite and Referendum*, Handbook, no. 159 (1920); Giroud, J., *Le plébiscite international* (Le Puy 1920); Gonssollin, Emmanuel, *Le plébiscite dans le droit international actuel* (Paris 1921).

PLEDGE is defined in Lord Holt's famous dictum in Coggs *v.* Bernard (2 Lord Raymond 909) as a variety of bailment in which "goods or chattels are delivered to another to be a security to him for money borrowed of him by the bailor." Thus defined the pledge (as represented by the Germanic *Faustpfand*) is sharply differentiated from the mortgage and other security devices based on a title hold or power in the hands of the creditor unaccompanied by physical possession, such as the *hypotheca* of the Roman law, which extended to movables and immovables alike, and the chattel mortgage and conditional sale of Anglo-American law. The pledge is therefore closely allied to the possessory lien of the common law and the rights of retention under many continental codes (*see* LIEN). Like the latter, the pledge has been developed chiefly for goods and chattels, while the most typical development of the mortgage or *hypotheca* idea has been in the law of immovables.

The pledge is now, as suggested in Lord Holt's dictum, an auxiliary device for the assurance of the performance of a principal contract, usually one of credit. Wigmore has shown, however, that historically the idea makes its first appearance in all known systems of law not as an auxiliary arrangement but as a primary credit device called into being precisely because early law had no adequate procedure for the enforcement of a simple contract. Conceivably the man who sold a cow on "credit" which the law failed to recognize could take back a horse with the understanding that the latter was redeemable for the price of the former. Pledges were taken also where the commission of a wrong was claimed and some assurance of righting it was necessary in order that the peace might be kept pending the final outcome of the dispute. Indeed, as in the common law action of replevin, the whole procedure might take on the form of a reclaiming of the thing taken with the true cause of the dispute appearing only as a defense. Such a practise is very similar to the holding of men as hostages in interclan disputes, a custom to which the related concepts of suretyship and bail have been traced. As Ames has shown in the case of liens, the ultimate development of a plenary remedy at law on the personal claim for the breach of a simple contract, a development which in England was not completed until the seventeenth century, has not destroyed the coexistent remedy of resort to a thing but has rendered this resort supplemental or subsidiary. In modern law the creditor may ignore the claim and proceed on the pledge or ignore the pledge and bring an action on the claim, but normally he proceeds on both and gets a deficiency judgment for any part of the debt which the pledge fails to yield.

Just how the thing pledged is to be utilized for this satisfaction of the claim is the point on which legal systems, ancient and modern, with or without the aid of contractual provisions, present the greatest diversity. Between the extreme of merely permitting the creditor to withhold the article from its owner until the debt is paid and that of permitting him to keep it as his own on default there are such requirements as

bona fide sale, as in Anglo-American common law, accompanied by publicity and preceded by fair notice; public sale after due notice, as in the French commercial pledge; the consent of a court either to hold or to sell, as in the French civil pledge; public sale after due notice, as in the German law which requires a thirty-day notice and excuses the public sale where an accounting can be rendered on the basis of market quotations for goods having such listings. The natural tendency of the creditor is to write drastic terms into his pledge agreement, such as complete forfeiture without notice, without publicity, without accounting for any surplus, without waiting for the debt to be due, with limitations on the right of redemption and so on. Equity and legislation have in all systems set a limit to this antisocial tendency by disallowing forfeiture and by keeping alive an equity of redemption even after the stipulated legal right of redemption is gone. Furthermore in German law as well as in Anglo-American law any agreement made after a pledge or mortgage is created whereby the right of redemption is cut off is void. To avoid extreme one-sidedness in small loans all countries now have strict legislation standardizing the pawnshop agreement. This is the modern counterpart of the mediaeval prohibition of usury.

Questions as to the right of the pledgee to use the thing pledged or to appropriate its profits, the right to repledge it, the duty to care for or to preserve it, are resolved in Anglo-American law on the flexible principle of contract rather than by rigid rule. Of course in the absence of a contractual stipulation the presumptions of the old Roman law are drawn upon even in the Anglo-American system, into which Lord Holt's dictum injected them: "If the pawn be such as it will be the worse for using, the pawnee cannot use it. . . ." As to the care expected from a pledgee in the absence of contractual stipulation, due diligence suffices to excuse a loss. He must not put the pledge beyond his reach or that of the pledgor; hence although he may repledge for less than the original debt, it is a conversion for him to repledge for more. He cannot hold a specific pledge for a general balance or vote pledged stock, and he is not in duty bound to incur extraordinary expenses for the protection of a pledge against deterioration, lapse or loss of value in the absence of specification. On the other hand, continental codes tend to lay down general rules which may or may not be varied by contract.

Although the pledge is one of the oldest and simplest of security devices known to the law, its applicability tended for a long time to be restricted to such articles as the debtor could afford temporarily to relinquish—little luxuries, surplus supplies or other inactive tangible wealth. On the other hand, the great increase in modern times of valuable and enduring personal property, and particularly of intangible property represented in law by tokens which pass from hand, has in recent years opened up new fields of usefulness for the pledge idea. Since, however, the handling of pledged goods and their withdrawal from the use of the pledgor and from the channels of commerce have been found inconvenient, modern law has been confronted with the necessity of reinventing hypothecary systems of dealing with chattels, and this too despite the fact that in the abrogation of the requirement of true possession on the part of the pledgee there is a latent danger of misleading a bona fide purchaser into dealing with the pledged goods in ignorance of the secret lien.

In Anglo-American law little difficulty has been experienced in giving effect to the hypothecation of chattels. The chattel mortgage was developed side by side with the pledge, and at common law it was valid without delivery except as a possible fraud against creditors under the Statute of Elizabeth. Depending upon the jurisdiction, it might be either conclusive or only presumptive evidence of fraud. Registration, however, has now been substituted for delivery under recording acts passed in England and almost all of the states of the United States, so that chattel mortgages when properly recorded are now also valid against creditors. In Anglo-American law even mortgages of stocks in trade have been widely upheld.

The conditional sale (*see* SALES) in the United States serves the purposes of credit in the more limited field of the sale of goods. Its business equivalent in England is the hire-purchase system, which is based upon the lease idea. The true physical pledge remains unsubjected to the recording acts. Particularly in the United States elaborate pledge agreements for loans on collateral security represented by negotiable warehouse receipts and bills of lading, stock certificates, corporate and governmental bonds and other valuable documents are at the very foundation of banking.

In continental countries, however, the development has been more limited despite the fact that the chattel hypothec had been intro-

duced in the last centuries of the Middle Ages under the influence of the Roman law. The nineteenth century civil codes know nothing of the chattel mortgage. Both the French Civil Code and the German Civil Code require the transfer of possession for the pledge of tangible objects, although they provide separately for the pledge of immaterial rights. On the other hand, under the commercial codes of continental countries the pledge of goods was made possible when there existed the constructive possession given by commercial documents of title. Thus under the French commercial code a pledge of negotiable instruments may be made by their endorsement, and a creditor is said to have goods in his possession when he holds their bill of lading. Similarly under the German commercial code commission merchants, forwarding agents and carriers have pledge rights over goods as long as they are possessed of the documents of title. Generally the hypothecation of ships is allowed.

The antiquated civil code provisions have moreover been undermined by judicial decision or abrogated in some respects by legislation. Thus in Germany the Civil Code has been virtually nullified by the recognition in practise of the *Sicherheitsübereignung*. This is for all practical purposes a chattel mortgage, for it consists of a transfer of title plus some arrangement for assuring the beneficial enjoyment of the property to the debtor until maturity, when the property is reconveyed upon the discharge of the obligation. In France a series of laws has made possible the hypothecation of various types of property. A law of 1906, superseding an earlier law of 1898, provides for the hypothecation of crops by means of *warrants agricoles*. A law of 1913, supplemented by a law of 1915, allows the hypothecation of hotel property. Most important is the law of 1909, relating to the hypothecation of *fonds de commerce*, under which even the goodwill of the business may be pledged. The Swiss Civil Code makes express provision for the hypothecation of cattle. Both the Swiss Civil Code and the German expressly allow conditional sales, and in most other continental countries they have quite generally been upheld by judicial decision.

NATHAN ISAACS

See: OWNERSHIP AND POSSESSION; LIEN; MORTGAGE; SALES; DEBT; SURETYSHIP AND GUARANTY; PAWNBROKING; BAILMENT; LANDLORD AND TENANT.

Consult: Hanna, John, *Cases and Other Materials on Security* (Chicago 1932), especially p. 109–63; Wigmore, John Henry, "The Pledge Idea: a Study in Comparative Legal Ideas" in *Harvard Law Review*, vol. x (1896–97) 321–50, 389–417, and vol. xi (1897–98) 18–39; Jones, Leonard A., *A Treatise on the Law of Collateral Securities and Pledges* (3rd ed. by E. M. White, Indianapolis 1912), and *The Law of Chattel Mortgages and Conditional Sales*, 3 vols. (6th ed. by R. D. Bowers, Indianapolis 1933); Hübner, Rudolf, *Grundzüge des deutschen Privatrechts* (4th ed. Leipsic 1922), tr. by F. S. Philbrick as *A History of Germanic Private Law*, Continental Legal History series, vol. iv (Boston 1918) p. 374–95, 440–57, and 475–85; Lorentz, H. A., *Der Verzicht auf die Sicherheit* (Rostock 1929); Engi, Andrea, *Die Fahrnisverschreibung im schweizerischen Recht unter besonderer Berücksichtigung der französischen und deutschen Gesetzgebungen* (Berne 1929). See also the bibliography under SALES for material on conditional sales.

PLEKHANOV, GEORGY VALENTINOVICH (1857–1918), Russian theoretician of Marxism. Plekhanov joined the underground populist movement in 1875, when he was a student at St. Petersburg, and soon became prominent as a labor organizer and as editor of party publications. When in 1879 the majority of the populists decided upon a terrorist struggle against czarism, he remained with the minority faithful to the principle of socialist work among the masses. A few years later, however, Plekhanov, already an émigré, renounced populism, with its reliance upon the collectivist instincts of the peasantry and its aversion to political action, in favor of Marxian socialism. In his pamphlets published by the Group for the Emancipation of Labor, of which he was one of the founders, Plekhanov stressed the revolutionary role of the proletariat; he maintained that only the further development of capitalism in Russia, which the populists hoped to forestall, would strengthen the working class and thereby create the conditions necessary for the realization of socialism. Plekhanov's influence in Russia became apparent only in the 1890's when his book on historical materialism directed against the subjective sociology of Mikhaylovsky made a strong impression on the intelligentsia and when labor organizations, which began to develop here and there, recognized the ideological leadership of his Group. In 1900 together with Lenin he began to publish abroad the newspaper *Iskra* (The spark), soon to become the official organ of the Russian Social Democratic party founded in 1898. Likewise the party program, adopted at its second congress in 1903, was the joint product of Plekhanov and Lenin. In the following years, however, Plekhanov broke with the majority group in the party and thereafter re-

mained consistently a right wing opponent of Bolshevist theory and tactics. At the same time he carried on a lively literary polemic directed against all varieties of Marxian revisionism: that of Eduard Bernstein in Germany; the "economism" of Russian labor groups which in the late 1890's stressed economic struggle at the expense of political action; the reformism of Struve and Tugan-Baranovsky; the empirio-criticism of Bogdanov and Lunacharsky; and the "liquidationism" of certain Menshevik groups after the collapse of the 1905 revolution. While during the Russo-Japanese War Plekhanov was an outspoken defeatist, in the World War he pleaded for the defense of Russia as the supreme task of all democratic and socialist forces. After the February revolution in 1917 he returned to Russia, where the program expounded in his paper *Edinstvo* (Unity) failed to elicit popular support.

Plekhanov's contributions to Marxian philosophy and aesthetics overshadow his role as the ideological founder of the Russian labor movement. Among the authoritative expositions of historical materialism his is at once the most lucid and detailed; in Marxian circles his writings in this field are recognized as second only to those of Engels. In his theory of art he broke new ground. Opposed to the current vulgarizations of Marx, he attempted step by step to trace the connection between art and its economic base. He warned against reducing the relationship between these facets of social reality to one of linear cause and effect; nor would he substitute the finding of the "sociological equivalent" of a literary or an art production for aesthetic criticism, the former being merely the necessary first step. Because of his interest in theoretical clarification he studied French materialist philosophy of the eighteenth century and its influence on Marx; and in his writings on literary criticism he drew inspiration from Belinsky and Chernishevsky, the two outstanding representatives of the sociological tendency in Russia. His history of Russian social thought, introduced by an interpretative exposition of Russian social history, remained unfinished at his death.

A. POTRESOFF

Works: A complete edition in 26 volumes, with D. Ryazanov as editor, was undertaken by the Marx-Engels Institute in Moscow; of this only 24 volumes were published (1923–27). It should be supplemented by the collection of Plekhanov's articles and speeches in 1917–18, *God na rodine*, with a biographical sketch by U. Arzaev, 2 vols. (Paris 1921), and the collection of letters to and from P. B. Axelrod, ed. by P. A. Berlin, V. S. Voytinsky, and B. I. Nikolaevsky, 2 vols. (Moscow 1925). A number of articles, lectures, speeches and letters, not elsewhere collected or published, appear in the collection *Gruppa "Osvobozhdeniya Truda"* (Group for the Emancipation of Labor), 6 vols. (Moscow 1924–28). The more important titles in foreign languages are: *Fundamental Problems of Marxism*, tr. by E. and C. Paul (London 1929); *Anarchismus und Sozialismus* (Berlin 1894), tr. by E. M. Aveling (London 1895); *Beiträge zur Geschichte des Materialismus* (Stuttgart 1896); "Uber die Anfänge der Lehre vom Klassenkampf" in *Neue Zeit*, vol. xxi (1903) pt. i, p. 257–86, 292–305; "Das französische Drama und die französische Malerei im achtzehnten Jahrhundert," tr. by J. Herzmark in *Neue Zeit*, vol. xxix (1911) pt. i, p. 542–51, 572–83; *N. G. Tschernischewsky* (Stuttgart 1894); *Introduction à l'histoire sociale de la Russie*, tr. by Mrs. Batault-Plékhanov, Institut d'Études Slaves, Collection historique, no. 3 (Paris 1926).

Consult: Vaganyan, V., *G. V. Plekhanov* (Moscow 1924); Volfson, S., *Dialektichesky materializm v tvorchestve G. V. Plekhanova* (Dialectic materialism in Plekhanov's work) (Minsk 1922); Andruzsky, A. Ya., *Estetika Plekhanova* (Plekhanov's aesthetics) (Leningrad 1929); Gazganov, E., "Istoricheskie vzglyadi G. V. Plekhanova" (Historical views of Plekhanov) in *Istorik marxist*, vol. vii (1928) 69–116; Martow, J., and Dan, Theodor, *Geschichte der russischen Sozialdemokratie*, tr. from the Russian by A. Stein (Berlin 1926).

PLUNKETT, SIR HORACE CURZON (1854–1932), Irish agricultural cooperator. Plunkett, a younger son of a prominent Anglo-Irish family, was educated at Eton and Oxford and for ten years operated a cattle ranch in the American west. At the age of thirty-five, having acquired a fortune, he returned to Ireland and was thereafter identified with agricultural development in that country. Plunkett had become convinced that the salvation of the Irish people lay in organized self-help, particularly along the lines of agricultural cooperation; he became the inspirer and outstanding leader of the movement, and through his efforts cooperation soon gained a strong foothold in rural Ireland. Within a decade Irish agriculture had become remarkably efficient, with the result that Irish primary produce became one of the chief sources of England's food supply. In 1894 Plunkett founded the Irish Agricultural Organisation Society, which was an educational and advisory body; this has continued to be the fountainhead of the Irish agricultural cooperative movement.

Plunkett entered Parliament as a Unionist in 1892. The report of his Recess Committee, a group in which almost all shades of Irish

political opinion and economic interests were represented, was responsible for the establishment by Great Britain in 1900 of the Department of Agriculture and Technical Instruction for Ireland. Plunkett was put in charge and was given ministerial rank with the post of vice president; and although he lost his parliamentary seat in the same year, he was retained in office and knighted in 1903. But his *Ireland in the New Century* (London 1904, 3rd ed. 1905) exacerbated the hostility of the Irish Nationalists, who, because they drew their chief support from the urban middle classes and also were disturbed lest home rule really be killed with kindness, forced Plunkett's dismissal by the Liberals in 1907. Government aid also was withdrawn from the Irish Agricultural Organisation Society, but in 1913 the subsidy was resumed and it was continued by the Irish Free State government after 1922.

In 1914 Plunkett himself turned to home rule, publishing a pamphlet, *A Better Way; an Appeal to Ulster Not to Desert Ireland* (Dublin 1914). From July, 1917, to April, 1918, he presided over the Irish Convention, assembled by the British government in a futile effort to undo the work of the Easter rising and its aftermath. Despite his ventures into politics Plunkett never lost sight of his main work and in 1919 he established the Horace Plunkett Foundation, an institute for research and publication in the field of cooperation.

JESSE DUNSMORE CLARKSON

Other important works: *The Rural Life Problem in the United States* (New York 1910); "A Defense of the Convention" in *The Irish Home-Rule Convention*, ed. by John Quinn (New York 1917) p. 163–83.

Consult: Metcalf, Rupert, *England and Sir Horace Plunkett* (London 1933); Lysaght, Edward E., *Sir Horace Plunkett and His Place in the Irish Nation* (Dublin 1916); Brooks, Sydney, "Sir Horace Plunkett and His Work" in *Fortnightly Review*, vol. xcvii (1912) 1011–21; Horace Plunkett Foundation, *Agricultural Co-operation in Ireland* (London 1931).

PLURALISM. The term pluralism is applied to the somewhat varying doctrines which are alike in their common opposition to the traditional theory of state sovereignty. The general position of the uncompromising pluralist is that since the orthodox, or classical, theory ignores or takes inadequate account of the rights, interests and actual achievements of various associations smaller and more specialized than the state, political philosophy should surrender "the whole conception of sovereignty" and particularly the "arid" and "unfruitful" conception of legal sovereignty. The pluralist ideas were set forth most fully during the second and third decades of the twentieth century—notably by J. Neville Figgis, Harold J. Laski, A. D. Lindsay and the guild socialists, led by G. D. H. Cole and S. G. Hobson, in England and, in a special form, by Léon Duguit in France. Ernest Barker in England and Miss M. P. Follett in the United States have endorsed many of the pluralists' criticisms and proposals, but they have avoided the confusion of the more extreme doctrine. Miss Follett has presented the most extended and discriminating discussion of the whole pluralist trend in theory and practise. All pluralist theory shows the influence, on the one hand, of earlier sociological and juristic discussions of the state's relation to economic and professional groups and, on the other hand, of broader ethical and philosophical ideas as to the value of variety and freedom in self-expression, as in J. S. Mill's moral and intellectual individualism and in T. H. Green's idealist doctrine of self-realization. The pluralist doctrines are also in close relation to certain economic and political transformations which society has undergone during the past half century.

Duguit's doctrine is concerned specifically with the nature of law. He rejected all "metaphysical," "subjective," conceptions of law or all theories which define law according to its source—whether the state, the individual conscience or the community's sense of right—and insisted upon a "realistic," "substantive," "objective" theory, which defines law according to its contents, tendencies or consequences. The obligations of law, he maintained, are based simply upon the fact that men live in society and must so live in order to survive and that life in society requires a certain manner of conduct. The state is only an organized group of men inhabiting a definite territory, in which the strong impose their will on the weak. Its authority has as such no legal (*juridique*) justification. Law is independent of, anterior to, above and more comprehensive than the state. The legal validity of any act depends not upon its origin but upon the end which it serves. The essential quality of law is its tendency to promote social solidarity. Acts which have any other object or tendency are essentially unlawful. When Duguit explained the operation of his theory in actual governmental practise, he pointed to familiar instances in which certain governmental organs hold invalid the official

acts of other governmental organs—the former, he maintained, merely adjudging the latter to have acted contrary to the ends of social solidarity.

The English pluralist doctrine is not primarily a claim for an independent power in courts or other tribunals to nullify the unlawful action of legislative and administrative bodies. It is a plea for the rights and interests of groups which form no part of the official government of the community. Since man's social nature finds expression in numerous forms of association—vocational, economic, religious, political—no one of which is supreme in moral significance or practical force over the others, the state cannot properly be said to be a sovereign organization. The pluralists generally acknowledge their indebtedness to writings of the preceding quarter century, particularly to the works of Otto von Gierke, F. W. Maitland and J. Paul-Boncour, and of Émile Durkheim and other sociologists. Gierke and Maitland, considering the legal history of corporations, maintained that the latter arise naturally and possess personalities which are real, not hypothetical or fictitious. Each association has a collective opinion and will distinct from the intentions and desires of its individual members; and each is an original organ in the elaboration of law. Functioning prior to any concessions from the state, the associations supply one of the channels through which common beliefs of a legal quality find their expression in the actual rules which the state adopts and executes. The state's role in establishing law is principal but not exclusive. It should therefore look upon the associations as having rights and duties as integral groups, whether or not its law has recognized them as corporations.

Paul-Boncour considered the actual and legal history of professional associations. Such associations, he held, arise spontaneously and in time reach a position where they are able to devise and enforce the conditions under which the several vocations are pursued; and their relations to members as well as to outsiders, although originally contractual, tend to acquire an actually obligatory character. Later the law, by recognizing a free right of association and according to the associations privileges which enable them to interdict work except under conditions they decree, tends to make them obligatory in law as well as in fact. These developments are not accidental but are inherent in the very nature of economic society; and the resultant conditions are in accord with the true principles of popular self-government. Durkheim and other sociologists found the traditional structure of the democratic state practically inadequate for the complex structure of contemporary industrial society. The local territorial community has lost its economic and social unity. The really vital units of society are the large vocational and industrial groups; and the community can be made fully democratic only if these groups are taken over both as constituencies for political representation and as organs for an autonomous regulation of the several industries.

Figgis, Laski, Barker and Lindsay contend that the state should be looked upon less as an association of individuals than as an organization of co-equal and cooperating groups: churches, professional associations, trade unions, employers' associations, friendly societies and local communities. They condemn the recent efforts of governments to invade the proper spheres of these groups, which, because they represent closer communities of interest, often attract deeper loyalties than the state and, if permitted to act autonomously, prove to be more efficient agencies of social order and harmony. These writers diverge somewhat in the location of their principal group interests. Figgis was concerned chiefly with the autonomous rights of churches and neighborhood communities. Barker and Lindsay give more attention to economic and professional groups generally. Although Laski evidently has a special interest in trade unions, he is the most sweeping and emphatic of all the pluralists in his theoretical attack on the monistic conception. Moreover in many parts of his writings he pushes his pluralism to a further important stage, from the group to the individual, so that his ultimate doctrine is that the only tolerable sovereign in society and the only valid source of law is the individual conscience. He asserts frequently that in any case of conflicting demands the preeminence of one association over any of the others depends solely upon the superiority of its moral appeal in that instance: no association has any claim on the individual's allegiance save in so far as his own conscience gives assent.

The pluralist doctrine is in part a rationalization of recent movements in actual society, tending in various ways toward a more decentralized application of social control. This appears both outside and within the formal political government: on the one hand, in the collective bargain-

ing over wages and hours and the voluntary arbitration of industrial disputes and, on the other, in the increasing part taken by associations of laborers, professional men, farmers, manufacturers, traders and bankers in influencing governmental action. A government in formulating its policies of legislation and administration often takes the initiative in securing the cooperation of these associations. The successful operation of systems of compulsory arbitration of industrial disputes is largely dependent upon the activities of workers and employers in their respective associations; and in various other ways the state now recognizes the value of dealing with economic problems through agencies representing the organized groups immediately concerned. Recent schemes of governmental ownership, as advocated by socialists and others, generally provide for a somewhat autonomous management of each public enterprise by a board representing the working personnel of the enterprise as well as the consuming groups which make particular use of its services.

Several European countries have attempted recently to coordinate and regularize this sort of group activity by setting up national economic councils jointly representing labor organizations, associations of employers, chambers of commerce, professional associations, farming, banking and insurance groups and consumers' societies. These councils have occasionally, at the request of governmental officials, contributed useful advice on taxation, social insurance, housing, conditions of labor and the regulation and encouragement of production and trade. The advice, however, merely supplies practical information to aid public officials in pursuing policies upon which they have already decided. Where occupational groups take the initiative in pressing on a government their own opinions on general policy, they continue to do so extralegally, through lobbying and other familiar forms of political pressure.

The pluralist regards these practical movements as indicating a greater diversification in the formulation and execution of social policy than any theory of state sovereignty can account for; and he approves them as implying respect for the independence and initiative of "spontaneous" economic, professional and local groups which correspond to "natural" unities of interest and function. Neither the pluralists nor their theoretical forerunners, however, really make the groups independent of the state. Gierke maintained that the state is sovereign—supreme in legal and moral right—where general interests require the exertion of organized social power for their maintenance. Paul-Boncour regarded the state as the sole organ of national solidarity, with a duty to prevent any group from acting oppressively toward the public, other groups or its own members. Durkheim ascribed to the state the function of defining general policies, leaving to the several associations only the task of diversifying, under state supervision, the application of the policies according to the special requirements of the several associations. Figgis described the state as the *communitas communitatum* and assigned to it distinctive tasks and a superior authority as the chief agency of social adjustment and coordination. Although the guild socialists have sought to bring the state down to the level of the numerous functional associations of society, they retain a comprehensive communal organization and endow it with a direct and extensive control over economic and other vital concerns of social life. Their state, or "commune," would have a new system of representation and would delegate administrative tasks, as far as practicable, to smaller associations; but it would have a range and strength of authority no less than those of the traditional state. Barker warns against carrying the recent pluralist trends too far: the state, as the most embracing scheme of social life, must be allowed to adjust relations of associations to one another and to their members in order to preserve the equality of associations before the law and protect the individual from the possible tyranny of his own group. Miss Follett criticizes the pluralists' conception of the state as "competing" for the citizen's loyalty; and she explains so fully the state's unifying function and its direct contacts with the individual that she is hardly to be classed among the pluralists.

Laski also, although he is the most extreme in attacking political monism, proposes an institutional scheme which involves a considerable concentration of power in a single political organization standing for the community as a whole. He advocates state ownership of those industries which, because of their monopolistic nature and their indispensability to the welfare of the community, are of such a "public" character that they should be "operated for use and not for profit"; and he allows only such devolution in management as will not interfere with the community's right to establish, through its central political agencies, minimum standards of efficiency, decency and fair play. He would also

endow the central political parliament with a wide and direct control of private industry, in defining basic standards for hours, wages and working conditions and in fixing prices for the necessaries of life.

It appears then that when the pluralists set forth their abstract theory they deny the sovereign power of the state or else characterize the power of something which is properly only ultimate and reserved; but when they devise specific institutional arrangements to carry out their theory they assign to the state numerous tasks, in laying down general policies and seeing that they are observed, which obviously require, not an ultimate and reserved, but a very direct and constantly exercised, power.

It is possible of course not merely to repudiate the theory of state sovereignty but also to propose a positive scheme of social organization without a common sovereign. This was done by the anarchists and the pre-war French syndicalists, whose theoretical systems provided for completely self-determining industrial groups. The pluralists attempt to arrive at a theoretical position midway between the anarchists or syndicalists and the political monists. They would retain the state but deprive it of sovereignty. It appears, however, that they accomplish this compromise only in words. They allow the state to secure its funds through compulsory taxation, retain the whole traditional system of a compulsory allegiance applied to all members of the community and assign to this comprehensive and coercive political association extensive duties in directing the economic and social life of the community. Indeed these basic concessions to the traditional theory appear to be required by the pluralists' demand for group autonomies as well as by their recognition of unorganized interests of the general body of citizens. For experience shows, in the first place, that wage-workers attain no effective part in controlling their work unless the state intervenes in their behalf to protect peaceful strikes and outlaw contracts restricting the workers' rights to organize. Secondly, if agreements between employers and workers secure any real self-government for both sides, then state action may be required to see that the combined groups do not pursue policies which contravene the interests of the people generally. Finally, both group and community interests demand various other activities of the state in limiting unemployment, disseminating market information, checking the flow of capital into overdeveloped industries and stabilizing price levels. The significant fact appears to be that none of the schemes of group autonomy advocated or endorsed by the pluralists seems likely soon to diminish the scope or importance of centralized political control.

The contradictions within the pluralistic doctrine are due in part, it appears, to the assertions or inferences by some of them, particularly Laski, that the traditional theory of legal sovereignty—the doctrine running through the definitions of state, sovereign and law advanced by Bodin, Grotius, Hobbes, Bentham, Austin and the later "analytical jurists"—implies not only that the state has certain unique and final functions in respect to law but also that it is morally and practically absolute over the individual. Some of the pluralists lump Bodin and Austin together with Bosanquet and other neo-Hegelians in a general theory attributing to the state a moral right and actual power to control the whole economic and cultural life of the individual. With the single exception of Hobbes, the typical exponents of the orthodox, or classical, theory were explicit in avoiding any confusion between legal unity and moral unity; and they held widely varying ideas as to the most desirable scope and method of state activity in relation to economic and cultural affairs. Most of them recognized that every political community does in fact impose, through the state and its laws, certain prevailing ideas of decency and fair play; and the pluralists, as has been indicated, admit and insist upon these morally and socially unifying tasks of the state.

The conclusion then is that the pluralists are not so far out of line with prevailing trends in modern political theory as some of them appear to believe; and yet that they have been more explicit and concrete than earlier writers in demonstrating the activities and interrelations of the numerous occupational groups in the modern community, intermediate between the individual and the state.

FRANCIS W. COKER

See: SOVEREIGNTY; STATE; AUTHORITY; OBEDIENCE, POLITICAL; DEMOCRACY; AUTONOMY; INTERESTS; PRESSURE, SOCIAL; FUNCTIONALISM; FUNCTIONAL REPRESENTATION; NATIONAL ECONOMIC COUNCILS; GUILD SOCIALISM; SYNDICALISM; ANARCHISM.

Consult: FOR STATEMENTS OF PLURALIST DOCTRINE: Barker, Ernest, *Political Thought in England from Herbert Spencer to the Present Day* (London 1915) p. 175–83; Cole, G. D. H., *Guild Socialism Re-stated* (London 1920); Duguit, Léon, *L'état, le droit objectif et la loi positive*, Études de Droit Public, vol. i (Paris 1901), especially p. 1–19, 613–18, *Manuel du droit constitutionnel* (2nd ed. Paris 1911), especially p. 49–

51, 69–79, and *Les transformations du droit public* (Paris 1913), tr. by Frida and Harold J. Laski as *Law in the Modern State* (New York 1919); Durkheim, Émile, *De la division du travail social* (6th ed. Paris 1932) p. i–xxxvi; Follett, M. P., *The New State* (New York 1918); Gierke, Otto F. von, *Das deutsche Genossenschaftsrecht*, 4 vols. (Berlin 1868–1913), and "Die Grundbegriffe des Staatsrechts und die neuesten Staatsrechtstheorien" in *Zeitschrift für die gesammte Staatswissenschaft*, vol. xxx (1874) 153–98, 265–335; Hobson, S. G., *National Guilds*, ed. by A. R. Orage (3rd ed. London 1919); Laski, Harold J., *Studies in the Problem of Sovereignty* (New Haven 1917), *The Foundations of Sovereignty and Other Essays* (New York 1921), *A Grammar of Politics* (2nd ed. London 1930), and *Studies in Law and Politics* (London 1932) chs. v and xi; Lindsay, A. D., "The State in Recent Political Theory" in *Political Quarterly*, vol. i (1914) no. i, p. 128–45; Maitland, F. W., "Introduction" in Gierke, Otto von, *Political Theories of the Middle Ages* (Cambridge, Eng. 1900) p. vii–xlv, and "Moral Personality and Legal Personality" in his *Collected Papers*, ed. by H. A. L. Fisher, 3 vols. (Cambridge, Eng. 1911) vol. iii, p. 304–20; Paul-Boncour, Joseph, *Le fédéralisme économique* (2nd ed. Paris 1901).

FOR DESCRIPTIVE AND CRITICAL ACCOUNTS: Elliott, William Y., *The Pragmatic Revolt in Politics* (New York 1928) chs. iii and v; Favareille, René, *Réforme administrative par l'autonomie et la responsabilité des fonctions* (Paris 1919); Finer, Herman, *Representative Government and a Parliament of Industry: a Study of the German Federal Economic Council* (London 1923); Hennessy, Jean, *Réorganisation administrative de la France* (Paris 1919); Hsiao, Kung-Chuan, *Political Pluralism*, International Library of Psychology, Philosophy and Scientific Method (London 1927); League of Nations, Economic Committee, *Review of the Economic Councils in the Different Countries of the World*, by Elli Lindner, 1932.II.B. 10 (Geneva 1932); Lorwin, Lewis L., *Advisory Economic Councils*, Brookings Institution, Institute of Economics, Pamphlet series, no. 9 (Washington 1931); Zapp, Jean, "Le syndicalisme dans les services publics" in *Revue politique et parlementaire*, vol. cxi (1922) 119–26; Willoughby, Westel W., *The Ethical Basis of Political Authority* (New York 1930) ch. xxiii.

PLUTARCH (*c.*48–*c.*125), Greek moralist and man of letters. The life of the greatest of biographers is itself unknown, except for what can be gathered from his own writings. His family was of some wealth and position in his native town of Chaeronea in Boeotia, where, with the exception of one rather protracted visit to Rome, he seems contentedly to have passed his whole existence. It covered a highly interesting period, when paganism was dissolving and Christianity was taking root in Europe. There is no pagan writer, with the possible exception of the intense and lonely Marcus Aurelius, who comes so near the ideal of a Christian gentleman. Plutarch is no stylist, scarcely even a thinker; although learned, he is inaccurate, discursive, uncritical, content with the obvious moral. Yet there are not many authors, ancient or modern, who have more directly affected human action. This is partly because, almost as much as Montaigne or Lamb, Plutarch gets his personality into everything he writes; partly because he has invented a new way of writing history. He makes history turn on character. If, for example, Antony and Cleopatra had been different, the history of the world would have been different too; hence we must know what sort of people they were. Thus he attaches immense importance to anecdotes, for even if false they indicate the impression made on others by the subjects of his biography. This is a dramatist's view of history or a novelist's and explains why Shakespeare delighted in Plutarch, and why the Greek is the spiritual father of Lytton Strachey and the biographical novel of today.

The surviving works of Plutarch divide themselves into two main classes: the *Parallel Lives*, a series of biographies of Greek and Roman worthies compared and contrasted; and the *Moral Essays*, a vast collection of essays on subjects of an ethical character. The *Lives* have been the inspiration of great men and great movements. Plutarch was a hero worshiper—he may be regarded as the founder of that religion—and the heroes he most admired were the champions of civic liberty, the haters of tyranny. It was at his fountain that Rousseau and even less excitable minds, like some of the founders of the American republic, drew intoxicating drafts of the spirit which created the ancient commonwealths. He gave such men the inspiration of a political faith, if he could not supply the details of a polity. This faith, which may be described as a slightly sentimental and academic republicanism, carries less conviction today than in the past. But since at bottom it is nothing else than the conviction that it is better to suffer anything than be a slave, it still has power over the minds of men.

J. A. K. THOMSON

Works: *Lives*, original Greek and translation by Bernadotte Perrin, Loeb Classical Library, 11 vols. (London 1914–26); *Moralia*, original Greek and translation by F. C. Babbitt, Loeb Classical Library, vols. i–iii (London 1927–31).

Consult: Hirzel, Rudolf, *Plutarch*, Das Erbe der Alten, no. iv (Leipsic 1912); Volkmann, Richard, *Leben und Schriften des Plutarch von Chaeronea*, Leben, Schriften und Philosophie des Plutarch von Chaeronea, pt. i (Berlin 1869); Gréard, Octave, *De la morale de Plutarque* (6th ed. Paris 1902); Scherer, Wilhelm,

"Die Staatsphilosophie Plutarchs von Chäronea" in *Abhandlungen aus dem Gebiete der Philosophie und ihrer Geschichte: eine Festgabe zum 70. Geburtstag Georg Freiherrn von Hertling* (Freiburg i. Br. 1913) p. 275–88; Croiset, Alfred and Maurice, *Histoire de la littérature grecque*, 5 vols. (Paris 1887–1928) vol. v, p. 484–538; Wenley, R. M., "Plutarch and His Age" in his *The Anarchist Ideal, and Other Essays* (Boston 1913) p. 72–116; Latzarus, Bernard, *Les idées religieuses de Plutarque* (Paris 1920); Seillière, Ernest, "La religion de Plutarque" in Académie des Sciences Morales et Politiques, *Séances et travaux . . . compte rendu*, année 81, pt. ii (1921) 422–34; Arnim, Hans von, *Plutarch über Dämonen und Mantik*, Akademie van Wetenschappen, Afdeeling Letterkunde, Verhandelingen, n.s., vol. xxii (Amsterdam 1921); Clerc, Charly, "Plutarque et le culte des images" in *Revue de l'histoire des religions*, vol. lxx (1914) 107–24; Schroeter, Johannes, *Plutarchs Stellung zur Skepsis*, Abhandlungen zur Geschichte des Skeptizismus, no. i (Leipsic 1911); Dassaritis, Elias, *Die Psychologie und Pädagogik des Plutarch* (Gotha 1889).

PLUTOCRACY literally means the rule of wealth. In this simple connotation it is another of the terms which have come down from Greek political controversy and which clutter up and confuse political thinking. As with similar terms there is a difference between its original meaning in the context of Greek history and its modern variants. The personification of an impersonal thing which "rule of wealth" implies is significant, because the term is thereby made indiscriminately applicable to monarchy, aristocracy, democracy, tyranny, oligarchy and the rule of the mob. Like the modern term bureaucracy it is not a formal concept but essentially substantive, and it is correspondingly difficult to find any fitting antithesis. In other words, it is difficult to answer the question: If a community ruled by wealth is a plutocracy, what community is not a plutocracy, and what are its characteristics? Aristotle's distinction between an aristocracy and an oligarchy, that the one is based on virtue, the other on wealth, is decidedly controversial and its fundamental assumption no longer of vital significance, since it arose out of the struggle between Athens and Sparta. But it contains perhaps a key to a real distinction in the fact that in classical antiquity virtue referred primarily to the qualities of the manly warrior. It would follow from this that the antithesis of a community ruled by wealth is one ruled by the sword. But reflection upon Plato's *Republic* would suggest another possible antithesis, the rule of a religious creed. Without doubt the rule of the priest, of the warrior and of the trader were the three types which lay within the experience of the Greek world.

All this, however, is quite remote from modern experience and problems, which are centered not upon these three elements, but upon the maintenance of a balance of power between the groupings of an industrialized society, more particularly between capital and labor, to which has recently been added as another distinct group the farmer-peasant-craftsman. Marx maintained that all governments have been based upon the exploitation of the masses by comparatively small groups; in short, that all states have been plutocracies. Whatever the validity of this interpretation, it served to focus attention upon the new substantive antithesis to the rule of wealth; namely, the rule of labor. To the capitalist state was opposed the socialist state, in which the abolition of private property was to do away with the historic exploitation of the masses by the propertied classes. For a time the "dictatorship of the proletariat" was the principal program for the abolition of the rule of wealth. But in more recent times the German National Socialists, in developing the fascist doctrine, have called upon the myth of the racially pure nation to justify and legitimize a dictatorship of an élite of nationally conscious "leaders." This National Socialist creed is directed with great fervor against the rich; in combating capitalism National Socialism means to attack the rule of the wealthy, plutocracy. In view of this professed antagonism it seems curious that in coming into power it should have entered into a league with the most outspoken exponents of the rich in contemporary Germany, the Hugenberg faction of Nationalists. It was at once asserted, however, that this cooperation was merely of tactical significance—a transitional stage which the full grown National Socialist state would eliminate entirely. Whether a militant élite of priestly warriors can in the end destroy effectively the pervasive influence of wealth in an industrialized community remains to be seen. For the present the possibility continues that as in Fascist Italy the wealthy classes in Germany will themselves succeed in permeating and controlling the oligarchic machinery which the National Socialist movement has declared to be one of its primary objectives.

Historically considered the plutocratic influence has been most marked in oligarchic forms of government, which have been idealized from the time of the Greek city-states under the name of aristocracy. The identification of oligarchy with aristocracy has been stressed particularly where membership in a ruling class

has been restricted to persons belonging to a limited set of families, where, in other words, distinguished blood descent has become associated with wealth. In the England of the eighteenth and the early nineteenth century this idea was so dominant that the oligarchic and plutocratic aspects of English society were forgotten or at least neglected. The political thought of Burke is an illustration of this tendency.

The transformation of oligarchic and democratic governments into plutocracies has been most observable in those periods of world history which followed upon the most marked commercial and industrial development. Thus the age of the Greek tyrants, the Hellenistic states, the merchant state of Carthage, Rome in the period of the late republic and the early empire, Venice and some of the other Italian city-states, the cities of the Hanseatic League and the commercial-industrial states of today have shown the increasing influence of wealth in government. Although Carthage and Venice are frequently cited as states in which plutocracy was from the outset the prevailing form of government, they are in fact only extreme cases of the usual tendency of communities with growing commercial interests to evolve an oligarchy based upon wealth. Indeed both states began with a type of popular government, and their later oligarchic constitutions were thoroughly permeated by the idea of distinguished blood descent; in Venice this notion was developed most intensively.

Not the rule of wealth, but rather the use (or abuse) of governmental powers motivated by the desire to retain a monopoly on the acquisition of wealth, was the distinguishing feature of the Venetian constitution. As the trade of Venice grew, a limited group of very wealthy men felt the need of seizing the control of public affairs in order to protect their interests and forestall the rise of competitors. Since the Venetian government had been conducted in the form of a plebiscitary monocracy with the doge as monocrat, elected by popular acclaim and assisted and checked by a popular assembly (*concione*), the powers of the doge and the popular assembly had to be weakened by an aristocratic, oligarchic council. After preliminary steps extending over a century and a half this development came to a head in 1171, on the morrow of a disastrous failure of the preceding government against the Byzantine Empire. A great council was created at this time which was to exercise the final authority. This body became within a hundred years strictly oligarchic and plutocratic, membership in it being restricted to certain wealthy families. As all offices were filled by the great council, exclusion meant loss of all political influence. The result was a close political caste. A college of heralds was eventually created to insure purity of blood through a register of all marriages and births; this register became the basis of the famous Golden Book (*Libro d'oro*). It was not wealth as such, but the connection between wealth and blood which gave the Venetian constitution its peculiar character.

A very similar development took place in many of the German cities, more particularly in the towns of the Hanseatic League, which developed or rather continued oligarchic forms of government, based upon birth and wealth at the outset, but used for the retention of that wealth within certain families. The same is true of the English cities in the period of the guilds. In fact practically all European towns passed through such a stage: the families (*Geschlechter*) entitled to sit on the council (*ratsfähig*) were the wealthy merchants of the merchant guilds. Conversely, it was extremely difficult for those who did not sit on the council to become wealthy. Similarly in English towns, by reason of the distinctly oligarchic forms of English government prevailing down to the nineteenth century, the guild merchant became an instrument not only for the attainment of power through wealth but also for the exploitation of power to retain wealth.

This aspect is particularly important in any consideration of the extent to which plutocratic forces have made their way into the formally democratic states of modern times. It is an ever recurring phenomenon of constitutional history that democracy turns into an oligarchic plutocracy. There can be little doubt that at least in Athens the rise of the oligarchs was due to the hatred of the rich for the democracy, which was constantly threatening to deprive them of their wealth. In fact the Spartans built their system of alliances upon this support of the rich, which was outwardly manifested in the establishment of oligarchies based upon wealth. Similarly the almost unlimited sway of the Roman Senate after the failure of the revolution of the Gracchi (133–121 B.C.) was based essentially upon wealth, and only the rise of the popularly acclaimed princeps introduced a modification after a hundred years of violent disturbance. At the present time there are many who insist that modern democracies, like the United States and

France, have become plutocracies. This opinion is by no means confined to radical socialists: Woodrow Wilson maintained at one time that the united capitalists and industrialists are the masters of the American state, while Robert de Jouvenel in a celebrated essay proclaimed France a republic of predatory comrades. Marxist writers have of course been foremost in pointing out the essentially plutocratic nature of modern democracies, and around them has appeared an increasing amount of literature which looks upon formal democracy in that light.

The bid of the bourgeois class for political power in the period of the formation of the modern democratic state did not go unanswered. The very fact that the bourgeois had become the standard bearer of democracy brought both under the suspicion of collusion. The defenders of the existing system, in which the government had been deftly and varyingly divided between a hereditary monarch and an equally hereditary aristocracy of landowning nobles, associated with the clergy of an established church and in some cases with a bureaucracy, forthwith began to denounce as *parvenu*, *nouveau riche*, *arriviste* the successful business man who under the cover of democracy clamored for a share of governmental power. The contemptuous use of the epithet "bourgeois" is thus no invention of the Marxists, but dates back to the days of Louis XIV and the railleries of Molière's famous *Le bourgeois gentilhomme*. On the other hand, the deeper foundation of the spirit of the commercial middle class is religious; it rests upon the Calvinist conception of worldly success as the manifestation of divine favor. The idea recurrent in the history of civilization, of wealth as a gift of God, sanctions the rule of wealth and renders the possession of riches a substantial basis of true legitimacy.

The understanding of the curious bedfellowship of wealth and democracy has been emphasized of late by realistic analyses of the forces which in fact shape policy in modern democracies. As the nineteenth century unfolded, men began to realize that political parties were not factions which could be avoided but permanent divisions of the electorate necessary to mold the will of the people. It was not long until it was further realized that these parties, because they were such huge organizations, required a great deal of money, which could not be secured unless those who were to contribute it were offered a corresponding amount of influence in directing the party's policy. Two outstanding scandals of American and French politics—Tammany Hall and the Panama canal—influenced Ostrogorsky in his epochal analysis of party machinery and led him to the discovery that democracy meant plutocracy. Under the impact of public indignation wealth commenced to organize itself into powerful interest groups, and labor as well as other interests in the community did likewise. This development had scarcely begun when acute observers announced that the end of democracy was close at hand; for the dissolution of the electorate, the people, into a plurality of groups took away that homogeneous unity and concomitant flexibility of the electorate which the doctrine of the will of the people tacitly or explicitly had assumed to exist. Wealth has in a sense lost its innocence. But out of the present struggle one conclusion has emerged with clarity about the nature of the concept of plutocracy: that it does not designate a form of government, but shows where the actual source of power in any one of the possible forms of government lies. Unless wealth is looked upon as a gift of God, it is likely that plutocracy will appear as a process of deterioration and decay of which some new leader or class must purge a community in order that a new commonwealth may be built.

CARL JOACHIM FRIEDRICH

See: ARISTOCRACY; AUTOCRACY; MONARCHY; OLIGARCHY; SOCIALISM; CLASS; INTERESTS; PRESSURES, SOCIAL; LOBBY; CORRUPTION, POLITICAL; CITY-STATE; COMMUNE, MEDIAEVAL; HANSEATIC LEAGUE.

Consult: Wilson, Woodrow, *The New Freedom* (New York 1913); Brandeis, L. D., *Other People's Money* (new ed. New York 1932); Adams, Brooks, *Theory of Social Revolutions* (New York 1913); Ostrogorsky, M. Y., *La démocratie et l'organisation des partis politiques*, 2 vols. (new ed. Paris 1903), tr. by F. Clarke (New York 1902) vol. ii, ch. x; Beard, Charles A., *Economic Interpretation of the Constitution of the United States* (New York 1913); Weyl, Walter E., *The New Democracy* (rev. ed. New York 1919), especially pt. i; Beard, Charles A. and Mary R., *The Rise of American Civilization*, 2 vols. (New York 1927) vol. ii, ch. xxv; Smith, J. Allen, *The Growth and Decadence of Constitutional Government* (New York 1930); Regier, C. C., *The Era of the Muckrakers* (Chapel Hill, N. C. 1932); Chamberlain, John, *Farewell to Reform* (New York 1932); Veblen, Thorstein, *Theory of Business Enterprise* (New York 1904) ch. viii, and *Vested Interests and the Common Man* (New York 1920); Bentley, A. F., *The Process of Government* (Chicago 1908); Jouvenel, Robert de, *La république des camarades* (Paris 1914).

POBEDONOSTSEV, KONSTANTIN PETROVICH (1827–1907), Russian jurist and statesman. Pobedonostsev was professor at the

University of Moscow, member of the senate and of the Council of State and procurator of the Holy Synod. From 1860 to 1865 he was also tutor of the grand dukes, to whom he lectured on law and politics. In this position he gained a deep and lasting influence on his pupils, particularly on the future emperor, Alexander III, whose guide in matters of policy he was later to become. After the death of Alexander III, Pobedonostsev published *Moskovsky sbornik* (Moscow 1896; tr. by R. C. Long as *Reflections of a Russian Statesman*, London 1898), which contains an exposition of his political philosophy and a sharp criticism of the western civilization as opposed to the Russian national ideal. In this work he appears as a disciple of Burke and the philosophers of the Catholic reaction but pushes their principles to their utmost limit.

The great errors of the West are democracy and the parliamentary system, leading necessarily to moral debasement, corruption and unscrupulous demagogy. Belief in the moral value of democratic institutions is a prejudice contradicted by experience. Pobedonostsev condemns freedom of speech as freedom of lie and freedom of the press as even more nefarious, it being the freedom of every rascal to poison and pervert the minds of the people. He attacks the institution of the jury, maintaining that it is absurd to confide in the judgment of the mob, and public instruction which, he charges, destroys the robust common sense of the people. The root of all these troubles is rationalism. Pobedonostsev insists on the destructive, negative character of reason. Logical reasoning is formal, abstract and unconnected with truth and reality. Only an idiot can believe in "clear ideas." Man's deepest thoughts are not clear. Feeling and faith, not reason, enable him to arrive at truth. Truth cannot be measured and institutions cannot be invented but must grow up slowly and organically. The force of inertia is the only power which can uphold the state. Pobedonostsev therefore opposes every attempt to destroy "tradition" in life or belief; he is hostile to historical criticism since it would deprive the people of their own legendary history, which, he says, possesses a much higher truth. Absolute truth can be reached only by faith, necessarily intolerant. Pobedonostsev considered it of prime importance that the Orthodox church be given a dominating position in the state, and he inspired Alexander III's policy of persecution of nonconformists of all denominations, as well as ruthless Russification of aliens.

Pobedonostsev published a number of valuable works on the history of Russian law, in which he shows the same aversion to abstract, general ideas and principles. His *Kurs grazhdanskago prava* (Treatise of civil law, 3 vols., St. Petersburg 1896) contains no general introduction. The method is purely historical and comparative. Law arises from real economic and social relations, and positive legislation has only to give form to these relations and guarantee their application. This view implies that over and above law there must be some power or reasonable will which is obeyed by all without question. Pobedonostsev saw this power realized in the autocracy of the czar.

A. KOYRÉ

Consult. Pisma Pobedonostseva k Alexandru III (Letters of Pobedonostsev to Alexander III), 2 vols. (Moscow 1925); *K. P. Pobedonostsev i ego korrespondenti: pisma i zapiski* (Pobedonostsev and his correspondents: letters and notes), 2 vols. (Moscow 1923), abridged tr. into French as *L'autocratie russe. Constantin Pobiédonostsev, procureur général du Saint-Synode: mémoires politiques, correspondance officielle et documents inédits* (Paris 1927); "Pobedonostsev and Alexander III" in *Slavonic Review*, vol. vii (1928–29) 30–54; Steinmann, Friedrich, and Hurwicz, Elias, *Pobjedonoszew als Staatsmann der Reaktion unter Alexander III* (Berlin 1933).

POCKET BOROUGHS. *See* ROTTEN BOROUGHS; REPRESENTATION.

POGODIN, MIKHAIL PETROVICH (1800–75), Russian historian and publicist. Pogodin was professor at the University of Moscow. From 1827 to 1830 he collaborated with the young Russian romanticists Odoevsky, Venevitinov and Kireyevsky in editing the *Moskovsky vestnik* (Moscow herald), and from 1841 to 1855 he published with Shevirev the patriotic *Moskvityanin* (Muscovite). Pogodin's historical work is a product of the nationalist and romantic movement of the early nineteenth century. He was a follower of Schlözer and Karamzin and it was under the influence of the latter that Pogodin decided to become a historian. In his dissertation *O proiskhozhdenii Rusi* (On the origin of Rus, Moscow 1824) he criticized sharply the so-called skeptical school of Kachenovsky and accepted the "Norman" theory of Schlözer and Karamzin. He criticized Karamzin's writings, however, for being so predominantly literary and not sufficiently "philosophical."

Under the influence of Schelling's philosophy, which was then very much in vogue in Russia, Pogodin attempted to work out a philosophical conception of history. Starting from the belief that "every nation develops . . . a particular idea and contributes in a particular way to the realization of its destiny" he sought to determine the principles underlying the guiding forces of Russian history; but lacking philosophical education he arrived only at a crude pseudo-organic scheme, in which nations and states were viewed as analogous to living beings. From this conception Pogodin deduced the impossibility of applying general historical categories to the history of different states; he stressed particularly the differences between the principles underlying the history of western Europe and those basic to the history of Russia. He maintained therefore that Russian history should be studied independently, insisting also that the historian should follow what he called "the mathematical method." Beginning with a careful study of sources the historian should establish the main historical facts and from these arrive at the principles motivating the historical process. Pogodin took his organic metaphors literally and believed that he could find his historical principles "in the origins"—the "birth hour" of Russia. His real effort was therefore devoted to the earliest period of Russian history. He collected a very valuable group of manuscripts, old prints, published texts, monographs; and his *Izsledovaniya, zamechaniya i lektsii* (Investigations, notes and lectures, 7 vols., Moscow 1846–54) are still indispensable to the student of Russian history. As to the "principles," Pogodin simply read into early history the leading political and cultural forces of his time—orthodoxy, autocracy and nationalism. Since these were obviously inadequate to account for the historical phenomena, Pogodin fell back upon the direct intervention of Providence and admired its unerring foresight in guiding the destinies of Russia. In 1835 he published a general history of Russia, which was of no scientific value; it was written with the avowed purpose of teaching the Russians "patriotism" and strengthening their pride in the past of their country.

A. KOYRÉ

Other important works: *Istoriko-kriticheskie otrivki* (Historico-critical essays), 2 vols. (Moscow 1846–67); *Biografia N. M. Karamzina* (Biography of N. M. Karamzin), 2 vols. (Moscow 1866).

Consult: Barsukov, N. P., *Zhizn i trudi Pogodina* (Life and works of Pogodin), 22 vols. (Moscow 1888–1910); Miliukov, Paul, *Glavniya techeniya russkoi istoricheskoi misli* (Chief currents of Russian historical thought) (Moscow 1898); Koyré, A., *La philosophie et le problème national en Russie au début du XIXe siècle*, Bibliothèque de l'Institut Français de Léningrad, vol. x (Paris 1929) ch. v.

POGROM. *See* MASSACRE.

POHLE, LUDWIG (1869–1926), German economist. Pohle was professor of economics first at the Akademie für Handels- und Sozialwissenschaften in Frankfort and later at the University of Frankfort. In 1918 he succeeded Karl Bücher to the chair of economics at the University of Leipsic, where he taught for the remainder of his life.

Pohle was a follower of the deductive school in economics and a determined opponent of the historical school as represented by Schmoller, Brentano and others; he opposed likewise the socialism of the chair both as expounded by the historical group and as represented by deductivists like Adolf Wagner and Lexis. He expressed his position on the various methodological and socio-political problems in the *Zeitschrift für Sozialwissenschaft*, which he edited from 1910 to 1921. To this publication he contributed also his very useful annual surveys of the current business and economic situation. In the controversy over the tariff problem which occupied the attention of German economists at the beginning of the century Pohle sided with the protectionists. In his general economic views, however, he was very close to the Swedish economist Gustav Cassel, with whom he collaborated on the latter's *Theoretische Sozialökonomie* (Leipsic 1918).

Pohle's most notable contribution was in the field of business cycle theory. He saw the fundamental cause of the periodical business crises in the ever recurring disproportion between the fairly uniform rate of population growth and the highly irregular rate of production of capital goods which are necessary to provide the additional population with industrial equipment. This disproportion, he held, arises from the fact that under an individualistic competitive economy the two acts involved in the production of capital goods, namely, the act of saving and that of actual investment, are two separate functions performed by independent agents and guided by different considerations. The frequent result is that savings are not transformed into capital goods with sufficient promptness, so that in con-

sequence there result stagnation in the basic industries, unemployment, eventual undersupply of capital goods and much unproductive consumption.

SIEGFRIED BUDGE

Important works: *Deutschland am Scheidewege* (Leipsic 1902); *Bevölkerungsbewegung, Kapitalbildung und periodische Wirtschaftskrisen* (Gottingen 1902); *Die gegenwärtige Krisis in der deutschen Volkswirtschaftslehre* (Leipsic 1911); *Kapitalismus und Sozialismus* (Leipsic 1919; 4th ed. by G. Halm, Berlin 1931).

Consult: Zimmermann, Kurt, *Das Krisenproblem in der neueren nationalökonomischen Theorie*, Universität Halle-Wittemberg, Staatswissenschaftliche Seminar, Abhandlungen, no. 4 (Halberstadt 1927) p. 96–104; Spiethoff, A., "Die Krisentheorien von M. Tugan-Baranowsky und L. Pohle" in *Jahrbuch für Gesetzgebung, Verwaltung und Volkswirtschaft im Deutschen Reich*, vol. xxvii (1903) 679–708.

PÖHLMANN, ROBERT VON (1852–1914), German historian. Pöhlmann was professor of ancient history at the University of Munich. He was the first to delve profoundly into the problem of the social history of the ancient world. The presentation of this problem he credited to Roscher, and the broad historical vision which always characterized his work also derived from Roscher. Familiar with contemporary economic problems, he turned first to the economic policy of the Florentine Renaissance. With his *Die Übervölkerung der antiken Grossstädte* (Leipsic 1884), however, Pöhlmann entered the field in which he was to find and pursue his chief interest.

The compact ancient world seemed to Pöhlmann a particularly important paradigm for the role of economic forces in history, for their transposition into class interests, into capitalistic and socialistic tendencies, and the consequent struggles for power. This idea runs through all his works, a series of scattered papers, most of which were collected in *Aus Altertum und Gegenwart* (2 vols., Munich 1895–1911; vol. i, 2nd ed. 1911); the *Griechische Geschichte* (Munich 1902, 5th ed. 1914); and above all his brilliant standard work, *Geschichte der sozialen Frage und des Sozialismus in der antiken Welt* (2 vols., Munich 1893–1901; 3rd ed. by F. Oertel, 1925). From his study of antiquity he derived his antidemocratic viewpoint. Believing that liberalism with its encouragement of an organic state must inevitably end in surmounting the idea of democracy as embodied in the arithmetical equality of citizens, the democracy of numbers, and must necessarily proceed to socialistic radicalism and finally to the very destruction of the idea of the state, Pöhlmann was led to reject democracy.

As with most pioneers who open up new fields, Pöhlmann's urge to "discover" led him into error. The surprising parallels with contemporary society which he found in an antiquity no longer classically conceived led him to view it as too similar to his own age. He constructed an ancient social democracy with a program of socializing production and found manifold anticipations, such as those of the *Gotha Program* and the *Communist Manifesto*. One essential premise of Pöhlmann's theory was false—his conception of ancient economics, especially in the pre-Hellenistic age, the period which interested him particularly. The economic structure of this epoch was thoroughly unfavorable to a revolutionary program of socialization and to the idea of a reform in methods of production. Nevertheless, Pöhlmann rendered an indisputable service in recognizing that the strong mass individualist root, including elements of state socialism, also played a leading role in ancient history and in analyzing and explaining the communistic and socialistic theories of the ancient world.

FRIEDRICH OERTEL

Consult: Wilcken, Ulrich, in Bayerische Akademie der Wissenschaften, *Jahrbuch* (1915) 146–50; Kaerst, J., in *Historische Vierteljahrschrift*, vol. xviii (1916–18) 236–38; Oertel, Friedrich, in his edition of Pöhlmann's *Geschichte der sozialen Frage* . . . , vol. ii, p. 511–85.

POISSON, SIMÉON-DENIS (1781–1840), French mathematician. Poisson, after displaying unusual precocity as a student, became full professor at the École Polytechnique in Paris at the age of twenty-five. Of his outstanding contributions to many branches of pure and applied mathematics those in the field of probability are not the least important; certainly they have loomed large in the history of that discipline. The two most notable are the Poisson probability series and the law of small numbers. Bernoulli and Laplace, the latter of whom Poisson claimed as master, had studied extensively repeated trials wherein the probability of an event is constant. Poisson succeeded in generalizing a number of their results and in modifying others to make them applicable to cases in which probability varies from trial to trial. While Laplace is responsible for generalizing Bernoulli's theorem and may therefore be regarded as the originator of the law of large numbers (the term is of Poisson's coinage), Laplace's

transformation makes the law practically inapplicable to situations in which the probability deviates considerably from ½. Using a different transformation, Poisson found a simple approximate formula for dealing with very small probabilities. He showed that the probability of a rare event occurring r times in a large number of trials is proportional to $R^r/r!$ where R stands for the observed frequency. Like Laplace and Cournot, Poisson was interested in Condorcet's problem of calculating the probability of errors in court or jury decisions. He tried to improve upon Laplace, who arrived at some unacceptable conclusions, by modifying the latter's hypotheses and making them more realistic. Later writers have criticized severely the application of probabilities to problems of this type, in which the element of individual judgment plays so large a part. It has not been established, however, that the work of Poisson and his predecessors was entirely fruitless; possibly they did not go far enough in fitting their hypotheses to the complexities of real life.

MAURICE FRÉCHET

Important works: *Recherches sur la probabilité des jugements en matière criminelle et en matière civile, précédées des règles générales du calcul des probabilités* (Paris 1837); "Recherches sur la probabilité des jugements" in Académie des Sciences, Paris, *Comptes rendus*, vol. i (1835) 473–94.

Consult: Crathorne, A. R., "The Law of Small Numbers" in *American Mathematical Monthly*, vol. xxxv (1928) 169–75; Struik, D. J., "On the Derivation of Poisson's Distribution Law" in *Journal of Mathematics and Physics*, vol. ix (1930) 151–62.

POKROVSKY, MIKHAIL NIKOLAEVICH (1868–1932), Russian historian. Pokrovsky was born in Moscow and studied under Kluchevsky and Vinogradoff. As a young man he joined the revolutionary movement and in 1905 became a member of the Bolshevik party. As a result of these radical activities Pokrovsky was forced to carry on most of his work in exile until he returned to Russia in 1917.

Pokrovsky is known as the most representative Russian Marxist historian. After freeing himself from his early "democratic illusions" he passed, during the period between 1905 and 1917, from "legal" to revolutionary Marxism. He considered no one a Marxist who did not, in addition to recognizing the economic factor and the class struggle in history, also recognize the inevitable political consequences of Marxism; namely, the socialist revolution and the dictatorship of the proletariat. He demanded historical perspective of all Marxists and considered the essence of dialectical materialism to consist in viewing all events historically. In his works on philosophy of history and on historical methodology he took issue particularly with Rickert, Max Weber, Dopsch, Plekhanov, Trotsky, Rozhkov and Miliukov. He attacked the "vulgar evolutionist," "bourgeois liberal," antidialectical viewpoints (a view of history without the dialectic method was for him *belles lettres* in the service of bourgeois class interests); he attempted to prove that the ideas of Petrushevsky, Platonov and Tarle were idealistic, petty bourgeois and pseudo-Marxist. In his own camp he turned against the so-called mechanistic conceptions and nationalist deviations from the general line of the Bolshevik party. His works on Marxist ideology, historical method and Russian historiography as well as his treatment of various problems of cultural, social and economic history, constitutional and diplomatic history, military history and military technique of civil war have become the guides for his school. In these works Pokrovsky developed an orthodox Marxist interpretation of Russian history which serves today as the historical justification for the Soviet Union. His rigid, oversimplified schematization, his periodization and his leading idea of the origin of the Moscow state and Moscow absolutism from commercial capitalism, from which he derived the logic and unity of Russian internal history and Russian foreign policy, have provided particular targets for criticism by his opponents.

As vice commissar of public instruction of the Soviet republics Pokrovsky emphasized the class character of science, particularly of the social sciences. It was their task to forge the weapons for the class struggle. He labored successfully to stabilize Marxism-Leninism-Stalinism as the principle of scientific investigation and doctrine and to organize the class struggle on the "scientific," the "general ideological" and particularly the "historical" fronts. The Bolshevist science of the proletarian state must provide the basis for the political demands of the working classes and ally itself with the practical work of socialist reconstruction. Pokrovsky proclaimed the supplanting of individualism in historiography by the new type of historian of the future, the "collective historian," who participates definitely in planned collective effort. The radical transformation of Russian higher education since 1918 is also linked to his name. Among his

achievements are the creation of workers' faculties (*rabfaki*), the Communist Academy and the Institute of Red Professors (for the development of communist scientists) embracing all branches of natural and social sciences, the amalgamation of all the research institutes in social science (Ranion), the reform of the Russian archives, the organization of Russian Marxist historians, the founding of leading social scientific periodicals (*Istorik marxist*, *Krasny arkhiv*, *Vestnik Kommunisticheskoy Akademii*) and the publication of numerous collections of materials, especially in regard to the history of the Russian revolutionary movement and Russian foreign policy in the modern and most recent period, crowned by the collection of documents, *Mezhdunarodnie otnosheniya v epokhu imperializma* (3rd ser., vols. i–ii, iv, Moscow 1931–33; tr. into German as *Die Internationalen Beziehungen im Zeitalter des Imperialismus*, ed. by Otto Hoetzsch, Berlin 1931–33).

F. EPSTEIN

Principal works: *Russkaya istoriya s drevneishikh vremen*, 5 vols. (Moscow 1910–12; 5th–7th eds., 4 vols., Moscow-Leningrad 1924), abridged translation by J. D. Clarkson and M. R. M. Griffiths as *History of Russia from the Earliest Times to the Rise of Commercial Capitalism* (New York 1931); *Russkaya istoriya v samom szhatom ocherke*, 3 pts. (Moscow 1920–23; 10th ed. of pts. i–ii and 5th ed. of pt. iii, 1931), pts. i–ii tr. by D. S. Mirsky as *Brief History of Russia*, 2 vols. (London 1933); *Historische Aufsätze*, Marxistische Bibliothek, vol. xvii (Berlin 1928); *Pages d'histoire*, Bibliothèque Marxiste, no. ix (Paris 1929); *Imperialisticheskaya voina; sbornik statei 1915–1927* (The imperialistic war; a collection of articles) (Moscow 1928; enlarged ed. 1931); *Oktyabrskaya revoliutsiya; sbornik statei 1917–1927* (The October revolution: a collection of articles) (Moscow 1929); *Marxizm i osobennosti istoricheskogo razvitiya Rossii* (Marxism and the peculiarities of the historical development of Russia) (Leningrad 1925); *Borba klassov i russkaya istoricheskaya literatura* (The class struggle and Russian historical literature) (Leningrad 1927); *Istoricheskaya nauka i borba klassov* (Historical science and the class struggle), vol. i (Moscow 1933); a complete bibliography of Pokrovsky's writings, arranged chronologically, is contained in *Istorik marxist*, vol. xxiii–xxiv (1932) 216–48.

Consult: "K 60-letiiu M. N. Pokrovskogo" (In honor of the sixtieth birthday of M. N. Pokrovsky) in *Arkhivnoe delo*, vol. xvi (1928) 3–23; "M. N. Pokrovsky—Kratkaya biograficheskaya spravka" (M. N. Pokrovsky—a short biographical account) in *Istorik marxist*, vol. ix (1928) 79–83; Epstein, Fritz, "Die marxistische Geschichtswissenschaft in der Sovetunion seit 1927" in *Jahrbücher für Kultur und Geschichte der Slaven*, n.s., vol. vi (1930) 78–203; Hoetzsch, Otto, in *Zeitschrift fur osteuropäische Geschichte*, vol. vi (1932) 535–52; Dobbie-Bateman, A. F., in *Slavonic Review*, vol. xi (1932–33) 187–89.

POLE FAMILY, English merchants and financiers. On the foundation of one of the great fourteenth century fortunes made in the wool trade the Pole family rose not only to the peerage—they were earls and dukes of Suffolk—but to the heritage of the throne. Richard III's nephew and heir was the descendant of Edward III's merchant and financier, William de la Pole (d. 1366). The latter, first mayor of Kingston upon Hull, member of parliaments, baron of the exchequer, mayor of the wool staple in Antwerp, is noteworthy as Edward III's principal English creditor when English financiers were replacing foreigners. In 1337 he headed the syndicate which was the outstanding experiment in Edward's manipulation of the wool trade to secure extraordinary funds for his war with France. Merchants purchased on credit the year's growth of wool, lent the king £200,000 and received as repayment the customs and half the proceeds from the sale of the exported wool. The scheme failed. Edward had recourse again to borrowing, chiefly, until 1345, from William de la Pole. Knighthood, gifts of land and advantageous marriages for Pole's children marked the king's gratitude and gave substantial evidence of the rise of the family.

Succeeding generations turned, less fortunately, to war and politics. Advisers of weak kings or, latterly, rebels, all but one of the Suffolk earls and dukes died in exile, in battle or by execution. Michael (*c.* 1330–89), William's heir, served in France, was governor to Richard II in his minority, arranged Richard's marriage with Anne of Bohemia and became chancellor and earl of Suffolk. Similarly William (1396–1450), his grandson, fought in France, commanded the army before Orléans and helped arrange the peace of 1444 and the marriage of Henry VI with Margaret of Anjou. He was created duke in 1448. Both sought order at home by strengthening the royal power, and peace with France, even by such territorial concessions as the surrender of Maine and Anjou in 1444. For these policies they bore the brunt of parliamentary and baronial opposition to the crown. Michael was impeached at the instigation of the duke of Gloucester, was convicted of unproved charges and imprisoned. Ultimately he fled to Paris, where he died. William was accused of treason by a Parliament inspired by his private enemy and dissatisfied with the treaty of 1444 and the loss of Normandy through Somerset's incompetence. He appealed to the king, was banished but, while crossing the channel, was

captured by a royal ship and executed under unexplained circumstances.

William's heir, John (1442–91), turned Yorkist and married the sister of Edward IV. His son, John (*c.* 1464–87), heir to the throne of Richard III, became involved in the Simnel imposture and was killed at the battle of Stoke. His brother and heir, Edmund (*c.* 1472–1513), was beheaded for suspected complicity with another brother, Richard, who schemed openly with France against Henry. Richard died in battle at Pavia in 1525. With him the direct male line ended.

ALICE BEARDWOOD

Consult: *Finance and Trade under Edward III*, ed. by George Unwin (Manchester 1918); Bourne, H. R. Fox, *English Merchants*, 2 vols. (London 1866) vol. i, ch. ii; Busch, Wilhelm, *England unter den Tudors* (Stuttgart 1892), tr. by A. M. Todd (London 1895) ch. v; Kingsford, C. L., *Prejudice and Promise in XVth Century England* (Oxford 1925) ch. vi.

POLICE. The term police in its early definitions has covered a wide range of functions. It has been employed to describe various aspects of the control of public sanitation; it has had a highly special meaning with respect to the suppression of political offenses; and at times it has been expanded to cover practically all forms of public regulation and domestic order. Now, however, it is used primarily with reference to the maintenance of public order and the protection of persons and property from the commission of unlawful acts. Hence police and constabulary have come to be almost synonymous.

The complex structure of modern society and the necessities of governmental administration sometimes operate to extend police activities quite beyond any strict concept of crime control. Such modern extensions are largely attributable to an increasing emphasis upon prevention in police work. Thus the police sphere is constantly widening and now frequently includes the licensing of various employments and enterprises, such as private watchmen, vehicles plying for hire, the storage and cartage of combustibles and other dangerous substances, the sale or possession of firearms and the operation of many types of public entertainments. In the case of practically all types of licensed callings the police are employed for the preliminary inspection of premises and investigations into the personal characters of licensees, and they are sometimes required to make periodic reports to the licensing authorities concerning the manner in which licensed callings are operated. The police also act to prevent conditions which threaten the safety or morals of citizens; such activities include traffic regulation, the maintenance of fire lines at the scene of a conflagration and in some instances the exercise of certain limited powers of public censorship. It is also an increasingly common practise for the police to extend emergency relief to the destitute.

These and various related duties less frequently exercised have a certain bearing upon the protective functions of police and sometimes devolve upon them as matters of administrative necessity. When they are numerous they raise difficult problems of management and serve to divert police attention from more fundamental duties. The administrative structures of police forces are predicated upon their activities to a considerable degree, even though most police organization plans may be criticized for failure to recognize the close relationships which exist between certain of the activities. There is also a distinct tendency toward creation of small units and detachments, which are not easily articulated with the work of the police force as a whole. Such units are frequently set up for the regulation or suppression of commercialized vice, for license administration and the like.

The methods employed in securing administrative supervision and control of police forces vary so widely as to defy successful generalization. There are, however, three general categories. Police systems on the continent of Europe and in many other parts of the world are highly centralized. The national government, usually represented by the minister of justice or the minister of the interior, exercises a more or less preponderating influence upon all matters of police direction and management. Even where police districts are coterminous with the subdivisions of local government and are correlated with the latter, the central police authority frequently controls not only the large questions of organization, personnel management and official policies but even, if occasion requires, the smallest details of daily operations. The trend toward centralization still continues, in which respect the Scandinavian countries and Hungary offer recent and striking examples.

A second type of police system is partially decentralized, as, for example, that of England and Wales, which was founded upon local administration and later subjected to a measure of national control. The last few decades have witnessed a further expansion of the supervisory powers exercised by the Home Office, which

makes subventions to the local police forces amounting to one half of the compensation and allowances given to the police personnel. Through His Majesty's Inspectors of Constabulary a check is maintained on local police administration, and the grants by the national government are conditioned upon a favorable report from these Home Office inspectors. Thus far central influence has been applied with reserve and has been confined chiefly to raising the quotas of the police establishments, encouraging the consolidation of the smaller forces and improving various special aspects of local police administration. The control of the Home Office over the London metropolitan police, however, is complete and unqualified.

Finally, there is the system which obtains in the United States, in which all governments—national, state and local—maintain police agencies which are wholly independent of each other. The result is the most complete decentralization of police authority known to the civilized world, accompanied by an extraordinary degree of duplication and conflicting jurisdiction. Cities, villages and special districts, towns and townships, counties, states and the federal government, all maintain police forces charged with general or special duties. The nature of the federal union and the fact that police management has become embedded in the whole scheme of local government are chiefly responsible for this curious situation. The advent of state police forces in many commonwealths may indicate the beginning of a trend toward larger police areas, although there is as yet little evidence of a willingness to destroy even the smaller of the local forces.

Police forces are placed under the immediate supervision of either legislative bodies, administrative boards, commissioners of public safety or single police administrators. The legislative type is found usually only in decentralized systems and consists in placing the general control of local police in the hands of a standing committee of the local council; it is almost universal in Wales and England, where, except in London, the municipal forces operate under a committee of the municipal council and the county constabularies are similarly subordinated to a joint committee of the county council and the justices of the Quarter Sessions. The scheme has met with a considerable degree of success, largely because the local party machines do not ordinarily interfere with police management; the committees themselves are content to handle only the broad general problems, leaving the chief constable free to work out a detailed and constructive program. In the United States control by municipal councils is steadily becoming less common, because of the scandals, corruption, political interference and inefficiency which have characterized it.

Administrative boards or commissions especially charged with police control have also been tried in the United States but, with a few exceptions, have failed to produce satisfactory results. Where state controlled municipal police forces were created, provision was usually made for board management. In most instances this expedient was a practical necessity. Police boards, both state and local, were constituted as bipartisan, unipartisan or non-partisan bodies; yet whatever their designation, they have seldom risen above partisanship. State controlled but locally supported police are now quite rare, having been destroyed principally by the abuses which arose under board management. Administrative boards on the continent and elsewhere usually act only in an advisory capacity or are confined to the consideration of some irregularly recurrent problem of an especially difficult or technical nature.

The rise of commission government in American cities led to control of the police by a commissioner of public safety, chosen from among the members of the commission council. Such commissioners administer the affairs not only of the police but frequently also of the fire force, of the department of building inspection and sometimes of public charities. While this is a natural and even necessary feature of commission government charters, a similar combination of administrative duties has also occasionally appeared under a few city manager and mayor and council governments. Except for a very few cities the public safety commissioner plan and its variations have proved disappointing and have raised new and difficult problems of practical administration.

A single administrative head directly responsible to civil executive authority represents the most prevalent type of police control. When suitably protected from the intrusion of partisan or other selfish interests it appears to avoid the difficulties more or less inherent in the other systems. This type is virtually universal in highly centralized systems and its adoption is being steadily extended in the United States wherever charter provisions permit.

The selection, training, promotion, discipline and welfare of members of police forces, especially of the rank and file, constitute problems of primary concern to police organizations. Since no reliable tests of police aptitude exist, there has been much experimentation, although no important results have been produced. In continental Europe police recruits are often drawn directly from the army or from conscript lists, while in Great Britain and the United States they are drawn chiefly from the civilian population. Except in Great Britain and the British dominions and possessions, the titles of the official police hierarchy are strongly reminiscent of the military origins of civil police, and in continental Europe and in many colonial possessions a varying degree of military precision and discipline is imposed upon the police. Political affiliation, residence, physique, personal character, formal education and native intelligence are the most common qualifications for membership in police forces in the United States. The test of political affiliation is far less common than it was fifty years ago, although it is still occasionally an influence even with civil service commissions. In Europe political considerations play practically no part in the selection either of patrolmen or of the higher police officials. The more important positions are often filled by applicants from the universities or from the military schools. In the United States the higher posts are generally held by men who have risen from the ranks, while the chief is usually a man of no administrative training or ability, who receives his office as a political reward and whose tenure is usually brief because of the vicissitudes of politics or of statutory limitation of his term. In the larger cities the tenure of the administrative head averages less than two years, and the record of the smaller cities is not materially better. This condition has had a demoralizing effect on police forces in the United States and stands out in sharp contrast to European practise, in which police administration is regarded as a profession and where trained chiefs of police generally hold office as long as they render efficient service or until they are called to more important posts. The fact that the head of a police department in a European city is rarely chosen from among its inhabitants is a factor, although possibly a minor one, in accounting for the absence of local political influence in European police administration.

Special police training, both for recruits and for supervising officers, is coming to be almost universal, despite the fact that the highly decentralized character of police systems in the United States has somewhat retarded the movement. Police discipline does not constitute a serious problem except in the United States, where tenure of office statutes raise high obstacles to vigorous executive action and where civil service commissions or the judiciary have been granted a wide discretion in hearing or reviewing charges against police officers.

Not many decades ago police were customarily required to work twelve hours a day and received no rest days or vacations. This practise has been quite generally abandoned. The hours of duty now approximate eight per day, except in emergencies. Rest days are apportioned either according to a fixed ratio, usually one day in seven or one in ten, or formal leave is allowed after an extended tour of duty. Wages for patrolmen vary from excessively low pay, which predominates in Europe, to more or less adequate salaries, as, for example, those paid in such cities as New York, Chicago, Detroit and San Francisco, in which the maximum is from $2500 to $3000 per year. In some European cities housing provision is made for patrolmen or rent allowances are paid in addition to salaries. Almost universally pensions are granted upon retirement and it is general practise for large police establishments to engage the services of regular police surgeons, who supervise the general health and welfare of the rank and file and act as inspecting officers to prevent malingering among those on sick leave.

Benevolent and protective organizations of the rank and file are especially common in England and the United States. Although in the latter country police authorities have sternly suppressed various attempts of local associations to affiliate with the American Federation of Labor, some of these associations operate in fact as local police unions which employ collective bargaining methods. In England, following the police strike of 1919, Parliament provided for a federation of all English and Welsh county and municipal police which is to be consulted by the government upon all matters affecting conditions of service.

The most common activities of police forces embrace uniformed patrol, criminal investigation and identification, crime prevention, criminal records, departmental records, traffic regulation and the maintenance and operation of plant and equipment, including facilities for

transportation and communication. Systematic uniformed patrols, conducted throughout the day and night, are everywhere recognized as being an essential prerequisite to effective police protection. These patrols are now commonly divided into three daily tours of duty of approximately eight hours each. Their distribution is usually based upon a fixed territory to be covered by each uniformed patrolman, and certain facilities for communication between patrols and police stations are steadily coming into more general use. Patrols are supervised by superior officers who visit them at frequent intervals and are checked by routine signals dispatched by patrolmen from telephone or telegraph boxes.

Two recent English innovations in patrol methods are worthy of note. The decentralized patrol, or "police box" system, first extensively employed in Newcastle upon Tyne, has been widely adopted throughout Great Britain. It prevents the periodic contraction and expansion of the protected area by requiring the police constable to report for duty at a police booth located on his patrol post, at which point orders are transmitted to him and from which he conducts systematic patrols of the surrounding area. Similar in purpose, although less simple in execution, is the patrol system which originated in the Hertfordshire constabulary. This system discards the traditional "beat and relief" plan with defined areas for individual patrol posts and requires that police constables follow a specified itinerary and time schedule which carries them over a considerable territory in the course of a tour of duty. Hence several patrols are constantly at work in any given area, or "sector," although each is independently conducted. Several combinations of alternative routes are provided, and individual patrols are dispatched from a central point at specified intervals throughout the day and night.

Although foot patrols are the most common, the use of bicycles, motorcycles and motor cars is steadily increasing. Equestrian patrol is gradually decreasing, despite the fact that it is still of great value in protecting inaccessible rural districts and extensive park areas. Mounted police have proved invaluable in regulating slow moving traffic and in quelling riots and other street disorders as well as in handling orderly but unwieldy congregations of people. Throughout the United States motor cars of all types are used by police forces for patrol purposes, as a convenience to criminal investigators and supervising officers, for the transportation of prisoners and for routine police work generally.

Electrical communication in various forms is coming into widespread use, particularly in the United States. For communication between headquarters and district stations public and private line telephones, telegraph, teletype and the radio telephone and telegraph are employed; between patrolmen on post and district stations the telephone, telegraph and centrally controlled recall signals are used; while broadcasts to patrol cars through the radio telephone, and in a very few instances the radio telegraph, have constituted a recent innovation. In 1933 about one hundred police forces in the United States were operating radio broadcasting stations. Regional police radio service is available in some metropolitan areas and in a few states.

The maintenance of public order sometimes requires that police employ quasi-military methods in suppressing riots, in regulating activities connected with industrial strikes and lockouts, and in preventing or restricting mass demonstrations or politically subversive movements. The performance of these duties under disturbed conditions leads to charges that the police employ undue force and brutality, but the evidence in such cases is of so conflicting a character as to render any general judgment difficult.

Criminal investigations are often turned over to a special unit, which is usually an integral part of the general police force, although in some continental countries major offenses are investigated by an independent branch of the police. Medico-legal science and the allied methods of discovery known as *police scientifique* are more or less extensively employed in all but the English speaking countries. The police forces of the latter continue to rely upon the natural shrewdness of investigators, the examination of witnesses and suspects, and confidential sources of information, such as "stool pigeons" and secret agents. In the United States the use of stool pigeons is a common practise in the enforcement of laws prohibiting alcoholic beverages, narcotics, prostitution and gambling. Criminal investigators and detectives also occasionally protect and otherwise compensate drug addicts and prostitutes who provide them with information concerning crimes and criminals. Police in English speaking countries question the practical use of many so-called "scientific" processes of criminal investigation and maintain that they can be successfully applied

only in unusual instances. Nevertheless, *police scientifique* is making measurable progress even in Great Britain and the United States, particularly in the larger police establishments.

The use of brutal methods as an aid to criminal investigation—the "third degree"—is most frequently charged in the United States, although similar complaints against the police are by no means rare in other countries. While such abuses are sometimes described by persons of doubtful credibility and tend to be grossly exaggerated as to gravity and frequency, they unquestionably exist and are a continuing reproach to the police forces which apply them. It is perhaps significant that the most efficiently managed police forces are least frequently charged with brutality to prisoners in their custody. In England efforts to suppress alleged third degree practises have led to the imposition of severe limits upon the right of the police to interrogate suspected persons, and according to some observers the success of criminal investigations has thereby been impaired. As a further expedient for the elimination of third degree practises it has been proposed in the United States that the police be required to arraign prisoners immediately after arrest.

Police forces, particularly in English speaking countries, are now directing a part of their attention toward the preventive aspects of police work. Since little is definitely known concerning crime causation, the preventive efforts of police, while promising, have thus far been of uncertain practical effect. There is a continuing tendency to turn preventive and protective work with women and juveniles over to a corps of policewomen. In England these officers are usually uniformed, a practise which has been criticized by some English commentators as encouraging the recruiting of the "jail matron" type. In the United States policewomen are seldom in uniform, and some effort is made to recruit them from among social workers. Thus the techniques of the police and of the social worker are combined, and it is hoped that in time there may emerge a new technique of crime prevention.

Criminal identification through the Bertillon anthropometric system is rapidly being replaced by dactyloscopy, or fingertip impressions. The latter method, used in conjunction with photographs of offenders, is coming to be universal in police organizations. Single fingerprint classifications designed to facilitate the identification of fragmentary fingertip impressions found at the scene of a crime are being developed in Denmark, England and the United States. The criminal modus operandi system, which originated in the West Riding Constabulary, Yorkshire, is designed to facilitate investigations by providing a list of suspects based upon the criminal method employed. Its use is general in England and Wales and is increasing in the United States. With the improvement in communication the area in which a criminal may operate has been tremendously expanded. In order to meet this new development great national and state exchanges, or clearing houses, for criminal identification data are coming into general use. The National Division of Identification in the United States Department of Justice at Washington is the largest of these, with over 3,800,000 fingerprint records on file (1933).

Aside from certain administrative and procedural records, which vary widely according to the special requirements of each police force, there is a steady movement toward uniformity of reports concerning crimes committed, arrests made and cases prosecuted and disposed of. National statistics concerning such matters quite invariably originate with local police units, even though the final and complete tabulations are made by central authority. In western Europe, the British Isles and colonial possessions nation wide police and crime statistics are firmly established. In the United States rapid progress has been made along these lines, particularly since 1930, when the United States Department of Justice took over officially the Uniform Crime Reports previously prepared and compiled by the International Association of Chiefs of Police.

With the increasing use of the motor car traffic regulation has become an important feature of police work. It is usually performed by the regular police force, both because of the administrative convenience of this method and because police surveillance of motor cars as instrumentalities of crime is thereby simplified and improved.

The most common type of rural police is the *gendarmerie*, which exists in many parts of the world as a state controlled police force, sometimes being recruited from the ranks of the army. The peculiar nature of the sheriff-constable system, as it originated in England, has, however, profoundly influenced rural police organization in all English speaking countries. In Great Britain the sheriff has been shorn of

his police powers, the parish constable has disappeared and both have been succeeded by highly organized constabularies for each administrative county. These frequently assume sole responsibility for the protection of urban and rural areas alike. In the United States the sheriff-constable system continues to function after a fashion, although in all cases independently of any effective form of central control. It has been widely criticized as a method of law enforcement and seems destined for eventual extinction. County, town or special district constabularies have been superimposed upon the ancient system in a very few special instances.

In a considerable number of states there have also appeared state police forces, which are tending to deprive the sheriff and constable of control over rural police protection. The better state forces are completely equipped as regards transportation and communication, conduct regular and systematic patrols of rural areas, have a record of convictions of about 90 percent in relation to the number of arrests which they make and in several instances have successfully avoided political influence. In some cases state authorities have employed them in suppressing industrial riots or other unlawful assemblages, in the course of which they have acquired a reputation for ruthless efficiency. Hence organized labor has taken a definite stand against the use of state police for the suppression of riots and disorders and has more or less actively opposed the establishment of such centrally controlled police bodies.

Somewhat comparable are the provincial police maintained in the western provinces of Canada. These have been rivals, in a sense, of the Royal Canadian Mounted Police, a national force, and for a time threatened to oust the latter organization from the performance of general police work in the rural portions of the country. Recent developments indicate, however, that the provincial police may in time disappear and that the Canadian Mounted will again assume general responsibility for law enforcement not only in the arctic and subarctic regions, where their position has never been challenged, but in the rural settlements of southern Canada as well.

Quite aside from, and in addition to, the rather strong general tendency toward centralization of police control, there are instances in which central governments maintain special forces to deal with particular problems. The political police maintained in both czarist and Soviet Russia as well as the wide variety of federal police agencies located in various departments of the United States government partake of this character. The latter are noteworthy because of the unusual complexity which characterizes federal police arrangements in the United States. There are four federal agencies which perform police functions exclusively: the Division of Investigation in the Department of Justice; the Secret Service and the Customs Border Patrol in the Treasury Department; and the Immigration Border Patrol in the Department of Labor. In addition there are five other agencies distributed over the departments of Treasury, Labor and Post Office, which devote much of their time and attention to police functions. These units include the Narcotic Unit, the Customs Special Agency Service and the Coast Guard in the Treasury Department; the Immigration Service in the Department of Labor; and the Division of Inspectors in the Post Office. Despite the fact that most of these nine police units are concerned with the enforcement of particular federal statutes, there is a considerable degree of overlapping in their investigations. Thus the Customs Border Patrol, the Immigration Border Patrol, the Customs Special Agency Service and the Narcotic Unit all deal in some degree with the smuggling of aliens and of liquor, drugs and miscellaneous commodities. Similarly, the Customs Border Patrol, the Customs Special Agency Service, the Coast Guard and the Division of Post Office Inspectors are directly or indirectly concerned with the enforcement of the liquor laws. Because of this overlapping there is a persistent demand that further consolidation of federal police agencies be effected.

The development of a scientific attitude in police work and the obvious advantages of cooperation between police units have led to state, national and international associations of police executives. The Deutsche Kriminalpolizeiliche Kommission and the English Chief Constables' and County Chief Constables' associations are perhaps the most active and prominent of the European organizations. Similar associations of police executives, sheriffs or peace officers have been set up in many states of the United States, of which the most important is the International Association of Chiefs of Police, with a membership drawn chiefly from the United States and Canada. There are some organizations which have an international character and devote much of their activity to improving methods for the

exchange of criminal information. Especially prominent in the latter category is the International Criminal-Police Commission, composed chiefly of the representatives of continental police forces.

BRUCE SMITH

See: POLITICAL POLICE; POLICING, INDUSTRIAL; DETECTIVE AGENCIES, PRIVATE; JUSTICE OF THE PEACE; SHERIFF; JUSTICE, ADMINISTRATION OF; ORGANIZATION, ADMINISTRATIVE; PUBLIC EMPLOYMENT; CRIME; CRIMINAL STATISTICS; IDENTIFICATION; LAW ENFORCEMENT; TRAFFIC REGULATION.

Consult: FOR UNITED STATES: Fosdick, Raymond B., *American Police Systems* (New York 1920); Graper, Elmer D., *American Police Administration* (New York 1921); Fuld, L. F., *Police Administration* (New York 1909); Smith, Bruce, "Metropolitan Police Systems" in Missouri Association for Criminal Justice, *The Missouri Crime Survey* (New York 1926) pt. i; Chicago Citizens Police Committee, *Chicago Police Problems* (Chicago 1931); Smith, Bruce, *A Regional Police Plan for Cincinnati* (New York 1932); Fosdick, Raymond B., *Police Administration*, Cleveland Foundation, Survey of Criminal Justice in Cleveland, pt. iii (Cleveland 1921); New York State, Crime Commission, *Report of the Subcommission on Police* (Albany 1928); Bureau of Municipal Research, New York, *Report on Survey of the Government and Audit of Finances of the City of Charleston, South Carolina* (New York 1924) ch. v, sect. i, *Government of the City of Rochester, N. Y.* (New York 1915) p. 115–76, *Introduction and Explanatory Excerpts from a Survey of the Government, Finances and Administration of the City of Newark, N. J.* (New York 1919) p. 21–23, *Summary of Recommendations . . . from Report of a Survey of the City Government of Richmond, Va.* (New York 1917) p. 8–15, and *Report on a Survey of the Government of the City and County of San Francisco* (San Francisco 1916) p. 159–273; Smith, Bruce, *Rural Crime Control* (New York 1933), and *The State Police* (New York 1925); Mayo, K., *Justice to All, the Story of the Pennsylvania State Police* (4th ed. New York 1918); Guyer, John P., *Pennsylvania's Cossacks and the State's Police* (Reading, Pa. 1924); Corcoran, M. M., "State Police in the United States—a Bibliography" in American Institute of Criminal Law and Criminology, *Journal*, vol. xiv (1923–24) 544–55; "The Police and the Crime Problem," ed. by Thorsten Sellin in American Academy of Political and Social Science, *Annals*, vol. cxlvi (1929); United States, National Commission on Law Observance and Enforcement, *Report on Lawlessness in Law Enforcement* and *Report on Police*, Publications, nos. 11 and 14 (1931); Lewis, L. L., *Personnel, Salary, and Working Conditions in Police Departments, Cities over 30,000 Population in the United States* (Madison, Wis. 1928); Wolff, David, *Salaries and Conditions of Employment of Police Forces in 245 Cities in the United States and Canada*, Municipal Administration Service, Statistical series, no. 7 (New York 1932).

FOR FOREIGN COUNTRIES: Fosdick, Raymond B., *European Police Systems* (New York 1915); Lee, W. L. M., *A History of Police in England* (London 1901); Moriarty, C. C. H., *Police Procedure and Administration* (London 1930); Savill, Stanley, *The Police Service of England and Wales* (London 1923); Moylan, J. F., *Scotland Yard and the Metropolitan Police* (London 1929); Dilnot, George, *The Story of Scotland Yard* (London 1926); Stafford, P. H., *Police Finance* (London 1921); Great Britain, Royal Commission on Police Powers and Procedure, *Report*, Cmd. 3297 (1929), and Royal Commission upon the Duties of the Metropolitan Police, *Report, with Appendices*, Cmd. 4156, 4260–61, 3 vols. (1908); Ireland, Vice-Regal Commission on Reorganisation and Pay of the Irish Police Forces, *Report*, Cmd. 603 (Dublin 1920); Haydon, Arthur L., *The Riders of the Plains* (London 1910), and *The Trooper Police of Australia* (London 1911); Curry, J. C., *The Indian Police* (London 1932); Cox, Edmund, *Police and Crime in India* (London 1911); Edwardes, S. M., *The Bombay City Police, 1672–1916* (London 1923); Union of South Africa, Commission of Enquiry . . . to Enquire into the Organisation of the South African Police Force Established under Act No. 14 of 1912, *Report* (Cape Town 1926); Union of South Africa, Select Committee on Police Strike and Recruiting, *Report* (Cape Town 1918); Holt, H. P., *The Mounted Police of Natal* (London 1913); Arnaud, Émile, *La police municipale et rurale et les gardes champêtres* (Paris 1928); Guyon, Étienne Félix, *L'organisation de la police en France* (Paris 1923); Locard, Edmond, *La police* (Paris 1919); Perrier, E. G., *La police municipale* (2nd ed. Paris 1920); Redonet y López-Dóriga, L., *Policía rural en España* (Madrid 1916); Lehr, R., "Die Polizei" in *Die Zukunftsaufgaben der deutschen Städte*, ed. by Paul Mitzlaff and Erwin Stein (Berlin 1925) p. 724–51; Roscher, Gustav, *Grossstadtpolizei* (Hamburg 1912); Prussia, Minister des Innern, *Wegweiser durch die Polizei*, Preussischer Landtag, 2. Wahlperiode i, Tagung 1925/28, nr. 7790 (2nd ed. Berlin 1928), and *Landeskriminalpolizei*, Vorschriften für die staatliche Polizei Preussens, no. 32 (Berlin 1927); Germains, Victor Wallace, *Austria of To-day* (London 1932) ch. ix; Zentralinspektorat der Wiener Bundessicherheitswache, *Sechzig Jahre Wiener Sicherheitswache*, ed. by J. Schober (Vienna 1929); Haarman, J. W., *Geschiedenis en inrichting der politie in Nederland* (Alphen 1922); Linnér, S., *Utredning angående omorganisation av polisväsendet i riket*, Sweden, Statens offentliga Utredningar, no. 49 (Stockholm 1922); Vassilyev, A. T., *The Ochrana, the Russian Secret Police* (Philadelphia 1930); Ōura, K., "The Police of Japan" in *Fifty Years of New Japan*, ed. by Shigénobu Ōkuma, tr. by Marus B. Huish, 2 vols. (London 1909) vol. i, ch. xi; Owings, Chloe, *Women Police* (New York 1925).

FOR POLICE METHODS OF CRIMINAL INVESTIGATION: Locard, E., *L'enquête criminelle et les méthodes scientifiques* (Paris 1920), and *Traité de criminalistique*, 2 vols. (Lyons 1931); Gross, H. G. A., *Handbuch für Untersuchungsrichter als System der Kriminalistik*, 2 vols. (7th ed. Munich 1922), tr. and ed. by J. C. Adam as *Criminal Investigation* (2nd ed. London 1924); Atcherley, L. W., and Brook, F., *Modus Operandi, Criminal Investigation and Detection* (Wakefield, Eng. 1932).

For articles on police administration and methodology, see such publications as *American Journal of Police Science*, now merged with the *Journal* of American Institute of Criminal Law and Criminology, published bimonthly in Chicago since 1910; *Police*

Journal, published quarterly in London since 1928; *Kriminalistische Monatshefte*, published monthly in Berlin since 1927 and the annual *Proceedings* of the International Association of Chiefs of Police.

POLICE COURTS. *See* COURTS; JUSTICE OF THE PEACE; MUNICIPAL COURTS.

POLICE POWER is an idiom of apologetics which belongs to the vocabulary of constitutional law. In American government the validity of any regulatory statute may, in "a genuine case in controversy," be tested by judicial review. If the act is sustained, the police power is usually invoked as the sanction; if it is declared null and void, some such phrase as "lack of jurisdiction" or "want of due process" lies at the base of rationalization. Hence the police power is one of two balanced terms which make up a formula of constitutionality. As cause follows cause to judgment, "public benefit" is measured against "private sacrifice," and victory goes with the concept which is weighted with the more compelling values. A repeated use has worn away the metaphorical significance of the term, and police power connotes to those who habitually employ it an objective reality.

The antecedent institution of the police runs back into antiquity. It springs from πολιτις the genitive of a Greek noun, which means "of or pertaining to an organized community." The Romans appropriated the word, Latinized it into *politia*, the condition of the state, and in the golden age of Augustus established a police for the maintenance of law and order. After the decline of the empire and a long period of chaos there was revived in the capitularies of Charlemagne a body of regulations for weights and measures, tolls and markets, the sale of food and cattle and the relief of famine and pestilence. From that time the orbit of control roughly marked out by these particulars has, with intermittent consistency, been called "the police."

In English usage, even from Tudor times, the word police has connoted the way of the state with its subjects. As the feudal establishment crumbled beneath the shock of change, the system of duties called piety gave way to the more elastic demands of polity. In time this useful, generous and time-serving word was resolved into the distinctive terms of policy and police. In Samuel Johnson's *Dictionary* policy has reference to foreign affairs while police defines "the regulation and government of a city or country so far as regards the inhabitants." In his *Lectures* Adam Smith used the word police to denote a domestic regulation of such matters as taxes, bounties, monopolies and the exclusive privileges of corporations. Blackstone, who was in the nineteenth century to become the Great Commentator, drew up an extended catalogue of "offences against the public health, and the public police or economy." His undifferentiated category includes such miscellaneous items as bigamy, association with gypsies, keeping a disorderly inn, maintaining an unlicensed theater, carrying on an offensive trade, conducting a lottery, eavesdropping and being a scold. Idleness was "a high offense against the public economy"; sumptuary laws were to be leveled against luxury and extravagance; and the public police through "due regulation and domestic order of the Kingdom" was to bind the individuals to "conform their general behaviour to the rules of propriety" and to become "decent, industrious, and inoffensive in their respective stations." In short the police comprehended all regulation necessary to the virtue, peace and wealth of the nation.

As time brought challenge to authority, "power" was the verbal symbol by which a body of usage was translated into doctrinal statement. In the Holy Catholic church each bishop and priest was a vicar of Christ and exercised a power vested in him from on high. In the authoritarian order of feudalism every office and station from emperor to serf had its vested liberties and its established obligations. As parchment came into use, men came to repose a trust in engrossed words as a limitation upon arbitrary action. One who acted for another must not exceed his power of attorney; a minister of state was not to exceed the powers of his office; the crown itself might lawfully employ only the powers granted by the sovereign. As the divine right of kings passed and written constitutions emerged, the activities of government were restricted to powers specifically granted by the people. Finally, as the judiciary came to expound "the higher law," power became a key word without which no constitutional argument could be driven to a restful conclusion.

At last the words were quietly mated, and "the police power" made its unobtrusive entrance into the law reports. As early as 1774 a Declaration of Rights had claimed for each of the colonies "a free and exclusive power of legislation" in "all cases of taxation and internal polity." In 1827 in the famous case of Brown

v. Maryland (25 U. S. 419), which concerned the capacity of the state to tax merchandise coming from across its borders, Marshall made the breaking of the "original package" the line between the congressional control over interstate commerce and "the police power" of the state. But the verbal coin of a Federalist chief justice was not given immediate currency. Kent in his *Commentaries* recognized that "the government may, by general regulations, interdict such uses of property" as might "become dangerous to the lives, or health, or peace, or comfort of the citizens." He enumerates specifically "unwholesome trades, slaughter-houses, operations offensive to the senses, the deposit of powder . . . the building with combustible materials, and the burial of the dead"; but as a common lawyer he rests his authority upon the duty of the owner so to use his property as not to injure another and upon the right of the state to abate a nuisance. It is not until the twelfth edition, which appeared in 1873, that the editor, O. W. Holmes, Jr., set it down in a footnote, "This power of the government is now called the police-power." And, if his *Commentaries* alone are to be taken as evidence, Story seems never to have heard the term.

For a time the police power was a concept in search of a content. It had been employed by the great Marshall; it was large, sonorous and compelling, a verbal judicial treasure; it had no certainty of meaning. In 1837 in the case of Charles River Bridge *v.* Warren Bridge (36 U. S. 420) Taney found in the power "to promote the happiness and prosperity of the community" an answer to the contention that a charter from a state was exclusive; and within two decades the police power was being employed by state courts as an answer to the charge that statutes regulating corporations impaired the obligations of contract.

Taney and his associates were not unaware of the problems of a rising business economy. But slavery was filling the air with a clash over states' rights, the practical members of the court were not insensitive to prevailing doctrines, and in the major activity of constitutional exposition rival philosophies found expression. In 1837 in the case of City of New York *v.* Miln (36 U. S. 102) the court decided that a statute designed to exclude paupers and other undesirables was not an encroachment by the state upon interstate commerce. In a concurring opinion Thompson insisted that no legislation could "fall more directly within the police power and internal regulation of a state." In subsequent cases concerned with the validity of state acts forbidding an owner to recapture his runaway slave within the boundaries of other states, imposing regulation upon the liquor traffic and assessing fees upon immigrants the issue of jurisdiction was fought out. The fortunes of battle varied, sometimes by a close vote and never with a concurrence of the opinions of the justices. In all these cases the challenge is in the name of interstate commerce, and in all of them Barbour, Story or some other justice invokes an equivalent of the police power as a justification of the legislation. But the Marshallian term shares its dialectical eminence with "police regulation," "internal police" and "police powers," and it is not until the 1850's that it is established as a constitutional category. It is, in the language of Baldwin, as against federal authority "a power excepted and reserved to the states" which "remains in them in full and unimpaired sovereignty."

But dialectic does not always reflect actuality. If those who challenged state legislation invoked the sanction of interstate commerce, it was not because they were stanch Federalists. Rather they found the statutes inconvenient and leveled against them the readiest constitutional weapons at hand. In the first half of the century the issue of constitutionality was generally confined to ex post facto laws, especially acts impairing the obligations of contract. But even in this period town ordinances regulating saloons, markets and trades were sometimes attacked as contrary to some clause in the state constitution or as in excess of the authority granted to the municipality. Here the issue lay between the common law doctrine of the freedom of trade, buttressed by statutory or constitutional sanctions, and the propriety of the regulations of police. In 1852, in the case of Jones *v.* People (14 Ill. 196), police power seems first to have been set in opposition to individual rights. In the next year, in the classic opinion of Shaw in Commonwealth *v.* Alger (61 Mass. 53, 85), a statute forbidding the erection of any wharf within certain parts of Boston harbor is upheld as a proper exercise of "the police power." This is the authority "vested in the legislature" to "establish all manner of wholesome and reasonable laws" which are judged to be "for the good and welfare of the commonwealth." As this opinion gained wider currency, the police power definitely became the judicial defense against the charge of an invasion of "the con-

stitutional rights to liberty and to property."

After the passage of the Fourteenth Amendment the development of the doctrines of the "police power" and "freedom of contract" became inseparable. In cause after cause, as social legislation was submitted to judicial review, their rival claims were fought out. In 1873, in the Slaughter-House Cases (83 U. S. 36) the police power of Taney and of Shaw prevailed over a novel attempt to read the indefeasible rights of man into the privileges of United States citizenship. In 1876, in the first of the Granger Cases (Munn *v.* Illinois, 94 U. S. 113) it won a victory over a crudely formulated doctrine of "due process." In 1886 the corporation was endowed with the rights of personality; and since that time, in the formula of constitutionality, the "police power" has been set in opposition to the deprivation of liberty or property without "due process of law." If the abridgment of individual right loomed larger in the judicial mind, the statute was condemned; if the act seemed to the justices to serve such ends as public safety, public health, public morals or occasionally even an indefinite public welfare, it was approved.

But even such worthy and catholic terms, fitting as they were to a rudimentary social order of agriculture and petty trade, are hardly an adequate expression of the objectives of an industrial society under control. For want of a longer catalogue the courts have had at times to resort to logomachy to sustain statutes protecting the buyer against the unscrupulous seller, shortening the workday, and assuring the payment of wages in coin of the republic. Statutes outlawing billboards have been held valid by an invocation of the law of nuisance or an appeal to public morals. The minimum wage failed of judicial approval because the majority of the Supreme Court could not discover for themselves the nexus between its objectives and the public health. Although precedent has played its part and the judiciary tends to repeat a decision, the court has acknowledged that constitutionality depends upon circumstance. Accordingly, in pricking out the lines of the police power, there is opportunity for judges to be guided by their personal preferences, and the law reports present a battle ground between rival social philosophies. In fact in the continuing volumes of record it is easy to trace the waxing and waning fortunes of the police power.

The idea of a federal police power would have been an anomaly to Marshall, Taney, Bradley and Field. Even today the term is used only by jurists who are caught off guard or who consciously attempt to give exact names to current realities. But Congress has grafted upon the powers which it possesses over the mails, taxation and interstate commerce a police function. Obscene matter, seditious newspapers and lottery tickets have been denied admission to the mails; oleomargarine has been penalized in favor of butter and narcotic drugs have been outlawed in measures designed "to raise revenue", hours of work have been regulated, liability for industrial accidents has been imposed upon employers, and the white slave trade has been prohibited in the name of interstate commerce. As a result of a stream of tendency, which as yet has not run its course, the federal government is already possessed of fragments of a power which was once but another name for "the residual sovereignty" of the states.

In the decades just ahead the police power is almost certain to be remade. It was recently invoked in the case of Hammer *v.* Dagenhart [247 U. S. 251 (1918)] to declare invalid a congressional prohibition of child labor and to check at least for a time the trend toward nationalism. So long as the federal system endures it will doubtless continue to be a counter in the jurisdictional combat between the state and the national government. As yet we have not succeeded in domesticating an unruly industrialism; a fault line exists in our culture between business enterprise and the institution of control. As a definite philosophy replaces the opportunism which drives our society toward collectivism the domain of regulation will be greatly extended. In a drift or a drive toward a state capitalism or a business socialism ways and means will be employed unknown to the police power of the tomes on constitutional law. Such instruments of welfare as industrial codes, a managed currency and a processing tax, creatures as they are of an emergency, are mere forerunners of a comprehensive array of novel regulations. A truce can be effected with a national industrial system only through a complementary system of control. As emergency succeeds emergency in the continuous process called history, an enlarged police is likely to make provision for a revised public welfare; and as it does the idiom police power will probably fade from the apologetic vocabulary of constitutional law.

WALTON H. HAMILTON
CARLTON C. RODEE

See: CONSTITUTIONAL LAW; CONSTITUTIONALISM;

STATES' RIGHTS; FEDERATION; CENTRALIZATION; JUDICIAL PROCESS; JUDICIAL REVIEW; DUE PROCESS OF LAW; FREEDOM OF CONTRACT; CONTRACT CLAUSE; CIVIL LIBERTIES; CENSORSHIP; GOVERNMENT REGULATION OF INDUSTRY; PUBLIC HEALTH; PUBLIC WELFARE; LABOR LEGISLATION AND LAW; CHILD, section on CHILD LABOR; WOMEN IN INDUSTRY; LICENSING; INTERSTATE COMMERCE; EMINENT DOMAIN; STATE GOVERNMENT, UNITED STATES; MUNICIPAL CORPORATION.

Consult: Hastings, W. G., "The Development of Law as Illustrated by the Decisions Relating to the Police Power of the State" in American Philosophical Society, *Proceedings*, vol. xxxix (1900) 359–554; Freund, Ernst, *The Police Power, Public Policy and Constitutional Rights* (Chicago 1904); Mott, R. L., *Due Process of Law* (Indianapolis 1926) chs. xvii–xviii; Cooley, Thomas M., *A Treatise on the Constitutional Limitations*, 2 vols. (8th ed. by Walter Carrington, Boston 1927) vol. ii, ch. xvi; Cook, Walter W., "What Is the Police Power?" in *Columbia Law Review*, vol. vii (1907) 322–36; Corwin, Edward S., "The Basic Doctrine of American Constitutional Law" in *Michigan Law Review*, vol. xii (1913–14) 247–76; Cushman, R. E., "The National Police Power under the Commerce Clause of the Constitution," "National Police Power under the Postal Clause of the Constitution," and "The National Police Power under the Taxing Clause of the Constitution" in *Minnesota Law Review*, vol. iii (1918–19) 289–319, 381–412, 452–83, and vol. iv (1919–20) 402–40, 247–81; Brown, R. A., "Due Process of Law, Police Power, and the Supreme Court" and "Police Power-Legislation for Health and Personal Safety" in *Harvard Law Review*, vol. xl (1926–27) 943–68, and vol. xlii (1928–29) 866–98; Powell, T. R., "Administrative Exercise of the Police Power" in *Harvard Law Review*, vol. xxiv (1910–11) 268–89, 333–46, 441–59, and "The Police Power in American Constitutional Law" in *Journal of Comparative Legislation and International Law*, 3rd ser., vol. i (1919) 160–74, and "The Supreme Court and State Police Power, 1922–1930" in *Virginia Law Review*, vol. xvii (1930–31) 529–56, 653–75, 765–99, and vol. xviii (1931–32) 1–36, 131–69, 270–305, 481–509, 597–640.

POLICING, INDUSTRIAL. Wherever collective action by labor is officially discouraged or prohibited, industrial policing manifests itself in espionage, provocation and deliberate brutal suppression not only of strikes or demonstrations but of free assembly and free speech. The early history of the labor movement of every country gives testimony of repeated and widespread police violence and interference with the civil rights of workers.

With the growing strength of labor organizations, the major abuses of industrial policing have tended to disappear. However, even in countries where the labor movement is strong, the occasional use of strike breakers guarded by troops has led to bloody conflicts, as in the Aadalen valley of Sweden in May, 1931, when five striking pulp wood workers were killed. Mass demonstrations, such as those of the unemployed, may also lead to police brutality, as in London and Geneva during the fall and winter of 1932. And in all European countries the calling of a general strike (*q. v.*) inevitably resulted in an unusual display of policing activities, the regular forces often being supplemented by "citizens' emergency committees" and the governmental military forces.

Since the rise of fascist regimes and the resurgence of military dictatorships, government has once again openly suppressed labor activities. The most virulent forms of suppression of workers' organizations by police appear in colonial and semicolonial countries where forced labor and virtual imprisonment under contract prevail. In revolutionary upheavals the control of the police force becomes a major political issue, as in the struggle between the conservative Lliga Regionalista and the left wing Esquerra in Catalonia in 1932.

Among industrialized countries having a democratic form of government the United States presents in sharpest relief and on the widest scale all the problems involved in the partisan use of police power in industrial relations. The practise, widespread in the United States, of selling governmental police power to private employers is unknown in most other countries and is directly connected with the persistent and organized refusal of the overwhelming majority of American employers to countenance any form of collective bargaining and with their use of professional strike breakers during industrial disputes. The presence of large numbers of strike breakers inevitably creates situations where breach of the peace is difficult to avoid. To meet such situations employers aim to strengthen the police by importing additional forces. These forces are of several types. Sometimes they are hired watchmen and guards, who are usually but not necessarily deputized as officers of the law. In certain states which have state constabularies or in cities with special "industrial squads" these may be used. Finally, the state militia and, in strikes involving interstate commerce, the federal troops may be summoned for industrial duty. Although there are many instances of violence, illegal arrests and prohibition of union activities by regular police, especially where labor organization is weak, the bulk of the illegal acts in industrial disputes are occasioned by the use of private police, state

constabularies and militia, especially the first named group.

Some types of private police exist in the United States as more or less permanent forces. The marshals or chief guards in non-union coal camps and other company towns who have the job of preserving order and stamping out incipient unionism are usually deputized by the sheriff of the county, who is in turn paid by the employers. Thus in Logan county, West Virginia, it was reported in 1923 that the coal operators' association stated that it paid $7000 monthly to the sheriff for the salaries of deputies. The sheriff retained a commission on each salary so paid.

Pennsylvania authorizes the appointment of a special class of watchmen, with a special uniform, commissioned by the governor but paid by the companies; these have all the authority of regular policemen, including that of arrest in any part of the county in which they operate. Railroad police were authorized in 1865 and coal and iron police in 1866. In 1925 special police were authorized for certain public utilities, and about the same time coal and iron police began to be used extensively for the first time in the bituminous coal fields of western Pennsylvania. In 1928 it was stated that there were 2474 coal and iron police in the bituminous coal fields alone. The unusual brutality shown by some of these police in the coal strike of 1927–28, culminating after the strike in the unprovoked murder of a mine employee, led to the revocation of the commissions of all special police in 1931. But the law providing for their appointment is still on the books.

When industrial disputes occur, it is common for employers to purchase the active cooperation of the regular police, and private police may be specially hired. The "detective agencies" which make a business of providing professional strike breakers to employers also supply professional guards or other private police or detectives. The proportion of guards so hired to professional strike breakers is seldom less than one to five, often as high as one to three and in special instances, as, for example, in truck drivers' strikes, may be one to one.

In non-urban areas such guards are sworn in as deputy sheriffs (in Pennsylvania as special police), and in some disputes the strike breakers also have been commissioned as deputies. Where special conditions have prevented the use of the deputy's commission, guards have become sheriffs' aids or special constables. In urban areas the use of special police takes a different form legally, since deputy sheriffs are used comparatively seldom. The effect, however, is much the same.

All classes of special police employed in labor disputes are usually recruited from the same low class of people as professional strike breakers. Thus men, untrained for policing, with criminal records and a disdain for the law, are clothed with legal authority. The result is wholesale violation of the civil rights of strikers and brutality, murder and brigandage directed against workers, their families and persons or groups in sympathy with them. These acts of open class warfare on the part of the employers are sometimes conducted on a tremendous scale. In the first three months of the anthracite coal strike of 1902 the employers are said to have spent $1,800,000 for coal and iron police alone.

The system of clothing with public police power the agents of private employers has been repeatedly condemned by government commissions; the Anthracite Coal Commission of 1903, the United States Commission on Industrial Relations in 1915, the United States Coal Commission of 1923 and the Senate Committee on Education and Labor appointed in 1919 to investigate the steel strike have all denounced the practise. But the weakness of working class organization in those localities where private police are used has resulted in the persistence of the system. The law continues to be administered by private armies, comparable to those of feudal chiefs in the Middle Ages.

Major industrial disputes are likely to lead to the calling out of state troops. In exceptional instances the demand for troops may come from workers or local business men. But typically the demand comes from employers who have found themselves unable, because of the economic and political strength of the workers in the community, to crush a strike by the use of private police.

The custom of quartering militia on company property and even, in some instances, of having the employers pay part of their expenses is prejudicial to the impartiality of troops on strike duty. However, the attitude of the militia in strike situations varies according to the social composition of the troops and their place of origin. Typically the militia is composed of young workers, although the antilabor acts which have been forced on the rank and file by their superiors have brought the militia into such bad repute with organized workers that

some unions have forbidden their members to join the militia. If locally recruited, the troops may fraternize with the strikers. In Colorado, where the state had spent between 1880 and 1904 over $1,000,000 for the use of its militia in strikes, a special effort was made to secure college graduates as members. During the mine strike of 1914 a company of militia was sent to Ludlow made up almost entirely of college graduates, who asked for relief from duty and were replaced by professional gunmen from West Virginia. These gunmen later burned the strikers' tent colony and caused the death of a score of women and children.

Another form of extralocal police force is the state constabulary. Such a force was established in Pennsylvania in 1905 following the failure of the militia and the coal and iron police to crush the anthracite strike of 1902. Strike policing was the most important but not the only function of the constabulary. From January 1, 1906, to June 1, 1930, one seventh of its time was devoted to strike duty. Between 1917 and 1921 state police forces patterned more or less on the Pennsylvania model were established in New York, Michigan, Tennessee, West Virginia and New Jersey. Since 1921 only three states, Rhode Island, Oregon and Missouri, have established such police forces, while two other states which had such forces abolished them. In states other than those mentioned the state police, where they exist, do not figure in strike situations to any great extent. In Pennsylvania and several other states (not including New York) the governor may order state police to the scene of an industrial dispute in the absence of acts of violence and even over the protest of the local authorities.

Federal troops have occasionally been used in strikes. These troops are usually not quartered on employers or paid by them, but the federal troops which were used in the American Railway Union strike of 1894 were practically controlled by Edwin Walker, a railway attorney who was put in charge by the attorney general at the employers' request.

In some of the larger cities the regular police force is supplemented by special squads assigned to industrial duty. The New York City industrial squad was for a time closely allied with the "strong arm squad" formed about 1914 to deal with gangsters and from 1926 to 1928 was merged with it. The industrial squad was reorganized as the radical squad in 1929. The duties of such special police involve not only policing of strikes but espionage in so-called radical organizations and the curbing of their public demonstrations.

Strike leaders generally have come to look on an appeal to the law for protection against industrial police as a waste of time and money. Complaints have usually resulted only in perfunctory action against the offenders, and even the highest courts have shown little disposition to assure protection to strikers. Thus the Colorado State Supreme Court in 1904 denied the writ of habeas corpus to Charles H. Moyer, a strike leader who had been arbitrarily held in prison by police at the employers' behest; and the summary exclusion of union organizers by company police from certain areas of the West Virginia coal fields was sanctioned by the United States Supreme Court in Hitchman Coal and Coke Company *v.* Mitchell [245 U.S. 229 (1917)].

Occasionally working class leaders have urged direct resistance to publicly commissioned agents of the employers. The formation of permanent workers' military organizations has been advocated from time to time, as by the German socialists of Chicago in 1875–78, but the idea has never taken hold. Only when the workers have been driven to desperation, as by the Ludlow massacre of 1914 in Colorado and the outrages in Logan county, West Virginia, in 1919–21 have they taken arms in concerted revolt against the abuses of industrial policing. Such uprisings have been quickly put down by federal troops. Workers as the weaker party strategically have little to gain from a resort to arms. In the few instances where the local police have been sympathetic to strikers or where the political influence of labor has been strong, the situation has been somewhat different. Occasionally unions have used the weapons introduced by employers and have bought police neutrality or the protection of gangsters and racketeers. But the workers have usually been outbid by the employers.

If the prevention of violence were the main consideration in policing industrial disputes, the end could be attained in most instances by prohibiting the importation of scabs. Such action on the part of public officials has, however, been held unlawful wherever the question has come before the courts, except in situations where martial law has been declared. In the United States, generally speaking, legislatures, courts and public officials have upheld the employers in the use of methods designed to prevent

unionism, and the tactics of both public and private police have merely carried into action the implications of this attitude.

The United States Commission on Industrial Relations said of the Pennsylvania State Constabulary: "It is an extremely efficient force for crushing strikes. . . . It appears to assume . . . that the strikers are its enemies and the enemies of the State and that a campaign should be waged against them as such." The same holds true for American industrial police forces generally. The conclusion, by the same commission, that "violence seems to increase where the constabulary is brought in" suggests that industrial policing in the United States has augmented the violence for the prevention of which it has nominally been intended.

HORACE B. DAVIS

See: STRIKES AND LOCKOUTS; DETECTIVE AGENCIES, PRIVATE; COMPANY TOWNS; LABOR INJUNCTION; POLICE; MILITIA; MARTIAL LAW; LAWLESSNESS; VIOLENCE; INTIMIDATION; TERRORISM; CIVIL LIBERTIES.

Consult: Hunter, Robert, *Violence and the Labor Movement* (New York 1914) ch. xi; Witte, E. E., *The Government in Labor Disputes* (New York 1932) chs. viii–x, and bibliography; Fitch, John A., *The Causes of Industrial Unrest* (New York 1924) chs. xiii–xiv, and bibliography; United States, Commission on Industrial Relations, *Industrial Relations: Final Report and Testimony*, 64th Cong., 1st sess., Senate Document, no. 415, 11 vols. (1916) vol. i, p. 92–100, vols. vii–ix, vol. xi, p. 10067–449, 10612–618, 10931–11025; Berman, Edward, *Labor Disputes and the President of the United States*, Columbia University, Studies in History, Economics and Public Law, no. 249 (New York 1924); Rochester, Anna, *Labor and Coal* (New York 1931); United States, Congress, Senate Committee on Interstate Commerce, *Conditions in the Coal Fields of Pennsylvania, West Virginia and Ohio, Hearings*, 8 vols. (1928); Blankenhorn, Heber, *The Strike for Union* (New York 1924); West, George P., *Report on the Colorado Strike* (Washington 1915) chs. iii–iv; Colorado, Adjutant-General's Office, *The Military Occupation of the Coal Strike Zone of Colorado by the Colorado National Guard, 1913–1914, Report* (Denver 1914); United States, Congress, House Committee on Mines and Mining, *Conditions in the Coal Mines of Colorado, Hearings*, 2 vols. (1914); Lane, Winthrop D., *Civil War in West Virginia* (New York 1921); United States, Strike Commission, 1894, *Report on the Chicago Strike of June–July, 1894* (1895); United States, Bureau of Labor Statistics, "Michigan Copper District Strike," *Bulletin*, no. 139 (1914); Interchurch World Movement of North America, *Public Opinion and the Steel Strike* (New York 1921); United States, Congress, Senate, Committee on Education and Labor, *Investigation of Strike in Steel Industries*, 2 vols. (1919); Smith, Bruce, *The State Police* (New York 1925); Shalloo, J. P., "Private Police of Pennsylvania" in American Academy of Political and Social Science, *Annals*, vol. cxlvi (1929) 55–62.

POLISH CORRIDOR. By the first and second partitions of Poland, in 1772 and 1793 respectively, the Polish palatinates of Pomerania (Pomorze), Poznania (Poznań) and part of Silesia were allocated to Prussia. These territories, historically Polish for three centuries and ethnographically Polish for over eight hundred years, although containing a number of German enclaves, were incorporated into and administered by Prussia down to the end of the World War. In the course of a century and a half of Prussian rule the three areas were inextricably caught up into the German economic and transportation system, the cities of industrialized central and western Germany serving as the principal outlets for the mineral and agricultural products of Prussian Poland. But while they were economically integrated into the fabric of Prussia and the Reich, the three Polish areas resisted political assimilation vigorously. Until the end of the Hohenzollern regime the provinces sent Polish representatives to every Reichstag.

In pursuance of President Wilson's Thirteenth Point, accepted by Germany and the Allies as one of the bases of peace, the Paris Peace Conference undertook the erection of "an independent Polish State," which should "include the territories inhabited by indisputably Polish populations," should "be assured a free and secure access to the sea" and be guaranteed "political and economic independence." In the definition of Poland's western boundaries strategic factors were virtually ignored. Except in Upper Silesia, whose mineral resources were felt to be essential to Poland's national economy, the boundary was determined primarily by reference to German linguistic statistics, which officially favored the Reich, and secondarily by religious considerations, which undoubtedly favored Poland. The net result was a boundary broadly conforming to that of 1772, save to the extent that German colonization, particularly in the northern portion, had made definite inroads on historically Polish territory. This fell short of the Polish claims, which included the whole of Silesia and Danzig. The boundary was basically ethnographic with minor deviations made to avoid undue dislocation of existing communication lines. In defining the northern boundaries of Poland, the Allied Supreme Council, disregarding the recommendations of its experts, rejected the Polish claim to Danzig and, under British pressure, set off the mouths of the Vistula, with a carefully delimited German

hinterland, as the Free City of Danzig, leaving to plebiscites in 1920 the final decision as to the southern boundaries of West and East Prussia. The cumulative effect of these decisions was not to create but to restore a narrow coast line, giving Poland direct access to the Baltic, with auxiliary opportunities for commerce and navigation down the Vistula to Danzig. East Prussia, while it remained a part of the Reich politically, was completely cut off from German territory by the corridor and Danzig. The territories lost by Germany to Poland were first: Upper Silesia, whose economic entity was dissevered when the Council of the League of Nations partitioned the area between Poland and Germany, despite a plebiscite definitely favorable (707,393 to 479,365) to Germany; second, approximately five sixths of the province of Poznania, the loss of which was not seriously contested by Germany on account of its prevailingly Polish character; third, Pomorze, which constitutes the "corridor." Lastly, Danzig and its environs, whose thoroughly German character has never been contested, became a free city. The first two areas concern the corridor question only indirectly, in so far as their commerce and communications are involved; the latter two are the crux of the corridor problem.

Geographically the voivodeship of Pomorze embraces an area of 6327 square miles; it is situated along both banks of the lower Vistula between 52° 50′ to 54° 50′ north latitude and 17° 10′ to 20° 25′ east longitude, with a coast line of approximately 90 miles on the Baltic. Sparsely populated at the time of its cession to Prussia, according to Prussian statistics it had a population on the eve of the World War of approximately 990,000, of which 437,412 were Germans, 448,773 Poles and 104,000 Kashubes, a people closely affiliated ethnographically to the Poles. By 1921, after two years of Polish administration, the population had fallen to 935,643, of which only 196,020 were Germans and 743,225 Poles. A decade later the total population had risen to 1,086,144, of which 109,645 were Germans and 976,499 Poles. These Polish figures, confirmed from German sources, testify to the activity of Poland in fostering internal colonization and in displacing by systematic expulsions, official persecution and differential land expropriation more than 330,000 Germans in the one province alone. In consequence the corridor area is approximately 90 percent Polish and is moving farther in this direction. Political pressure has resulted in the progressive de-Germanization of the corridor area.

Economically the corridor is of enormous importance to Poland and Germany alike. It is the natural outlet of the Vistula, whose basin forms the backbone of the economic life of ethnographic Poland. But because of Russia's desire in pre-war days to divert outbound Russian traffic to Russian ports and also because of the existence of high tariff barriers between Germany and Russia, Danzig failed to obtain its full share of the commerce of the hinterland. Moreover Prussia overcame the natural advantages of the corridor for north and south water borne traffic by developing a highly organized network of strategic and commercial railways linking East Prussia with Berlin, Poznań and Silesia. The delimitation of the corridor, however justifiable from a political, historical or ethnographic standpoint, cut completely athwart this complex web of economic relations, forcing a far reaching reorganization of traffic and thoroughgoing reorientation of the economic life of the territories allotted to Poland. This was to some extent an inevitable consequence of the creation of any Polish state receiving territory from Prussia; but Poland, in contravention of its pledges in article 89 of the Treaty of Versailles, has intensified the situation by consistent efforts to obstruct traffic between its Prussian territories and German West and East Prussia. According to German figures, 68 railway lines, 144 highways and 722 country roads along the frontiers common to Germany and Poland are today barred to traffic, thereby permanently sundering the warp and woof of the area's previous economic life. In addition a number of bridges across the Vistula have been destroyed. Moreover Poland has been successful in preventing the placing of the Vistula under the international regime provided by the Treaty of Versailles for the Rhine, the Elbe and the Oder and, in default of such an agency of supervision and control, has deliberately allowed the lower reaches of the Vistula to silt up and to flood adjacent German territory which had long ago been laboriously drained and reclaimed. This has been a cause of continuous friction between Germany and Poland.

Since 1920 Poland has built several important strategic and commercial north-south railways to connect Pomorze with Poznania and Silesia. Thus the Katowice-Bydgoszcz-Gdynia line was put through partially to compensate for the

deficiency of north-south roads under the Russian regime but mainly to free Poland from economic dependence on the German railways and to maintain a "secure" access to the sea. The creation of the imposing seaport and naval base at Gdynia since 1924 testifies further to the Polish determination to hold fast at all costs to Pomorze but is in itself a confession, widely shared by the inhabitants at Danzig, of the impermanence of the status of the Free City and of Poland's endeavor eventually to dispense with the use of the port of Danzig either in peace or in war. Thus stimulated and manipulated, commerce has broken the old, pre-war trammels and established for itself a new nexus of economic relationships.

The German case against the corridor rests upon an interpretation of the Thirteenth Point widely at variance with that of the Peace Conference. It denies the necessity of creating a Polish state so large as to involve disannexation of the areas once annexed by Prussia; it challenges, particularly as regards Pomorze, the "indisputably Polish" character of the population, basing its assumption on an essential difference between Kashubes and Poles, a view unsupported by ethnological, philological or historical evidence; it questions whether "free and secure access to the sea" in reality involves direct frontage by Poland on the Baltic. "Free" access is regarded as involving merely free zones for commerce at the mouth of the Vistula and in German Baltic ports, "secure" access as internationally regulated navigation of the Vistula. Germany objects also to the status of East Prussia, which although politically a part of the Reich can be reached from the rest of Germany only through Polish territory. The Germans claim further that transportation and communication between East Prussia and the rest of the Reich are unnecessarily obstructed by Poland, to the consequent disadvantage of East Prussian economy. Finally, German propaganda, taking a broad view of the corridor, holds that assurance of Polish "economic independence" does not necessitate the partition of Upper Silesia, especially in the light of the results of the plebiscite. Thus the principal grounds of German objection are economic, argued on the superiority of the economic nexus of 1914 to the claims of historic and ethnographic nationality. This position attributes most of the economic woes of eastern Germany to the "partition" of Versailles rather than to the general economic dislocation of Europe and the virtual loss of the Russian market, factors which likewise operate to Poland's disadvantage.

On the Polish side the case for the retention of the corridor rests upon foundations of history and ethnography plus a series of accomplished facts—the denationalization or expulsion of Germans, the economic enfeeblement of East Prussia and the systematic disruption of traditional and established means of intercommunication. The corridor is viewed as a birthright and is conceived to be vital to Poland's economic existence, to its prestige as a coming great power. Where tenuous bases for acquiring possession existed in 1919, they have been buttressed for the past fourteen years by definite administrative measures intended to subordinate, if not completely to extirpate, German influences.

The effect on international relations has been unfortunate, as Polish policy was posited from the beginning on a continuing and inevitable struggle with Germany, economically, politically, culturally. Germany and particularly East Prussia took the loss of the corridor with a bitterness which subsequent events have turned to an uncompromising truculence and a refusal to accept with finality Poland's series of accomplished facts. This has made the corridor possibly the most dangerous tension zone in contemporary Europe. Various solutions of the problem have been propounded, ranging from the complete annexation of Danzig and East Prussia to Poland, through the creation of a small, neutralized buffer state embracing both Danzig and the corridor area, to integral retrocession of both Pomerania and Danzig to Germany. None of these schemes touches two cardinal features of the corridor problem: first, its aspect as basically a matter of communications, and, second, the flagrant violation, at Danzig in its present status, of the principle of nationality. The retrocession of the Free City to Germany, with a certain number of minor frontier rectifications tending somewhat to narrow the corridor; the reorganization of all trans-corridor Germany into a single administrative unit; the demilitarization, after the manner of the Rhineland, of a 50-kilometer zone on either side of the corridor; the creation of a powerful international commission supervising both rail and river traffic in the corridor and Vistula valley—all these measures would tend to remove the basic political and economic grievances of Germany without imperiling Poland and to provide a solution postulated on

the establishment of peace and normality rather than on the perpetuation of an irreconcilable conflict.

MALBONE W. GRAHAM

See: MINORITIES, NATIONAL; IRREDENTISM; BOUNDARIES; WORLD WAR; PLEBISCITE; GOVERNMENT, sections on BALTIC STATES and GERMANY.

Consult: Frejlich, Jŏsef, *Les bases de l'indépendance économique de la Pologne* (Paris 1917); *What Really Happened at Paris*, ed. by Charles Seymour and E. M. House (New York 1921); Haskins, C. H., and Lord, R. H., *Some Problems of the Peace Conference* (Cambridge, Mass. 1920); Roth, Paul, *Die Entstehung des polnischen Staates* (Berlin 1926); Smogorzewski, Casimir, *La Pologne restaurée* (Paris 1927); Wasilewski, Léon, *Les frontières de la république de Pologne* (Paris 1927); Fisher, H. H., and Brooks, Sidney, *America and the New Poland* (New York 1928); Smogorzewski, Casimir, *La Pologne, l'Allemagne et le "Corridor"* (Paris 1929); Tymieniecki, Kazimierz, *History of Polish Pomerania* (Poznań 1929); *Die deutsche Ostgrenze*, ed. by W. Volz and H. Schwalm (Langensalza 1929); Rauschning, Hermann, *Die Entdeutschung Westpreussens und Posens* (Berlin 1930); *Der Kampf um die deutsche Aussenpolitik* (Leipsic 1931); Mornik, Stanislaus, *Polens Kampf gegen seine nichtpolnischen Volksgruppen* (Berlin 1931); *Der Riss im Osten*, ed. by E. F. Werner (Werner Rades) (Berlin 1931); Budding, Carl, *Der polnische Korridor als europäisches Problem* (Danzig 1932); Schmidt, Axel, *Gegen den Korridor: Polnische Zeugnisse und Tatsachen* (Berlin 1932); Steffen, Franz, *4000 Jahre bezeugen Danzigs Deutschtum* (Danzig 1932); Heiss, F., and Ziegfeld, A. H., *Deutschland und der Korridor* (Berlin 1933); Schmidt, Axel, *Ostpreussen-Deutsch in Vergangenheit, Gegenwart und Zukunft* (Berlin 1933); Smogorzewski, Casimir, *La Poméranie polonaise* (Paris 1932); Ciechanowski, Jan, "The Polish Corridor: Revision or Peace?" in *Foreign Affairs*, vol. x (1931–32) 558–71.

POLITICAL CLUBS. *See* CLUBS, POLITICAL.

POLITICAL ECONOMY. *See* ECONOMICS.

POLITICAL MACHINE. *See* MACHINE, POLITICAL.

POLITICAL OBEDIENCE. *See* OBEDIENCE, POLITICAL.

POLITICAL OFFENDERS. Political offenses are as old as political activity and flow directly from the struggle for power inherent in the state. They include such acts as conspiracy, rebellion, sedition, treason, lese majesty, assassination, military desertion and mutiny; they may involve not only acts against the government and its officials but culpable acts or derelictions on the part of the officials themselves, such as corruption, extortion or the abuse of authority, which are deemed to endanger the existing fabric of the state; and they often deviate from the strictly political realm so that they threaten the stability of the larger economic and social order. They form part of the domain of the criminal law but are distinguished from non-political criminal offenses by the fact that the state intervenes not merely to assert the social interest when the person or property of an individual has been attacked, but directly as itself the aggrieved party. Political offenses reach thus to the roots of state power. It is of their essence that they have not merely raised legal issues or stirred up conflicting claims but have been in position to affect the structure or stability of the existing regime.

The rather untrustworthy records which remain of political crime and punishment in the early absolute monarchies of the East—Egypt, the Tigris-Euphrates states, Persia, India, China and Japan—emphasize the despotism of the monarch, the severity with which he punished any act that threatened his power or impaired his dignity, and the divine sanctions that attached to his authority. A wholly different attitude is found in the Greek city-states of the democratic era. The underlying conception was that political offenses were directed not at the head of a state but at its basic framework. Their fear of tyranny made the Greeks unusually sensitive to attempts to overthrow the democratic form of the state. Their greatest fears on this score were stirred not so much by open treason or by direct use of force against the state, instances of which were relatively infrequent, but by the behavior in office of the magistrates and officials. Public office in the Greek *polis* was jealously guarded, and officials might at any time be accused by a citizen of corruption, embezzlement or abuse of authority. To make such accusation, like the vague charge of "injustice" leveled against Pericles, was, in the contest of factional struggle, as much a part of political strategy as of civic zeal and lent itself to demagogic possibilities.

It remained for the Romans to give the law of political offenders a certain conceptual firmness and institutional form. The concept of *perduellio*, or open treason against the state with an obviously hostile intent, was suited to a small city-state surrounded by enemies. But during the agrarian conflict at the time of the Gracchi it began to be evident that danger to the state might lie in the more insidious forms of class conflict or official aggrandizement; and as the empire grew and became primarily an

administrative structure, with a shifting constitutional system and a continuing struggle for power at Rome, *perduellio* was increasingly pushed into the background by *majestas*, or the violation of the dignity and stability of the state. The concept of *majestas* was built up by a series of legislative enactments extending from the second century B.C. to the Claudian emperors. It had its roots in the attempt to bolster the constitution of the plebs against the senatorial encroachments; it received an impetus when Sulla, among his judicial reforms, established a separate *quaestio*, or court, to deal with political offenses; and it suffered a crucial change of character with the advent of the principate, when the protection which had formerly been sought for the state and its magistrates was transferred to the person and power of the emperor. Attempts to overthrow the constitution had in republican Rome not been in themselves *perduellio*, although the means employed might have been; but attempts to restore the old monarchy were expressly forbidden. With the coming of the dictatorship and the principate the legal situation in this respect remained unchanged, since Augustus was very careful not to give legal perpetuity to the monarchy. Counter-revolutionary attempts to restore the republic, like that of Clodius Macer in Africa, or attempts to usurp the throne, were however dealt with de facto, and their suppression was given legal stamp by investing the person of the emperor rather than his office with *majestas*. The process of transferring the whole focus of the Roman law of political offenses from offenses against the state to offenses against the emperor was given impetus under the Julian emperors when jurisdiction over important political offenses was transferred from the regular courts to the Senate, and completed under the Claudian emperors when jurisdiction as well as actual power over political offenses was increasingly taken over by the emperor. In the later empire the *crimen majestatis* reached almost whimsical lengths in the prosecution and punishment not only of acts but even of words and thoughts directed against the emperor. But these extremes should not be allowed to obscure the essential function that the Roman law of political offenders performed in compassing a degree of stability for the empire in the face of attack from without, strife from within and the peculiar cumbersomeness of a huge administrative structure.

The Roman legal conception of political offenders left a permanent mark upon later European history. In the Eastern Empire the severe suppression of political opposition and the tabus surrounding the head of the state persisted until the end. In the western world the mediaeval canon law was practically a paraphrase of the *Lex quisquis* of Arcadius and Honorius. But the secular law of political offenders in the Middle Ages was given shape primarily by a fusion of the Roman conception with Germanic tribal custom and the ideology of the feudal system. The late Roman notion of the sanctity of the person of the emperor reenforced the Germanic view of treason not as an offense against the state but as *Treubruch*—a violation of the allegiance which each member of the fighting group owed to his leader; and the fealty of vassal to lord gave a peculiar feudal stamp to the whole conception. Treason was a breach of faith, and betrayal of one's lord the blackest of crimes, a conviction strikingly illustrated in Dante's *Inferno*, where Brutus and Cassius are placed in the same circle of infamy with Judas Iscariot. Anything that touched the lord's person or bore his image—his wife and daughter, his seal, his coin—was enveloped by *majestas*. Punishments were severe. In London alone in 1278 about 280 Jewish money clippers were hanged, while major offenders like David of Wales and William Wallace were hanged, drawn, beheaded and quartered. The mediaeval consciousness with respect to the law of political offenders was summed up legislatively in the Statute of Edward III in 1351 (25 Edw. III, stat. 5, c. 2). By defining high treason and limiting it to seven categories of acts, the statute sought to define the boundaries between treason and felony. To a feudal system this was of considerable moment, since the king claimed for himself the land of offenders convicted of treason while the nobles had secured in Magna Carta a definite provision that in the case of felonies the land was to revert to the lord. But in the very process of expressing the preconceptions of a feudal society the statute marks also the crumbling of that society. One of the categories set down as treason is the levying of war against the king, a conception, as Maitland points out, essentially non-feudal, for in the feudal notion a vassal, if the lord refused him justice, could consider the bond of fealty broken and could levy war against him.

The creation of the national state shifted completely the significance of political offenses. A tripartite struggle between king, nobility and

clergy had as its first result throughout western Europe the victory of the absolute monarchy and the centralized state. For the history of political offenses this meant a transition stage between the feudal and the modern conceptions. Treason was no longer merely a breach of faith with one's lord; and it was not yet a crime against the fundamental institutions of the state. It became that when the absolute monarchy was converted into the constitutional monarchy. In England the crucial century in this process was the seventeenth. At the point of its greatest intensity, under James I and Charles I, the constitutional struggle revolved around these two competing conceptions of political offenses. Parliamentary immunities, ship money and the Star Chamber were all phases of the attempt of the absolute monarchy to strike back at every thrust against it and the attempt of the parliamentary party to set the fundamental law above the king's person or power as a criterion of political offenses. The culmination of this struggle came with the execution of Charles I: the parliamentary party was careful to preserve the legal forms and to behead Charles in his own name as a traitor to the fundamental political institutions of the state. In France too an important phase of the constitutional struggle was the difficulty of setting limits to the king's jurisdiction in trying his enemies and to his use of extraordinary commissions. Throughout the sixteenth century the French kings were compelled to issue ordinances defining political crime and revoking the commissions; but Richelieu and Louis XIV had no scruples about disregarding them on the ground of *raison d'état*. The victory of the constitutional state came earlier in England than anywhere else. France under the *ancien régime* furnished the eighteenth century pattern for Europe in the treatment of political offenders: legal concepts sufficiently vague to allow the king despotic power, lettres de cachet for arbitrary arrest, torture in extracting confessions, extraordinary commissions and special procedural rules for the trials, cruel punishments and inhuman prison conditions.

It was out of the French Revolution that there emerged the modern conception of political offenses as offenses against a single state only. When the French libertarians came into power they wrote into the constitution of 1793 (art. 120) a manifesto that the French people would grant asylum to foreigners banished in the cause of liberty but would refuse it to tyrants. In the United States Jefferson made a similar declaration, and that the sentiment was not restricted to the radicals may be seen from de Bonald's defense of asylum for political offenders in his *Législation primitive* (1802). In their own political practise, however, the French revolutionists were thoroughly realistic in their treatment of all forms of treason or opposition, loyalism or too extreme republicanism. The Revolutionary Tribunal of Paris (1793–95) and the revolutionary *sections* of Marseille (1792–93) were two of the high courts of justice for political offenses whose judicial procedures were divided by only a thin line from the more summary terroristic acts. But the rhetoric of the French revolutionary attitude toward political offenders did not die with the failure of the revolution. Canning was carrying on the tradition when in 1825 he refused to surrender to Spain political offenders who had sought refuge on English soil. It remained for Belgium, however, to take the decisive step in 1834 by its extradition treaty with France, which became a model for others. The treaty contained a provision that political offenders were to be excluded from the obligations of extradition. During the remainder of the century this provision was adopted by all civilized nations.

The liberal constitutional state, which had been created in England by the civil wars and in France by the revolution, contained in its attitude toward political offenders a fundamental paradox. On the one hand, it was sympathetic toward political offenders and refugees from "tyrannical" governments, such as Garibaldi, Mazzini, Schurz and Kossuth; on the other hand, it continued to suppress with severity all threats against its own basic structure. The commercial and propertied classes, having consolidated their power and disposed of their feudal and aristocratic enemies, could afford to be humanitarian toward similar struggles in Germany, Italy, Spain and Russia; but this did not prevent them from using the government and the legal institutions as instruments for maintaining and strengthening their own power. Almost in the same decade that Palmerston compelled Portugal to grant its political offenders amnesty (1847) and Gladstone was leading a newspaper exposé of the treatment of 20,000 political prisoners in Naples (1851) the Young Ireland state trials were held at Clonmel (1848) and the prisoners were transported to Tasmania.

Out of the mid-nineteenth century came a series of movements which, by producing a new

type of political offender, undercut the ideology of the old and challenged the dual role which the middle class liberal state had assumed toward political offenders. The communist participation in both the French and German revolutions of 1848, the rise of Blanquism and of secret associations, such as the Société des Saisons, the Paris Commune of 1870, the spread of nihilism and the "propaganda of the deed" in Russia and of anarchism throughout the world threw the liberals into confusion. These were not merely offenders against a particular state: they were revolutionists who threatened all states. Louise Michel and Johann Most, compared with Charlotte Corday and Mazzini, seemed to belong to an entirely different genus. With almost complete unanimity the civilized nations sought to suppress this new type of political offender. Secret organizations of political police were formed; laws were passed for suppressing communist and anarchist groups and for controlling the manufacture of dynamite and bombs. But the significant fact was the movement to exclude this new political offender from the asylum which had formerly been granted freely and to make him subject to extradition. International jurists were hard pressed to explain this change of front; distinctions were drawn between offenses against a particular government and offenses against the very fabric of society. But whatever the rationalization, the democratic liberal state here revealed that it was essentially a capitalist state, and that its primary concern was to preserve the institution of private property and the capitalist organization of society.

What was happening was that the focus of political offenses was shifting from the political to the economic sphere, where the real axis of power was located. The United States, the most highly developed of all the capitalist states, exemplified this most completely. American liberalism had protested against the methods of crushing political opposition employed by the Latin-American republics, had sought to rescue Irish state prisoners, had grown indignant at the horrors of the system of exile for Russian political prisoners in Siberia, had even spurred on a war with Spain because of the Cuban patriots who were lying in the dungeons of Cabañas and Morro Castle. But this liberalism could have no effect in the sphere of economic struggle. In the Haymarket trials and in the cases of Haywood, Debs, Mooney and Sacco and Vanzetti, whatever the guilt or innocence on the specific charges, the real crime was opposition to the dominant economic interest around which the state was organized. The criminal syndicalism laws of some of the American states, the suppression of civil liberties, the use of militia to break strikes and of deportations and frame ups to eliminate too radical labor leaders, were all inevitable methods for fighting movements in which the real political offenders committed no political acts but sought through economic action to build up a revolutionary consciousness.

In the revolutions and counter-revolutions of Europe since the World War and in the struggles between communism and fascism the underlying clash of economic conceptions flared into open political war. The organized ferreting out of political offenders and the purging of all political opposition became the accepted objective on both sides, and the line between terrorism and the judicial process a shadowy one. The "Red terrors" in Hungary, Finland and Poland were matched by the "White terrors" that succeeded them. The White terror in Finland took a large scale judicial form: official statistics of the counter-revolution of 1918 show 80,000 arrests, 75,000 trials and about 70,000 convictions. The number of political prisoners in Poland in 1926 was estimated at 6000. In postrevolutionary Germany assassinations were carried through with businesslike thoroughness by organized secret societies, while the state seemed powerless to punish them. There was a tremendous disparity between the treatment accorded to political offenders from the right and the left parties, largely because the republic had committed the blunder of allowing the judiciary to be carried over from the monarchist regime. The result was a reign of terror in which republican and communist leaders like Rathenau, Eisner, Liebknecht and Rosa Luxemburg were assassinated while only a half hearted attempt was made to follow up their killers. The building of the Fascist movement in Italy and National Socialism in Germany were characterized by a similar weakness on the part of the government in prosecuting political offenders. It is, however, only under the regime of the completed dictatorship, whether fascist or proletarian, that the treatment of political offenders becomes an integral part of the state. As soon as the fascist or communist movements attained a de facto success their opponents became automatically political offenders. To stamp out the political opposition became the

first task of the new regime as a necessary measure of continued existence. Concentration camps, inaccessible prisons for political offenders, a ruthless political police, swift and secret execution or highly publicized trials which were virtually national spectacles, as in the Russian sabotage trials or the German Reichstag trial, became part of government policy. The essential status of the political offender under a dictatorship emerged with great clarity—that every political opponent is potentially a political offender and is to be treated as if he were already one.

Political offenses have been the despair of jurists because of their relativist character. By their very nature their status depends upon the nature of the existing regime, and by definition political attempts cease to be crimes as soon as they have succeeded in overthrowing the regime. Ludwig Börne asked whether anything could be considered a crime which if successful is crowned with laurel and if unsuccessful with thorns. How topsy-turvy the varying content of the concept can be is illustrated by the fact that the Soviet penal code declares those acts to be political offenses—anticommunist terrorism, affiliation with bourgeois organizations, counter-revolutionary sabotage—which are the exact reverse of the offenses similarly punishable in Germany or Italy. The relativism of political offenses does not, however, differ in essence, although it differs in degree, from the relativism of all bodies of legal rules. But because political offenders have operated directly in the realm of political power rather than in that of legal claims and injuries, they have borne the brunt of every manifestation of contemporary savagery, ranging from the mediaeval torture chamber to the third degree refinements practised upon political prisoners in the modern class struggle.

MAX LERNER

See: TREASON; SEDITION; REVOLUTION AND COUNTER-REVOLUTION; CIVIL WAR; LESE MAJESTY; ASSASSINATION; MILITARY DESERTION; MUTINY; CONSPIRACY, POLITICAL; EXTORTION; CLASS STRUGGLE; DICTATORSHIP; FORCE, POLITICAL; CIVIL LIBERTIES; ANTIRADICALISM; POLITICAL POLICE; ESPIONAGE; EXILE; REFUGEES; ESCHEAT; ATTAINDER; CACHET, LETTRE DE; CRIMINAL SYNDICALISM; DEPORTATION AND EXPULSION OF ALIENS; AMNESTY; ASYLUM; EXTRADITION; IMMUNITY, POLITICAL.

Consult: Pella, V. V., "La répression des crimes contre la personnalité de l'état" in Academy of International Law, *Recueil des cours*, vol. xxxiii (1931) 671–837; Florian, Eugenio, *Delitti contro la sicurezza dello stato*, Trattato di diritto penale, vol. ii, pt i. (Milan 1902); *Verbrechen und Vergehen gegen den Staat und die Staatsgewalt*, ed. by Fritz van Calker, M. E. Mayer, and H. B. E. K. Gerland, Vergleichende Darstellung des deutschen und ausländischen Strafrechts, vol. i (Berlin 1906); Georgi, Walter, *Das politische Delikt* (Darmstadt 1910); Viaud, Joseph, *La peine de mort en matière politique* (Paris 1902); Lombroso, Cesare, and Laschi, R., *Il delitto politico e le rivoluzioni* (Turin 1890); Thonissen, J. J., *Le droit pénal de la république athénienne* (Brussels 1875) p. 161–239, 471–85; Vinogradoff, Paul, *Outlines of Historical Jurisprudence*, 2 vols. (London 1920–22) vol. ii, p. 165–73; Mommsen, Theodor, *Römisches Strafrecht*, Systematisches Handbuch der deutschen Rechtswissenschaft, sect. i, pt. iv (Leipsic 1899) p. 537–611; Schizas, P. M., *Offenses against the State in Roman Law* (London 1926); Pollock, Frederick, and Maitland, F. W., *The History of English Law before the Time of Edward I*, 2 vols. (2nd ed. London 1899) vol. ii, p. 500–09; Stephen, James Fitzjames, *A History of the Criminal Law of England*, 3 vols. (London 1883) vol. ii, chs. xxiii–xxv; Hall, W. G. C., *Political Crime* (London 1923); *The Prisoners of the '45*, ed. by B. G. Seton and J. G. Arnot, Scottish History Society, Publications, 3rd ser., vols. xiii–xv, 3 vols. (Edinburgh 1928–29); Arnold, Thurman W., Review of *The Trial of Jeanne d'Arc*, tr. by W. P. Barrett, in *Yale Law Journal*, vol. xlii (1932–33) 459–62; Lair, A. E., *Des hautes cours politiques en France et à l'étranger* (Paris 1889); *Les tribunaux civils de Paris pendant la Révolution (1791–1800)*, ed. by Aristide Douarche, 2 vols. (Paris 1905–07); Robert, P. A., *La justice des sections marseillaises, le tribunal populaire, 1792–1793* (Paris 1913); Martitz, Ferdinand von, *Internationale Rechtshilfe in Strafsachen*, 2 vols. (Leipsic 1888–97) vol. ii, chs. vi–vii; Weil, Ludwig, *Die Aufreizung zum Klassenkampf*, Strafrechtliche Abhandlungen, no. 65 (Breslau 1905); Kennan, George, *Siberia and the Exile System*, 2 vols. (New York 1891); Tiltman, H. H., *The Terror in Europe* (London 1931); International Committee for Political Prisoners, *Letters from Russian Prisons* (New York 1925), and *Political Prisoners in Poland* (New York 1927); Finland, Eduskunta, *The "White Terror" in Finland* (Helsingfors 1919); Finland, Statistika Byrån, *Statistique des criminels d'état de 1918* (Helsingfors 1923); Baldwin, Roger, *Liberty under the Soviets* (New York 1928); Cummings, A. J., *The Moscow Trial* (London 1933); Grossmann, Kurt, *13 Jahre "Republikanischer" Justiz*, Republikanische Bibliothek, vol. i (Berlin 1932); World Committee for the Victims of German Fascism, *The Brown Book of the Hitler Terror and the Burning of the Reichstag* (London 1933); Beals, Carleton, *The Crime of Cuba* (Philadelphia 1933).

POLITICAL PARTIES. *See* PARTIES, POLITICAL.

POLITICAL POLICE. Under autocratic governments in all times special agents of the police or of the army have functioned to detect and often to punish illegal political opposition. In many democratic countries too such agents have

functioned but with far more limited authority. Their powers have ranged from simple investigation for the civil authorities to the all powerful "state within a state," the Okhrana of czarist Russia. In some countries the systems of political police are a nameless branch of the police or the army whose existence is not publicly admitted; in others they operate openly, many of their agents wearing special uniforms, as do a large proportion of the Soviet G. P. U. (State Political Administration). Even in such cases, however, the inherent nature of their activity, the detection of illegal political opposition, puts their essential business in the hands of plain clothes men, whose identity must be concealed.

While some agents of this sort have always existed under dictatorial governments, it was not until modern times that the function of the "preservation of the state" was entrusted to a group formally organized as political police. Some of the Roman emperors, mediaeval monarchs and lords, mediaeval popes and oriental potentates had their political spies, their informers, their administrative system of swift execution or exile for political offenses, often without formal trial. So too did the Inquisition in France and Spain and the governments of the Italian city-states. In the French Revolution the intrigues of the opposing revolutionary factions and the constant danger of counter-revolution gave ample scope for the operations of secret police agents, and the Reign of Terror received much of its stamp from their activities. Joseph Fouché, Napoleon's minister of police, was one of the first to organize an efficient network of espionage. In the Congress of Vienna the delegates were continually under the surveillance of Metternich's spies and secret police agents, who intercepted letters and kept him informed of everything that might be useful to him.

The most perfect of all systems of political police has been the Russian. Its continuity has survived the revolution; its pattern and function under the czars have remained fixed under the Soviets. The first special department of political police which was organized with thoroughness was the Okhrana (Department of Public Safety) created in 1825 by Nicholas I, bringing into formal organization a government service which had been started by Peter the Great. From the beginning it exercised enormous power; it investigated, accused, arrested, prosecuted, tried and punished with responsibility only to the czar and with the right of appeal also only to him. The punishments it imposed were exile, prison or death. It spread its network over the whole of Russia, aiming at the suppression of all opposition to the czar's will, whether of national autonomists, advocates of parliamentary government, disloyal members of the nobility, peasant movements or workers' revolutionary organizations. It became a hated and feared institution, and its name a byword for tyranny the world over.

When the Soviet state consolidated its power after the revolution, essentially the same framework of political police was carried over to deal with opposition groups. An extraordinary commission (Cheka) was organized to deal with counter-revolutionary plots, with the remnants of loyalty for the old regime and with disaffection and corruption within the Communist party itself. It was the Cheka which was the principal agency of the period of terrorism. Its efficiency was greater than that of the Okhrana partly because of the revolutionary drive behind its work and partly because of the knowledge of underground activities and subversive movements which the new holders of power had gained before the revolution. The very men who had been exiled or imprisoned by the Okhrana now wielded a similar power. Even the same places of exile in Siberia were retained for the enemies of the new regime. The death penalty, abolished by Soviet law for all criminal offenses save robbery by arms, was kept for all political offenses and was administered secretly by the Cheka without public trial or notice. After the counter-revolution was put down and Russia was freed of White armies and invading forces, the Cheka, which had always been conceived of as an emergency body, was abolished and a new and more permanent system of political police was organized as the G. P. U. Unlike the Okhrana, which had been a state within a state, the G. P. U. is a department of the Soviet government; its powers are controlled by the political heads of the Soviet regime, and its activities are much less independent. It consisted in 1927 of about one hundred thousand uniformed men and several thousand secret service men—efficient, disciplined, carrying on the multitude of tasks entrusted to a general state police in addition to the special function of controlling political opposition. The will of the government is quickly reflected in its policies and activities. At railroad stations, on the border, in cities and villages, the G. P. U. is

everywhere in evidence as the arm of the government in maintaining order. But its function of controlling political opposition is invisible. Arrests are made usually late at night. Trials take place in secret. The press rarely carries word of its orders sending thousands to exile or to prison. Only when a public trial is deemed desirable, as in the case of the sabotage trial of 1930 or that of the British engineers in 1933, is the world informed of some of its operations. Of all departments of the Soviet government the G. P. U. is generally considered the best organized and the most efficient.

But while the term political police is commonly associated with the police system of Russia under either the czar or the Soviets, it is today far more widely applicable to a host of governmental bureaus under the dictatorships which have multiplied so greatly since the World War, notably in Italy, Poland, Germany, Turkey, Persia, Venezuela, Cuba and Japan. They exist even in many democratic countries, although there they are less influential. And in time of war all countries, whether dictatorial or democratic, create special political police agencies to deal with opposition to the war.

The universal function of all these political police, whatever their name and whatever the country, is to keep track of all illegal political opposition. The Russian Revolution and the world wide Communist movement dedicated to the overthrow of capitalist governments have resulted in the outlawing of Communist parties in a score of countries—a much greater extension of illegality of political opposition than ever before. The total number of political prisoners held in prisons or concentration camps throughout the world today far exceeds any previous estimate. In the colonial regions of the British, French and Dutch empires native political movements for independence, usually illegal, are commonly combated by a plain clothes section of the police or military. This is usually composed of "loyal" natives, operating under officials from the home government and possessing special powers like those of a political police.

While in the United States no separate body of national political police has ever been organized, various federal and local departments have on occasion assumed such functions. In the Department of Justice under Attorney General A. Mitchell Palmer during and just after the World War the Bureau of Investigation took on the character of political police in dealing with pacifists and radicals; this role was continued and expanded under Palmer's successor, Harry M. Daugherty, who appointed as head of the bureau the internationally known detective, William J. Burns. The Department of Justice was widely criticized for its excesses in carrying out these activities, and its political police function was abolished by Attorney General Harlan F. Stone. The Department of Labor under the administration of Secretary W. N. Doak had a special corps of secret service agents to ferret out political radicals among aliens. In many cities the police departments have organized "bomb squads," "radical squads" or "Red squads," all for the purpose of investigating radical political and industrial activities among both citizens and aliens.

Before the war, investigation was the sole function of the political police in all countries except czarist Russia, where they had also the power to punish. Since the war, however, political police under many dictatorships have exercised powers similar to those of the Okhrana, although usually they lack authority to impose the death penalty. In countries where the political police have no power to punish they prepare cases for the civil courts or for the special tribunals handling political cases, and on rare occasions for the military courts. In some countries, conspicuously in India and under the South American dictatorships, the "preventive arrest" system prevails, empowering the political police during a crisis to arrest and imprison for an indefinite period without trial.

In all except Anglo-Saxon countries the police are under the control of the central government, and the creation of a nation wide section of political police is a relatively simple matter of organization. In only one Anglo-Saxon country does a nation wide police exist—the Royal Canadian Mounted Police, which has developed special agents to act as political police in plain clothes, serving as spies and agents provocateurs among radicals. Under personal dictatorships the political police are directly controlled by the dictator himself; under others, by the directing group of the government. In more or less democratic countries the political police are under the minister of the interior as in the case of France (Sûreté Générale) and Rumania (Siguranta). So also are they in Poland (Defensywa) and some other dictatorships retaining parliamentary façades.

The men chosen to perform this difficult function of tracking down political opposition are generally above the usual level of police

mentality. Some are selected from among the regular police or army officers; many are former members of the very organizations they are set to spy upon. Some have legal training; others are professional men recruited from the party in power for service requiring exceptional skill, devotion and loyalty. Everywhere the political police follow the same methods: they familiarize themselves with the purposes and activities of the opposition, spy upon the known leaders, discover the secret meeting places and printing presses and obtain proof of illegal acts. Many of them join the organizations they seek to destroy, playing not only the role of spy and stool pigeon but also that of agent provocateur. By inciting the very political offenses they are set to detect they make their task easier and at the same time tend to demoralize the opposition. The presence of police spies masquerading as party members is inevitably demoralizing in that it rouses distrust and suspicion. It has resulted even in accusations within the revolutionary movement against well known leaders, the most notable instance being the charge of police spy made by Marx against Bakunin.

Sometimes the political police have provoked or committed crimes not to facilitate prosecutions or to demoralize the opposition but to make a showing of the need for their services and thus to wrest from a hesitant government increased funds and larger powers. These were the tactics of the Russian Okhrana under certain czars, who were thus kept in a state of constant apprehension. Several assassinations of high officials in Russia, as in the case of Stolypin and of von Plehve, were later proved to have been the work of police agents. Somewhat similar were the tactics of the Bureau of Investigation in the United States under Attorneys General Palmer and Daugherty. By alarming the public with false tales of "Red plots," by exaggerating the size of the radical movement and by themselves committing actual crimes of violence attributed to radicals (a charge to be inferred but not proved in any specific case), agents of the bureau kept the country conscious of their services. In the United States these tactics are not restricted to the political police; the labor spy, hired by employers to expose trade unionists and radicals among employees or to win a position of control in labor unions, follows similar methods.

The political police are usually not alone in their functions. A vast army of volunteer spies and informers supplies them with tips. This army is drawn from the more active elements in the government party, from the bureaucratic servants of a dictator and from the beneficiaries of the regime. The police invite such cooperation, and in many countries it is a criminal offense to fail to report knowledge of illegal political activities. In the United States during the World War a national organization of imposing proportions, the American Protective League, was formed for the specific purpose of reporting to the Department of Justice all forms of "disloyalty."

No class of offenders suffers more severely at the hand of governments than do political prisoners, against whom the hate and fear of the governing party is directed. Even in the few countries where the death penalty has been abolished for crimes, as in Italy and Russia, it is still retained for political offenders. Although under some regimes they presumably enjoy a privileged status among prisoners, they are often the victims of brutalities and torture by political police, either for vengeance or in efforts to extract confessions or recantations. In countries where the third degree is rare against common criminals it is commonly used in the case of political prisoners.

The effectiveness of the use of political police as an instrument for political power is questionable or is purchased at too great a cost. No professed democracy can long tolerate a powerful political police and still retain democratic institutions. In dictatorial governments it has been a necessary instrument for the prohibition of political and civil liberty. In some dictatorships, as in Italy, Turkey and Germany, the opposition has been practically destroyed by a program of suppression of all banned party organizations and stringent censorship over all forms of communication—a program in which the political police have played their part. Mussolini in Fascist Italy and Kemal Pasha in Turkey liquidated all internal organized opposition in a few years; Hitler accomplished the same task in a few months. But the methods used in all these cases extended far beyond the employment of a political police and were applied with efficiency and ruthlessness never before equaled.

As a means of preserving the "safety of the state," meaning the party or class in power, a political police may be regarded as effective if the opposition is not too widespread and powerful. The underground revolutionary movements in czarist Russia were too strongly intrenched to be destroyed even by the tactics of the Okhrana. Where the opposition is open and widespread,

as in India, demoralization is equally impossible because the rebels court prosecution by their program of civil disobedience and non-violent resistance. The question whether the governing economic class is still able to organize production and distribution is also important. Against a powerful political opposition or in the face of a collapse of the governing economic class, the political police can at best be effective only in retarding the rise of the opposition to power.

ROGER N. BALDWIN

See: POLICE; ESPIONAGE; POLITICAL OFFENDERS; CONSPIRACY, POLITICAL; DICTATORSHIP; CIVIL LIBERTIES; ANTIRADICALISM; DEPORTATION AND EXPULSION OF ALIENS.

Consult: Baldwin, Roger N., *Liberty under the Soviets* (New York 1928), especially chs. xiii–xvii; Popoff, G., *The Tcheka* (London 1925); Vassilyev, A. T., *The Ochrana* (Philadelphia 1930); Chamberlin, William H., *Soviet Russia* (Boston 1930) ch. xviii; Cummings, A. J., *The Moscow Trial* (London 1933); Grant, Hamil, *Spies and Secret Service; the Story of Espionage* (London 1915); Aston, G. G., *Secret Service* (London 1930); Madelin, L., *Fouché, 1759–1820*, 2 vols. (Paris 1901); *La police secrète du premier empire, bulletins quotidiens addressés par Fouché à l'empereur*, ed. by Ernest d'Hauterive, 3 vols. (Paris 1907–22); Fournier, August, *Die Geheimpolizei auf dem Wiener Kongress* (Vienna 1913); Tissot, V., *La police secrète prussienne* (Paris 1884).

POLITICAL REFUGEES. *See* REFUGEES.

POLITICAL SCIENCE

CONTENT AND METHOD. Since classical antiquity there has been handed down an extensive body of theory and knowledge which is today subsumed under the category of political science. It would be impossible, however, to formulate any precise definition of either the content or the method of this peculiarly comprehensive discipline. For in the designation political science neither the concept political nor the concept science has any fixed connotation; in other words, the discipline is lacking in either a clearly delimited set of problems or a definitely prescribed methodology.

The manifold constructs of political science and the controversy over its true content and method are not essentially different today from what they were in Hellenistic antiquity. The Greeks, whose field of immediate observation was limited to the city-state (*polis*), used the term *politika* to designate the totality of state phenomena; state institutions as well as state activities. The necessity for a separate and distinct body of theory to deal with these *politika* was not felt until the responsibilities of political activity began to be shared by those sections of the population which did not belong to the inner group of adepts governing in accordance with traditional techniques of statecraft. In the ancient Orient therefore a separate body of political science never made its appearance, and in Greece its emergence was intimately bound up with the beginnings of the democratic movement in Athens and the Sicilian city-states. The first expounders of political theory in Athens were the sophists, notably Protagoras and Gorgias, who in their teaching identified the art of politics with a kind of personal way of life. Interested primarily in training their pupils for an active political career, they did little more than elaborate on the most appropriate course of action to be pursued by the youthful aspirant to power. The foundation of this training was a comprehensive course of education embracing such diverse fields as mathematics, medicine, botany, zoology and astronomy as well as economics, pedagogy, ethnology and the science of war. Inasmuch as the chief prerequisite in a successful political leader was the capacity to sway the masses by means of his oratorical prowess, primary attention was devoted to developing proficiency in the art of rhetoric. Instead of training the pupil for a particular task or office, the sophists, in the words of Plato's Protagoras, sought to teach "how one can act and speak with the greatest influence in affairs of state." The aim of all scientific training was *arete*, a concept wherein "good" was identified with "clever" and "bad" with "stupid." The course of training whereby the citizen could make himself more useful in the service of the state was given a broader ethical foundation by Socrates, who conceived education less as a guide to civic advancement than as an inculcation of ethical norms relating to the state, the highest of which stipulated the unconditional submission of the individual citizen. In sketching the outlines of an ideal *polis* Socrates formulated a moral philosophy of the state which has colored the thinking of countless subsequent political theorists.

Since the Greek *polis* was an association at once religious and political, it was natural that political and ethical problems should remain closely related. Plato, a political moralist, metaphysician and historical philosopher of the state, devoted his chief work, the *Republic*, to the question of the morally best state, although in his *Laws*, wherein is sketched a less visionary state more closely approaching reality, he pre-

sented a more empirical approach to the political world. The type of political science most closely approximating that of the present day is to be found in Aristotle, who took a long stride away from logical and metaphysical speculation in the direction of empiricism. He still assumed that the ultimate aim of political science was to delineate the ideal state, but this aim was to be realized only by bringing together, in the sphere of politics as well as in the natural sciences, a comprehensive body of factual material which would serve to integrate that which should be with that which is. In the course of his investigations he presented an exhaustive and precise description and criticism of the historical state constitutions of the Athenians, the Spartans, the Cretans and Phoenicians; and in his more than one hundred such summaries he may be said to have laid the foundations of a historical, descriptive science of politics. At the same time he was not unfamiliar with the sociological explanation of political phenomena as an outgrowth of broader social changes; thus, for example, he correlated the innovations in the organization of the Athenian state with the political and social struggles between the nobles and the non-nobles, the rich and the poor. Moreover, inasmuch as his criticism of constitutions dealt at length with the relatively permanent regulative norms of the state, he may be said to have appreciated the place of a science of law in a comprehensive political science.

Thus already in Greek antiquity there developed a political science which revealed, in content as well as in method, marked diversity and range. Depending on the particular approach of the investigator this speculation was in the nature of a guide to political power, a course of civic training, a moral philosophy, a historical metaphysics, a sociology or some other type of special discipline. These same aspects of political thought are to be found at the present day, although the much wider intellectual and historical range of the modern consciousness is reflected in a considerably greater differentiation and specialization of types. Only one ingredient of modern political science was unfamiliar to the Greeks; namely, the juristic-dogmatic theory of the state. In spite of Aristotle's significant researches in comparative and historical law a general dogmatic theory of state law remained unfamiliar to the Greeks. Basically it was unknown even to the Romans and was peculiarly the creation of the later Middle Ages of western Europe.

At the present day there is evident a certain delimitation as regards the content of political science, but its methodology has manifested the greatest diversity. Political knowledge cannot be said to acquire the status of a definite field of science until political activity is recognized as an independent sphere. Where such activity is regarded as merely a reflection of the religious-metaphysical, naturalistic-economic or some other sphere, political science, in the absence of a specific field of inquiry of its own, can exist at best only as a branch of theology, economics or some broader discipline. This is as true for the Augustinian conception of the state as for the economic interpretation of history formulated by Marx and Engels.

The shifting of the field of political science is determined far less by the subjective interests and viewpoint of the particular investigator than by the concrete historical and sociological problems and issues which exist in political life itself. Preoccupation with certain problems is to be explained therefore not by the fact that the individual thinker wilfully imposes his own subjective questionings on political reality but rather by the fact that in this political reality, experienced by the investigator, there has emerged some objective issue which requires clarification. At present the field of political science is restricted, because interest during the past hundred years or so has centered in the main upon the question of empiric political reality and to a much lesser degree upon the question as to what the state should be. Since the Renaissance in fact political science has been impelled by the dominant intellectual trends to free itself from the older type of philosophy which in its description and explanation of political phemonena assumed direct intervention on the part of superhuman, particularly divine, forces. Hence it has had to proceed from the presupposition that the forces governing the political world are immanent; even though the individual thinker may in his private life be an adherent of a transcendental religion and accept the divine will as the *causa remota* from which springs all political activity. Therefore logical and ethical speculation has also been excluded from the field of political science as unscientific.

A further and closely related restriction of the field of inquiry of political science arises from the fact that the discipline no longer makes an effort to deal with everything that concerns the state. Although the political sphere helps determine and is in turn determined by the totality

of human existence, the political in such a wide sense is not a manageable field of empirical observation. As a result the political scientist is prone to limit himself to examining, in descriptive terms, those political activities and institutional forms of activity which presuppose independently exercised power not definitely predetermined by rigid and normative rules of law. The mere application of existing rules of law or, in other words, state activity which creates nothing new, which offers no creative direction of the affairs of state in the sense that it might eventuate in a basic transformation of the distribution of power within the state, is of minor interest to the political scientist. Such activity and the institutions through which it is expressed are not, to be sure, of necessity unpolitical, but as a rule they do not come within the province of political science. Accordingly the modern discipline may be said to be concerned primarily with the problems of government and of legislation, never or only under very particular conditions with those of administration and interpretation of law; except of course where the courts and the organs of administration, by reason of their independent decisions, are in a position to alter basically the political distribution of power, as in the case of the United States Supreme Court, or where the activity of the courts or of the administration constitutes a significant restriction upon or advancement of government and legislation, as, for example, in the integrated dictatorships.

Present day political science revolves primarily around the problem of the attainment, consolidation and distribution of political power, whether in an actually existing state or in a hypothetical state, constructed more or less systematically by a process of abstracting the common elements to be found in a number of concrete states. Among the many other elements constituting modern political science the following may be mentioned: correlation of the processes whereby power is institutionalized with geographic and climatic conditions, racial peculiarities and other natural forces, with the economic, military, moral, religious, national and other characteristics of the population and with the legal system of the state; description and analysis of the most important types of controls, of the organization and action of the significant political associations within the state, especially parties; evaluation of the role played by political ideas in the origins and evolution of political associations; analysis of the relationship of the organized political powers to the outstanding social forces—particularly, at the present day, to the social classes, but also to the church, to public opinion, to the press as well as to the dominant economic forces, such as associations of financial, industrial and agrarian capitalists and workers; finally, the survey of the state in its relations to international powers and other states, whether in a federal or in an international context. The fact that in modern political science the problems of domestic politics have tended greatly to overshadow the problems of international politics is to be accounted for on the one hand by the much greater difficulty of reducing the processes of foreign affairs to systematic analysis and on the other by the lack of understanding of international relations which has characterized the recent period. Questions of law fall within the province of political science only in so far as law, as written or unwritten social authority, legitimizes, buttresses or restricts political power and actually regulates the relationships of the organs of the state among themselves, in dealings both with native citizens and with foreign states. Thus only the politico-sociological theory of law is a part of political science, and not dogmatic jurisprudence.

Alongside political science there has grown up in all countries, but particularly in Germany, a closely related but distinct discipline known usually as a general theory of the state (*Allgemeine Staatslehre* or *Staatstheorie*). The line of demarcation between the two disciplines is not clear, because in neither case are the terminology and scope constant. The problem is comparatively simple if "theory of the state" be understood as merely a dogmatic treatment of the general positive concepts of public law; but this is feasible only if the theory of the state leaves out of account the actual state and identifies it with the legal order (Kelsen, *Staatslehre*, 1925). In all other cases the dividing line between political science and theory of the state fluctuates. Under the influence of natural law philosophy it was customary until very recently to couple theory of the state and political philosophy and set them off more or less as one against empirical political science. But since theory of the state has also come to employ an empirical methodology, this antithesis has lost its meaning.

The commonly accepted distinction at the present time is that which defines political science as a practical science that attempts to

evaluate and theory of the state as a theoretical science indifferent to values. This view proceeds from the unwarranted assumption that a hard and fast line can be drawn between theory and practise and correspondingly between judgments which relate to political reality and those which deal with political norms. In so far as this dichotomy implies merely a difference of emphasis upon the actually existent and the normative it is justifiable. It finds support in Aristotle's characterization of the statesman, *θεωρητικὸς τῶν ὄντων, πρακτικὸς τῶν θεόντων*. This is not, however, a distinction between political science and theory of the state but, in a more general sense, a distinction between political theory and political practise. As a matter of fact theory of the state is a practical science, indifferent neither to values nor to political activity; and similarly political science so far as it is a science at all cannot exclude theory.

Being and becoming are as indissolubly linked in all social sciences as are theory and practise. Yet the autonomy of theoretical political science must not be questioned. The practical statesman is interested in theory and knowledge only in so far as they can be immediately applied as weapons in the struggle for political power. For this reason he directs his appeal primarily to human emotions and human wills. The political theorist on the other hand is interested in an idea for its own intrinsic value, and not like the practical statesman for its utility in political conflict or for its propagandistic influence on human activity. For the thinker in the field of political science no less than elsewhere knowledge should be not an instrument of political domination but an intellectual construct endowed with significance; retaining its independent validity despite the changing configurations of the actual political arena. The aspirations for power of the political thinker have to be subordinated to his aspirations for knowledge, and for this reason he must appeal primarily to man's capacity for intellectual judgment rather than to his more or less ethical and emotional capacity for enthusiasm. The goal of the practical statesman is a coordination and integration of day to day political activity; that of the political theorist, a coordination and integration of political knowledge. But this distinction between theory and practise has as much bearing on theory of the state as on political science, even though the more concrete concepts of the latter may be closer to the practical sphere.

A more useful distinction between the two disciplines is to be found in the thesis which holds that theory of the state deals with the static phases of the state and political science with the dynamic. It is indeed true that the primary aim of theory of the state is the description and explanation of the institutions of the state whereas the aim of political science is the analysis of political action. But this dichotomy cannot be taken as absolute, because the state, like all other forms of political activity, exists as an institution only in so far as it is renewed through continuous human action. A deeper justification for the stronger emphasis on the static elements in theory of the state, as contrasted with the dynamic elements in political science, lies in the fact that the chief function of the former consists in clarifying the basic concepts of the latter. In this sense theory of the state may be designated as the general conceptual side of political science. Thus it may be understood why political science is more likely to be concrete and in close contact with life, while theory of the state is conceptually more incisive and clearer in its methodology.

In general, however, it may be said that methodological dichotomies of this kind cast much less light on the essential distinction between the two disciplines than does the fact that political science has as a rule attracted the historical and sociological type of mind and theory of the state, the juristic. In Germany at least the divergence of the two disciplines may be correlated with the gradual dwindling of popular interest in actual political questions during the second half of the nineteenth century; whereas the outstanding works of political science, notably those of Dahlmann and Waitz, reflect the widespread political activity of pre-imperial Germany, the juristic abstractions of the later nineteenth century theorists reflect the political desuetude of an indifferent bourgeoisie.

Political science, without a theory of the state either expressly or implicitly assumed, is basically unthinkable. If political science aspires to scientific validity it must endeavor to employ the terms state, law, state power, constitution, sovereignty, territory, people and the like as clear and unequivocal concepts. But just as a theory of the state is indispensable for political science, so political philosophy is a prerequisite of both. Without a philosophical organon which is capable, at least implicitly, of correlating the state with the larger context of the universe, there can be no real political science. Even that school which prides itself on being a purely empiric, antimetaphysical science of the practical is still

unable to cut away from philosophical and metaphysical postulates. In so far as it devotes itself to certain inescapable and fundamental questions, it must deal—epistemological considerations apart—with such problems as whether man is predominantly good or bad, whether in his political behavior he acts according to reason or to instinct and whether there is a rational purpose in history and a progressive development of mankind. Those very forms of political science which seek with the greatest earnestness to free themselves from the trammels of philosophy are inevitably led back to the realm of metaphysics when they pose the question as to the real determinant in political processes and answer it in naturalistic and materialistic terms. For political science is metaphysical not only when, as in the Middle Ages, it introduces supernatural forces to explain political events; it is equally metaphysical when it introduces subhuman causes as the ultimate motivating forces of the political world and interprets political processes as pure epiphenomena. Strictly speaking, the scope of empiric political science is limited to examining a manifold of potentially determining forces. As soon as this manifold is abstracted away and one single determining force, whether ideal or material, is postulated as the sole determinant of all others, the realm of verifiable experience is left far behind.

Such metaphysical postulates crop up repeatedly in the characteristic theses of political anthropology and political geography, inasmuch as both isolate a single factor as the mainspring of all political development; in the former this factor is racial descent and in the latter, territorial environment. The historical materialism of Marx and Engels is equally tainted with metaphysics in so far as it seeks to trace all political development to underlying economic and technical changes. The search for the ultimate unity is beyond doubt the ideal of science, but an ideal which on the face of it can be only an approximation and which can never actually be established by means of empiricism. Wherever political science therefore raises the question as to the *ens realissimum*, the immovable mover of the political process, it crosses into the realm of theology and becomes the surrogate of monotheistic religion. Modern political science may therefore be said to be distinguished from the older political philosophy, not by reason of the fact that it is free from philosophical and metaphysical postulates but rather because it strives to develop its postulates in empirical terms and to proceed to its conclusions without the help of logical and metaphysical intermediation.

While repeated attempts have been made to delimit the scope and content of political science in the modern period, its methodology has undergone extensive refinement and subdivision. In surveying the heterogeneous methodologies to be found at the present day it may be profitable to exclude one particular type of literary production which can make little claim to scientific precision; namely, the treatise which offers useful guidance and instruction to the active participant in politics and which professes to advise him as to how he should conduct himself in a concrete political situation. Practical politics, however, which has been rightly called an art, is not communicable and can be neither learned nor imparted, being rather an inborn aptitude not easily reducible to rationalized precepts. The course to be taken in a given political situation cannot be anticipated in advance but arises from a certain tact, which in all cases must work with unpredictable sets of facts, weighing many impalpable factors and balancing intangible alternatives. A science of art, in the political sphere as well as elsewhere, is therefore an anomaly. But just as there are schools of the cultural arts so it might be possible to excogitate a plausible theory of political art, provided that at the outset it abandoned all pretense at offering practical guidance for specific situations and dilemmas. It would of necessity be limited to the formulation in theoretical terms of the comparatively permanent principles which are, or should be, normal in the conduct of public affairs, from the point of view both of the leader and of his agents and supporters. The classic example in the modern period of this type of political writing is to be found in Machiavelli's *Prince*; and analogous instances are also to be found in the numerous pamphlets of the seventeenth and eighteenth centuries which present advice to the prince and to the citizen.

Present day political science of course concerns itself almost exclusively with the description and explanation of political institutions and actions and is only very mildly interested in instructions as to the proper course of political action. It has no faith in universally valid principles in politics, except as they are of a purely technical nature. The terrifying consequences of religious dogmatism in the political sphere were impressed on the western mind by the frightful wars of religion which followed the

Reformation. Since then the increasingly powerful current of secular thought, which began with the Renaissance, has sought to interpret the political world in purely immanent terms; that is, to explain and justify it in terms of the needs engendered by the contacts of men in the course of their common existence in society and arising from the nature of man himself. Yet this methodological formula, despite its apparent simplicity, becomes riddled with complexities and uncertainties once the attempt is made to carry it through in practise. The method and at the same time the entire character of political science are determined by its initial presuppositions as to the fundamental nature of man: whether, with the humanistic school of dualists, this nature is venerated as the child of reason and rational laws or whether, with the naturalists and monists, man is regarded as "the most perfect of animals," dominated by blind instincts and passions. But even humanistically oriented political science of the present day has shown a tendency, since the collapse of natural law rationalism, to regard the erection of norms and principles for the guidance of political activity as impracticable and therefore superfluous. Since all prescriptions as to what should be are regarded as conditioned by historico-sociological factors, political science, particularly in its more naturalistic quarters, seeks on methodological grounds to avoid any idealistic formulations and to limit itself to a causal descriptive presentation of the political existent.

The rapid development of the natural sciences since the time of Kepler and Galileo has resulted in an ever spreading disposition to apply the methods of natural science to political science and thus to obtain a greater objectivity and at the same time a clearer understanding of political attitudes and behavior. As a matter of fact, however, there is no single method for natural science, while the facilities of most natural science disciplines for verifying their hypotheses by actual experiment are forever precluded by the very nature of political science. As a rule therefore those who advocate the transfer of natural science methodology to the political field have singled out one particular science as worthy of imitation—the choice being determined in the main by the particular predisposition or training of the investigator. Neurath, for example, in his *Empirische Soziologie* (Vienna 1931) presents a socialistic conception of society based on physics, and Hertwig in his *Der Staat als Organismus* (Jena 1922) draws upon the science of biology to refute such a thesis; and in both cases claims were made to rigid, natural scientific objectivity. Since Mandeville's *Fable of the Bees* (1714) one of the favorite devices for the explanation, interpretation and criticism of the political activities of men has been by way of comparison with the activities of animal societies. It was believed that the controversy as to whether norms were established by divine will or human volition could be escaped if a retreat was made to the security of natural laws prevailing in the subhuman world and if man set up as a model for himself the bee-state, the ant-state or the cell-state. The controversy which has raged since the seventeenth century between monists and dualists as to whether the nature of man is simply a segment of organic and even inorganic nature or whether man is cut off from the animals by an unbridgeable gulf still disturbs the methodology of present day political science. Therefore it may be said that the character of political science in all of its parts is determined by its basic presuppositions regarding man.

The natural sciences are likewise invoked by those investigators who seek to explain political behavior as the result of subconscious or unconscious human drives and instincts, either of psychological mass contagion, as postulated by Le Bon, or of the imitative faculty, as analyzed by Tarde. Freud in similar correlations has interpreted political associations as psychological mass groupings, bound to the leader by the force of the libido and constituting essentially a process of reversion to the primitive horde. The greater part of those theories which seek to explain political events more or less exclusively by racial or geographic determinants likewise fall into the category of naturalistically oriented political science. Thus the theory of race, which in Germany was first carried over into the field of political science by Gumplowicz in his *Der Rassenkampf* (Innsbruck 1883), traces the origins of the state to a struggle for domination between races. In the various other racial theories which stem from Gobineau's *Essai sur l'inégalité des races humaines* (4 vols., Paris 1853–55), and which in the form popularized by H. Stewart Chamberlain became in 1933 the official doctrine of the National Socialist government in Germany, the concept of race was exploited not so much to clarify the origins of the state as to reveal the dominant force propelling all subsequent historical and political developments. In its extreme, and essentially literary rather than

scientific, guise this theory maintains that all political evolution is determined ultimately by inherited racial characteristics. The aptitude for the founding and leadership of states, not to mention all other political virtues, is limited strictly to a single race, almost always the Nordic. To the activities of this superrace mankind is indebted for the erection and governance of all the really important states of the earth and for all the major transformations and currents of political history. The supporters of the racial theory, not content that it should serve merely its evocative function as a latter day myth, have buttressed it with a welter of professedly scientific data, which they hold comprise all that need be known of political science.

Much less pretentious as a rule are the claims of political geography, the roots of which may be traced back to William Temple, Montesquieu and Herder but which in its present form derives from Ratzel's *Politische Geographie* (Munich 1897); since the World War this type of interpretation has been popularized by Kjellén in his *Der Staat als Lebensform* (Berlin 1924). As a rule the various exponents of this theory carefully avoid explaining all of political science in terms of geography and, instead of presupposing that the geographic factor is the sole determinant of all political development, limit themselves to showing its significance in the conduct of foreign affairs.

The antithesis of naturalistically oriented political science is the type of political science which is based on the mental and moral sciences (*Geisteswissenschaften*). This constitutes the methodological ideal of many German thinkers, who have sought thereby to transform political history from a series of causal events into a syllogism of concepts; from a cause and effect relationship into a complex of ideational meanings. According to this idealistic method the battle of Waterloo is not the efficient cause of the downfall of the Napoleonic empire. Spann in his *Kategorienlehre* (Berlin 1924) asserts that cause in historical events is to be understood merely as the "basis for an integrated political or other type of activity, possessed of meaning, or, in other words, a conceptual basis rather than a real basis." Since the time of Dilthey there has existed a special category of the moral scientific method known as understanding (*Verstehen*), according to which the function of explaining has been excluded from all social and historical sciences and limited exclusively to the natural sciences. The disciples of Dilthey not only ruled out from political science a causality, which is legitimate in the natural sciences, where it expresses purely quantitative interrelationships, but went so far as to deny the possibility of a causal explanation of political events themselves. If this method is consistently followed out, it has little to contribute to present day inquiry into the history of political ideas and even less to the description and criticism of actual political events. In fact this method has to answer for that pseudo-scientific type of intellectual history which traces "the development" of every political concept in supposedly unchanging form from Babylonian times down to the present, without paying the slightest attention to the interrelationship of this concept with actual political events. Such a history of political ideas and still more a political science which makes use of such a methodology are the last reverberations of Hegel's "self-unfolding of the Spirit," which, as F. J. Stahl once observed, like the post horn of Baron Munchausen, blew itself.

If political science is to avoid the danger of overabstraction and indifference to the realities of the political world, it must comprehend and interpret political activities, institutions and doctrines as political realities; in short, it must rely on a realistic scientific method. The political reality in which it must ground itself is neither superhuman nor subhuman but always and under all conditions the activity of man. Politics is political history in the making, and history an interweaving of cause and effect, directed by man and at the same time directing him. In the concept of political reality two factors, the subjective activity of man and the objective processes by which it is conditioned, are intimately bound together. In order to be brought into the sphere of political reality all superhuman as well as all subhuman forces require the mediation of man. These superpersonal complexes should be treated not as independent factors in political reality but only as forces stimulating, conditioning, restricting or advancing the one and only political reality, the activity of man. This activity of man is, at least as far as human comprehension goes, distinguished from all processes in nature in that its end-products may be understood and explained as actual creations possessed of meaning; in other words, as culture. The entire political world presents itself to man only as a concrete work, forged by man and imbued with meaning and significance to man; thus and thus only may it offer itself to human perception.

It follows that such concepts as state, law, politics and all other elements of political science possess significance only for the human understanding. The so-called queen in the society of bees offers little enlightenment as to the conduct of the state by men. The fact that this designation is given to one of the bees indicates nothing more than that the human mind proceeding from its own category, "monarchical state," is indulging in a very vague type of analogy. Here as in all other cases the analogist proceeds not from the animal to man but from man to the animal. Nor does the fact that political science cannot dispense with the search for the inner meaning necessarily imply the abandonment of the purely causal, explicative method. For in all political reality there is a caused and causing activity on the one hand and a significance of content on the other: an action and a meaning inextricably bound together. Politics, like economics or any other practical sphere of culture, is not disembodied idea but the idealized concrete. Therefore political science can never remain satisfied with the idealistic *Verstehen*, as interpreted by the leaders of the *Geisteswissenschaft* school. Instead it must strive to resolve into a single integrated complex the causal and the concrete. It must recognize the battle of Waterloo as the efficient cause for the subsequent conduct of Napoleon, but in so doing it must draw a careful distinction between physical causation and historico-political causation. The loss of the battle did not determine the exact course of Napoleon's subsequent action; whether, for example, he would flee abroad, meekly relinquish the crown or commit suicide. For in the political event as distinguished from the physical event the cause invariably creates a new complex of potentialities.

HISTORY. The thought of antiquity exerted a profound influence on the political concepts of the Middle Ages. In one important point, however, Christianity served to paralyze the ancient conception of the state. For classical antiquity the state was an association at once political and religious; while monotheistic Christianity with its emphasis on the value of the individual rejected the idea of the state as a totalitarian and even ecclesiastical association and conceded only a state of limited functions at least within the religious sphere. It was not unnatural therefore that political thought during the Middle Ages should have revolved around the question as to the relationship between the spiritual power, as represented by the pope, and the temporal power, as represented by the Holy Roman emperor. In early Christianity the religious elements had so completely overshadowed all others that there was virtually no body of genuine political thought. Augustine, indifferent on the whole to the question of the state in its political context, interpreted *civitas*, whether in the hereafter or the here, as a general spiritual form of life. It was not until the controversy between Gregory VII and the Germanic emperors that political struggles and issues began to find articulation in the realm of theory. The defense of the temporal power as well as of the spiritual was the work of theologians who relied exclusively on theological arguments; and from both camps appeals were directed to Christian natural law, which was conceived as emanating from the divine will. The content of this natural law was drawn in the main from the earlier political and legal theorizings of Hebrew, Hellenistic and Roman antiquity as well as from Germanic sources. The crux of the controversy involved the question as to whether the emperor as well as the pope derived his power directly from God and whether, if the emperor derived his power from his human subjects, it was of necessity sinful in its origin; in other words, whether the emperor was subordinate to the pope or whether in his prerogatives and prestige an equal. Manegold of Lautenbach derived the power of the temporal ruler from the people and concludes from his premise of the *potestas populi* that it was the duty of the people to overthrow the tyrant, a duty which became the greater *quanto hominum a natura distat porcorum*. John of Salisbury in championing the thesis of the supremacy of the spiritual power over the temporal was deeply influenced by the example of the Jewish state.

The later Middle Ages witnessed a growing tendency toward the secularization of political thought, attributable in large part to increasing familiarity with the empirical writings of Aristotle. Whereas the derivation of the power of the emperor from the people had hitherto been used as damaging evidence against his title, the same argument began to be invoked in the fourteenth century to substantiate the claims of the emperor to freedom from papal interference —claims which were still further strengthened by the revival of Roman law under the leadership of Bartolus and Baldus. Political writings during this period were devoted in the main to two problems: first, the question as to whether

the pope had the right to instal and depose the Holy Roman emperor, a right which John XXII had claimed for himself in the year 1317; and, second, the closely related question as to whether the emperor was entitled to dominion over all the princes of Christendom, a problem which had become acute in the course of the controversy between Boniface VIII and Philip the Fair of France. Henceforth the postulate that temporal power derived from the people was used also to justify the independence of the regional princes from the emperor.

The dissolution of the mediaeval imperial unity into a multitude of independent national and territorial states constitutes the predominant characteristic of European power relationships in he modern period. The political writings of the Middle Ages, which had appealed exclusively to religious norms, throw comparatively little light on the concrete political relationships obtaining during the period. With the Renaissance, however, there may be traced, in the field of politics as in others, a rapid development of empirical thought. The strivings of the territorial princes, directed against emperor and church abroad as well as against the power of the feudal estates at home, with a view to attaining absolute authority inside their borders, laid the foundations of the modern sovereign state. Although the aggrandizement of the power of the prince was still justified in large measure on religious and ethical grounds, there grew up alongside an increasingly self-sufficient body of secular political thought. Above all, natural law freed itself from theology and became recognized less as a divine command than as an inner necessity of reason. As early as the beginning of the sixteenth century the German theorist Gabriel Biel advanced the revolutionary thesis that a natural law recognizable by the human reason would still exist even if there were no God or if the godhead were unreasoning and unjust. Machiavelli, bequeathing to a receptive world his realistic *ratio status* formulae, brushed aside without compunction all normative ethical limitations on the power of the prince. While Bodin still acknowledged *jus divinum et naturale* as *suprema potestas*, he denied to positive law any title to restrict the sovereignty of the prince.

The question as to the relationship between the spiritual and temporal power receded into the background and the problem, in the form which has ever since dominated political thought, came to center around the struggle for power between ruler and people. At first, to be sure, the contest over the question of popular as against princely sovereignty was still suffused with the deeply religious afterglow of the Reformation. As a corollary of his political sovereignty the prince claimed the right to control the beliefs of his subjects. By way of rebuttal the monarchomachs, Catholic as well as reformed, contended for freedom of belief and in substantiation of this contention developed and elaborated the traditional theories of popular sovereignty. In the fight which ensued the weapons of both factions continued to be forged from Hebrew, Greco-Roman, Christian and Germanic legal concepts. The Protestant publicists appealed to the example of the Hebrew prophets, to the covenant of God with the chosen people and to that of David with the Israelites at Hebron. Subordination of the ruler to the dictates of positive law was based on the Aristotelian statement *lex facit regem*—a statement which Aristotle himself had understood merely as a moral postulate. The mediaeval theory of a *populus major principe* was advanced as substantiation of the principle that the prince ruled not by his own right but only as representative of the people. Germanic feudal law as well as the German electoral contracts (*Wahlkapitulationen*) furnished precedents according to which the ruler was obligated to recognize certain fundamental rights of his subjects.

The theory of the social contract with its immanent rather than transcendental implications became for both factions the primary point of reference. The idea of the contractual origin of political authority may be found, to be sure, as early as the age of Gregory VII; but during the entire Middle Ages this contract was conceived of as extending only to the process of constituting a new ruler. It was not until Richard Hooker that the contract theory was employed to show the democratic origins of the state itself. As a counter argument the champions of princely sovereignty appealed to the New Testament statement *non est enim potestas nisi a Deo*; while the monarchomachs, although they were not able to brush aside this text, sought to blunt its authoritarian edge by advancing the formula *electio Deo, constitutio populo tribuitur* (Junius Brutus). From this same statement, however, Barclay contended that the ruler who had been elected by God, even though he had been constituted by the people, could never be deposed by the people but could be punished only by God. By way of further refinement the Calvinist Althusius pointed out that the authority of the

people to constitute the ruler emanated directly from God, while the appointment of the ruler could be traced back only indirectly to God's will.

With this type of argument, in which both sides relied on the same immutable set of authorities, there was but little hope for a clear cut solution. As long as the controversy remained on a theological plane, the champions of princely sovereignty were forced logically to the position, as taken, for example, by Bossuet, Fénelon and Salmasius in France and by Filmer in England, that the people had no part whatsoever in constituting the ruler. The more radical champions of princely sovereignty, however, with Hobbes at their head, set out to justify the power of the ruler and of the state without recourse to religious or ethical sanctions of any kind. Hobbes, the real founder of modern political science, although an uncompromising champion of princely absolutism, found no place for the theory of the divinely ordained ruler. To be sure, the Biblical tradition was still so strong that even he filled chapter eleven of his *De cive* with citations from the Scriptures; but these examples from the Bible in support of the unlimited power of the ruler are of decidedly secondary significance, serving more in the nature of embellishments. For in his most characteristic reasoning Hobbes, cutting away from all transcendental premises, sought to derive the ultimate authority of the ruler solely from the inner nature and purpose of the state itself. He conceived this inner nature as expressing itself immanently in the performance of that function which accorded with its ultimate aim. In the case of the state this function was conceived by Hobbes as a predominantly social one, consisting in the guaranty of *pax et defensio communis* to the citizens who comprise the state. In spite of his absolutistic leanings he clung fast to the statement, *civitas enim non sui sed civium causa instituta est.* The social function of the state served also as the starting point of practically all of Hobbes' statements concerning natural law, in which his conclusions as to the aim of the state repudiated consistently the formal-logical in favor of the socio-political. In his further and perhaps less convincing efforts to substantiate the absolute right of the ruler Hobbes presupposed two contracts: a social contract, in which every individual contracted with each of his fellows to submit to the same ruler; and a second contract, in which every individual alienated to the ruler the right of self-determination that had been his prerogative in the state of nature. As a result of Hobbes' theory of the contract the state became for the first time an immanent process, realizing its aim through the function performed by its agencies and institutions within the social totality. The enduring significance of this contract theory, which made no pretensions to explaining the historical origin of the state in empirical terms, lies in the fact that it explicitly recognized for the first time that the absolute power of the state must be justified in terms of the essential nature of the state itself. The epoch making element in his theory was above all else his method, which in accordance with the presuppositions of the contemporary natural sciences sought to explain and justify that which exists in terms of its own inherent forces.

Two major types of political thought, each contributing to the formation of modern political science, may be isolated in the literature of the seventeenth and eighteenth centuries. On the one hand, it is readily understandable that there were writings which presented a direct empirical description and causal explanation of the political concrete. At the same time there was, for less obvious reasons, a second type, which sought in conformity with the current doctrines of natural law to proceed beyond the causal to a rationalization in normative terms of traditional political institutions and thereby served to enrich immeasurably the more empirical body of observations; despite the fact that the exponents of natural law tended to vacillate between the rational-normative and the historico-causal—as, for example, when the widely influential theory of Locke, although intimately related with the Hobbesian theory of the social function of the state, sought to explain the actual historical origins of the state through a contract.

In the attempt to interpret political institutions as expressions of the wills of single individuals there lurked the danger of a one-sided rationalism and individualism; even in present day political science the unfortunate effects of this overemphasis are still perceptible, especially in the frequently advanced fallacy that the objective, social function of the state or of other political institutions must be in accord with the will and intent of the individual citizen. The portrayal of the entire political world as the deliberate, volitional work of man constituted a serious error on the part of the natural law schools of the Enlightenment; and yet at the same time it is equally true that the concept did

represent a significant stage in preparing the way for modern political science. For thanks to such a concept there had since the Renaissance been a steady swing toward the humanistic premise that political institutions as a whole were to be understood, explained and justified only as the creations of human beings. The fact that the eighteenth century exponents of natural law, by breaking away from the vague, unprecise concept of "the people" as advanced throughout the Middle Ages and even by the monarchomachs, as well as from the family associations postulated by Bodin and Althusius, substituted in their stead a more exact analysis, did not, as has frequently been charged by the romantic schools and their successors, constitute a regrettable lapse but rather a fundamental advance in methodological precision. A really serious error, however, was involved in the process of abstraction which conceived the molder of the state, the *homo politicus*, as a being, arbitrarily acting apart from the concrete realities of nature and society, divorced from environment, family, nation, class and tradition. Since society and history, with their intricate ramifications and interweavings, were basically misunderstood by the schools of natural law from Locke to Rousseau and from Pufendorf to Kant, characteristics were imputed to natural man, as conscious forger of the state, which properly belong only to men who live in society and who have been formed by society and the innumerable historical forces playing upon it.

Before the political world could be understood as the work, not necessarily rational, of socially and historically conditioned groups of men, a comprehensive historical, psychological and sociological empiricism had to be developed. Since an insight of this kind into the realistic phenomena of human life was in a sense one of the primary aims of all sciences from the sixteenth to the nineteenth century, the methods of science and its contributions to the understanding of political processes were seized upon by the exponents of that second type of political thought which was concerned not so much with the ideal norms of natural law as with the actual mechanisms and institutions of governmental control. The development of this more realistically oriented type of investigation may be traced from Machiavelli through Bacon and Bodin to Montesquieu, who represents its climax in the eighteenth century. In his famous *Esprit des lois* Montesquieu, while supporting the demands of Locke for a constitutional state, recognized that the institutions of this state like all institutions were conditioned by the geographic and climatic peculiarities of the country in question or by the mores, the temperament, the economic system and the religion of the population. Substantiated by a wealth of detailed material of a social and historical nature, the work of Montesquieu represents the first systematic and comprehensive attempt to explain the state and political activity in terms of the totality of the concrete natural and social environment. At the same time in England David Hume, explicitly excluding from political speculation any semblance of religious and ethical dogmatism, denied to any political ideal absolute and universal validity, insisting that all such formulations were determined by the political situation in a particular state.

For a long period the two methods, the rational-normative and the historico-sociological, existed side by side in political science; and even to the present day a combination of the two may be met with, particularly in the writings of French and English speaking politicists. Since the beginning of the nineteenth century, however, the historico-sociological approach has on the whole gradually predominated and natural law formulae have been presented as a rule only in a sociological disguise. The triumph of the empirical positivistic methodology was forwarded by transformations in the political and intellectual world. In the realm of practical politics natural law rationalism had become a threat to authoritarian groups, even where the tendency of the publicists was predominantly conservative. Hobbes' theory of state function as the test of state law, no less than Kant's conception of the social contract as a point or reference whereby to evaluate existing state controls, inevitably stimulated criticism of the existing political authority. But when the French Revolution with its demands for freedom and equality for all and its cult of the goddess of reason had become transformed into a reign of terror at home and into a Napoleonic imperialism abroad, the world was convulsed, terrified and at the same time disillusioned. In the process a new body of political thought was brought into being, which directed the attention of not only counter-revolutionary but also revolutionary thinkers to the very complicated social and historical conditioning of political action. The old clash between sovereignty of ruler and sovereignty of people still occupied the center of the forum, but it became subjected to a new type of

analysis. Since doctrinaire political speculation had brought only disillusionment, political philosophy began to concentrate upon the question of the relation of reason to society on the one hand and to history on the other.

For the more empirical type of political science the crucial problem consisted in determining the process whereby political policies and programs were evoked through a given set of political conditions and how under given social and historical conditions these policies and programs could be carried into practise. Hegel's political philosophy, which for all its idealistic metaphysics had an extraordinarily clear insight into political reality, exercised a powerful influence on conservative as well as on revolutionary thought. His maxim, "Whatever is rational, is; and whatever is, is rational," was accepted by nationalists and Marxists alike. Political doctrines and institutions which laid claim to universal validity came to be regarded with distrust and by the political left no less than by the political right were explained, if not explained away, by reference to the matrix of social, historical forces in which they had gestated. In 1835 two works appeared which still serve as classic representations of the new type of political science. The title of Dahlmann's *Die Politik, auf den Grund und das Maass der gegebenen Zustände zurückgeführt* (Göttingen 1835) epitomized the new methodological approach, which de Tocqueville's *De la démocratie en Amérique* (4 vols., Paris 1835–40; tr. by H. Reeve, new ed. by F. Bowen, 2 vols, New York 1898) by analyzing the demands for equality and its concrete prerequisites in America carried out. Political science was finally dominated by the empirical and positivistic schools, which repudiated all metaphysics and philosophy and which sought to derive what should be from what is and to deduce political ideals from an analysis of the data of experience. Both historical materialists and idealists came to exclude from the realm of the concrete and the real any guiding or rational idea: from the political tensions of the present they set out to isolate the dominant trends of the future and were not disposed to cavil at any trend whatsoever, provided that it gave evidence of power to persist.

But despite the striving for methodical agreement and the general appeal to the positive facts of historico-sociological empiricism, modern political science has failed signally to achieve its hoped for freedom from apriorism and subjectivism. In its descriptive as well as in its critical phases it reveals an unprecedentedly heterogeneous body of opinions. Not only its premises regarding the future but its descriptions of the immediate political concrete display the utmost variation, according as facts are selected by reason of their significance for the present or of their import for the future. While it is universally conceded that the political present is essentially a perpetual process of becoming, governed by social and historical forces, there is the greatest confusion of opinion as to whether the ultimate, uncontingent agent in this process of becoming is the state, the nation, the class, the race, the genius, the masses, the natural environment or the economic system.

Thus, for example, the various currents of romantic speculation in Germany rejected completely the rationalism and atomism of natural law political philosophy and made their common fundamental conception of historical unfolding an irrational and therefore undebatable article of faith. Scientific analysis is automatically precluded if with the historical school it be maintained that all political unfolding is ultimately to be explained as the work, unconscious and organic, of an essentially irrational folk spirit. As was the case in the mediaeval conception of the state, the starting point of this theory was a vague conception of the people and any attempt at empiric analysis of this folk spirit was profoundly despised as rationalistic atomism. A similar methodological premise was to be found in those theories which regarded the state as its own self-justification and which branded as rationalistic utilitarianism any further questioning as to the exact nature of its aim and objective.

FUNCTION. In so far as it is a science, political science can be said to have a function only if it be assumed that it is capable of providing a correct and authentic description, explanation and criticism of political phenomena. Without this assumption of course a pronouncement concerning any political processes at all may still serve a practical function in the struggle for political power as a weapon in the attainment or maintenance of hegemony. But a theoretical function cannot be ascribed to it. The fact that a particular pronouncement about political happenings may be utilized as an instrument in the practical struggle for political power must in nowise preclude the possibility that it may have in addition an authentic theoretical validity which carries weight. But when is a descriptive,

explanatory and critical pronouncement by the political scientist to be regarded as valid and binding? As already explained, every description and explanation of political reality is determined by the criteria governing the choice of the significant and correct facts for the description and explanation of the phenomena involved. So that every description and explanation assumes at the outset definite critical standards. But where does political science find the criteria for determining the validity and authoritativeness of its pronouncements?

To the naïve type of mind the answer to this most fundamental of all questions is simple. Its naïve dogmatism arms it with the belief that the views and convictions which it holds and which are appropriate to the immediate environment are universally valid. As soon, however, as this naïve mind is broadened through contact with the experiences and convictions of other groups and periods and is stimulated to make a critical comparison of these alien criteria with its own, it begins to draw a distinction between objective knowledge and subjective will, between idea and interest. Once the critical consciousness has rendered naïve dogmatism impossible, only two alternatives remain. The critical consciousness may assume as criteria ideas which all the competing factions will accept as just and binding. It makes no difference whether or not the idea on which all are agreed transcends history and society. If it is acceded to only by the groups struggling at a particular time and a particular place, political science already is possessed of the significant function of establishing valid and binding truths for this group. Whether or not it is possible to detect criteria of the type which are binding upon periods, classes, parties or peoples depends upon whether or not it is possible to detect in the political event which is an outgrowth of the group struggle a significance that all the competing factions would accept. But when political science cannot assume such a significance and for this reason possesses for the authoritativeness and validity of its pronouncements no criteria which are acceptable to all the rival groups, it cannot be said to be a science at all. Under such conditions there exists in practical politics only naked power and the type of party knowledge which goes with it. But a theoretical political science has entirely lost its function.

In the Middle Ages political thought, like all other branches of knowledge, was determined by religious dogma and, as *ancilla theologiae*, was in bondage to the generally binding criteria of revealed religion. Thus the political consciousness believed that it was serving views and norms which transcended all contradictions and were concurred in by all conflicting groups. The transcendental sacred history of Christianity and the natural law faith in the perfectibility of the human race allowed it to pronounce universally valid judgments and to explain political reality as a unity possessed of meaning. Those ideas which were assumed in revealed religion as well as those in rationalistic systems of natural law were not open to question or controversy and were regarded as being in accordance with the interest of each and every group. For this reason each party could appeal to the same Biblical or natural law authority, and the function of all political thought consisted in showing that this or that political objective or exercise of political power was consonant with those authorities.

The sociologico-historical thought of the nineteenth century ultimately destroyed this dogmatic naïveté. The persuasive power of such theological arguments as were customarily advanced in the struggles for political power from the Middle Ages to the eighteenth century no longer survives even among the ecclesiastically minded. The faith of rationalistic natural law in a universally valid *ordre naturel* has been shattered and finally annihilated, since the actual content of the professedly absolute natural law came to be understood as the expression of historically and politically conditioned interests of certain social groups, especially of the bourgeoisie, which in the seventeenth and eighteenth centuries was gathering economic and political strength. Today the sociological and historical conditioning of our political knowledge and norms has become a matter of general acknowledgment. The discipline which is known in Germany as *Wissenssoziologie* is so intent upon demonstrating the complete dependence of all political views upon the interests of the church, of the crown, of the nobility, of the bourgeoisie or of the proletariat that not only is this conditioning of our thought no longer doubted but the very existence of political science itself is called into question.

Critical political science destroyed the self-conscious naïveté of its predecessor, which free from the restrictions of a sociologico-historical consciousness placed its intellect in the service of political group interests. The criticism of dogmatism, however, has basically altered the function of political science. Hitherto it had

understood its task as that of establishing norms and forms common to all political arrangements and strivings. The crossbeams of Fichte's philosophy of the state were still the "destiny" of the entire race of mankind and the "equality of all who bear the human countenance." In the nineteenth century this type of thinking—to use a well known phrase of Napoleon's—came to be regarded as the business of the "ideologues," whose pronouncements were dubbed by the so-called political realists "ideologies." Critical political science directed its attention much less to the common element than to the individual varieties of political criteria and constructs; it sought to describe the socio-historical differences in their manifoldness and to explain them in terms of their causes and consequences. At the same time the historical and rational faith of past epochs persisted so strongly during the nineteenth century, particularly in the Romanic and Anglo-Saxon countries, that this historico-sociological relativization of thought was not able to undermine the meaning and function of political science. There was still a faith in an autonomy of the mind which was capable of preserving its independence over and above the fluctuating alignment of interests at different periods and under varying social conditions. Ranke, for example, still believed in the possibility of a science of history, which should content itself with describing "how it has been." Political science was still accorded the function of preserving as objective and impartial an attitude as possible in the face of all political tendencies, of describing them in terms of their dependence on the various natural and cultural conditions and of striving for a mediation, if not a reconciliation, of the conflicting forces on intellectual grounds. It was still believed in the majority of quarters that there was a common ground of discussion for all the rival interests and that the mind must succeed, on the basis of this common meeting ground, in discovering a general *status vivendi*, in which all factions might concur politically.

Toward the end of the nineteenth century, however, there began a self-relativization of the consciousness in terms of the socio-vital being, the consequences of which must lead to the self-destruction of political science. The faith of past epochs in science tended to make political theory absolute as against political practise; today there is a much more dangerous tendency to deny outright the autonomy of political science and consequently to question the possibility of a political science at all. By insisting in extreme terms on the dependence of all forms of thought on historical, sociological and polemical factors it has introduced a real danger not only for political theory but also for political practise—a danger which becomes apparent if the natural consequences of such a line of reasoning are thought of in present day terms. In the nineteenth century as a rule it was assumed in one type of approach that thought was conditioned by historical factors and in another type that thought was conditioned by sociological factors; and even where the two approaches were followed by the same thinker, room was still left for a position which transcended history and society. Although Hegel, in formulating the classic statement of the process whereby historical forces condition the thinking of a given period, had presupposed that the existence of man in a given historical context is the only true reality, his philosophical premises left no doubt that time, the conditioning agent, was itself the creature of thought. Even Marx, who carried the relativization of thought a step further by stressing the economic and class foundations of the ideological superstructure, was so saturated in the postulates of older systems of political philosophy as to a meaning and purpose in history that he preserved a carefully drawn distinction between truth and illusion.

In the twentieth century, however, particularly under the influence of the philosophy of Nietzsche and Bergson, the radical relativization of thought in terms of "life" has introduced a really serious danger. According to George Sorel and Vilfredo Pareto every pronouncement of political science is merely the sublimation of a highly individualized, thoroughly irrational life situation; every item of knowledge in the political sphere, merely the derivative of a moment of time in the socio-historical and personal sense, above which thought is incapable of rising to any unified point of view. If such interpretations are correct, political science has completed its own self-destruction and has finally done away with itself as a science. For with such a complete annihilation of the mind it would have to be recognized that political science is no longer in a position either to influence political practise or to understand it. In the nineteenth century each faction attempted, by disclosing the strictly political function which the ideas of the opposition performed, to destroy their political influence but at the same time to claim that its own ideas alone were objectively

true. But as soon as all human consciousness is regarded as nothing more than a function of the socio-vital reality, as pure reflection, fiction or ideology, and mind in any form as nothing else than a weapon in the struggle for political power, this view must lead to the self-destruction of even one's own political position, and one's own standards must finally be stripped of their pseudo-objectivity.

Both in theory and practise the attempt is made to avoid the logical consequences of such a point of view by removing this or that socio-historical phenomenon from the workings of the law of radical relativization and by elevating it to a status of absolute criterion and constant, by reference to which historico-sociological phenomena are interpreted as pure derivatives. The present day tendency to attribute to certain time-space phenomena an absolute value is the equivalent of the earlier historicizing and sociologizing of all absolute content. With the aid of this type of metaphysics, which hails any fact of experience whatsoever as the only real element and rejects everything else as ideological, all radical movements of the present day contest their political sciences. In this category belong the apotheosis of the state or the nation, the tendency to make race or class absolute and the conception that the one and only motive power of all political happenings is the economic system, the will to power or this or that libido.

For the time being at least political practise could be satisfied with this solution of the problem. It could declare itself in agreement with the view that all political knowledge is possible only as party knowledge and that the value of this knowledge is determined solely and exclusively by its actual propaganda value; that is, according to its utility as "a knowledge of domination" for ruling the masses. Vilfredo Pareto, the so-called father of Fascism, gave this bourgeois neo-Machiavellianism its most incisive and influential formulation, when he interpreted all consciousness as conditioned by the "residue"; that is, by the total individual-irrational condition of the participant. For Pareto all political knowledge from Plato to Marx is only bad metaphysics, all these ideologies are nothing else than weapons in the *bellum omnium contra omnes*. The ideological coverings of the irrational political will are of course fictions, which are necessary for the domestication of the beast that is man. Accordingly the dominant élite of the moment must make use of them, in order to be able to come to the fore and establish itself in the forever identical—and in itself meaningless—fight of the élites for power. But if all political consciousness is only the expression of a most highly individual situation, if between generations and classes, between parties and nations, there is no meaningful unity, then in theoretical and practical politics there is no *status vivendi* which can mediate in intellectual terms between them, no basis of discussion, no rational-moral intercourse; but only an activity which by means of power suppresses the opponent or exterminates him. The apotheosis of unrelieved political power, which corresponds to this disillusionment, is indicated in Sorel's *Réflexions sur la violence* (Paris 1906–07), which was popularized in Germany by Oswald Spengler. In the second volume of his *Decline of the West* Spengler presents war as the primitive politics of all forms of life: "The war, not of principles but of men, not of ideals but of races over the exercise of power, is the first and last." Finally, Carl Schmitt formulated this theory for German fascism and singled out the conflict between friend and enemy as the basic category of the political process. The emphasis in this formulation was exclusively on the concept of the enemy, that which "in its mode of existence is something outside and alien," and which in case of conflict must be annihilated.

Although the active political leader may welcome a view which reduces thought to the level of propaganda, the acceptance of such a premise foredooms inevitably all future culture, political and otherwise. It would therefore seem appropriate to inquire briefly whether this implied self-immolation of political science can be justified on intellectual or historical grounds. If it be conceded that all human thought is but a series of expressions of transient individual or group interests, determined by an ephemeral set of historical and social conditions, it follows that the sole function of political science, if under such an assumption it could be dignified with such a name, would consist in investing the prevailing mechanisms and agencies of political control, whatever form they might take, with the appropriate ideological trappings. If the mind is ceaselessly enmeshed in opportunistic struggle for political power and in these struggles shows no capacity for independent self-expression, anarchy in the realms of both theory and practise becomes rampant as the last barrier falls before the triumphant party leader.

In order to reendow its pronouncements with a universally binding authority political science

must succeed once again in isolating from the flux of historical and social evolution an unequivocal set of fixed constants. In approaching this fundamental problem from the realm of the arts Marx declared that the "difficulty is not in grasping the idea that Greek art and epos are bound up with certain forms of social development. It rather lies in understanding why they still constitute with us a source of aesthetic enjoyment and in certain respects prevail as the standard and model beyond attainment." Nor is this independent existence of spiritual forces confined by any means to the realm of the arts. The modern pragmatist and relativist would encounter equal difficulty in explaining how it happens that the theoretical formulations of an Aristotle, a Hobbes or a Marx still carry weight with present day thinkers in the most varied political situations. Activistic irrationalism, in seeking to strip political thought of its mask of self-illusion, has failed to reveal why, amid the multiplicity of political pronouncements at a given period, only certain fragments and not others have borne witness through the years and centuries to their enduring truth and authority.

The incontestable fact that political science has invariably performed the incidental function of buttressing or undermining an intrenched group or class cannot be cited to show that this is its only function. The fact that the political theory of the Huguenot lawyer Bodin served to bolster the absolute monarchy in sixteenth century France must in no sense be construed as invalidating the more significant contribution which he made in elucidating certain enduring truths of political life. This broader intellectual sympathy, which still continues to attract the modern theorist to the work of Bodin, is evidence that history is something more than an agglomeration of momentary situations and that in the political process there are indeed certain unchanging constants, which elude the practical reason of the historicizing and sociologizing relativist.

The most significant of these constants, the nature of man, is to be conceived not in the manner of the rational natural law schools as prior to history and society, but as the product of history and society. Prehistory may deal with remote human and subhuman forms, but political history must without exception limit itself to the human being, who in contrast to the animal sets out, in the light of his understanding and aspirations, to transform the surrounding world. Accordingly political science, like all historical, sociological thought, must take as its starting point human behavior, which, as pointed out by Marx, "is not to be encountered except among men." "A spider," writes Marx in *Das Kapital*, "conducts operations that resemble those of a weaver, and a bee puts to shame many an architect in the construction of her cells. But what distinguishes the worst architect from the best of bees is this, that the architect raises his structure in imagination before he erects it in reality. At the end of every labor-process we get a result that already existed in the imagination of the laborer at its commencement. He not only effects the change of form in the material on which he works, but he also realizes a purpose of his own that gives the law to his *modus operandi*, and to which he must subordinate his will."

The consciousness which purposefully transforms the environment according to ideal laws is in the nature of things confined to man. From the point of view of natural history this being, capable of remolding the given world of reality, may be a variable, but for all cultural history it must remain a constant. Even the complex of natural and cultural objects, upon which the mind of man works and which determine his activity according to a fixed law, reveals, although with the widest variation, that historical and sociological immutability which is a prerequisite of all culture: those countless natural and cultural factors which have made their imprint on human existence and thought and which form the shifting basis of man's actual social and historical work. Depending on the extent of abstraction it is possible to premise a larger or smaller number of constant factors—anthropological, geographic and climatic, national, social and technico-economic—which in spite of all class differentiation exert an equal influence on all the political groups that are submitted to the same environmental influences, and which in many cases remain unchanged over practically endless periods of time. The fact that Russia has not possessed enough ice free harbors and that it has never been influenced by the Renaissance movement of western Europe has been instrumental in determining the political policy of the czars no less than of the Bolsheviks. In all natural and cultural history that which has been caused becomes in its turn a causative factor. Man is the product and at the same time the molder of his history, a comparatively constant element, which evolves through living. That which has been brought into being through the

historical process is not merely a disembodied element of the past which stands outside the observer of history as something alien. While all thought is necessarily a reflection of a particular intellectual and social climate, it may, consciously or unconsciously, free itself from the immediate set of conditioning forces and acquire validity for basically different situations. So that, wherever the essential features of a political system have found adequate intellectual expression and where social continuity has been unbroken, political opinion becomes elevated to the plane of real political understanding which may preserve its inner validity in the midst of all political transformations and shifts of power.

The inane observation of Spengler, that in "actual" history Archimedes with all his scientific discoveries has probably had less influence than that soldier who slew him in the storming of Syracuse, is particularly well fitted to hasten the break up of western culture. But even if this collapse of our culture were actually to take place, Archimedes would still bulk incomparably larger in the heritage of the west than his slayer. It is in this sense that political science has the significant function of working toward an accurate and authoritative description, explanation and criticism of political phenomena.

HERMANN HELLER

See: STATE; SOCIETY; SOVEREIGNTY; GOVERNMENT; POLITICS; POWER, POLITICAL; PARTIES, POLITICAL; MONARCHY; DEMOCRACY; LIBERTY; NATURAL RIGHTS; NATURAL LAW; SOCIAL CONTRACT; INDIVIDUALISM; LIBERALISM; SOCIALISM; COMMUNISM; FASCISM; NATIONALISM; NATIONAL SOCIALISM, GERMAN; DICTATORSHIP; RENAISSANCE; ROMANTICISM; POSITIVISM; PRAGMATISM; PLURALISM; GEISTESWISSENSCHAFTEN; PHILOSOPHY; LAW; JURISPRUDENCE; HISTORY AND HISTORIOGRAPHY; ECONOMICS; SCIENCE; SOCIOLOGY; ANTHROPOLOGY; PSYCHOLOGY; METHOD, SCIENTIFIC.

Consult: FOR GENERAL AND SPECIALIZED SURVEYS OF THE HISTORY OF POLITICAL THOUGHT: Dunning, W. A., *A History of Political Theories*, 3 vols. (New York 1903–20); Janet, Paul, *Histoire de la science politique dans ses rapports avec la morale*, 2 vols. (5th ed. by G. Picot, Paris 1925); Menzel, Adolf, "Beiträge zur Geschichte der Staatslehre" in Akademie der Wissenschaften, Vienna, Philosophisch-historische Klasse, *Sitzungsberichte*, vol. ccx, pt. i (1929); Lectures on Social and Political Thinkers from the Middle Ages to the Victorian Era, delivered at King's College, University of London, 7 vols., ed. by F. J. C. Hearnshaw (London 1923–33); Gettell, R. G., *History of Political Thought* (New York 1924); Doyle, Phyllis, *A History of Political Thought* (London 1933); Barker, Ernest, *Greek Political Theory, Plato and His Predecessors* (London 1918); Myres, J. L., *The Political Ideas of the Greeks* (New York 1927); McIlwain, C. H., *The Growth of Political Thought in the West from the Greeks to the End of the Middle Ages* (New York 1932); Gierke, O., *Die Staats- und Korporationslehre des Alterthums und des Mittelalters und ihre Aufnahme in Deutschland*, in his Deutsche Genossenschaftsrecht, vol. iii (Berlin 1881); Carlyle, R. W. and A. J., *A History of Mediaeval Political Theory in the West*, 5 vols. (Edinburgh 1903–28); Rivière, Jean, *Le problème de l'église et de l'état au temps de Philippe le Bel, étude de théologie positive*, Spicilegium sacrum lovaniense, Études et documents, no. 8 (Louvain 1926); Scholz, Richard, *Die Publizistik zur Zeit Philipps des Schönen und Bonifaz VIII*, Kirchenrechtliche Abhandlungen, vols. vi–viii (Stuttgart 1903); Figgis, J. N., *Studies in Political Thought from Gerson to Grotius 1414–1625* (2nd ed. Cambridge, Eng. 1916), and *The Divine Right of Kings* (2nd ed. Cambridge, Eng. 1914); Allen, J. W., *A History of Political Thought in the Sixteenth Century* (London 1928); Bluntschli, Johann Kaspar, *Geschichte der neueren Staatswissenschaft. Allgemeines Staatsrecht und Politik* (3rd ed. Munich 1881); Laski, H. J., Introduction to his edition of *Vindiciae contra Tyrannos; a Defence of Liberty against Tyrants* (London 1924) p. 1–60; Reynolds, B., *Proponents of Limited Monarchy in Sixteenth Century France, Francis Hotman and Jean Bodin*, Columbia University, Studies in Economics, History and Public Law, no. 334 (New York 1931); Lagarde, Georges de, *Recherche sur l'esprit politique de la réforme* (Paris 1926); Murray, R. H., *The Political Consequences of the Reformation* (London 1926); Gierke, O., *Johannes Althusius und die Entwicklung der naturrechtlichen Staatstheorien* (4th ed. Breslau 1929); Wolzendorff, Kurt, *Staatsrecht und Naturrecht in der Lehre vom Widerstandsrecht des Volkes gegen rechtswidrige Ausübung der Staatsgewalt*, Untersuchungen zur deutschen Staats- und Rechtsgeschichte, no. 126 (Breslau 1916); Gurvich, G., *L'idée du droit social* (Paris 1931); Gooch, G. P., *Political Thought in England from Bacon to Halifax* (London 1914), and *English Democratic Ideas in the Seventeenth Century* (2nd ed. by H. J. Laski, Cambridge, Eng. 1927); Belasco, Philip S., *Authority in Church and State* (London 1928); Ritchie, D. G., *Natural Rights* (London 1895); Laski, H. J., *Political Thought in England from Locke to Bentham* (London 1920); Larkin, Paschal, *Property in the Eighteenth Century* (Dublin 1930); Meinecke, F., *Die Idee der Staatsräson in der neueren Geschichte* (3rd ed. Munich 1929); Sée, Henri, *Les idées politiques en France au XVIIe siècle* (Paris 1923), and *Les idées politiques en France au XVIIIe siècle* (Paris 1920); Martin, Kingsley, *French Liberal Thought in the Eighteenth Century* (London 1929); Carcassonne, E., *Montesquieu et le problème de la constitution française au XVIIIe siècle* (Paris 1927); Hoffmann-Linke, Eva, *Zwischen Nationalismus und Demokratie*, Historische Zeitschrift, Supplement no. 9 (Munich 1927); Jellinek, Georg, *Die Erklärung der Menschen- und Bürgerrechte*, Wissenschaftliche Abhandlungen und Reden zur Philosophie, Politik und Geistesgeschichte, no. 6 (4th ed. Munich 1927), tr. by Max Farrand (New York 1901); Vaughan, C. E., *Studies in the History of Political Philosophy before and after Rousseau*, 2 vols. (London 1925); Merriam, Charles E., *History of the Theory of Sovereignty since Rousseau*, Columbia University, Studies in Economics, History

and Public Law, no. 33 (New York 1900); Halévy, Élie, *La formation du radicalisme philosophique*, 3 vols. (Paris 1901–04), tr. by Mary Morris (London 1928); Cobban, Alfred, *Edmund Burke and the Revolt against the Eighteenth Century, a Study of the Political and Social Thinking of Burke, Wordsworth, Coleridge and Southey* (London 1929); Brinton, Crane, *The Political Ideas of the English Romanticists* (London 1926); Schmitt, Carl, *Politische Romantik* (Munich 1925); Baxa, Jakob, *Einführung in die romantische Staatswissenschaft*, Herdflamme, supplement vol. iv (2nd ed. Jena 1931); Meinecke, F., *Weltbürgertum und Nationalstaat* (7th ed. Munich 1928); Ziegler, H. O., *Die moderne Nation* (Tübingen 1931); Coker, F. W., *Organismic Theories of the State*, Columbia University, Studies in Economics, History and Public Law, no. 101 (New York 1910); Emerson, R., *State and Sovereignty in Modern Germany* (New Haven 1928); Chang, Sherman H.-M., *The Marxian Theory of the State* (Philadelphia 1931); Michel, Henry, *L'idée de l'état* (3rd ed. Paris 1898); Soltau, Roger, *French Political Thought in the Nineteenth Century* (London 1931); Mondolfo, R., *La filosofia politica in Italia nel secolo XIX* (Padua 1924); Barker, Ernest, *Political Thought in England from Herbert Spencer to the Present Day* (London 1915); Rockow, L., *Contemporary Political Thought in England* (London 1925); *A History of Political Theories, Recent Times*, ed. by C. E. Merriam and H. L. Barnes (New York 1924); Heller, H., *Die politischen Ideenkreise der Gegenwart* (Breslau 1926); Elliott, W. Y., *The Pragmatic Revolt in Politics* (New York 1928); Kelsen, H., *Der soziologische und der juristische Staatsbegriff* (2nd ed. Tübingen 1928); Myres, J. L., *The Influence of Anthropology on the Course of Political Science*, University of California, Publications in History, vol. iv (Berkeley 1916); Merriam, C. E., *History of American Political Theories* (New York 1903), and *American Political Ideas: Studies in the Development of American Political Thought 1865–1917* (New York 1920); Carpenter, W. S., *The Development of American Political Thought* (Princeton 1930); Wright, B. F., Jr., *American Interpretations of Natural Law* (Cambridge, Mass. 1931); Thomas, E. D., *Chinese Political Thought* (New York 1927); Wu, Kuo-Cheng, *Ancient Chinese Political Theories* (Shanghai 1928).

FOR RECENT APPROACHES TO THE PROBLEMS AND METHODS OF POLITICAL SCIENCE: Seeley, J. R., *Introduction to Political Science* (London 1896); Burgess, J. W., *Political Science and Comparative Constitutional Law*, 2 vols. (Boston 1890); Sidgwick, Henry, *The Elements of Politics* (London 1891); Donnat, Léon, *La politique expérimentale* (Paris 1891); Garner, J. W., *Introduction to Political Science* (New York 1910); Krabbe, Hugo, *Die moderne Staatsidee* (2nd ed. The Hague 1919), tr. by G. H. Sabine and W. J. Shepard (New York 1922); Wilde, Norman, *The Ethical Basis of the State* (Princeton 1924); Willoughby, W. W., *The Ethical Basis of Political Authority* (New York 1930); Mosca, G., *Elementi di scienza politica* (2nd ed. Turin 1923); Barker, Ernest, *The Study of Political Science and Its Relation to Cognate Studies* (Cambridge, Eng. 1928); Jellinek, Georg, *Allgemeine Staatslehre* (3rd ed. by Walter Jellinek, Berlin 1914); Posada, Adolfo, *Tratado de derecho político*, 2 vols. (3rd ed. Madrid 1923–24); Duguit, L., *Traité de droit constitutionnel*, 5 vols. (vols. i–ii 3rd ed., vols. iii–v 2nd ed., Paris 1923–28); Carré de Malberg, Raymond, *Contribution à la théorie générale de l'état*, 2 vols. (Paris 1920–21); Kelsen, Hans, *Allgemeine Staatslehre*, Enzyklopädie der Rechts- und Staatswissenschaft, vol. xxiii (Berlin 1925); Bosanquet, B., *Philosophical Theory of the State* (3rd ed. London 1920); Croce, Benedetto, *Elementi di politica* (Bari 1925); Spann, O., *Der wahre Staat* (3rd ed. Jena 1931); Maitland, F. W., Introduction to his translation of Gierke, O. von, *The Political Theories of the Middle Ages* (Cambridge, Eng. 1900) p. vii–xlv; Figgis, J. N., *Churches in the Modern State* (London 1913); Hobhouse, L. T., *The Metaphysical Theory of the State*, London School of Economics and Political Science, Studies in Economics and Political Science, no. 51 (London 1918), and *Social Evolution and Political Theory* (New York 1911); Wallas, Graham, *Human Nature in Politics* (3rd ed. London 1929); Laski, H. J., *Studies in the Problem of Sovereignty* (New Haven 1917), *Authority in the Modern State* (New Haven 1919), and *A Grammar of Politics* (2nd ed. London 1930); Hocking, W. E., *Man and the State* (New Haven 1926); Rivers, W. H. R., *Psychology and Politics* (London 1923); Oppenheimer, Franz, *Der Staat*, Die Gesellschaft, vol. xiv–xv (Frankfort 1907), tr. by J. M. Gitterman (Indianapolis 1914); Vierkandt, A., *Staat und Gesellschaft in der Gegenwart* (3rd ed. Leipsic 1929); Pareto, V., *Trattato di sociologia generale*, 3 vols. (2nd ed. Florence 1923); Weber, Alfred, *Ideen zur Staats- und Kultursoziologie*, Probleme der Staats- und Kultursoziologie, vol. i (Karlsruhe 1927); Davy, Georges, *Éléments de sociologie*, vol. i– (Paris 1924–); Barnes, H. E., *Sociology and Political Theory* (New York 1924); Mannheim, K., *Ideologie und Utopie* (Bonn 1929); Scheler, Max, *Die Wissensformen und die Gesellschaft* (Leipsic 1926); Weber, Max, *Gesammelte Aufsätze zur Wissenschaftslehre* (Tübingen 1922); Wieser, Friedrich von, *Das Gesetz der Macht* (Vienna 1926); Ford, Henry J., *The Natural History of the State* (Princeton 1915); Kjellén, Rudolf, *Grundriss zu einem System der Politik* (Leipsic 1920); Corwin, E. S., *The Democratic Dogma and the Future of Political Science*, Yenching Political Science series, no. 1 (Shanghai 1930); Fleiner, Fritz, *Politik als Wissenschaft* (Zurich 1917); Myres, J. L., "Anthropology and Political Science," King, C. L., "Economics and Political Science," Holcombe, A. N., "History and Political Science," and Barnes, H. E., "Sociology and Political Science" in *The Social Sciences*, ed. by W. F. Ogburn and A. A. Goldenweiser (Boston 1927) p. 58–68, 143–46, 189–208, and 329–45; Catlin, G. E. G., *Science and Method of Politics* (London 1927), and *A Study of the Principles of Politics* (London 1930); Rice, Stuart A., *Quantitative Methods in Politics* (New York 1928); Social Science Research Council, Committee on Scientific Method in the Social Sciences, *Methods in Social Science*, ed. by Stuart A. Rice (Chicago 1931).

POLITICS. The lexicographers usually define politics as "the science and art of government." The term covers the entire field of political life and behavior. It embraces the relations between the state and the individual and in this sense is practically synonymous with political

philosophy. It comprehends "the forces at work which form the anatomy and determine the physiology of states." It includes relations between the state and its political subdivisions and between states and other states. Thus politics can be domestic, national, federal, municipal, imperial or foreign. The relationships thus comprehended and the regulations which they necessitate are intergovernmental. William Penn said: "Governments like clocks, go from the motion men give them; and as governments are made and moved by men, so by them they are ruined too. Wherefore, governments rather depend upon men than men upon governments."

It is with due regard for William Penn's emphasis that the term politics is ordinarily used. In American academic parlance, the term is synonomous with government, political science or even public law. There are university departments thus variously named with no resulting differences in the character of the subjects which are treated. If Penn's emphasis were adhered to, politics would stress political action and practise; the tactics and strategy of the practitioner of politics; and the conduct of political affairs or business: with politics being carefully distinguished from administration, for politics is the excogitation of policy and administration is the execution of policy.

As applied to the living of political lives and the attainment of political goals, politics frequently has unpleasant connotations. It comprehends scheming and planning different from the scheming and planning, say, within corporate enterprises. In associations where personal relationships are important—trade unions, universities, churches—politics is frequently to be found. The use of the term to describe such personal or group action implies a milieu hospitable to scheming and manipulation and invites action and speech less intellectually honest and high minded than are common in purely personal relationships. The degree of the lowering as viewed in the light of the objects to be obtained determines the nature of judgments which may be passed on such actions.

The vast extensions of suffrage and the spread of democracy have worked a complete metamorphosis of political methods and tactics. Politics nowadays is quite different from politics in the days of the Hanoverians. Then politicians could be successful if they curried favor with royal mistresses. Now they must curry favor with parties and electorates. As Bernard Shaw has put it, "The politician who once had to learn how to flatter kings has now to learn how to fascinate, amuse, coax, humbug, frighten or otherwise strike the fancy of the electorate." That is somewhat cynically put but is profoundly true. If the fancy of the electorate can be struck, if it has confidence in a leader, then the electorate rallies to his support.

Dictators may inveigh against parliamentary government as *un gouvernement qui parle*, but in order to keep popular support they frequently deem it necessary to rattle the saber or wave the flag in a fashion more extreme and grandiose than would be ventured by any parliamentary prime minister. In a dictatorship a dictator does not bar demagogy. He simply monopolizes it. His political eminence may be possible because of the despair of his people, as in the case of Hitler. It may seem unassailable because from its heights the dictator appears partly a legendary, partly a homely figure, as in the case of Mussolini. From recent political history as many illustrations as there are prominent politicians can be adduced to suggest, albeit vaguely, how success is attained and retained and how failure is risked and suffered.

In recent years the claim has been more and more frequently made that political discussion is futile; that the technical character of the problems to be dealt with, the increasing power of party organizations and the preoccupation of the people with their business interests and the enjoyment of their leisure have combined to rob politics of its interest. This is true only when the politicians themselves are uninteresting and lack courage. They can inject vigor into democracy, but they must remember that it is better to fight and risk losing than not to fight and thus to seem to escape defeat. Only in the former case will the people stand by them.

Moreover one striking lesson of recent elections both in Europe and in the United States is that millions of voters recognize no binding party allegiance. They are ready to turn against parties and candidates they have supported. The successful candidates who benefit thereby should be aware that party organization and loyalty will not save them from being driven from office at the next election if a sufficient percentage of the electorate, temporarily under their banner, becomes critical and resentful.

Newly elected presidents of the United States find it difficult not to begin at once to think of reelection for a second term. Many of their appointments seem to be determined upon, their policies to be shaped, with reelection in mind.

The best means to reelection is frequently not to think about reelection. The dictum is particularly sound in respect of a politician who is placed in office by a tremendous afflux of support from people who may later desire to punish failure. Such support amassed in one campaign cannot be retained by use of the appointing power, by building up local organizations or by framing a legislative program which, in seeking to avoid acute dissatisfaction to any interest, ends by failing to merit the general approval of any interest and if it does not prevent, at least retards, intelligent action.

There is throughout the world a growing agreement that many troubles have been due in considerable measure to lack of courage in statesmen. Too often they have known in their hearts what should be done but have failed to confess their beliefs publicly and have hesitated to press for their acceptance. Too often they have been content to be the prisoners of their parliaments and peoples. But the conviction is spreading that such lack of courage does not pay. There are increasing signs that the taking of risks in the name of intelligence is the road not alone to the favorable verdict of history but also to the continued approval of parliaments and electorates. This truth should be pondered especially by statesmen who are put into office by millions who have sloughed off party ties. These statesmen have emerged from among their colleagues as the strong men demanded by the exigencies of the moment. It is within their power to shape the program and set up of the political parties they lead; sometimes, without any party support, their positions are sufficiently commanding to enable them to guide their nations.

What has been said contradicts in considerable measure certain dicta which have long been current and which have been blindly relied upon by politicians. Candor is said to be dangerous. Manipulation and compromise are to be preferred to leadership. The use of patronage, attentiveness of national leaders to the building up of local party organizations and reliance on such support rather than on general approval of a courageous legislative or administrative program; the outsmarting of the opposition, sometimes by presenting an issue which will divide it and sometimes by presenting an issue which makes its opposition difficult; the throwing out of successive sops to regions in a country or the placation of a series of factions or groups, all these methods of "politics" have caused the formulation of political maxims, the truth of which has been taken for granted until some politician acted in a contrary fashion. But even then the maxims were not deemed false. The fact was simply the exception to the general rule.

There is, unhappily, no modern manual of political tactics. Such a manual could be only tentative. It would have to deal not only with the art of cajoling electorates but also with the art of government, for the successful practitioner of the latter art is greatly advantaged in the former. Continental writers before the advent of democracy attempted such manuals. Machiavelli, Guicciardini and others told the statesmen how to act. In comparison the modern continental literature is trivial. Perhaps the least trivial is the somewhat cynical but frequently wise brochure of Louis Barthou, *La politique*. In England Graham Wallas has been the only successor to Sir Henry Taylor. There are American manuals on the methods which have been proved successful by municipal bosses, but there is little or nothing on the practise of less parochial politics.

The complexity of governmental tasks already referred to makes it inevitable that politicians will rely to a greater and greater extent on experts. One may paraphrase Byron's *English Bards and Scotch Reviewers* and say that a man must serve his time to any trade save politics, but that politicians are ready made. So long as the business of government was simple, amateurs in office were competent to do what was required of them. But now experts are playing a more and more important role, not in determining the proper methods of cajoling or humbugging electorates, but in suggesting how the politicians should use their offices. "It is the business of the politicians," said a well known English statesman, "to prevent the civil servants from acting so there will be a revolution." The ideas of intelligent people always race along ahead of party programs. The thoughts of parties and politicians lag behind events but so serious are the demands which modern government makes on intelligence and expertise that the gap is likely to be greatly narrowed. "Politics," wrote Gladstone in the year of his retirement (1894), "are like a labyrinth, from the inner intricacies of which it is even more difficult to find the way of escape, than it was to find the way into them." The intricacies need charts, which at first will be rough but which can be perfected. These charts can be made by only courageous guides.

LINDSAY ROGERS

See: POLITICAL SCIENCE; GOVERNMENT; STATE; PAR-

TIES, POLITICAL; LEGISLATIVE ASSEMBLIES; DEMOCRACY; DICTATORSHIP; LEADERSHIP; PROPAGANDA; CAMPAIGN, POLITICAL; CLUBS, POLITICAL; CAUCUS; VOTING; MACHINE, POLITICAL; SPOILS SYSTEM; CORRUPTION, POLITICAL; BRIBERY; PUBLIC OFFICE.

Consult: Barthou, Louis, *La politique* (Paris 1923); Taylor, Henry, *The Statesman* (London 1836; reprinted Cambridge, Eng. 1927); Sidgwick, Henry, *The Elements of Politics* (4th ed. London 1919); Wallas, Graham, *Human Nature in Politics* (3rd ed. London 1914); Laski, Harold J., *Studies in Law and Politics* (London 1932), and *A Grammar of Politics* (2nd ed. London 1929); Catlin, G. E. C., *A Study of the Principles of Politics* (London 1930); Bryce, James, *Modern Democracies*, 2 vols. (London 1921), and *The American Commonwealth*, 2 vols. (new ed. New York 1922–23); Ostrogorsky, M. Y., *La démocratie et l'organisation des partis politiques*, 2 vols. (new ed. Paris 1903), tr. by F. Clarke (New York 1902); Michels, Roberto, *Zur Soziologie des Parteiwesens in der modernen Demokratie* (2nd ed. Leipsic 1925), tr. by E. and C. Paul as *Political Parties* (New York 1915); Champernowne, Henry, *The Boss* (New York 1894). For other references see also bibliography on POLITICAL SCIENCE.

POLL TAX. The distinguishing feature of a true poll tax is that every person subject to it pays the same amount regardless of his income, property, other taxes payable or services received from the state. Exemption from the tax is usually based on age and sex, although political and social standing have sometimes been important factors. Occasionally the family rather than the individual is the unit of assessment. The rate is usually low, amounting in the United States to from $1 to $5 a year per person. At times it has been permissible to commute the tax by a few days' work on the roads.

The poll tax is not a major source of revenue in any part of the world today and even as a minor source is found in few places outside some American states, Canadian provinces, Swiss cantons, Balkan countries and European colonies. Sweden's long established national poll tax produced only 0.1 percent of the state's total revenue in 1926–27. In the United States the poll tax is levied or required to be levied by the constitutions of thirteen states, nine of which also permit the levy of such a tax by local authorities; while the constitutions of thirty other states authorize the imposition of such a tax by state or local governments. The revenue usually flows to local units, particularly the counties and municipalities, although in a few states highway and school districts are allowed to impose a poll tax. In eight states part or all of the revenue goes to the state government. While the tax money is ordinarily earmarked by law for streets and roads, often, especially if the constitutional provision is mandatory, it is destined for schools. The federal government levies a head tax of $8 upon every immigrant entering the United States.

The poll tax has at various times been a special levy upon the conquered, as, for example, the poll tax in ancient Greece, regarded as a badge of slavery; the Roman tax levied on colonials; the Mongol tax collected from Russians; the poll tax levied by the Islam rulers on unbelievers; and the modern colonial poll taxes levied on natives in many European possessions. Its use in such circumstances may be explained either by the undeveloped economic state of the taxpayer or by the natural lack of concern for justice in the distribution of the tax burden.

The poll tax has been noted for its non-fiscal uses. Twelve of the states of the United States, most of them southern, make payment of the poll tax a prerequisite to the exercise of suffrage, a provision which has often been used either to disqualify the Negro or to control his vote. The "hut tax"—virtually a family tax—as used in some parts of Africa exempted those natives who settled and worked steadily in one place for more than six months.

In an attempt to establish a more equitable system of taxation governments have often graduated the poll tax. The flat rate tax first levied in England in 1377 was in 1379 graduated according to rank; the tax appeared at intervals up through 1698. The *capitation*, established in France in 1695 and radically altered in 1701, divided taxpayers into twenty-two classes, the tax ranging from 20 sous to 2000 livres. The Russian poll tax, established by Peter the Great in 1718, divided taxpayers into three groups; and before it was abolished in 1886 it had been much modified by the introduction of property elements. The simple Prussian poll tax of 1811 was succeeded in 1820 by the *Klassensteuer*, which divided taxpayers into four groups and distinguished three classes within each group. An elaborately graded tax of this type must be regarded as an income or fortunes tax rather than as a poll tax.

Lately a reverse movement has set in, and some of the states of the United States have adopted or considered a flat tax on all adults except specified groups of dependents as a complement to the personal income tax, thus developing "tax consciousness" and checking evasion of the income tax (hence the term filing fee, connoting the filing of a return showing total

personal income). Delaware imposed a $3 tax of this type from 1921 to 1927, its repeal apparently being an attempt to gain political favor, as the tax administrators have declared themselves in favor of its retention. Utah is now attempting to administer a similar tax.

Full collection of a poll tax is usually very difficult. Some of the laws in the United States provide for payment by debtors of the person assessed, such payment to be allowed as set off against the debt, or by employers and for attachment of property or imprisonment. In many states of the United States it seems that only those who pay other taxes—especially the property tax—are effectively reached by the poll tax. The burden of the tax probably rests on the person taxed, unless—as is rarely the case—the amount involved is so large that an increase in wages can be forced and the tax thus shifted to the employer. When poll taxes are levied as a prerequisite to the exercise of suffrage, political party funds may supply the money and thus bear the burden of the tax.

CARL SHOUP

See: TAXATION; INCOME TAX; SUFFRAGE.

Consult: Bullock, C. J., *Selected Readings in Public Finance* (3rd ed. New York 1924) p. 269–77; Lotz, Walther, *Finanzwissenschaft* (2nd ed. Tübingen 1931) p. 460–66; Allix, Edgard, *Traité élémentaire de science des finances et de législation financière française* (6th ed. Paris 1931) p. 462–64; Walker, Harvey, "The Poll Tax in the United States" in National Tax Association, *Bulletin*, vol. ix (1923–24) 46–50, 66–72; The Tax Research Foundation, *Federal and State Tax Systems* (3rd ed. New York 1932) p. 120–22.

POLLS. *See* ELECTIONS.

POLYBIUS (*c.* 200–*c.* 120 B.C.), Hellenistic historian. Polybius was the son of a statesman of note in the Achaean League. He had some experience of political and military life in Greece, was one of the thousand leading Achaeans surrendered to the demand of the Roman government in 167 B.C. and was interned for sixteen years in Italy. The friendship of the Scipio family secured him a domicile in Rome; and there he lived in intimacy with the group who shaped the intellectual life of the Romans—Scipio, Laelius, Terence, the stoic Panaetius. The famous elder Cato himself was responsible for his release, after which he saw much of the world. He records a visit to Alexandria, he was with Scipio at the fall of Carthage (146 B.C.) and in the same year he was present at the sack of Corinth. Sent by Scipio, he did some exploring down the Atlantic coast of Africa. The Romans later employed him to draft arrangements for the government of the Peloponnesus.

Polybius' view of history was what he called a "pragmatic" one. He was interested in ascertaining the true historical facts in order that they might serve as a guide to the practical administration of affairs. His *History*, originally in forty books, of which six survive almost intact with large extracts from the rest, thus deals with the central question, proposed in his prelude; How came Rome within a space of fifty-three years to dominate the Mediterranean? The Greeks, wrote Gibbon, "imputed the triumphs of Rome, not to the merit but to the fortune of the republic. . . . A wiser Greek, who has composed, with a philosophic spirit, the remarkable history of his own time, deprived his countrymen of this vain and delusive comfort by opening to their view the deep foundations of the greatness of Rome." In his sixth book he sets out the political and military principles and methods of the Roman state, the best presentment that has survived. He accepts the older Greek division of the forms of government into monarchy, aristocracy and democracy and interprets the changes in governmental institutions as the cyclical succession of each of these forms to another. Stability can be assured only by the establishment of a mixed form of government including the essential features of each of these forms. The stability of the Roman state he attributed to the fact that such a mixed form was present in Rome in the institutions of the consuls, the Senate and the popular assemblies, representing respectively the monarchic, aristocratic and democratic principles.

Polybius has been reproached both as hostile and as subservient to the Romans, but he deserves neither reproach. A singular fairness, based on experience of both Greek and Roman; a long intimacy with political leaders, East and West; military service; land and sea travel; a Thucydidean concern for absolute truth; a shrewd judgment of men and movements; an eye for the great character, the great scene, the great event; and a strong distaste for rhetoric in all its branches, such features set him among the greatest historians of antiquity. His picture of Hannibal is unmatched. The ancient Greeks found his style an obstacle to reading him, but he towers above all the other historians of Rome. We owe to him the best of modern knowledge of the Achaean League; and nothing compensates for the loss of his books on the affairs of the

Macedonian dynasties in Syria and Egypt. His attitude to literature and philosophy, his discussions of the historian's ideals, and the movement of his judgment on the part played by fortune in human affairs are no less important in illustrating the strongest intellectual life of his age.

T. R. GLOVER

Works: The best edition of the history is that by T. Büttner-Worst, 5 vols. (Leipsic 1882–1904; vols. i–ii 2nd ed., 1922–24), tr. by W. R. Paton, Loeb Classical Library, 6 vols. (London 1922–27).

Consult: Glover, T. R., in *Cambridge Ancient History*, vol. viii (Cambridge, Eng. 1930) ch. i; Laqueur, R. A., *Polybius* (Leipsic 1913); Siegfried, W., *Studien zur geschichtlichen Anschauung des Polybios* (Berlin 1928); Bury, J. B., *Ancient Greek Historians* (New York 1909) ch. vi; Täubler, E., *Tyche* (Leipsic 1926).

POLYTHEISM. *See* RELIGION.

POMBAL, MARQUEZ DE, SEBASTIÃO JOSÉ DE CARVALHO E MELLO (1699–1782), Portuguese statesman. As minister of Portugal throughout the reign of Joseph I (1750–77) Pombal became perhaps the most famous of those statesmen who served the various "enlightened despots" of the eighteenth century. Consolidation of the royal absolutism, anticlericalism, promotion of the national wealth and encouragement of cultural improvement were all combined in the program which Pombal conceived and executed with a display of energy equaled only by his cruelty. He banished intractable officials, after the attempted regicide of 1758 subjected some of the first nobles of the realm to barbarous torture, subordinated the Inquisition to the monarch, transferred its privilege of censorship outright, reduced the ecclesiastical jurisdiction and conducted a world wide pamphlet propaganda against the Jesuits. Not satisfied with expelling the order from all Portuguese territories in 1759, he subsequently joined forces with Aranda and Choiseul and took a leading part in its final extinction. By reorganizing the army and navy and fortifying the frontiers he was able to uphold the complete independence of Portugal against Spain in the war which broke out in 1762 over Portugal's refusal to enter the Bourbon Family Compact. Among the various aspects of his program none better illustrates his quality as a statesman than his manoeuvres to liberate Portuguese commerce and economic enterprise from the hold which England had gained by the Treaty of Methuen of 1703.

Pombal's internal policy included the promotion of such industries as silk in Lisbon, woolens in Covilhã, linen in Guimarães, glass in Marinha Grande and fisheries in the district of Algarve. Firmly persuaded of the advantages of great monopolistic corporations, he organized for the Brazilian trade two chartered companies, one to operate in Grão Pará and Maranhão, the other in Pernambuco and Parahyba. His foundation of a wine monopoly in the upper Douro was the occasion of a serious popular uprising in Oporto, which evoked from Pombal brutal reprisals. He took measures to revive agriculture and to protect the rural tenantry. In order to prevent the accumulation of wealth in the hands of ecclesiastical corporations as well as to guard against excessive parceling of the land he revised the laws governing property. Following the earthquake of 1755 he rebuilt Lisbon on a geometrical plan, making this unstable terrain safer and more sumptuous. In 1772, on the basis of data prepared by a committee, he issued his famous decree on the reorganization of public instruction; as a result of this and other measures taken by Pombal, all branches of teaching were improved but especially the University of Coimbra, into which he introduced several new chairs in the sciences. His abolition of slavery and of the distinction between "new" and "old" Christians testifies to his accord with the humanitarian spirit of the eighteenth century.

After the death of Joseph I, Pombal was dismissed and banished. His adversaries succeeded in rehabilitating his victims as well as in destroying a great part of his work. The memory of his cruelties and the protests of the clerical party have continued to divide Portuguese opinion regarding the greatest of the nation's statesmen.

FIDELINO DE FIGUEIREDO

Consult: Azevedo, J. Lucio de, *O Marques de Pombal e a sua epocha* (Rio de Janeiro 1922); Gomes, F. L., *Le Marquis de Pombal, esquisse de sa vie publique* (Lisbon 1869); Soto-Maior, Miguel, *O Marques de Pombal, exame e historia critica da sua administração* (Oporto 1905); Duhr, B., *Pombal sein Charakter und seine Politik* (Freiburg i. Br. 1891); Ferrão, A., *O Marques de Pombal e as reformas dos estudos memores* (Lisbon 1915).

POMERANUS. *See* BUGENHAGEN, JOHANNES.

POMEROY, JOHN NORTON (1828–85), American jurist. Pomeroy was born at Rochester, New York, where he taught school as a young man. After studying law, he was appointed to a professorship at New York Uni-

versity which he held with great success for many years. In later life, after a period of ill health, he accepted a professorship at the University of California.

Today Pomeroy is best known to the practising lawyer by his *Equity Jurisprudence*, an encyclopaedic treatment of the more generalized concepts of Anglo-American equity. It is difficult to appraise this work. No book has been more frequently cited and quoted by the courts in the last half century, but that is not convincing evidence of formative influence upon the course of decision. Such a compendium of abstractions will usually be apposite to either side of a case. It must also be observed that Pomeroy's statement of doctrine was original in form rather than in substance, for there were not many points where he quarreled with current views. Finally, this was not a pioneer text in the equity field, for Story had covered the subject in much the same way. It cannot then be said that this book profoundly influenced the development of equity.

From the historical point of view, Pomeroy's most significant work was his study of "code" procedure, first published under the imposing title, *Remedies and Remedial Rights by the Civil Action According to the Reformed American Procedure*, but known in later editions as *Code Remedies*. This was the first comprehensive treatment of the statutory procedural system devised by David Dudley Field, first adopted in New York in 1848, and now in force in modified forms in most states of the United States. The code was intended to abrogate the cumbersome common law system, but reactionary interpretation by the courts threatened to nullify the statute. This tendency was halted by Pomeroy's book, which not only presented vigorous arguments upon specific points but, going to the root of the matter, created in bench and bar a more sympathetic attitude toward the new system. If it now seems too conservative, it must be remembered that when it was written the code had already suffered thirty years of hostile interpretation. An attempt at that time to reinstate in its entirety the radical theory which underlay the legislation would probably have antagonized the legal profession and so have failed entirely. Pomeroy accomplished conspicuous reform by appearing to be not so much a reformer as a superior technician.

EDGAR N. DURFEE

Important works: *Introduction to the Study of Municipal Law* (New York 1864, 2nd ed. 1883); *Introduction to the Constitutional Law of the United States* (New York 1868, 9th ed. Boston 1886); *Code Remedies: Remedies and Remedial Rights by the Civil Action According to the Reformed American Procedure* (Boston 1876; 5th ed. by W. Carrington, 1929); *Specific Performance of Contract* (Albany 1879; 3rd ed. by J. N. Pomeroy, Jr., and J. C. Mann, 1926); *Treatise on Equity Jurisprudence*, 3 vols. (San Francisco 1881–83; 4th ed. by J. N. Pomeroy, Jr., combined with the editor's work on equitable remedies, 6 vols., 1918–19).

Consult: Pomeroy, John Norton, Jr., in *Great American Lawyers*, ed. by W. D. Lewis, vol. viii (Philadelphia 1909) p. 91–135.

POOLS. *See* TRUSTS.

POOLS, SPECULATIVE. *See* SPECULATION.

POOR LAWS. Poor law legislation may be said to have had its origin in the breaking up of feudalism. With the disappearance of the latter system, under which the obligation of the serf to work on the manor implied his right to maintenance, the responsibility both for preventing and for relieving destitution devolved upon the community. In continental Europe, where the church was powerful, poor relief was until very recent times almost wholly in the hands of ecclesiastical authorities. In England and Scotland the Reformation and the dissolution of the monasteries led to the assumption of this responsibility by the state. The first steps in the development of a national system of poor relief were for the most part negative and prohibitory: the repression of begging and vagrancy, the regulation of individual almsgiving and the restriction of the movement of laborers from one parish to another. The English act of 1531 licensed the aged and impotent poor to ask for alms. The attempt to localize relief and prevent vagrancy found expression in the Scottish law of 1535 which forbade begging outside the parish of birth, and in the English act of 1536 which prohibited begging altogether and provided for local aid by the organized collection and distribution of alms, the apprenticing of children and the division of the able bodied into the willing, who were to be given work, and the unwilling, upon whom punishment was to be inflicted. The provision of aid was hampered by the absence of compulsory taxation, the act depending on the Sunday exhortations of the clergy and the collections of town authorities and parish church wardens. It was not until 1572 (14 Eliz., c. 5) that a law was passed providing for the appointment of collectors and overseers with power to compel the payment of poor relief to parish

officials. This legislation laid the foundation for the Elizabethan poor relief act of 1601, which definitely recognized the responsibility of the state for its dependent classes by the provision that each parish levy a rate, or tax, for such relief to be collected by overseers of the poor appointed by justices of the peace. The act of 1601 attempted also to classify dependents and to provide specific treatment suitable to the needs of each group—work for the able bodied poor, almshouse care for the infirm and apprenticeship for children.

Relief under the poor law, however, was greatly influenced by the background of repression carried over from earlier times and with the increase of pauperism found expression in the Act of Settlement [13 & 14 Chas. II, c. 12 (1662)] forbidding migration and in numerous vagrancy acts. An attempt to supply work for the able bodied poor was made in 1722 through Knatchbull's Act (9 Geo. I, c. 7), which provided for the building of workhouses by single parishes or unions of parishes in which able bodied paupers were to be employed and the aged poor, children and pauper sick were to be cared for. This act accomplished one of its objects, that of economy, but serious administrative problems arose from the grouping of all classes of poor within a single institution. An effort was made in 1782 to remedy these difficulties by the passage of Gilbert's Act (22 Geo. III, c. 83), through which outdoor relief for the able bodied poor became obligatory. The economic and social disorganization attendant upon the industrial revolution and the consequent increase of poverty among the laboring classes emphasized the need for additional measures to cope with the problem. By the close of the century a regular system of relief in aid of wages had developed largely as a result of the Speenhamland system of 1795, under the terms of which all laborers whose wages fell below a certain level were granted an allowance from the public treasury. The effect of this act was to demoralize both employer and employed. Thousands were pauperized and the nation's expenditures for poor relief increased tremendously.

Widespread dissatisfaction with existing laws and their maladministration led in 1832 to the appointment of a royal commission to inquire into the whole problem of poor relief and to offer recommendations for reform. The result of this inquiry was the poor law amendment of 1834 (4 & 5 Will. IV, c. 76), which repealed most of the existing legislation on poor relief including Gilbert's Act. Beatrice and Sidney Webb summarized the principles laid down by the act of 1834 under three heads: first, the principle of national uniformity—that is, the identity of treatment of each class of destitute persons throughout the kingdom; second, the principle of less eligibility, which required that the condition of the pauper be less desirable economically than that of the humblest independent laborer; third, the principle of the workhouse system—that is, the substitution of indoor for outdoor relief. In addition the new law provided for the establishment of a central authority consisting of three poor law commissioners with power to control the entire administration and to regulate the work of the local officials in minute detail. This was accomplished by the abolition of the parochial system of relief and its replacement by poor law unions or groups of parishes each of which elected a board of guardians. Thanks to the able administration of the first commissioners, among whom was Sir George Nicholls, the cost of poor relief was reduced by the strict application of the principles that relief should be given only to the able bodied poor in a well regulated workhouse under conditions inferior to those of the humblest laborer outside. Many of the old restrictive measures were set aside and laissez faire became the keynote of poor law administration. The rise of a new class of industrialists whose philosophy was dominantly individualistic and opposed to governmental interference changed the entire spirit of the poor laws.

For nearly a century the reforms of 1834, only slightly amended by subsequent legislation, remained the core of English poor law policy. The opening of the twentieth century, however, witnessed a new attitude toward poor relief. The failure of the system in dealing with unemployment and pauperism produced by the constantly changing conditions of the industrial world was acknowledged and an increasing effort was made to attack the problem at its inception by the prevention of destitution. Factory acts, social insurance, public health work and other preventive measures were initiated which served to lighten the burden of poor relief and to alter its methods. These tendencies were clearly reflected in the recommendations of the Poor Law Commission of 1905–09. A majority and a minority report were rendered, both of which agreed in condemning the workhouse and in recommending the abolition of the boards of guardians and the poor law unions. The majority

report advocated the abandonment of the "deterrent' philosophy of the principles of 1834 and the establishment of a new curative and preventive aid through a more humanized administration of the poor law system. It favored relief of the various classes of the destitute in specialized institutions and a more adequate provision for outdoor relief. It recommended also that a single authority be set up to handle all matters pertaining to "public assistance," the term suggested as a substitute for "poor laws."

The minority report urged the complete abolition of the poor law and the substitution in its stead of a system of social insurance, pointing out the failure of the existing system and maintaining that it is the duty of the state to prevent rather than palliate destitution. The report advocated that the duties of the guardians be transferred to the county authorities with an appropriate distribution among the four existing committees of the county council. It recommended that the education committee become responsible for the entire care of children of school age; that the health committee care for the sick and the permanently disabled; that the asylums committee take charge of the insane and all classes of mental defectives; and that the pensions committee supervise the aged receiving pensions. The minority report suggested further that the national authority for unemployment might, by the right sort of effort, deter men from becoming unemployed by making labor more continuous through the equalization of supply and demand and the regularization of seasonal employment.

Although no immediate legislation based upon these recommendations was enacted, the whole problem of poor relief was directly influenced by the work of the commission. Agitation for the reform of the poor law continued during the years after the World War, when the situation was greatly aggravated by the increase of unemployment. In 1919 Parliament created a Ministry of Health combining the various duties and functions pertaining to public health and welfare with general supervision over the poor law. The poor law acts of 1927 (17 & 18 Geo. v, c. 14) and 1930 (20 Geo. v, c. 17) represent additional efforts to consolidate several centuries of poor laws and to form a fairly complete code embodying the distinctive features of English policy with regard to the relief of destitution. Growing recognition of the close relation between unemployment and destitution led to subsequent modification of the National Insurance Act passed in 1911. In its present form it provides for two kinds of benefits: first, the standard, or insurance, benefit, under which an applicant receives aid from a fund to which he himself has contributed during his previous period of employment; second, the transitional benefit, whereby an applicant who is still unemployed at the end of twenty-six weeks is shifted from the first class of benefit to the second, or transitional, class. In order to qualify for the transitional benefit he must pass a "means" test by which the public assistance authorities determine his eligibility for aid and the amount needed. Here it is no longer a question of mutual insurance but of public relief, a fact which in no way vitiates the principle of public responsibility for dependency inherent in English law, whether it be caused by unemployment, sickness, old age or other individual incapacity.

A comprehensive Local Government Act of 1929 (19 Geo. v, c. 17), initiated principally with a view to readjusting the burden of local rates, abolished the boards of guardians and handed over their work to the local authorities, placing the full responsibility for poor law administration upon the county councils and the county borough councils. These councils are now charged with the administration of poor relief and are required to appoint public assistance committees, who in turn appoint local committees to deal with individual cases. The most far reaching and significant provision of the act was that empowering the Ministry of Health eventually to "break up the poor law" by removing certain classes of persons from its jurisdiction. The Local Government Act of 1929 indicates the remarkable changes that have taken place in the principles of relief since the beginning of the present century. It represents not only a better technique of administration but a reform in social policy, an effort to eliminate the need for poor relief by meeting the problem at its origin instead of after the effects of destitution are felt.

In the United States because of the absence of federal provision for poor relief varying types of legislation exist in the different states, most of which stem from the Elizabethan poor law of 1601. During the colonial period relief was given to the needy largely in their own homes. Auctioning off the care of the poor as individuals or in groups and the indenture of both children and adults were common practises also. Later the establishment of the almshouse resulted in a system of poor relief which was predominantly

institutional in character. The latter part of the nineteenth century, however, was marked by a more scientific approach to the problem of dependency, an approach which demanded segregation of different classes of dependents and specialized treatment with a view to their ultimate rehabilitation. The result of this attitude was the passage of laws prohibiting the care of children in almshouses and requiring the removal of the insane and feebleminded to separate hospitals and asylums.

Poor law administration differs widely in the various states. In New England the township is the unit of administration, while in the other states the county system prevails. Under the latter, administration is in the hands either of the county court, of specially elected county officers or, more commonly, of a board of county commissioners or supervisors. In the large cities relief is usually administered by overseers or salaried officers appointed by the mayor or town council or elected by the citizens. An express recognition of the individual claim to relief appears in the legislation of certain states; for example, Connecticut and New York. Supervision over poor relief is exercised in many states through the state board of charities and in New York and New Jersey through the officially recognized State Charities Aid Association. Out relief, absolutely prohibited in only a very few areas, is generally much restricted both in amount and in the class of cases eligible for it. In some states, however, the numbers receiving out relief exceed those in institutions. A labor test for the able bodied is common and vagrants are penalized. The establishment of charity hospitals supported by the states, in addition to those sponsored by churches and philanthropic agencies, has gone far in providing medical relief for the poor. Within recent years several states have adopted old age and mothers' pensions and there is a growing popular demand for health insurance. Since 1929 the crisis brought about by unemployment and the mounting cost of family relief by both public and private agencies throughout the country have added impetus to the movement for unemployment insurance on a national basis as well as by the states.

In continental Europe, where the church had always been the chief agency of poor relief, the growing acceptance of the idea of state responsibility for the care of the poor led during the nineteenth century to measures designed to give public aid where private charity was insufficient. This movement is exemplified by the creation of the Caisse Nationale des Retraits pour la Vieillesse in France, the rise of the Elberfeld system of poor relief in Germany, the establishment of a certain amount of state supervision over charitable corporations in Italy, the organization of public poor relief in Norway and the enactment of a general poor law in Sweden.

In France the poor law is administered through the local relief offices, known as *bureaux de bienfaisance*, which provide assistance at the domicile and other relief whether in the form of coupons for food, fuel, clothing, or in money, as rent or repatriation allowances. A general right to relief from the state is not recognized, except with regard to children and mentally deranged persons. An old age pension law of 1910, amended in 1912 (modified in part by the present system of national insurance), provides for all wage earners' old age pensions, toward which both employers and workers contribute. The expense of relief is met by local and general taxation, supplemented by the proceeds of certain taxes on amusements specially allocated to this purpose, income from endowments, gifts and charitable bequests.

In Germany special attention has been given to the prevention of the necessity for poor relief by the adoption of widespread social insurance, most of which is compulsory in the case of the working classes. The sick, the infirm, the aged and the unemployed are thus cared for, so that the burden on the poor law system is lightened. The relief of the poor is governed by the law of 1924, under which aid is granted by district unions or by provincial and state unions. In the first are united the larger and smaller municipalities, in the second the provincial or state authorities. Relief is given at the place of residence of the recipient and is administered largely through the Elberfeld system, the fundamental principles of which are a thorough examination of each individual dependent, continued careful guardianship during the period of dependence and constant effort to help him regain economic independence.

In Italy although a general right to public relief is not expressly recognized by law, local authorities are required to aid children, the sick and persons who are unable to work, if a local charity cannot be required under its constitution to do so. In Austria poor relief is administered chiefly through the communes under the direction of priests. Such relief is based upon the law of 1863, although no claims of the poor to

any special kind of provision are acknowledged, and poor relief is granted only when no other kind of aid is obtainable. In addition to providing poorhouses and out relief certain provinces follow the practise of quartering paupers on householders in fixed succession. Poor relief in Belgium is administered by *bureaux de bienfaisance*, which exist in every commune. Poorhouses with compulsory labor are maintained and habitual vagrants are committed to the penal colonies for a term of years. In Holland poor relief is granted only when aid is not forthcoming from churches or private charities. Mendicity and vagabondage are treated as offenses and a system of pauper or labor colonies is maintained. In Norway and Sweden poor relief is administered largely through the established church. In Soviet Russia, despite the efforts to eradicate poverty through a more equitable distribution of wealth and the widespread provision of social insurance, some forms of poor relief still persist. There are rural relief committees with power to raise a rate to which the state does not contribute, although to some extent the state controls the administration of it.

The declining significance of poor laws in the light of modern developments in social insurance and community welfare has become apparent in all capitalistic countries especially since the World War. Even in countries, such as the United States, where out relief mounted sharply as a result of the economic depression beginning in 1929, there has been an unmistakable trend toward the development of a system of community service in which the mere relief of destitution is replaced by a policy of preventive and curative treatment. This changed attitude toward poor laws is best exemplified of course in England. Some idea of the extent to which poor relief has been superseded by other forms of public assistance may be gained from a comparison of existing conditions with those of a century ago. According to Sidney and Beatrice Webb the government at present collectively contributes toward the maintenance of its poorer citizens in commodities and social services more than twelve times as much per head of population as it did during the early nineteenth century. It is noteworthy, however, that less than one eighth of the enlarged contribution is made by poor law authorities, while over seven eighths is administered through other channels, including education, public health and the various forms of social insurance. This expansion of public assistance outside the poor law has been greatly accelerated within the past two decades. With the adoption of old age pensions, health and unemployment insurance, maternity and child welfare services and the national housing subsidies the annual expenditure today is approximately five times what it was in 1908. It is clear that poor relief and the laws under which it is administered will continue to be of diminishing importance in modern social policy, which is based on a recognition of the individual's lack of responsibility for destitution and of the fact that it is the duty of the state to eradicate the conditions conducive to such destitution.

CHARLES W. PIPKIN

See: CHARITY; POVERTY; DEPENDENCY; PUBLIC WELFARE; INSTITUTIONS, PUBLIC; SOCIAL INSURANCE; MERCANTILISM; LABOURERS, STATUTES OF; ALMSHOUSE; ALLOWANCE SYSTEM; LOCAL GOVERNMENT; COUNTY COUNCILS.

Consult: Webb, Sidney and Beatrice, *English Poor Law Policy* (London 1910), and *English Poor Law History*, English Local Government, vols. vii–ix (London 1927–29); Nicholls, George, *A History of the English Poor Law*, 3 vols. (new ed. London 1898–99); Lipson, E., *The Economic History of England*, 3 vols. (vol. i 5th ed., vols. ii–iii 1st ed. London 1929–31) vol. iii, ch. vi; Exley, C. H., *The Guide to Poor Relief* (Liverpool 1932); Clarke, J. J., *Social Administration Including the Poor Laws* (London 1922); Slater, G., *Poverty and the State* (London 1930); Davey, H., and Smith, A. J., *Poor Law Statutes* (London 1928), and supplement (London 1929); Drage, G., *Public Assistance* (London 1930); Cormack, A. A., *Poor Relief in Scotland* (Aberdeen 1923); Queen, S. A., *Social Work in the Light of History* (Philadelphia 1922) pt. iii; Great Britain, Royal Commission on the Poor Laws and the Relief of Distress, *Reports*, 3 vols. (1909), and Appendices, 37 vols. (1909–10); Bosanquet, H. D., *The Poor Law Report of 1909* (London 1909); Great Britain, Ministry of Reconstruction, *Report on Transfer of Functions of Poor Law Authorities in England and Wales*, Local Government Committee, Cd. 8917 (1918); Great Britain, Ministry of Health, *Annual Report 1930–1931*, Cmd. 3937 (1931) p. 193–216; Kelso, R. W., *The History of Public Poor Relief in Massachusetts, 1620–1920* (Boston 1922); Gillin, J. L., *History of Poor Relief Legislation in Iowa* (Iowa City 1914); Devine, E. T., *The Principles of Relief* (New York 1904) p. 269–357; Callcott, M. S., and Waterman, W. C., *Principles of Social Legislation* (New York 1932); Lallemand, L., *Histoire de la charité*, 4 vols. (Paris 1902–12) vol. iv, pt. i, p. 137–303; Wolfram, Heinz, *Vom Armenwesen zum heutigen Fürsorgewesen*, Greifswalder staatswissenschaftliche Abhandlungen, no. 38 (Greifswald 1930); Kelso, R. W., *The Science of Public Welfare* (New York 1928) p. 142–205.

POOR RELIEF. *See* POOR LAWS; POVERTY.

POORHOUSE. *See* ALMSHOUSE.

POPŁAWSKI, ANTONI (1739–89), Polish economist and educator. Popławski was born in the province of Cracow, where he entered the Piarist order. He was engaged in educational work as professor of rhetoric and public law in Cracow and in Warsaw and from 1780 was rector and professor at the pedagogical seminar of the Cracow Academy.

Popławski was one of the leading representatives of the physiocratic school in Poland. In his general views he followed closely those of Abbé Baudeau. He adhered to the principles of natural law and regarded happiness as the goal of man's effort; he believed, however, that in the pursuit of that goal the interests of the individual should be brought in harmony with those of society as a whole. Similar considerations dominated his views in international law: every nation, great or small, enjoys full sovereign rights, but in the pursuit of its rights each nation must respect the sovereignty of the other nations. Popławski drew attention to the economic deterioration of the peasantry in Poland and urged the emancipation of serfs and a more equitable system of taxation based on the earnings of land rather than on its area. He contended that the amelioration of the peasant's lot would also bring about an increase in population, a very important consideration in a country which appeared depopulated in comparison with Prussia and Russia, its unfriendly neighbors. Unlike the other physiocrats he laid little emphasis on the distinction between productive and non-productive classes.

As educator Popławski displayed great erudition and familiarity with the teaching methods current in the western countries, where he lived for three years. He regarded the cultivation of civic consciousness as the most important aim of education, but also stressed the value of physical and moral education and of training the mind by encouraging independent thinking rather than by merely imparting information. His educational projects formed the basis for the famous program of elementary, secondary and higher education initiated by the Commission on National Education in the years 1772 to 1776.

ZOFJA DASZYŃSKA GOLIŃSKA

Important works: *Zbiór niektórych materyi politycznych* (Collection of some political matters) (Warsaw 1774); *O rozporządzeniu i wydoskonaleniu edukacyi obywatelskiey* (On the organization and improvement of civic education) (Warsaw 1774); *Moralna nauka dla szkół narodowych* (Moral instruction for national schools) (Cracow 1778, 6th ed. Vilna 1795).

Consult: Gargas, Zygmunt, *Geschichte der National-ökonomie im Alten Polen* (Berlin 1925) p. 106–09; *Pierwiastkowe przepisy pedagogiczne Komisji Edukacji Narodowej z lat 1772–1776* (Elementary pedagogic rules of the Commission on National Education of the years 1772–1776), ed. by Zygmunt Kukulski (Lublin 1923) p. lxxv–lxxxii; Daszyńska-Golińska, Zofja, *Ekonomia społeczna* (Social economy), 2 vols. (Warsaw 1906–07) vol. i, p. 67–77.

POPOV, KIRIL (1870–1927), Bulgarian statistician and economist. Popov was for many years director of the statistical bureau of Bulgaria and a member of the International Institute of Statistics. Under his leadership the statistical work of the bureau was placed on a level comparable to that of the leading countries. He was actively identified with the labor movement, was responsible for the enactment of numerous measures of social legislation and for years headed the cooperative movement in his country. The high hopes he placed in cooperative organization as the solution of the economic problems of Bulgaria are clearly evidenced in *La Bulgarie coopérative* (Sofia 1924) and in numerous studies which appeared in publications of the National Committee of Cooperation and the Bulgarian Economic Society. He favored a protective tariff on imports.

Popov's numerous studies bearing on the economic problems of his country include *Stopanska Bulgariya prez 1911 g.* (Bulgarska Akademiya na Naukite, Sbornik, vol. viii, 1916, partly tr. by V. Robeff as *La Bulgarie économique, 1879–1911*, Sofia 1920), an encyclopaedic descriptive account of the economics of Bulgaria; "Selo Kasi-lak" (written in collaboration with P. Penchev in *Sbornik za narodni umotvoreniya, nauka i knizhnina*, vol. xxiv, 1908, pt. ii; tr. as *Le village de Kassi-Lak*, Sofia 1909); and "Résultats des mensurations anthropométriques des conscrits en Bulgarie" (in Institut International de Statistique, *Bulletin*, vol. xxii, bk. ii, Rome 1926, p. 383–420). In "La prédominance des naissances masculines d'après les données de la statistique du royaume de Bulgarie" (in *Metron*, vol. vi, no. 1, 1926, p. 42–55) Popov and his collaborator, Gaetano Pietra, confirmed the fact that birth statistics of Bulgaria like those of all other countries show a preponderance of males and revealed further that the probability of sex of the child does not vary in accordance with the age of the parents and that sex distribution is purely a matter of chance.

GAETANO PIETRA

Consult: Boeff, B., Institut International de Statis-

tique, *Bulletin*, vol. xxiii, bk. i (Cairo 1928) p. 337–40; Mishaikov, D., in Bulgarska Akademiya na Naukite, *Lietopis* (Annals), vol. x (1926–27) 79–82.

POPULAR ASSEMBLIES are assemblies of all the citizens in a community for the purpose of performing certain political functions directly and in person. The term is thus not synonymous with true or complete democracy. Some of the most characteristic popular assemblies, such as the Ecclesia of Athens and the comitiae of Rome, were limited to citizens who at times represented only a minority of the inhabitants. The functions performed by a popular assembly include some or all of the following: the enactment of legislation, the administration of justice and of governmental affairs, the election of officials and of representatives to some superior assembly. Voting might be by secret ballot, by show of hands or by acclamation, but no person could vote unless he were present.

Examples of such assemblies can be found in widely scattered areas and periods. Traces of some form of popular assembly have been discovered among the primitive peoples of the West, as, for example, among the German tribes described by Tacitus (*Germania*, c. 11–13) and among the Celtic tribes in the British Isles. The communal assembly was a feature of the village community (*q.v.*) in Russia, India and probably also China. Anthropologists have reported village assemblies, with functions limited by the customary nature of primitive life, among some African tribes; and it is probable that among the predominantly more democratic American Indian tribes the full council of warriors played an important part. The English township of the ninth century and its more important successor, the parish, functioned through popular assemblies; but as the civil functions of the parish increased, the place of the open vestry in its government was gradually usurped by the select or close vestry. The *cabildo abierto* (open council) which was occasionally assembled in Spanish American municipalities in the seventeenth and eighteenth centuries possessed little legal authority, although it seems to have been of some practical political importance at certain times, especially during the revolutionary activity of the first decade of the nineteenth century. The present Japanese local government law, enacted in 1888, provides that small towns or villages may, with the consent of the governor, substitute for the elective local assembly a general meeting of all the voters. In the Union of Soviet Socialist Republics members of the lowest soviet in the hierarchy of soviets are chosen in the main by assemblies of certain functional groups —the workers in a factory or the peasants of a particular locality.

Most important of the popular assemblies in the past were those of the ancient city-states of Greece and Rome (*see* LEGISLATIVE ASSEMBLIES). The Ecclesia, the general assembly of all Athenian citizens eighteen years of age and over, dates at least from the time of Draco (621 B.C.) and continued to be the dominant organ of government down to 146 B.C., when Athens became a *civitas libera* under the protection of Rome. The assembly had power to enact legislation and to pass resolutions determining policy even regarding negotiations with foreign powers, war and peace, direction of the army and navy and administration. It was checked, however, by two important institutions: the Boule, or elective council of five hundred, to whose approval all proposals had to be submitted before they could be acted upon by the Ecclesia, and the law court, or judicial body, chosen by lot each year, which among other powers possessed that of determining whether measures passed by the assembly exceeded the legal limits of the assembly's power and were therefore null and void. Such legal limits were laid down, for example, in the constitutions of Draco, Solon and Clisthenes. After the Peloponnesian War, however, the court often became the tool of demagogues and little account was taken of constitutional principles. The Ecclesia itself was apparently never attended by more than a minority of the citizens; after the beginning of the fourth century B.C. a small fee, given only to those who came early and remained through the day's proceedings, was instituted in order to stimulate attendance.

In ancient Italy the popular assembly was apparently a characteristic feature of early village government, along with a council of elders or senate and some form of executive. In Rome the *populus romanus* during historic times acted through the various comitiae, which were based upon subdivisions according to curia, century or tribe. The practical effect of the system of voting by subunits was to give control to the aristocratic and rural section of the citizenry. The power of the popular assembly varied at different times; by the end of the first century A.D. it had practically disappeared.

The history of popular assemblies in Switzerland and New England illustrates both the possibilities and the limitations of this form of

government. Direct democracy has been applied more extensively and for a longer period in the Swiss cantons and communes than in any other modern state. The *Landsgemeinde*, exercising through popular assembly the sovereign self-governing functions of the canton, existed in Uri as early as 1234. The largest number of cantons governed in this way was eleven, in the seventeenth century. But by the beginning of the nineteenth century the number had been reduced to eight, and in 1848 Schwyz and Zug adopted the representative system. In Schwyz this step was made necessary because increasing population had rendered the assembly turbulent and unruly, if not actually corrupt. Uri abolished its popular assembly in 1928, following a three-year struggle over cantonal representation in the Council of States. The contest brought record attendances but revealed the defects of the open system of voting, which permitted the effective utilization of powerful political pressures. The *Landsgemeinde* was also attacked by the Socialists on the ground that most workers could not leave their work for the required time. Others claimed that the size of the canton made an assembly of all its citizens inconvenient for many, a charge which is to some degree substantiated by the fact that the percentage of attendance at the various *Landsgemeinden* seems roughly to vary inversely with the size of the canton. The *Landsgemeinde* still functions vigorously in the canton of Glarus and the half cantons of Obwalden and Nidwalden and of Appenzell-Innerrhoden and Appenzell-Ausserrhoden. Homogeneous population, common and simple interests, respect for custom and tradition and willingness to follow leadership are the chief factors which make possible the continuation of the system in these places.

The annual meetings of the *Landsgemeinden* are held usually in the open air on the last Sunday in April or the first in May. Supplementary meetings may be called at the request of a certain number of voters. Each *Landsgemeinde* has an advisory council which prepares the business for the annual meeting; without such an institution no popular assembly could long exist except in the most primitive rural community. Except in Appenzell-Ausserrhoden, which requires the signature of 65 voters, a single voter may initiate ordinary legislation; in all but one *Landsgemeinde*, however, the proposed measures must be submitted to the advisory council at a fixed date prior to the annual meeting. Freedom of debate is generally permitted, but only in Glarus (formerly also in Uri) may amendments and additions be made at the meeting to proposals submitted by the advisory council.

More widespread and applying to a larger number of people, although perhaps not so well known, are the Swiss town meetings, by which all but the larger communes regulate their political affairs. These town meetings, similar to the *Landsgemeinden* except for the limitation in the scope and area of their functioning, possess important powers regarding finance, local regulations and local administration. The percentage of attendance at these town meetings is generally larger than at the *Landsgemeinden*, largely because of the greater convenience of the former.

Perhaps the most important survival of the direct popular assembly is the New England town meeting, which is the dominant organ of local government in a territory considerably larger than the whole of Switzerland. There has been a great deal of controversy regarding the origin of the New England town meeting. It has been considered by some, notably Herbert Baxter Adams, as a conscious imitation of the popular government of the Anglo-Saxon and earlier Teutonic tribes. Channing saw in it a survival of the English parish government. Charles Francis Adams traced its origin to a conscious imitation of the corporate functioning of the Massachusetts Bay Company. Others regarded it as an imitation of guild organization, church organization or the Swiss *Landsgemeinde*. Each theory has apparently been rejected in whole or in part, but it is difficult to disagree with Channing's conclusion that New England towns "grew by the exercise of English common sense, combined with the circumstances of the place."

The town meeting seems to have been utilized by the New England towns from the beginning. Originally meetings were held weekly, then monthly; but as the community grew the intervals between meetings were further lengthened and it became desirable to set up a group of persons, known as selectmen, to operate in the intervals. The powers of the selectmen were at first indefinite but they gradually came to possess an important group of administrative functions. There were also other specifically administrative officials chosen by the town meeting. Originally the right to vote at town meetings was limited to freemen, while the inhabitants as a whole, although they might attend all meetings, could vote only on certain occasions. The broadening of the suffrage ultimately eliminated this distinction.

Customs and practises of the towns were put into legal form from time to time by the general courts of the colonies. For example, a Massachusetts law of 1692 provided that town meetings be held annually in the month of March, that warrants be issued by the selectmen, and that meetings be warned by constables or such others as the selectmen might appoint. The election of local officers was to be by a majority of the qualified inhabitants assembled, and the officers to be chosen were fully enumerated. Another Massachusetts law enacted in 1715 required the selection of moderators for town meetings, with power to impose fines for speaking without permission; it authorized ten or more freeholders to compel the insertion of articles in the warrant and made it illegal to vote on or determine any matter not inserted in the warrant.

The earlier ideals and traditions, which saw in the town a "pure democracy" capable of providing a high state of public welfare for its inhabitants, are becoming more and more endangered by the unwillingness of such democracies to modify the machinery of government in response to the requirements of a changed society. The town meeting is growing increasingly more unwieldy and ineffective as a policy making body. The administrative organization, which functioned smoothly and adequately in the simple, rural era, fails to give the skilled supervision and management essential for success in a socialized and industrialized society. There is scarcely a town in New England with over 5000 inhabitants which has not during the past two or three decades debated the question of reform or abolition of the town meeting.

Modifications of the simple town meeting system in New England fall mainly under three headings. An advisory finance committee was the first device created to remedy the increasing weakness of the town meeting in administering financial matters. Practically all towns in New England with a population of over 5000 have created such committees; in Massachusetts state law requires the provision of advisory committees for every town with a valuation for state tax purposes of more than $1,000,000. A rather extensive investigation indicates that the influence of the committees is steadily increasing and is becoming a decisive constructive factor in town affairs.

The second reform was the limited town meeting, which was inaugurated in Brookline, Massachusetts, in 1915. Under this system the town is divided into districts, each of which elects by popular vote "town meeting members," usually between 30 and 40 in number; the town meeting members from the several districts, together with certain designated officials, comprise the town meeting. Usually the ex officio members of the town meeting include the selectmen and the heads of the several departments and bureaus. Thus constituted the town meeting exercises practically all the powers which had been vested in the unlimited town meeting. Any voter may speak at any meeting, but the right to vote is reserved to the duly qualified members. The limited town meeting is thus no longer a popular assembly but rather a large representative town council.

The third type of modification has resulted from the growing opinion that the town meeting can survive only where adequate administrative machinery is created. Among the several administrative reforms now being experimented with the most noteworthy is the town manager plan, which is operating in at least sixteen New England towns. Under this system the manager is chosen by the selectmen, themselves chosen by the open town meeting, and holds office at their pleasure. The plan thus represents an adaptation of the commission manager system to the town meeting system.

ORREN C. HORMELL

See: GOVERNMENT; DEMOCRACY; LEGISLATIVE ASSEMBLIES; REPRESENTATION; VILLAGE COMMUNITY; INITIATIVE AND REFERENDUM.

Consult: FOR PRIMITIVE ASSEMBLIES: Lowie, R. H., *Primitive Society* (New York 1920) ch. xiii; Matthai, John, *Village Government in British India* (London 1915) p. 18–22. FOR GREECE AND ROME: Fowler, W. W., *The City-State of the Greeks and Romans* (London 1893) chs. iii, v, vi; Glotz, Gustave, *La cité grecque* (Paris 1928), tr. by N. Mallinson as *The Greek City and Its Institutions*, History of Civilization series (London 1929), especially ch. iii, with extensive bibliography; Zimmern, Alfred E., *Greek Commonwealth* (5th rev. ed. Oxford 1931), especially ch. vi; Botsford, George W., *The Roman Assemblies* (New York 1909); Homo, Léon P., *Les institutions politiques romaines de la cité à l'état* (Paris 1927), tr. by M. R. Dobie (London 1929), with extensive bibliography; Bloch, G., *La république romaine* (Paris 1913) p. 96–109, 120–34. FOR SWITZERLAND: Brooks, Robert C., *Government and Politics of Switzerland* (Yonkers, N. Y. 1918) ch. xvii, and *Civic Training in Switzerland* (Chicago 1930) p. 118–31, 341–45; Ryffel, H., *Die schweizerischen Landesgemeinden* (Zurich 1903); Bonjour, Félix, *La démocratie suisse* (Lausanne 1919), tr. by C. L. Leese as *Real Democracy in Operation* (London 1920) chs. iii and ix. FOR UNITED STATES: Sly, John F., *Town Government in Massachusetts 1620–1930* (Cam-

bridge, Mass. 1930); Fairlie, J. A., and Kneier, C. M., *County Government and Administration* (New York 1930), especially chs. i, xi; Howard, George E., *An Introduction to the Local Constitutional History of the United States*, Johns Hopkins University, Studies in Historical and Political Science, extra vol. iv (Baltimore 1889) ch. ii; Adams, Charles Francis, Goodell, Abner C., Jr., Chamberlain, Mellen, and Channing, Edward, *The Genesis of the Massachusetts Town* (Cambridge, Mass. 1892) p. 73–94; Andrews, Charles M., "The Theory of the Village Community" in American Historical Association, *Papers*, vol. v (1891) 47–61, and *The River Towns of Connecticut*, Johns Hopkins University, Studies in Historical and Political Science, 7th ser., vol. vii (Baltimore 1889) p. 112–14. FOR OTHER COUNTRIES: Webb, S. and B., *English Local Government*, 9 vols. (London 1906–29), especially vols. i and iv, and vol. ii, p. 128–34; Pierson, W. W., Jr., "Some Reflections on the Cabildo as an Institution" in *Hispanic-American Historical Review*, vol. v (1922) 573–96.

POPULAR SOVEREIGNTY. The move for independence on the part of the American colonies transformed each colony into a state and evoked a central authority to replace that of the British crown. The process, having a republican character, invited an antimonarchical, anti-authoritarian philosophy. This philosophy was supplied chiefly by Thomas Jefferson, who was more deeply versed than any of his contemporaries in the democratic and libertarian ideology of eighteenth century Europe (*see* SOVEREIGNTY). The doctrine became official that the will of the people is the only true source of governmental power.

The will of the people, however, was an ambiguous concept under the system of federalism set up in the United States. In each of the states there was a people by whom or in whose behalf a constitution was made and laws were enacted. These states were joined in a union federal in character, and the problem of control of the distribution of powers as between the central authority and the several states gave rise to the question whether a unitary people of the United States existed. John C. Calhoun, when indicating nullification of the tariff by South Carolina in 1832, attributed sovereignty to the peoples of the several states but denied it to the union, while Daniel Webster affirmed sweepingly that the American republic was unitary in origin and that its people was properly sovereign without hindrance from the states. This dispute was tempered but not settled by compromise upon the tariff.

The United States, whether plural or singular in historic and current concept, had meanwhile acquired a domain lying outside the several states. Into sundry parts of this domain migrants went from the states, with or without the prior sanction of law. In the region north of the Ohio River the Ordinance of 1787 prohibited Negro slavery; but south of this boundary there was no such prohibition and slaveholding became legal and customary. The more serious implications of this situation were not fully realized until the course of politics produced a contest for power between the north and the south, turning attention to the question of the future alignment of these "territories," once they had been admitted to statehood, on the increasingly crucial question of slavery. A crisis upon this question was adjusted in 1820 by the Missouri Compromise, which excluded slavery from the remaining area north of 36° 30′; another was precipitated in 1846 by the Wilmot Proviso, which proposed an exclusion of slavery from the region in process of acquisition from Mexico. The Democratic and Whig parties were thrown into confusion, and the union itself was imperiled. As a way out Lewis Cass asserted in 1847 that in each territory, as in a state, the will of the community was properly paramount and that Congress ought to sanction the local decision in due time by admitting the territory to statehood with or without Negro slavery as its constitution might specify. Stephen A. Douglas was a prominent recruit to this doctrine. In California no territorial organization was awaited. Delegates of the people, upon presidential suggestion but without an enabling act from Congress, framed a constitution prohibiting slavery and applied for admission to statehood. In the Compromise of 1850 California was admitted with its constitution, and the remainder of the Mexican acquisition was organized as the territories of New Mexico and Utah, with the specification, phrased by Douglas, that when admitted as states these territories should be received into the union with or without slavery as their constitutions might prescribe at the time of admission. With these remote and arid regions there was little further concern.

The culmination of popular sovereignty as a doctrine and an issue came during and after 1854, centering about the problem of Kansas and Nebraska, portions of the zone in which slavery had been prohibited by the Missouri Compromise. As chairman of the Senate Committee on Territories Douglas, a warm advocate of expansion and particularly anxious to promote a railroad to the Pacific in the latitude of Chicago, had endeavored for some years to procure

legislation opening the Nebraska region to settlement. But New Englanders in Congress were unfriendly to the westward movement in general, and the southerners, desiring an equipoise between the sections, would not facilitate migration into districts dedicated to the northern regime. As a device to break this obstructive alliance Douglas refurbished the Cass doctrine. The legislation of 1850, he caused his committee to say, had established a great principle valuable for all time. The perils of agitation would best be avoided by withdrawing the question of slavery from the halls of Congress and the political arena and committing it to the arbitrament of those immediately interested and alone responsible for its consequences. Douglas' bill to organize Nebraska and Kansas with a slavery clause copied from the legislation of 1850 was amended upon southern initiative to cancel the prohibition of 1820. It was then enacted despite vehement opposition by many northerners and milder disapproval by some southerners.

Douglas truly said, as Webster had held in 1850, that the question was wholly hypothetical, since geographical conditions would exclude slavery from all the regions concerned. The soundness of this observation was more than offset, however, by his egregious error in thinking that the matter was of more interest to the people of the respective territories than to the public of the United States. The vigorous rise of the New England Emigrant Aid Company and of the Republican party soon exposed this fallacy. Grave disorders in Kansas led to repercussions at Washington and the position of Douglas was attacked from both sides. In trying to clear up ambiguities he chose horns in successive dilemmas of detail without finding surcease. He sought, for example, to dissociate himself from the "squatter sovereignty" epithet, which he applied to the assumption of power by settlers in a region before its organization as a territory. In reply Judah P. Benjamin praised such activity by pioneers and argued that when Congress, as the trustee of all the states, assumed control by erecting a territorial administration, the occasion for spontaneous action was not enlarged but diminished.

The principal attacks came from Abraham Lincoln on the stump in Illinois and Jefferson Davis on the floor of the Senate. In 1860 the Republican party denied that slavery could be constitutional in any territory, and the Democratic party was split between those who supported the doctrine and the presidential candidacy of Douglas and those who denied that either Congress or a local legislature could constitutionally exclude slavery from any territory. The Civil War ended not only the Douglas phase of the dispute over popular sovereignty but the Calhoun phase also.

In recent decades popular sovereignty has in the main become, as in Webster's thought, a basis of sanction for whatever the nation may wish to do or whatever a politician may wish to persuade the people to approve. The doctrine, composed of the stuff of democracy, is an opportunist's mask with adjustable features.

ULRICH B. PHILLIPS

See: STATES' RIGHTS; SLAVERY; SOVEREIGNTY; DEMOCRACY; MAJORITY RULE.

Consult: Johnson, Allen, "The Genesis of Popular Sovereignty" in *Iowa Journal of History and Politics*, vol. iii (1905) 3–19, and *Stephen A. Douglas, a Study of American Politics* (New York 1908); Beveridge, A. J., *Abraham Lincoln, 1809–1858*, 2 vols. (Boston 1928); Ray, P. O., *The Repeal of the Missouri Compromise* (Cleveland 1909); Auchampaugh, P. G., *James Buchanan and His Cabinet on the Eve of Secession* (p.p. Lancaster 1926); Dumond, D. L., *The Secession Movement, 1860–1861* (New York 1931).

POPULATION

HISTORY AND STATISTICS. If by knowing the population of a country it is meant that the reported population can safely be said neither to exceed nor to lag behind the actual number of inhabitants by more than 10 percent, it might be said that the present population is known for all countries of Europe, North America and Oceania, for many countries of South and Central America and for some countries of Asia and of Africa. The countries for which, by this standard, the population is not known comprise at present probably one third or one fourth of the world's population. In 1900 the *terra incognita* was not much larger, but it comprised at least 80 percent a century ago. Notwithstanding the inadequacy of the statistical data several notable attempts have been made to estimate for the last two or three centuries the trend of the world's population. Table 1 presents the most recent of such attempts, made by Walter F. Willcox. An examination of the methods by which these figures were arrived at would suggest that, with the exception of the figures of Europe for 1800, 1850 and 1900, of North America for 1850 and 1900 and of Oceania for 1900, the estimates do not comply with the standard given above.

This conclusion is illustrated by an analysis of the European figures for 1750 and 1650

TABLE I

ESTIMATED POPULATION OF THE EARTH BY CONTINENTS, 1650–1900*
(In 1,000,000)

	1650	1750	1800	1850	1900
Europe	100	140	187	266	401
Asia	250	406	522	671	859
Africa	100	100	100	100	141
North America	7	6.3	15.4	39	106
South America	6	6.1	9.2	20	38
Oceania	2	2	2	2	6
Total	465	660	836	1098	1551

* The figures for Europe 1650, 1800, 1850 and 1900, Asia 1900, Africa 1650, North and South America 1850 and Oceania 1800 were taken (a few with slight modifications) by Willcox from other authorities. The figures for Asia 1650, 1750 and 1850, North America 1650, 1750 and 1800 and South America 1650 were arrived at by estimates made by Willcox of the various sections of those continents. The figures for Africa and Oceania were considered identical in 1650, 1750, 1800 and 1850. The figures for Europe 1750 and Asia 1800 were computed by Willcox by extrapolation or interpolation. The figures for South America 1750 and 1800 were arrived at by estimating the percentage relation of its population to that of North America.
Source: National Bureau of Economic Research, *International Migrations*, ed. by W. F. Willcox, 2 vols. (New York 1929–31) vol. ii, p. 78.

and those of Asia for 1650, 1750 and 1850. The 1750 European estimate is by Willcox on the assumption that: "The rate of increase in Europe, 1750–1800, may be supposed to have been to the rate 1800–1850 as the latter was to the rate 1850–1900. This assumption points to an increase of 35 percent in the population of Europe, 1750 to 1800, and so a population in 1750 of about 140 million." His argument in estimating the population for 1650 is as follows: Riccioli in 1661 and King in 1696 both estimated the population of Europe for the time in which they were writing at 100,000,000; the fact that their figures agree for Europe and Africa tends slightly to confirm their results; Beloch in 1900 gave 100,000,000 for 1600; "because of the great losses of life between 1600 and 1650 . . . the population of Europe was not much greater in 1661 than in 1600 and therefore the difference in date between the estimates of Beloch and of Riccioli is unimportant." But the differences in Riccioli's and King's estimates for individual countries are so enormous—for example, for France Riccioli's is 19,000,000 to 20,000,000 and King's 14,000,000; for Great Britain and Ireland Riccioli's is 4,000,000 and King's 7,000,000—that the identity of the totals should be considered rather as a coincidence. Similar conclusions should perhaps be drawn concerning the identity of Beloch's and Riccioli's estimates; for Germany, for example, Beloch gives 20,000,000 before the Thirty Years' War (1618–48) and Riccioli gives the same number after that war.

The population of Asia (in millions) for 1650 to 1850 is given by Willcox (p. 53–74) as follows:

	1650	1750	1800	1850
China	70	158		342
Japan	23	31.8		32.5
India	100	144		205
Other Asiatic countries	57	72		91
Total	250	406	522	671

The figure for China in 1650 takes into consideration nine estimates of the population of China in the seventeenth century varying between 21,000,000 and 200,000,000; the two extreme estimates are discarded and "the average of the other seven, about 70 million, may be adopted as the best approximation to the population of China in 1650." By taking the estimate of E. H. Parker (1899) that the average Chinese household was 6 persons in 1712 and his own of 5 persons in 1910, by assuming that between 1850 and 1930 the population of China was stationary and by distributing the increase between 1712 and 1910 over the years between 1712 and 1850 at a uniform annual rate, Willcox arrives at 158,000,000 for 1750 and at 342,000,000 for 1850. For Japan Willcox uses mainly evidence offered by Droppers and Yanagisawa. For India in 1650 he uses recent estimates of the population at the beginning of the seventeenth century based "upon evidence drawn mainly from the reported size of armies and the extent and character of agriculture"; although these estimates of 100,000,000 have been challenged as too high for the year 1600, for "half a century later they are not excessive." The first census, taken in 1871, showed a population of 239,000,000. "Assuming that the rate of its increase 1851–71 was equal to the average of the rates of increase 1871–91 and 1881–1901," the population in 1850 was 205,000,000. And "assuming a uniform rate of increase" between 1650 and 1850 "the population in A.D. 1750 was about 144,000,000." Therefore "if the three countries included in 1650 as they do now about three-fourths (76 per cent) of the population of Asia, then in the middle of the seventeenth century it supported about 250 million people." For 1850 Willcox estimates, by revising Dieterici, 91,000,000 for the rest of Asia. "If the rest of Asia included in 1650 about 57 million and in 1850 . . . about 91 million then in 1750 it had probably about 72 million. . . . If the population of Asia in 1750 was about 406 million and in 1850 about 671 million, in 1800 it was probably not far from 522 million, the mean of the other two."

In commenting on his table of the earth's population Willcox (vol. ii, p. 80) says: ". . . if the foregoing results are accepted, the century before 1750 was characterized by a growth in the relative size of Asia's population at the expense of every other continent. In that century the population of the Americas dwindled, that of Africa and Oceania was stationary, and while the population of Europe increased, it did so at a rate not much more than half that of Asia. Since 1750, on the contrary, Europe's rate of growth has been more than twice that of Asia."

Willcox' estimates are based on the best available evidence and some of his results may never be disproved. It is possible that the population of Europe and of America has developed since 1650 as he has indicated, that the population of Africa amounted to 100,000,000 in 1650 and did not essentially change before 1850, that Oceania had 2,000,000 inhabitants in 1650 and that the influx of Europeans after 1770 was counterbalanced by an extermination of natives up to 1850. It is possible that since 1750 Europe's rate of growth has been more than twice that of Asia. It is finally possible that Asia (excluding China) increased its numbers from 1650 to 1850 by 83 percent. But it seems absolutely impossible that China's population in that period should have quintupled; that is to say, should have increased about as fast as the Caucasian race in the last two hundred years. The population of China is still unknown. In 1928 Willcox estimated its population for 1910 at 294,000,000 but raised this estimate two years later to 342,000,000 and assumed that the population remained stationary at 342,000,000 from 1850 to 1930; the International Institute of Statistics, however, which in 1925 had estimated the population for 1910 at 321,000,000 and in 1922 the population for 1920 at 428,000,000, estimated in 1929 the population for 1920 at 433,000,000 and for 1928 at 462,000,000 and in 1931 the population for 1920 at 414,000,000 and for 1929 and 1930 at 445,000,000. Willcox' opinion that the population of China has not increased since 1910 is so plausible that the increase estimates of the International Institute of Statistics should be discarded as absolutely erroneous. But the estimate of 445,000,000 for 1929 by Warren H. Chen, accepted by that institute, is practically identical with the estimates of 440,000,000 to 458,000,000 published in 1927–29 by the International Institute of Agriculture (*International Yearbook of Agricultural Statistics* for 1928–29, 1929–30 and 1930–31, Rome 1929–31, p. 8), the League of Nations and the French Bureau of Longitudes (*Annuaire 1927*, Paris 1927, p. 492), while O. L. Hübner's tables (*Hübners geographisch-statistische Tabellen aller Länder der Erde*, vol. lxvi, 1920, p. 7, and vol. lxxi, 1932, p. 164), which in 1920 gave the 1911 population at 330,000,000, in 1932 set the 1926 population at 487,000,000. It therefore must be accepted as possible that China's population may actually exceed these 342,000,000 by a third or more, while it is also possible that it may be even smaller than 342,000,000.

In view of this uncertainty even for modern times the estimates for earlier dates must be considered with particular skepticism. Willcox himself, who in his foregoing estimate of the earth's population entered for all China 70,000,000 in 1650, 158,000,000 in 1750 and 342,000,000 in 1850, gave for China proper at the same dates, in a paper read in 1930 before the International Institute of Statistics in Tokyo, 70,000,000, 181,000,000 and 323,000,000 (the latter figure corresponding to the 342,000,000 for all China). This would mean an increase of 78 percent from 1750 to 1850 instead of 116 percent. On the other hand, the increase of 126 percent from 1650 to 1750 would be raised to 159 percent. This would mean an average annual increase of nearly one percent for a century, and such an increase in a densely settled country would presuppose an agricultural or industrial revolution such as has not been reported from China. As to the assumption that, because of the many natural and political calamities from which the country suffered, the population did not increase between 1850 and 1910, it seems unlikely that after 1850 those factors should have entirely stopped the increase which apparently was so large before 1850.

If 181,000,000 is accepted for China proper in 1750 and 323,000,000 for China proper in 1910—and the corresponding figure of 342,000,000 for all China in 1910—it could be deduced that the population of all China was probably not less than 120,000,000 in 1650, about 192,000,000 in 1750 and not more than 300,000,000 in 1850. The totals for Asia would then read: for 1650 at least 318,000,000; for 1750 about 451,000,000; for 1800 about 533,000,000; and for 1850 at most 629,000,000. If these figures are accepted the rate of increase from 1650 to 1750 would have been about the same for Asia as for Europe.

The present status of knowledge of the actual population trends may be summarized as fol-

TABLE II

POPULATION OF SOME EUROPEAN COUNTRIES IN THE EIGHTEENTH CENTURY

Country	Before 1755		About 1770		About 1800		Annual Increase per 1000	
	Date	Population (in 1000)	Date	Population (in 1000)	Date	Population (in 1000)	Period	Increase
England	1701	6,122	1771	7,153	Mar. 10, 1801	9,156	1701–1801	4.0
Denmark			Aug. 15, 1769	849	Feb. 1, 1801	982	1769–1801	4.6
Norway	June 30, 1735	607	Dec. 31, 1770	736	Dec. 31, 1800	883	1735–1800	5.7
Sweden	Dec. 31, 1700	1,485	Dec. 31, 1770	2,043	Dec. 31, 1800	2,347	1700–1800	4.6
Finland	Dec. 31, 1750	422	Dec. 31, 1770	561	Dec. 31, 1800	833	1750–1800	13.7
Russia	1718–1724	14,000	1761–1767	19,000	1794–1796	29,000	1724–1796	10.2
Austria	1754	6,135	1784	7,937	1800	8,511	1754–1800	7.1
Prussia	Dec. 31, 1748	3,480	Dec. 31, 1770	4,189	Dec. 31, 1793	5,844	1748–1793	8.7*
France	1701	21,136	1770	24,000	1801	26,900	1701–1801	2.4
Spain			1769	9,160	1797	10,541	1769–1797	5.0
Italy			1770	16,477	1800	18,124	1770–1800	3.2

* This rate of increase takes account of the annexation of western Prussia and of the Netze district in 1772.

Source: For England: Great Britain, *Census of England and Wales for the Year 1861*, vol. iii (1863) p. 22, 85. For Denmark: 1769 figure from Institut International de Statistique, Office Permanent, *Annuaire international de statistique*, vol. i (1916) 7–8; 1801 figure from Sweden, Statistiska Centralbyrån, *Aperçus statistiques internationaux*, vol. xi, ed. by G. Sundbärg (Stockholm 1908) p. 34. For Norway: Norway, Statistiske Centralbyrå, *Statistisk Årbok, 1929* (Oslo 1929) p. 4. For Sweden: Sundbärg, G., *Bevolkerungsstatistik Schwedens, 1750–1900* (Stockholm 1907) p. 3, 75. For Finland: Finland, Tillastollissen Päätoimiston, *Annuaire statistique de Finland, 1931* (Helsingfors 1931) p. 8. For Russia: Nowosselsky, S., "Organisation und Hauptergebnisse der amtlichen Bevölkerungs- und Medizinalstatistik in Russland" in *Archiv fur soziale Hygiene und Demographie*, vol. x (1915) 1–76. For Austria: *Annuaire international de statistique*, vol. i (1916) 6. For Prussia: Behre, Otto, "Über den Anteil germanischer Völker an der Entwicklung der Statistik" in *Allgemeines statistisches Archiv*, vol. vii (1907–14) 50–89. For France: Levasseur, P. É., *La population française*, 3 vols. (Paris 1889–92) vol. i, p. 286–88, 299–300, 315. For Spain: *Annuaire international de statistique*, vol. i (1916) 8. For Italy: Gini, Corrado, "La dinamica delle popolazioni" in *Demografia*, ed. by Corrado Gini, Trattato Italiano d'Igiene, Monografia no. 18a (Turin 1930) p. 545–735.

lows: Practically nothing is known of the trend of the total population of Europe prior to the eighteenth century; there is no reason to assume that the population in 1700 was any larger than in 1600 or that the population in 1600 was much larger than in 1300. Although there is no doubt that the total population of Europe increased in the course of the eighteenth century, the size of the increase is not known. It amounted apparently to about 25 percent in France, to about 50 percent in England and Wales and to about 60 percent in Sweden (see Table II). It was probably much larger in Russia, where the population of the territory constituting the empire of Peter the Great is reported to have doubled between 1724 and 1796. From 1770 to 1800 the combined population of England, Denmark, Norway, Sweden, Finland, France, Spain and Italy rose from 61,000,000 to 69,800,000, or by one seventh. In the original territory of Russia the population increased simultaneously from about 20,000,000 to about 30,000,000, or by about one half. If it is assumed that for three fourths of the population of Europe the increase from 1770 to 1800 was one seventh and for one fourth it was 50 percent, and if it is assumed that the total population of Europe was 185,750,000 in 1800, the population in 1770 would have aggregated 152,500,000 and the yearly increase for 1770–1800 amounted to about $\frac{2}{3}$ percent.

TABLE III

POPULATION OF EUROPE IN THE NINETEENTH CENTURY

Year	Population (in 1000)	Annual Increase per 1000
1800	187,693	
		5.6
1810	198,388	
		7.0
1820	212,768	
		9.5
1830	233,962	
		7.0
1840	250,972	
		5.9
1850	266,228	
		6.1
1860	282,893	
		7.7
1870	305,399	
		8.3
1880	331,745	
		9.0
1890	362,902	
		9.9
1900	400,577	

Source: Sweden, Statistiska Centralbyrån, *Aperçus statistiques internationaux*, vol. xi, ed. by G. Sundbärg (Stockholm 1908) p. 34–35.

The marked upward trend in the total population of Europe continued all through the nineteenth century and up to the World War (see Table III). The increase was smallest during the

TABLE IV

POPULATION OF EUROPEAN COUNTRIES, 1800–1930

COUNTRY	POPULATION (IN 1000)						ANNUAL INCREASE PER 1000		
	DEC. 31 1800	DEC. 31 1900	JUNE 30 1914	JUNE 30 1919	DEC. 31 1920	DEC. 31 1930	1800–1914	1914–20	1920–30
Great Britain and Ireland	15,983	41,507	46,197	46,726	47,129	49,075	9.4	3.1	4.1
England and Wales	9,006	32,435	36,967	37,404	37,747	39,897	12.5	3.2	5.6
Scotland	1,640	4,460	4,747	4,820	4,873	4,843	9.4	4.0	—0.6
Islands in British seas	80	150	149	150	151	142			
Northern Ireland	5,257	4,462	1,242	1,250	1,258	1,247	—1.7	0.8	—3.9
Irish Free State			3,092	3,102	3,100	2,946			
Denmark: pre-war	981	2,540	2,973	3,154	3,217		9.8	12.2	
present					3,381	3,692			8.8
Norway	883	2,243	2,472	2,603	2,653	2,815	9.1	10.9	5.9
Sweden	2,347	5,136	5,659	5,830	5,904	6,142	7.8	6.5	3.9
Finland	1,050	2,625	3,030	3,081	3,105	3,381	9.4	3.8	8.6
Russia: pre-war	36,000	99,700	124,200				11.0		
present			118,770		109,260	127,466		—12.9	15.5
Estonia				1,064	1,077	1,117			3.7
Latvia					1,728	1,910			10.1
Lithuania				2,114	2,105	2,367			11.8
Poland: pre-war	3,000	10,000	12,750				12.8		
present				26,473	26,829	31,692			16.8
Danzig Free State					352	415			
Austria: pre-war	13,300	26,151	29,300				7.0		
present		6,003	6,805	6,420	6,475	6,722		—7.7	3.8
Hungary: pre-war	10,000	19,255	21,498				6.8		
present			7,920	7,870	7,980	8,684		1.2	8.5
Czechoslovakia		12,686	13,858	13,460	13,597	14,735		—2.9	8.1
Liechtenstein	6	9	11	11	11	12			
Switzerland	1,750	3,318	3,897	3,869	3,882	4,077	7.1	—0.6	4.9
Germany, including the Saar:									
pre-war	23,000	56,430	67,790				9.6		
present			61,030	59,500	61,000	65,287		—0.1	6.8
Holland	2,150	5,179	6,251	6,752	6,865	7,920	9.4	14.5	14.4
Luxemburg	160	237	262	262	261	300			
Belgium: pre-war	3,000	6,694	7,662	7,320	7,406		8.3		
present			7,724	7,380	7,466	8,092		—5.2	8.1
France: pre-war	26,900	38,935	39,800	37,000	37,450		3.5		
present	28,150	40,650	41,700	38,700	39,160	41,800		—9.7	6.5
Portugal	3,100	5,427	6,058	6,025	6,038	6,659	5.9	—0.5	9.8
Spain	12,000	18,618	20,444	21,169	21,390	22,940	4.7	7.0	7.0
Gibraltar	20	27	24	21	22	25			
Italy: pre-war	18,124	32,475	35,859	36,070	36,662		6.0	3.2	
present					38,168	41,100			7.4
Andorra, Monaco, San Marino	15	33	39	34	37	43			
Maltese Islands	90	208	229	226	225	240			
Albania					900	1,020			
Greece: before 1912	1,000	2,525	2,724	2,722			8.9		
present					5,017	6,394			24.5
Turkey: before 1912	4,400	6,490	6,500						
present					1,000	1,100			
Bulgaria: before 1912	2,200	3,744	4,539				6.4		
present			4,563	4,776	4,847	5,944		9.3	20.6
Bosnia and Herzegovina	700	1,737	1,990	1,917	1,889		9.2	—8.0	
Montenegro: before 1912	100	230	250		199				
Serbia: before 1912	900	2,494	3,000		2,653		10.7	—19.1	
Jugoslavia				11,707	11,970	13,879			14.9
Rumania: before 1912	2,600	6,045	7,420	7,177	7,500		9.3	1.7	
present					15,533	18,057			15.2

Source: For 1800 and 1900: Sweden, Statistiska Centralbyrån, *Aperçus statistiques internationaux*, vol. xi, ed. by G. Sundbärg (Stockholm 1908) p. 34–35, but some figures revised. For 1914, 1919 and 1920: estimates or figures taken from official sources of the individual countries. For 1930: League of Nations, *Statistical Year-book 1931–32* (Geneva 1932) p. 22–23, but some figures revised.

Napoleonic wars and during the decade around 1850; it was largest during the decade following the Napoleonic wars and during the last three decades before the World War. The yearly rate of increase averaged ¾ percent for the entire nineteenth century and amply 1 percent for 1900 to 1914. The increase was largest in England and Wales and in Poland, where the population grew from 1801 to 1914 by a yearly average of about 1¼ percent (see Table IV). It was smallest in France, where the average yearly increase was only about ⅓ percent. In Ireland the population increased from 1801 to 1841 by about 1 percent per year, but decreased from 1841 to 1914 by about ⅞ percent.

During the World War the population decreased in most of the belligerent countries and also for Europe as a whole. While the total population numbered about 462,828,000 on June 30, 1914, it was only about 455,367,000 on December 31, 1920. There had moreover been an increase in the latter part of this period, which, although it cannot be accurately ascertained, may safely be assumed to have been considerable; in a territory comprising about 322,472,000 inhabitants on June 30, 1919, the population amounted to about 327,367,000 on December 31, 1920. The decrease for all of Europe in the five years from June 30, 1914, to June 30, 1919, may indeed be estimated at about 12,000,000. From 1920 to 1930 the population of Europe increased again by about 1 percent per year; that is to say, at almost the same rate as from 1900 to 1914. From 1770 to 1930 the population of Europe increased by about ¾ percent per year.

TABLE V

POPULATION OF EUROPE AND THE UNITED STATES, 1800–1930

	EUROPE	UNITED STATES
	POPULATION (in 1000)	
Dec. 31, 1800	185,759	6,000
Dec. 31, 1900	400,012	76,938
June 30, 1914	462,828	97,928
Dec. 31, 1920	455,367	107,375
Dec. 31, 1930	505,100	123,630
	ANNUAL INCREASE PER 1000	
1801–1900	7.7	25.8
1901–1914	10.9	18.0
1801–1914	8.1	24.9
1914–1920	—2.5	14.3
1921–1930	10.4	14.2
1901–1930	7.8	15.9

Source: For Europe see Table III. For United States the 1800 figure is an estimate; the figures for 1900–30 are from United States, Bureau of Foreign and Domestic Commerce, *Statistical Abstract of the United States 1932* (1932) p. 3.

The population of the United States increased in the course of the nineteenth century by about 2.6 percent per year and from 1900 to 1930 by about 1.6 percent (see Table V). While the annual population increase of Europe from 1900 to 1930 was the same as in the nineteenth century, the population increase of the United States dropped considerably during this period. But from 1900 to 1930 it was still about twice as strong as in Europe.

Although the available information on the population trend in the rest of the earth is rather scanty, it is safe to say that the population increase from 1900 to 1930 was smaller in Asia than in Europe but much larger in America and Oceania (see Table VI). The population of the earth seems to have increased in that thirty-year period by about ⅔ percent per year.

TABLE VI

POPULATION OF THE CONTINENTS AND THE EARTH, 1900 AND 1930

CONTINENT	POPULATION (IN 1,000,000)		ANNUAL INCREASE PER 1000 FOR 1900–30
	1900	1930	
Europe	400	505.1	7.8
Asia	859	992.5	4.8
Africa	141	142.4	0.3
North America	106	168.75	15.6
South America	38	82.75	26.3
Oceania	6	9.88	16.8
Total	1550	1901.38	6.8

Source: For Europe see Table V. For other continents 1900, see Table I; 1930 see League of Nations, *Statistical Year-book, 1931–32* (Geneva 1932) p. 18–23. The 1930 figure for China used in this table is 342,000,000 instead of 452,791,000.

The white, or Caucasian, population of the earth increased in the period from 1800 to 1930 by about 1 percent per year; namely, from nearly 200,000,000 to nearly 700,000,000. This rate of increase can perhaps best be appreciated when it is pointed out that if the same rate had persisted since Caesar's death, one couple living at that date would by 1933 have had 700,000,000 descendants. Prior to the nineteenth century therefore there cannot have been a definite population trend. Periods having an excess of births must have alternated with periods having an excess of deaths. What took place as a rule was that in "normal" years births exceeded deaths, while in periods of famines, and especially epidemics, deaths exceeded births. Similar conditions still prevail; for example, in Africa and in China. But in Europe births exceeded deaths in every year from 1801 to 1915 and again since 1918.

This striking change in the population trend of Europe, and in general of countries predominantly inhabited by the Caucasian race, is due to a decrease of mortality and cannot be attributed to an increase of natality. (Natality certainly was not constant; the available statistics indicate ups and downs all through the period from 1750 to 1885, but no marked trend in either direction.) The reduction in mortality was due largely to progress in medicine and hygiene, without which the population of Europe would possibly have remained stationary in the nineteenth century as it did in many former centuries. But it was not such progress alone that made possible the excess of births over deaths. It reduced mortality from certain causes; but famines, economic wars or birth control would have largely prevented the ensuing population increase if there had not been an accompanying economic and technical revolution which enormously enlarged the available means of subsistence for those living in Europe and at the same time made possible the emigration of scores of millions of Europeans overseas.

This population increase, however, was not confined to the white population. Thus among others the Japanese, the Malays and, in the United States, the Negroes have for a more or less long period considerably increased their numbers. Therefore it cannot be surprising that the suspicion is often held that the strong population increase has gone beyond the optimum point and that it may be a contributing factor in the social and economic maladjustments of modern times. The test generally used for measuring the optimum population is the average standard of living; if this constantly decreases, the optimum population is apparently exceeded. It is impossible, however, in many cases to foresee the final trend of the standard of living. Germany, with 45,000,000 inhabitants at the beginning of the 1880's, had apparently passed the optimum point, as the standard of living was constantly decreasing and each year hundreds of thousands of its inhabitants emigrated. But thirty years later it counted 20,000,000 inhabitants more, and in spite of an annual excess of 800,000 births immigration exceeded emigration and the standard of living had enormously improved. Other tests would likewise in many cases point to overpopulation, when in fact the optimum population has not yet been reached. Thus a heavy percentage of unemployment may as often be a proof of underpopulation as of overpopulation.

Even if the optimum population has not yet been reached on our planet, there remains the fact that if humanity were to increase for 250 years more at the same rate as it apparently increased from 1900 to 1930 and would then reach 10,000,000,000, it would not only have exceeded the optimum population but would have reached about the maximum population that the earth is able to sustain, even allowing for all conceivable advances in science and technique and assuming that all human efforts be directed to the maintenance of a maximum number of people. It is most unlikely, however, that the earth's population will continue much longer to increase at such a rate. The increase of $\frac{2}{3}$ percent came about apparently through an increase of 1 percent for the whites and an increase of $\frac{1}{2}$ percent for the other races combined. It is of course possible that those other races may increase in the future at a faster rate than heretofore. Those who are afraid of the "yellow peril" point particularly to the possibility that the Chinese population, which probably has not increased at all in the course of the last generation, may, once it abolishes civil war and infanticide, double in forty or fifty years. But it is just as possible that the Japanese may adopt birth control on a large scale and that the Chinese, by following that example, may check their possible population increase. As matters stand any prediction of the future population trend of the colored races would be a mere guess.

As to the white population, the present increase in numbers is no indication of its future growth, as it has undergone a considerable decrease of natality in the course of the last fifty years. In 1931 in northern and western Europe, for instance, with a population of 193,000,000, births exceeded deaths by about 800,000. This excess, however, is not due to present fertility and mortality, but rather to the fact that in the present population the proportion of women of childbearing age is particularly large (because of the large number of births around 1900) and the proportion of young children and old persons particularly small. The present age constitution of that population therefore tends to swell the number of births and to lower the number of deaths. But the present age constitution has been shaped by fertility and mortality trends of the last hundred years.

Twenty years from now the number of potential mothers will be largely determined by the small number of girls born during the last decade, and the number of old people will be largely

determined by the high number of persons who are now between twenty and fifty years of age. With present fertility and mortality the population of western and northern Europe may still increase for some time to come. But the increase will become smaller and smaller, and deaths will exceed births long before the age constitution of the population will correspond to present fertility and mortality. Once the latter stage is reached, that is, roughly speaking, when there will be fewer women of childbearing age, because mothers now have few children, and when there will be many old people, because mortality under sixty years has been so much reduced, the population will decrease by perhaps $\frac{1}{3}$ percent per year.

Conditions are not the same, however, for every white nation. Among countries predominantly inhabited by whites for which adequate data are available three groups may be distinguished: first, European Russia (about 135,000,000 inhabitants in 1933), having a net reproduction which is enormous and probably as rapid as it ever was, since mortality has decreased at least as much as fertility; second, southern Europe (Portugal, Spain, Italy, the Balkan states), central eastern Europe (Czechoslovakia, Hungary, Poland, Lithuania), Canada and Australia (a total of about 200,000,000 inhabitants), each of these countries having a net reproduction less than half as rapid as that of Russia and in some cases very low; and, finally, the United States and western, northern and central western Europe (a total of about 330,000,000 inhabitants), where the population no longer reproduces itself. The second and third groups cover the countries of the western capitalistic world. If for them fertility and mortality should remain constant or should decrease to the same extent, the excess of births over deaths, which is now due to a temporary age constitution, would be bound to decrease, as their genuine population growth, if there still be any, is negligible.

Public opinion on the purport of such a decisive turn in the population trend within the western capitalistic world has recently undergone a marked change. Up to the World War practically all governments and the great majority of the people viewed a large and increasing population as an economic asset. The rise of the standard of living and of prosperity in general in countries like the United States, Germany or Great Britain was attributed largely to the increasing number of consumers, such a growth being considered a necessary prerequisite for the development of natural resources and for progress in every branch of business. Thus France was cited as a typical example of a country which economically, and therefore also politically, lost ground as a consequence of her stationary population. Since the World War, however, several governments and the majority of the people have taken the point of view that a large and increasing population constitutes an economic burden and that unemployment, poverty, wars and many other social and economic evils are to be attributed to overpopulation.

Theoretically there exist four means for checking the increase of population in an individual country: reduction of births, increase of deaths, promotion of emigration and restriction of immigration. But some of those means are either objectionable or cannot be effectively used. Thus an increase of deaths involves heavy sacrifices; promotion of emigration seldom works satisfactorily, because those inhabitants who are ready to emigrate are often those a country might better keep or those who for one reason or another are not welcomed by other countries. There then remain but two means to restrict the size of a population: restriction of births and restriction of immigration. Both means have been applied in the United States with ever increasing intensity. The result has been a slowing down of the population increase which, if fertility and mortality remain what they are, will finally lead to a decrease in numbers But it seems doubtful whether the prevailing population trend will actually bring about economic relief. Because of the increasing competition of foreign countries, which makes more and more difficult the export of large quantities of foodstuffs, the problem of finding an outlet for the output of American producers, particularly the farmers, is becoming increasingly serious. Many experts believe that the present unemployment is due to the artificial restriction of the numbers of consumers and that the unemployed may find no cure for their troubles in a stationary or decreasing population.

As matters stand it is still impossible to give a scientific comprehensive appraisal of the social and economic effects of the marked change in the population trend within the capitalistic world. The relations of population growth and decrease to economic pressure and relief are more complicated than is commonly realized. Any decision as to a population policy requires therefore the utmost caution. The trend of population, whatever direction it takes, is a serious

matter, with far-reaching consequences, good and bad.

R. R. KUCZYNSKI

THEORY. In modern population theory three important aspects should be distinguished. The demographic phase deals statistically with population composition and movement per se. The bio-social phase is concerned with differential rates of movement—especially of human fertility—as correlated to social and economic status and to organic inheritance with reference to the bearing of these differentials on the quality of the population. The socio-economic phase considers the interrelations between population and social and economic institutions with primary reference to the standard of living.

Thus defined population theory is necessarily a comparatively recent development in the social sciences. Demographic analysis has become possible only with advances in scientific vital statistics. Such analysis, however, is barren without consideration of the institutional complex within which population movements occur. A fully rounded theory must therefore deal with the interrelations of such movements, especially increase or decrease. It must take into account natural factors, such as the supply of land and natural resources; geographical factors, such as the distribution of population by regions; dynamic cultural factors, such as the state and progress of the arts; institutional or socio-psychological considerations, such as subjective standards of living and trends in social and political sentiment; specifically economic factors, such as new forms of industrial organization and structural changes in world economy; and, finally, the known facts of organic heredity in man.

The objective of population theory is an understanding of the effects of these interrelations on human welfare. While the population policies which prevail for a given region or period must be considered, such policies should be distinguished from theory. A population policy which aims specifically at raising the standard of living must obviously be based on an objective analysis of the considerations, natural, demographic and technological, which determine both the actual and the theoretically realizable standard of living; and in such an analysis population theory may set forth clearly with what factors control must deal and the limits beyond which such control cannot go. Generally speaking, however, population policies have been based on traditional ideologies and nationalistic political and commercial sentiment rather than on reasoned analysis. The history of primitive communities, of the nations of classical antiquity as well as of modern states, discloses evidence of population policies sanctioned in the main by religion and custom. Only in the sense that all human policy is based on some dim reasoning concerning fitness of means to end can there be said to have been any theory. While the idea that primitive peoples consciously sought to maintain such a balance between numbers and resources as would provide an optimum standard of living scarcely stands critical examination, there were practises, such as infanticide and abortion, which helped to check increase. These practises were common throughout Greek history. Greek population policy included moreover great colonizing enterprises influenced by commercial considerations but governmentally regulated to insure the food supply and relieve population pressure.

In the writings of some of the Greek philosophers, notably Plato and Aristotle, may be found the beginnings of a population theory. In the *Republic* Plato makes a clear statement of the relation of population increase to warfare. His ideas on the proper size of the city-state and his radical proposals for eugenic reform were, however, dependent on the full development of his ideal community. Aristotle, who rejected this ideal community, advocated instead a rigid control of marriage and compulsory limitation of offspring based not on eugenic but on property standards, which therefore bore a closer relation to the concept of the regulation of population according to resources.

The population policy of the expanding Roman state did not go beyond a conception of the common people as breeders of children for the state. The more definite population policy of Augustus, embodied in *Lex julia de maritandibus ordinibus* (4 A.D.) and *Lex papia poppaea*, was designed to encourage marriage and procreation primarily among the nobility, since the birth rate in that group was declining. These laws had little effect although they were copied in the Spanish edict of 1623 and in Colbert's legislation of 1666.

From Greek antiquity to modern times no population theory was evolved. In the early Middle Ages the barbarian invasions, the disintegration of the Roman Empire and the transition to feudalism removed incentive to political philosophy. The writings of the early Christians

were much concerned with sex, but the church formulated no population theory and no policy except refusal to sanction family limitation. Incidental recognition of population pressure may be found in the works of Jordanes (*c.* 550), Paulus Diaconus (*c.* 720–*c.* 800) and Geoffrey of Monmouth (*c.* 1100–54). As feudal particularism gave way to nationalism, interest was centered in measures to stimulate population increase. Such fragmentary population theory as is encountered in early post-Renaissance political philosophy was for three centuries mainly rationalization of nationalistic aspirations. Recognition of the positive checks of famine and pestilence is to be found in Machiavelli's *Discorso sopra la prima deca di Tito Livio* (Florence 1531) and thereafter with increasing frequency. Botero's allusion (*Delle cause della grandezza della città*, Rome 1588) to the strength of the sex instinct, to the limitation of subsistence and to positive checks anticipated by two centuries some of the ideas of Malthus. As early as 1677 in a work of Sir Matthew Hale published posthumously in 1682 (*The Primitive Origination of Mankind . . . according to the Light of Nature*), in *An Essay concerning the Multiplication of Mankind* by Sir William Petty and later in 1741 in *Die göttliche Ordnung in den Veränderungen des menschlichen Geschlechts* (2 vols., Berlin 1741) by Johann Peter Süssmilch the theory of geometrical increase was set forth. A large number of English, French, German and Italian writers of the seventeenth and eighteenth centuries recognized either natural or institutional checks. Toward the end of the eighteenth century, in increasing opposition to the populationist doctrines of the mercantilists, there appeared in various writings the essentials of the theory later set forth by Malthus, among whose immediate forerunners were Jean Herrenschwand, Abbé Théodore Mann, Giammaria Ortes, Benjamin Franklin, David Hume, Robert Wallace, Joseph Townsend, Sir James Steuart and William Paley.

None of these theories, however, received marked attention; and when Malthus, who at that time did not know of previous writings on population, published anonymously in 1798 his *Essay on the Principle of Population*, it seemed to break new ground. Its immediate acceptance was due not so much to the fact that its reasoning accorded with the contemporary natural law philosophy as to the fact that it appeared at a time when the upper classes, terrified by the French Revolution, found in it a much needed justification for the existing order as against the radical proposals of Godwin and Condorcet, whose theories Malthus attacked at great length. Only a few pages were devoted to the "principle" that population "tends" to exceed subsistence and if not checked by prudence must be limited by such positive checks as war, famine, disease and misery. Among his predecessors who had expressed similar ideas Townsend in *A Dissertation on the Poor Laws* (London 1786) had used the principle as an argument against poor relief, while Wallace in *Various Prospects of Mankind, Nature and Providence* (London 1761) had reluctantly concluded that communism was impossible because of it. Malthus' principle, posited as an inescapable natural law, involved a condemnation of all such attempts and a defense of the institution of private property, which he argued was the basis of the check of prudence. Since, however, he had described prudence as closely associated with prostitution and other vices, critics considered that the implication that God had placed man in a position in which he must either be vicious or starve was close to blasphemy.

In the rewritten and enlarged second edition (1803) Malthus admitted the non-vicious check of "moral restraint," by which he meant late marriage and premarital chastity. Although this admission of the possibility of control destroyed the cogency of much of his original argument against a reorganization or improvement of social institutions, Malthus avowedly did not expect much from moral restraint and was strongly averse to contraception. He was thus able through six editions to stand by the three fundamental corollaries of his principle: communism is impossible; poor relief defeats its own purposes; and, finally, the working classes can improve their conditions only by reducing their numbers.

These theses became almost axiomatic postulates in English political economy. Most economists everywhere, even in the United States after the publication in Georgetown, 1809, of the first American (from the third London) edition of the *Essay*, accepted the essentials of the theory, which not only became a corner stone of Ricardian economics but had significant political influence. Among literary men and the clergy as well as among those who did not let cold reason interfere with sentiment the *Essay* was severely criticized, and the resultant copious literature became a seesaw of debate. But aside from Francis Place's courageous advocacy of

birth control (*Illustrations and Proofs of the Principle of Population*, London 1822) population theory made little advance for a century. The critics of Malthus may be classified in four groups: first, those who attacked all his premises and conclusions; second, those who held that population is regulated automatically by some physical law, without vice or misery, or by Providence; third, the "physiological" theorists; and, fourth, those who relied for control upon psycho-social influences. Representative of the last group and, despite his prolixity, the most noteworthy of all the writers of this period was Sir Archibald Alison (*The Principles of Population, and Their Connection with Human Happiness*, 2 vols., Edinburgh 1840). Although like Alexander Hill Everett and others he was optimistic about future food supply, he saw that in an advanced society population must be restrained and thought this would be accomplished through rational control and the development of "artificial" wants. "The principle of increase is no doubt strong, but the desires destined to restrain it are at least as strong." More than any of his contemporaries, with the exception of the socialist William Thompson, Everett foresaw the probable effect of rising standards of living.

After 1840, although the physiological school gained some adherents, interest in population theory declined as the Malthusian specter was removed by rapid improvement in agricultural, transport and industrial technique, a flood of oversea foodstuffs and raw materials and seemingly limitless room for expansion in the New World. Megalomaniac worship of numbers and increase became everywhere the popular attitude; no attention was paid to the significance of enormous absolute increases; and not until the German controversy over the *Agrar-* versus the *Industriestaat* in the late 1890's was the future of the European food supply brought into serious question.

Meanwhile the decline in European birth rates, while slow and accompanied by declining death rates and increases in population wholly unprecedented in absolute amounts, began to alarm militaristic nationalists interested in the balance of power. For a quarter century before the World War the declining birth rate was the main theme of population literature. Economists had practically ceased to contribute to population theory, and sociologists and biologists took it up, not always with scientific caution. Under the influence of Darwinism, from the time of Galton (*Hereditary Genius*, London 1869) sociological interest in quality of population as affected by declining and differential fertility led to premature application of doctrines of natural and social selection. A large literature, much of it superficial and propagandistic, began to accumulate and is still growing.

While most sociological writers assumed that the decline in birth rates was due to the spread of contraception, the physiological school, led by Dr. Thomas Jarrold, attributed it to some hidden organic factor. They argued that not only fertility but fecundity was declining. The often cited theories of Sadler and Doubleday are scarcely worth consideration, but Spencer's theory of "individuation and genesis" (first set forth in the *Westminster Review*, vol. lvii, 1852, p. 468–501) gained wide attention and was adopted bodily by the American economist H. C. Carey as disproof of Malthus and vindication of God. The physiological school has had considerable vitality, despite its slender backlog of scientific data and its quasi-mystical faith in hidden "laws." It is more recently represented in England by Brownlee's hypothesis of long term cycles in "germinal vitality" and in Italy by Gini.

Somewhat allied are the biologists and statisticians who, following the early lead of Quetelet and Verhulst, posit a bio-statistical, or more specifically a "logistic," law of increase. Belief in such a law requires faith in some mechanism which automatically and independently of human will or social conditions predetermines the shape of the population growth curve.

Population theories like others change with the spirit of the times and with different conceptions of scientific method. The Malthusian theory expressed the natural law philosophy of its time; the "principle of population" like the "immutable" principles of classical political economy was universal. Many of the critics of Malthus were unknowingly revolting against this fatalistic metaphysics. The "relativity of economic doctrine" was advanced first by the Ricardian socialists and the German historical school and later, despite their "economic determinism," by the Marxians. Thus the institutional approach slowly gained ground as a powerful rival to the Malthusian theory. Against Malthus' contention that prudence is based only on private property and fear of losing social position, William Thompson (*An Inquiry into the Principles of the Distribution of Wealth*, London 1824) held that the economic independence

of women and a higher standard of living for the masses would be far more effective.

Marx' theory of population, essentially institutional in nature, was incidental to his theory of capital accumulation and the resultant inevitable collapse of capitalism. There is no one law of population. Every form of society has its own institutional influences governing the population movement. "Overpopulation" is due not to limited productive capacity but to the maldistribution of income peculiar to capitalism. Saving, especially when coupled with mechanization of industry, involves cumulative transformation of variable capital (wages fund) into fixed capital (plant and machinery), displacement of workers (technological unemployment), progressive concentration of money income, deficiency of consumer purchasing power and consequent underconsumption or overproduction. The resultant "reserve army" of unemployed gives the appearance but not the reality of overpopulation. Confronted with the fact that the enormous capital accumulation and industrialization of the nineteenth century have not decreased but rather have greatly increased employment opportunities in absolute numbers, a group of neo-Marxians beginning with Rosa Luxemburg have revised the doctrine. The industrial countries have found markets for investment funds and goods in backward, "non-capitalistic" countries. As soon as the latter become industrialized and no longer furnish a dumping ground for industrial products and loan funds, the full effect of capital accumulation and technological progress will be felt in deeper and longer depressions, unusable productive capacity and unprecedented chronic unemployment, which will lead to the collapse of capitalism. Under socialism there will be no unnecessary saving, the equalization of income will provide the masses with purchasing power ample to remove from the market all the goods which industry can produce, unemployment will cease and with it all appearance of overpopulation.

This line of analysis leaves untouched one basis of the Malthusian theory, the law of diminishing returns, which stands potentially in the way of indefinite increase of subsistence. The socialists like others rely on technological advance in agriculture to obviate this difficulty, and in the light of present day redundant agricultural productivity this attitude, especially with the prospect for cessation of population growth, is within limits justified. Few candid students will deny that the neo-Marxian institutional theory of population in relation to productive capacity and distribution of income is now pragmatically far more valuable and applicable than the "natural law" approach.

Whereas in the first years after the World War numerous students, impressed with the volume of population increase, were rediscovering the potency of geometrical ratios and were pointing out that pre-war rates of increase could not continue long without disastrous consequences, more recently the whole aspect of the population problem has changed radically. Unprecedentedly precipitate declines in birth rates have brought them to levels so low that in western Europe and the United States, unless there is an increase in net fertility or an improbable decline in mortality, stationary population within a few decades seems certain. What the population movement will be in the Orient cannot now be predicted. This outlook, especially when considered in connection with prospective increase in production and with the still greater increase which a rationally planned economic system may provide, gives rise to new problems of great complexity and economic significance. Among these are the effect on agriculture, industry and international trade, more specifically on employment, need for new capital and the distribution of wealth and income and of population itself. Little has been published on these problems in England or in the United States, but there is already a considerable German literature. So many factors and variables are involved, including technological advance and the unpredictable future forms of society, that analysis is difficult and for the present possible only in general and contingent terms.

Obviously the problem of population in a rapidly changing society is one of highly complex economic dynamics. Dynamic population theory therefore merges into general dynamic economics and cannot be developed apart from consideration of economic structure and process as a whole and of the current speed and prospective amplitude of technological and economic change. Thus it is found that the institutional approach is more likely to yield applicable generalizations than the older and more conventional method.

Traditional Malthusian thought in terms of numbers and subsistence is no longer of immediate practical interest except in countries where population and productive resources are essentially in equilibrium at a poverty line standard of living. The desideratum of a rationally and

socially utilitarian population policy is to secure that size of population required, with some chosen division of the day between work and leisure, to operate available productive resources at the point of maximum per capita output. Output may be defined in physical terms or in terms inclusive of physical wealth, services and leisure or, finally, somewhat subjectively and indefinitely, in terms of welfare. Practically, so far as the relation of population to production can be treated quantitatively, the most feasible course is to measure output in terms of a stabilized price index of physical production of consumers' goods. The concept of an optimum population and its correlative optimum or maximum standard of living have been criticized as merely conceptual ideals incapable of scientific, i.e. quantitative, treatment. While it is true that statistics cannot as yet approximate quantitative treatment more than distantly, it does not follow that adequate basic data and statistical method, perhaps in the form of a reliable prosperity index, may not be developed in the future. In any case the optimum concept, defined in terms of standard of living, seems ethically superior both to the older desideratum of merely avoiding absolute overpopulation and to the desiderata of nationalistic or commercialistic character which spring from consideration not of the interest of the individuals who compose the population but of some "superorganic" complex like "the nation."

While the institutional set up with its trend toward vastly greater productivity is now the most significant factor in the problem, in the longer run of centuries rather than decades the supply of raw materials and power will become more and more important; for these, even with the most efficient organization and technique that unhampered engineering ability may achieve, will condition fundamentally the standard of living. In the long run the fundamental numbers-resources or man-to-land ratio, which was the basic idea in the Malthusian theory, regains the significance that it lost in nineteenth century expansion of opportunity and declining birth rates, not so much through population increase as through the inevitable decline in natural resources. This, however, is a realm of theory that is valuable chiefly because of the salutary time perspective on current problems which it affords.

Of some political and ethnical interest is the difference in rate of increase between certain races and world regions. With the approach of stationary population in western Europe and America the old problem of balance of power, which is erroneously regarded as conditioned primarily by relative numbers, causes concern to some speculative writers. Danger spots in population are discussed, the twilight of the white race is pictured and the decline of western culture predicted. Whether such speculations are justifiable depends upon the future course of economic and political development as well as upon subjective elements in philosophical valuations.

A well rounded population theory, with true perspective on ascertainable facts, will not ignore the final or potential operation of natural law (specifically the tendency to diminishing returns) but it will consider also the entire cultural situation and movement. On the economic side it will provide a much more careful and elaborate analysis of the effect of changes in production and distribution than is as yet found in population treatises. It will recognize, with Marx, that the population problem, in the form it is likely to take in the next fifty years, is more one of distribution than of production. It will, as much of the continental literature now does, concern itself with the fate of vast industrial populations which may be cut off from world markets by the industrialization of new countries. It will scan the possibilities of trade with the agriculturally developed tropics and give serious attention to the future availability of essential raw materials. Taking a longer run of time in view, it will bring into the picture the whole problem of power resources and reserves of coal, iron and other natural materials. On the geographical side it will consider the distribution of population according to natural areas and their resources, in so far as the significance of natural areas is not diminished by introduction of improvements such as cheap transportation. On the political side it will give thought to the significance of nationalism as a factor favorable or unfavorable to the most efficient use of resources and knowledge. It will face the problem whether each nation is entitled to a standard of living based on the richness of its own natural resources or whether moral sentiment will demand the pooling of resources, unrestricted migration and a general leveling, geographically, of standards of living—in short a sort of world communism of resources. Finally, on the socio-psychological and cultural side it will attempt to evaluate the rational and institutional sentiments which affect the population

movement under different phases and trends of culture.

A. B. WOLFE

See: DEMOGRAPHY; ECOLOGY, HUMAN; GEOGRAPHY; MIGRATIONS; BIRTHS; MORTALITY; CENSUS; STATISTICS; FOOD SUPPLY; LAND UTILIZATION; FAMINE; DISASTERS AND DISASTER RELIEF; LIFE EXTENSION MOVEMENT; MARRIAGE; FAMILY; CHILD; BIRTH CONTROL; INFANTICIDE; RACE; EUGENICS.

Consult: FOR GENERAL TEXTS AND TREATISES: Mombert, Paul, *Bevölkerungslehre*, Grundrisse zum Studium der Nationalökonomie, vol. xv (Jena 1929); Nitti, F. S., *La popolazione e il sistema sociale* (Turin 1894), English translation (London 1894); Levasseur, P. Émile, *La population française*, 3 vols. (Paris 1889–92); Virgilii, Filippo, *Il problema della popolazione* (Milan 1924); Thompson, W. S., *Population Problems* (New York 1930); East, E. M., *Mankind at the Crossroads* (New York 1923); World Population Conference, Geneva, 1927, *Proceedings*, ed. by Margaret Sanger (London 1927); Wright, Harold, *Population* (London 1923); *Population Problems in the United States and Canada*, ed. by L. I. Dublin, Pollak Foundation for Economic Research, Publications, no. 5 (Boston 1926).

FOR HISTORY OF POPULATION TRENDS AND POLICIES: PRIMITIVE PEOPLES: Carr-Saunders, A. M., *The Population Problem: a Study in Human Evolution* (Oxford 1922); Descamps, Paul, "Comment les conditions de vie des sauvages influencent leur natalité" in Instituts Solvay, Institut de Sociologie, *Revue*, vol. iii, pt. i (1922–23) 173–93; Roberts, S. H., *Population Problems of the Pacific* (London 1927); Pitt-Rivers, G. H. L.-F., *The Clash of Culture and the Contact of Races* (London 1927) chs. ii, iv–v; Wolfe, A. B., "The Fecundity and Fertility of Early Man" in *Human Biology*, vol. v (1933) 35–60. ANCIENT WORLD: Beloch, Julius, *Die Bevölkerung der griechisch-römischen Welt* (Leipsic 1886), "Die Bevölkerung im Altertum" in *Zeitschrift für Sozialwissenschaft*, vol. ii (1899) 505–15, 600–21, and "Die Bevölkerung Italiens im Altertum" in *Klio*, vol. iii (1903) 471–90; Seeck, Otto, *Geschichte des Untergangs der antiken Welt*, 6 vols. (2nd–4th ed. Stuttgart 1921–23) vol. i, sect. ii; Cavaignac, Eugène, *Population et capital dans le monde méditerranéen antique*, Université de Strasbourg, Faculté des Lettres, Publications, no. 18 (Strasbourg 1923); Myres, J. L., "The Causes of Rise and Fall in the Population of the Ancient World" in *Eugenics Review*, vol. vii (1915–16) 15–45; Westermann, W. L., "The Economic Basis of the Decline of Ancient Culture" in *American Historical Review*, vol. xx (1914–15) 723–43; Salvioli, Giuseppe, "Sullo stato e la popolazione d'Italia prima e dopo le invasioni barbariche" in Reale Accademia di Scienze, Lettre e Belle Arti di Palermo, *Atti*, 3rd ser., vol. v (1899) 5–31; Schmidt, Ludwig, *Geschichte der germanischen Frühzeit* (Bonn 1925) ch. vi. MIDDLE AGES AND MODERN TIMES TO 1800: Beloch, Julius, "Die Bevölkerung Europas im Mittelalter," and "Die Bevölkerung Europas zur Zeit der Renaissance" in *Zeitschrift für Sozialwissenschaft*, vol. iii (1900) 405–23, 765–86; Usher, Abbott Payson, "The History of Population and Settlement in Eurasia" in *Geographical Review*, vol. xx (1930) 110–32; Kulischer, Josef, *Allgemeine Wirtschaftsgeschichte des Mittelalters und der Neuzeit*, Handbuch der mittelalterlichen und neueren Geschichte, vol. iii, 2 vols. (Munich 1928–29) vol. i, ch. x, vol. ii, chs. i, xxvi; Jastrow, I., *Die Volkszahl deutscher Städte zu Ende des Mittelalters und zu Beginn der Neuzeit*, Historische Untersuchungen, no. i (Berlin 1886); Thompson, James Westfall, *Feudal Germany* (Chicago 1928) chs. xiii, xv–xvii; Lamprecht, Karl, *Deutsches Wirtschaftsleben im Mittelalter*, 3 vols. (Leipsic 1885–86) vol. i, pt. i, p. 141–65; Levasseur, P. Émile, *La population française*, 3 vols. (Paris 1889–92); Schöne, Lucien, *Histoire de la population française* (Paris 1893) ch. iii; Sée, Henri, "Peut-on évaluer la population de l'ancienne France?" in *Revue d'économie politique*, vol. xxxviii (1924) 647–55; Coulton, G. G., *The Black Death* (London 1929); Usher, Abbott Payson, *An Introduction to the Industrial History of England* (Boston 1920) ch. iv; Buer, M. C., *Health, Wealth, and Population in the Early Days of the Industrial Revolution* (London 1926) ch. iii; Beloch, Julius, "La popolazione d'Italia nei secoli XVI, XVII e XVIII" in Institut International de Statistique, *Bulletin*, vol. iii, pt. i (1888) 1–42; Colmeiro, Manuel, *Historia de la economía política en España*, 2 vols. (Madrid 1863) vol. i, chs. iv, xxi, xxx, and vol. ii, chs. lii–lvi, lxvi–lxviii.

FOR PRE-MALTHUSIAN DOCTRINES: Gonnard, René, *Histoire des doctrines de la population* (Paris 1923) p. 51–65, and "Les doctrines de la population avant Malthus" in *Revue d'histoire économique et sociale*, vol. xvii (1929) 58–84, 213–39; Stangeland, C. E., *Pre-Malthusian Doctrines of Population*, Columbia University, Studies in History, Economics and Public Law, vol. xxi, no. 3 (New York 1904); Jolles, Oscar, *Die Ansichten der deutschen nationalökonomischen Schriftsteller des sechszehnten und siebzehnten Jahrhunderts über Bevölkerungswesen* (Jena 1886); Bonar, James, *Theories of Population from Raleigh to Arthur Young* (London 1931).

FOR THE MALTHUSIAN THEORY: Malthus, T. R., *An Essay on the Principle of Population* (2 vols., 6th ed., London 1826; Everyman's Library edition with introduction by W. T. Layton, 2 vols., 1914), and *Parallel Chapters from the First and Second Editions*, ed. by W. J. Ashley (London 1895); Bonar, James, *Malthus and His Work* (London 1885, reprinted with notes, 1924); Bagehot, W., *Economic Studies* (new ed. by R. Hutton, London 1888) ch. iv; Fetter, F. A., *Versuch einer Bevölkerungslehre ausgehend von einer Kritik des malthus'schen Bevölkerungsprincips*, Sammlung nationalökonomischer und statistischer Abhandlungen, vol. vii, pt. 4 (Jena 1894), and "The Essay of Malthus; a Centennial Review" in *Yale Review*, vol. vii (1898–99) 153–67; Field, J. A., *Essays on Population*, University of Chicago, Studies in Economics, no. i (Chicago 1931) chs. i, x; Rümelin, Gustav, "Ueber die malthus'schen Lehren" in his *Reden und Aufsätze*, 2 vols. (Freiburg i. Br. 1875–81) vol. i, p. 305–32; Smissaert, H. B., *Overzicht der bevolkingsleer van Malthus* (Amsterdam 1879); Brentano, Lujo, "Die malthussche Lehre und die Bevölkerungsbewegung der letzten Dezennien" in Bayerische Akademie der Wissenschaften, Historische Klasse, *Abhandlungen*, vol. xxiv (1906–09) 565–625; Oppenheimer, Franz, *Das Bevölkerungsgesetz des T. R. Malthus* (2nd ed. Berlin 1901); Loria, Achille, *Malthus* (Modena 1909); Budge, Siegfried, *Das malthus'sche Bevölkerungsgesetz und die theoretische Nationalökonomie der letzten Jahr-*

zehnte, Volkswirtschaftliche Abhandlungen der badischen Hochschulen, n.s., vol. viii (Karlsruhe 1912); Griffith, G. Talbot, *Population Problems of the Age of Malthus* (Cambridge, Eng. 1926) ch. i.

FOR PHYSIOLOGICAL THEORIES: Jarrold, Thomas, *Dissertations on Man* (London 1806); Sadler, M. T., *The Law of Population*, 2 vols. (London 1830); Doubleday, Thomas, *The True Law of Population* (3rd ed. London 1853); Spencer, Herbert, *Principles of Biology*, 2 vols. (rev. ed. London 1898–99) vol. ii, pt. 6, chs. xii–xiii; Carey, H. C., *Principles of Social Science*, 3 vols. (Philadelphia 1858–59) vol. iii, chs. xlvi–xlix; Brownlee, John, "Germinal Vitality: a Study of the Growth of Nations" in Royal Philosophical Society of Glasgow, *Proceedings*, vol. xxxix (1907–08) 180–204; Gini, Corrado, "The Cyclical Rise and Fall of Population" in *Population*, Lectures on the Harris Foundation 1929 (Chicago 1930) p. 1–140.

FOR MATHEMATICAL THEORY: Verhulst, P. F., "Recherches mathématiques sur la loi d'accroissement de la population" in Académie Royale des Sciences, des Lettres et des Beaux-Arts de Belgique, Brussels, *Mémoires*, vol. xviii (1845) no. i, and vol. xx (1847) no. iii; Knapp, G. F., *Theorie des Bevölkerungs-Wechsels* (Brunswick 1874); Lexis, W. H. R. A., *Zur Theorie der Massenerscheinungen in der menschlichen Gesellschaft* (Freiburg i. Br. 1877); Knibbs, G. H., *The Mathematical Theory of Population*, Australia, Bureau of Census and Statistics, Report on the Australian Census of 1911, Appendix A, vol. i (Melbourne 1917); Gumbel, E. J., "Die Versuche eines mathematischen Gesetzes der Bevölkerungszunahme" in *Allgemeines statistisches Archiv*, vol. ix (1915) 616–56; Pearl, Raymond, *The Biology of Population Growth* (New York 1925); Yule, G. U., "The Growth of Population and the Factors Which Control It" in Royal Statistical Society, *Journal*, vol. lxxxviii (1925) 1–58; Knibbs, G. H., "The Laws of Growth of a Population" in American Statistical Association, *Journal*, vol. xxi (1926) 381–98, vol. xxii (1927) 49–59; Hotelling, Harold, "Differential Equations Subject to Error, and Population Estimates" in American Statistical Association, *Journal*, vol. xxii (1927) 283–314; Wolfe, A. B., "Is There a Biological Law of Human Population Growth?" in *Quarterly Journal of Economics*, vol. xli (1926–27) 557–94; Woolston, H. B., "The Dynamics of Population" in *Journal of Social Forces*, vol. ii (1924) 169–77.

FOR SOCIALISTIC THEORIES OF POPULATION: Engels, Friedrich, "Umrisse zu einer Kritik der Nationaloekonomie" in Marx, Karl, and Engels, Friedrich, *Historisch-kritische Gesamtausgabe*, pt. i, vol. ii (Berlin 1930) p. 379–404; Marx, Karl, *Das Kapital*, 3 vols. (vol. i 4th ed. Hamburg 1890, vols. ii–iii 1885–94), vol. i tr. by E. and C. Paul (London 1928) chs. xxiii–xxv; Schippel, Max, *Das moderne Elend und die moderne Uebervölkerung* (Stuttgart 1888); Luxemburg, Rosa, *Die Akkumulation des Kapitals*, Gesammelte Werke, vol. vi (Berlin 1923); Kautsky, Karl, *Vermehrung und Entwicklung in Natur und Gesellschaft* (2nd ed. Stuttgart 1920); Sternberg, Fritz, *Der Imperialismus* (Berlin 1926); Braunthal, Alfred, *Die Entwicklungstendenzen der kapitalistischen Wirtschaft*, Jungsozialistische Schriftenreihe (Berlin 1927); Wolf, Julius, "Die Theorie der sozialen Entwickelung" in *Grundlagen und Kritik des Sozialismus*, ed. by Werner Sombart, 2 vols. (Berlin 1919) vol. ii, p. 299–319; Soetbeer, Heinrich, *Die Stellung der Sozialisten zur malthus'schen Bevölkerungslehre* (Berlin 1886); Unshelm, Erich, *Geburtenbeschränkung und Sozialismus, Versuch einer Dogmengeschichte der sozialistischen Bevölkerungslehre*, Frauenkunde und Eugenetik, Sexualbiologie und Vererbungslehre, Monographien, no. 6 (Leipsic 1924).

FOR SOCIAL AND ECONOMIC EFFECTS OF STATIONARY POPULATION: Harmsen, Hans, *Bevölkerungsprobleme Frankreichs, unter besonderer Berücksichtigung des Geburtenrückganges* (Berlin 1927); Baker, O. E., "Changes in Production and Consumption of Our Farm Products and the Trend of Population" in American Academy of Political and Social Science, *Annals*, vol. cxlii (1929) 97–146; Robbins, Lionel, "Notes on Some Probable Consequences of the Advent of a Stationary Population in Great Britain" in *Economica*, vol. ix (1929) 71–82; Nawratzki, Curt, *Bevölkerungsstillstand als Wirtschaftsproblem unter besonderer Berücksichtigung der Landwirtschaft*, Reichskuratorium für Technik in der Landwirtschaft, Schriften, vol. xvi (Berlin 1930); Jasny, N., *Bevölkerungsgang und Landwirtschaft*, Institut für landwirtschaftliche Marktforschung, Schriftenreihe, no. 2 (Berlin 1931); Mombert, Paul, *Bevölkerungsentwicklung und Wirtschaftsgestaltung*, Frankfurter Gesellschaft für Konjunkturforschung, Veröffentlichungen, n.s., vol. iii (Leipsic 1932); Baker, O. E., "Rural-Urban Migration and the National Welfare" in Association of American Geographers, *Annals*, vol. xxiii (1933) 59–126.

FOR OPTIMUM POPULATION: Sismondi, J. C. L. S. de, *Nouveaux principes d'économie politique*, 2 vols. (2nd ed. Paris 1827) vol. ii, bk. 7, chs. i, iv; Wicksell, Knut, *Föreläsningar i nationalekonomi*, 2 vols. (3rd ed. Lund 1928–29), tr. into German by Margarethe Langfeldt as *Vorlesungen über Nationalökonomie*, 2 vols. (Jena 1913–22) vol. i, p. 49–58; Dalton, Hugh, and Ginsberg, Morris, "A New Contribution to the Population Problem" in *Economica*, vol. iii (1923) 122–32; Robbins, Lionel, "The Optimum Theory of Population" in *London Essays in Economics: in Honour of Edwin Cannan*, ed. by T. E. Gregory and Hugh Dalton, London School of Economics and Political Science, Studies in Economics and Political Science, no. 92 (London 1927) p. 101–34; Dupréel, E., "L'optimum de population et ses critères" in Instituts Solvay, Institut de Sociologie, *Revue*, vol. viii (1928) 1–34; Dalton, Hugh, "The Theory of Population" in *Economica*, vol. viii (1928) 28–50; Landry, Adolphe, "Le maximum et l'optimum de la population" in *Scientia*, vol. xlv (1929) 251–62; Arena, Celestino, "Dell'ottima popolazione" in *Rivista di politica economia*, vol. xx (1930) 12–27, 139–59.

FOR SURVEYS OF POST-WAR LITERATURE: Mombert, P., "Neuere Erscheinungen zur Bevölkerungslehre und Bevölkerungsstatistik" in *Archiv für Sozialwissenschaft und Sozialpolitik*, vol. lvi (1926) 235–45; Wolfe, A. B., "The Population Problem since the World War" in *Journal of Political Economy*, vol. xxxvi (1928) 529–59, 662–85, and vol. xxxvii (1929) 87–120.

POPULISM. *See* AGRARIAN MOVEMENTS; RUSSIAN REVOLUTION.

PORTALES, DIEGO (1793–1837), Chilean statesman. Portales had a business career before he became active in politics. Through the revolution of 1829–30, which resulted in the victory of the conservatives, he became the chief cabinet officer of the provisional government and remained in office until 1832. Portales was a strong executive and completely dominated the government. His aim was to end revolution and to set up a powerful centralized regime which would guarantee internal peace. He destroyed the turbulent militarism of the time by eliminating all army officers of liberal tendencies and by creating and drilling a volunteer national guard. He brought about the exile or dismissal from the government service of other liberal leaders and checked with severity any attempt at conspiracy. Through his efforts moreover the country was placed upon a solid financial basis. The landed aristocracy and the clergy cooperated with Portales and under his influence the constitution of 1833 was framed on conservative lines to insure strong central power; this constitution provided Chile with its essential governmental organization for many years.

Although from 1832 to 1835 Portales was not in the cabinet, he remained a powerful influence in politics. When he returned to office the country was faced with the problem of the confederation of Peru and Bolivia under the leadership of General Santa Cruz, who was trying to foment a civil war in Chile. Resolved to destroy the confederation, Portales insisted upon a declaration of war and in order to prepare the country for the conflict assumed and exercised special powers. He thus established what was practically a dictatorship. Portales was put to death in the course of an army revolt.

LUIS GALDAMES

Consult: Walker Martinez, Carlos, *Portales* (Paris 1879); Vičuna-Mackenna, B., *Introducción á la historia de los diez años de la administración Montt. Don D. Portales*, 2 vols. (Valparaiso 1863); Edwards, Alberto, "La obra política de Portales," and Barahona, R. L., "Portales su época y su obra" in *Revista chilena de historia y geografía*, vol. viii (1913) 436–53, and vol. xlii (1922) 368–90.

PORTALIS, JEAN ÉTIENNE MARIE (1746–1807), French jurist and statesman. Portalis was born at Beausset in Provence. He began his career as an advocate at the Parlement of Aix. At the instance of Choiseul he collaborated in the drafting of the edict of 1787 in favor of the Protestants. On the eve of the revolution, in his *Lettre au garde des sceaux sur les édits de 1788* (Paris 1788), he described the dangers of the immediate suppression of the *parlements*. He was imprisoned in 1793, but his release was effected by a clerk of the *procureur* of Aix, who had become a member of the Commune of Paris. In the year III he was elected to the Council of Ancients, which soon chose him president. He opposed persecution and the proposals for spoliation and was accused of taking part in a royalist conspiracy, whereupon he took refuge in Holstein.

Returning to France at the beginning of the consulate, he was presented to Bonaparte by Lebrun and named government commissioner of the Prize Court. He was appointed also a member of the commission for the drafting of the civil code, and together with Maleville supported the principles of the Roman law in opposition to Bigot de Préameneu and Tronchet, who favored those of the customary law. The colleagues of Portalis recognized his preeminence on the commission by entrusting to him the preparation of the preliminary discourse to the code, still regarded as a guide to the interpretation of French law, in which he sought to reconcile tradition with reason.

During the same period Portalis prepared the decrees dealing with the application of the concordat and with the exercise of the Protestant and Jewish religions. He became minister of public worship in 1804, and in this capacity he organized the religious seminaries, recognized the religious congregations and directed the preparation of the catechism for elementary catholic instruction. A year before his death he was elected to the Académie Française. During his lifetime he published various works to combat skepticism and too hasty reform. He was always a moderate. After his death his son published his *Discours, rapports et travaux inédits sur le Concordat de 1801* (Paris 1845).

E.-H. PERREAU

Consult: Boullée, Auguste, *Essai sur la vie, le caractère et les ouvrages de J. E. M. Portalis* (Paris 1859); Lavolée, René, *Portalis, sa vie, ses oeuvres* (Paris 1869).

PORTS AND HARBORS. A port is a haven for ships, properly equipped to facilitate the transshipment of freight between water and land carriers. A harbor is a body of water protected from wind and wave action with water of sufficient depth and with bottom of good holding ground so that vessels may find haven in it and anchor safely. Inasmuch as a marine terminal for transshipment must have protection

from wind and wave action, a port may be defined therefore as a harbor with terminal facilities.

Many of the great seaports of the world are far from the sea, being situated on rivers or canals. The port itself, in its modern form, has been dug out of the banks of the rivers and the upland has been turned into harbors. The channel to the sea, sufficient for the merchant ships of a century ago, is now kept by constant dredging at a depth adequate for modern steamships. There is a historical reason for the inland location of seaports. Early merchants went as far up stream as the draft of their ships would permit in order to avoid the depredations of pirates and other marauders. Moreover inland commerce was carried on over the navigable inland waterways, which were safer and much cheaper avenues of transportation than the caravan routes on the highroads. Thus London, Bordeaux, Antwerp, Bremen, Cologne, Hamburg and many other towns were situated at points where ocean and river vessels could meet as far from the high seas as possible. Rome, Paris, Cologne and other ports of antiquity and the Middle Ages have ceased to be seaports. Others have saved themselves from becoming inland cities by dredging to provide for the increased draft of steamships. Some modern ports, like Manchester, England, and Houston, Texas, always were inland cities until they were connected with the ocean by canals.

The following tabulation indicates how far inland some of the great ports of the world are located:

City	Distance from the Sea in Miles
New Orleans	114 from Gulf of Mexico
Philadelphia	63 from Delaware Bay
Baltimore	180 from Atlantic Ocean
Portland, Oregon	112 from Pacific Ocean
Richmond	104 from Atlantic Ocean
Houston	50 from Gulf of Mexico
Amsterdam	15 from North Sea
Manchester	54½ from Irish Sea
Rotterdam	18 from North Sea
Bremen	54 from North Sea
Hamburg	67 from North Sea
Antwerp	50 from North Sea
London	67 from North Sea
Nantes	78 from Atlantic Ocean
Bordeaux	60 from Bay of Biscay

In addition to the length of time required to navigate channels at slow speed river ports have other decided disadvantages. There are usually many changes of course; the channels moreover are restricted as to depth and width and the ports are cramped for anchorage and turning basins. On the other hand, marine terminals located in natural bays a short distance from the sea favor navigation in many ways: as regards steaming time from outside the jetties to the piers, straightness of the course, manoeuvring room and spacious anchorage. The following are great world ports situated on bays close to the sea: Boston, New York, Norfolk, Charleston, Galveston, San Francisco, Havana, Callao, Rio de Janeiro, Hongkong, Brest, Liverpool, Southampton, Cherbourg, Wellington. The following are breakwater ports where the harbor is made artificially by a mole and jetties so that they are directly on the sea or wide bays: Los Angeles, Kobe, Vladivostok, Danzig, Copenhagen, Dover, Calais, Le Havre, Naples, Genoa, Barcelona, Valencia, Fiume, Trieste, La Guaira, Vera Cruz. Ports entirely won from the open sea with mole breakwaters are Casablanca and Zeebrugge. It should be noted, however, that natural advantages will not make a port. Commerce makes a port, and men make commerce by using the natural advantages and overcoming the natural handicaps. Indeed merchant ships in order to get paying cargoes will go wherever there is water to float them.

The first essential unit of a marine terminal is the wharf to which a ship may be moored directly, with an adequate depth of water at all stages of tide or fluctuation of water level. A wharf structure may be an open pile platform or a solid fill back of a quay wall. The structure usually extends into deep water from the shore at a 90° or 60° angle to the main channel, with slips alongside for the berthing of vessels. Wharves not more than two ships long are commonly called piers. The most economical arrangement as to trucking distances and handling on the wharf with least congestion is the quay system, in which all the component parts of the wharf are parallel with the ship in its berth. The customary method of obtaining this result in all artificial ports where the facilities are developed by dredging the basins and filling the land above mean water level is the use of the quay pier type. This is a solid fill structure of sufficient length to accommodate two, three or four vessels of the size frequenting the port and of sufficient width for two complete terminal units back to back.

The next terminal unit back of the quay wall or open wharf stringpiece is the transfer working area. This wharf apron, as it is called, as a rule has a width sufficient to accommodate two

harbor belt railroad tracks, or a space about thirty or thirty-two feet to the face of the transit shed.

The transit shed is the structure on the wharf where outbound cargo is assembled in segregated piles to facilitate rapid stowage in the ship according to the nature of the cargo and the ports of call. A modern ship can load or discharge more in one day than trucks and box cars can haul into or out of the terminal in three days. The transit shed is the covered wharf area designed to facilitate this movement of cargo; also it receives cargo turned out from a vessel for segregation according to marks and consignees.

The warehouse is another important element in the port's terminal equipment. The function of the warehouse is very different from that of the transit shed. The warehouse is for longer term storage; that is, for the storage of merchandise as distinguished from the handling of merchandise at the point of transshipment. It is intended to store goods indefinitely until sold or reshipped. Thus the warehouse is the flywheel of commodity movements and financing, and it balances commodity movements, most of which are seasonal in nature. Public warehouses, through receipts or warrants, make possible storage of merchandise under conditions of safety from fire, theft or deterioration, so that merchants may hypothecate or lombard the warehouse warrants as security for loans at the banks.

Inbound cargo movements at a commercial wharf consist, in the first place, of transfer between ship and wharf after breaking out by the hold crew of stevedores and, in the second place, of handling to place of rest and segregation in the transit shed and handling out to car platform or truck tailboard. A large run of uniform cargo to a single consignee may permit transfer direct from hold to freight cars on the wharf apron tracks. Outbound cargo is received by truck, railroad, canal barge or lighter and assembled in the transit shed according to the nature of the cargo, the stowage plan, ports of call, the trim of the vessel, safety of cargo and vessel and other stowage questions. Barges and lighters usually transfer direct to ship on the off side from the wharf. The movements involved are handling into transit shed and segregation and handling to transfer wharf and to hold and stowage in the ship.

Transfer and handling are the crucial marine terminal operations. These account for 50 percent of the ship's time and for about the same percentage of its operating costs. To speed up transfer in order to give the ship a quick turn around and to reduce the time, cost and damages of handling are the two problems which most concern terminal and ship designers. Transfer and breaking out or stowage are functions of the contracting stevedore, who hires longshore labor for this work. This cost is met by the ship operator out of the ocean rate. Handling is a wharfinger operation and is paid for by the shipper to the operator of the wharf. Under conditions of competition, wharfage and handling charges are usually absorbed in through movements by the railroad or the ship operator or both. Frequently the ship operating line leases the wharf from the owner, whether city, county or state, and is responsible for stevedoring, handling and storage in transit. These costs are paid by the shipper in the level of rates, even being paid by inland shippers in higher line haul rates who do not use the marine terminals.

Shipping out from the transit shed to local or interior consignees is accomplished either by belt railroad switching to main lines, by motor truck or by barge. A modern terminal plan presupposes access for these three types of inland transportation. A harbor belt railroad, to perform its purpose adequately, must be able to furnish flexible switching movements from ship side to any industrial siding on the belt railroad or to any distant point on one of the railroad systems serving the port area. Switching rates must be equal from any wharf to any siding or any trunk line, otherwise the port will be split up and not a unit; Boston is an example of this serious evil. Likewise there must be provided main motor truck highway access, preferably by the by-passing of congested city traffic, to the marine terminals, to ship side, to transit shed, to warehouses, to open storage wharves and the like. In addition barge line inland waterway feeders are important factors in port development. Outstanding ports which have been aided by this form of inland transportation are New Orleans, Montreal, New York, Hamburg, Rotterdam, Amsterdam, Bremen, Stettin, Antwerp, Ghent, Bruges, Manchester, Liverpool, Galatz and Brăila. The function of a port is to afford economical transshipment and storage facilities, between water and land carriers, for goods destined for the hinterland of the port. This hinterland is limited in extent, in the first place, by what the traffic will bear in transportation costs and, in the second place, by the line of neutral advantage between the hinterland of

one port and that of the next competing port as measured by the total of transportation costs—land, port terminal and water. Where costs are equal, the port with more frequent sailings and better handling facilities as to both dispatch and absence of conditions causing damage will get the business, often at a premium in rates.

At most ports little progress was made in efficiency or mechanical substitutes for hand labor until recent times. As half the cost of transportation is at the transshipment points, the improvement of port facilities to lower costs of handling and to save the time of the ship in port is a most important economic factor. But during the past half century, chiefly as a result of the action of public bodies, there have been achieved great advances in port administration as well as in the extension and equipment of harbor works and terminals for the accommodation of increasingly larger vessels. Nevertheless, the economies possible in terminal operation have lagged behind the economies attained in the line haul; and the costs of transshipment at ports could be still further reduced, particularly through improved design, mechanical equipment, administration and management. When the canalization of the short reach of rapids in the St. Lawrence River makes another Baltic Sea out of the Great Lakes, there will be an opportunity to build absolutely modern seaports from the ground up and to apply those principles which will materially reduce costs of transportation. The result will be the liberation of the economically isolated interior of the country from its present disadvantages of high transportation costs for raw materials and finished products from and to world sources and world markets. Extension of older seaports will conform to modern methods and result in economies despite the heritages of obsolete equipment, now in existence.

With the growth of steam power and the increase in size and draft of steamships there came the parallel development of the large capacity steam dredge. This has succeeded in digging channels and harbor basins to increased depths and widths to accommodate ever larger vessels, so that today a port with less than 30 feet of channel depth is considered second class, although this depth will accommodate 96 percent of all cargo vessels. The new transatlantic superliners have drafts of 34 to 39 feet and there is but a small number of ports which have been deepened to accommodate them. The Suez Canal has been deepened from time to time until today it has a depth of 36 feet; the depth of the Panama Canal is 41 feet.

Various forms of port administration exist not only throughout the world but in individual countries as well. As a result of the experiences of the past century it has been demonstrated that the most effective means of control is to be found in the so-called public port trust or port authority, an independent non-political body with delegated sovereign powers. These as a rule consist of the rights of eminent domain, dues levying, bond issue and police power. In this way the port authority owns and operates the port as a public trust monopoly for all the people.

In Great Britain and Canada many of the great ports are administered by these public trusts. Control is in the hands of a representative body which is mainly elective but which also includes a small number of nominated persons. Examples are the Port of London Authority for London, the Mersey Docks and Harbour Board for Liverpool and the Clyde Navigation Trust for Glasgow. Generally the elective group consists of representatives of the principal shipping and trading associations using the port. In the case of London the nominated group includes representatives of the Board of Trade, the Admiralty, the London County Council, the City Corporation and Trinity House (the recognized institution for controlling the lighting and buoying of the coast and of the river entrance channels).

Another type of port administration is to be found in state agencies, usually in government departments. This is the method prevailing in France, Italy, South Africa and in a modified form in the United States. In France for many years all ports were built and operated by the central government under the Ingénieurs des Ponts et Chaussées. As a result all local initiative of port cities in France was destroyed; and while German, Dutch, Belgian and Italian ports forged ahead, French ports made little progress. After the World War, however, various French ports were given autonomy and under this form of control *ports autonomes* succeeded in catching up with continental rivals. Bordeaux and Le Havre are examples of these *ports autonomes*. In South Africa there is a special Ministry of Railways and Harbours, which has been given complete control over ports to the exclusion of outside corporations. Here as in France and Italy the government assumes charge of and responsibility for the construction and maintenance of outer protective works, navigable ap-

proach channels, quays, basins and docks. But the actual working and exploitation of the ports is entrusted to a local body, as a rule a specially created consortium.

In the United States there are a number of types of public port organization. The most common form of port authority is the city department, called in many cities the department of docks or the department of wharves, docks and ferries. The head of this department is appointed by and responsible to the mayor and more frequently than not is an influential member of the ruling political party. Increasingly there has begun to appear the so-called non-partisan port commission whose members act without pay, as in the case of the trusts of the British ports, and who are appointed or elected to serve for various overlapping terms. There is also to be found the state commission, appointed by the governor for a term of years and serving without pay. New Orleans and San Francisco are examples of ports administered by such agencies. Latterly another development has been the creation of the bistate port authority, of which the outstanding example is the Port of New York Authority. This body, following a compact, supported by concurrent legislation, between the states of New York and New Jersey in 1921, has drawn up a comprehensive plan for the development of the port, including belt lines and tunnels and a complete reorganization of all the rail facilities of the area. It is to be noted too that in the United States both public and private agencies have been regarding the public port trust with favor. The state of Michigan has on its statute books an enabling act permitting the creation of such an authority; and in 1932 the port of Monroe in that state was organized in conformity with its terms. In Ohio, under the leadership of the Ohio section of the Great Lakes Harbors Association, agitation was begun in 1932 for the passage of a state enabling act to permit the creation of port districts under a corporate body and with delegated sovereign authority.

In addition to public port administrations there are a number of privately operated ports. The port of Southampton, for example, is the creation and property of the Southern Railway Company; the port of Cardiff is operated by the Great Western Railway Company; and Emden is controlled by the Prussian-Hessian railroad system, which is owned by the states of Prussia and Hesse.

In the United States the federal government also plays a significant role in port development. Thus the Corps of Engineers of the Department of War performs the following tasks: it builds breakwaters to protect harbors from wave action, and jetties at the mouths of rivers and harbors to control the water flow of currents; it constructs revetments, dikes, levees, locks and dams in rivers; and it performs dredging operations. Port projects are authorized by the Rivers and Harbors Committee of the House of Representatives, following the conduct of a local survey under the auspices of the district office of the Corps of Engineers and its approval by the functionaries of the Department of War. The community desiring such a development is required to show the harbor plan involved, the public benefit to be expected by shippers from savings in transportation, the methods of financing of the harbor plan and its terminal facilities and the nature of the port authority to be entrusted with design, construction and operation. The funds are provided by Congress in the Rivers and Harbors Bill, which is part of the Department of War appropriations. The policy of Congress was clearly stated in 1911 when it was declared that the secretary of war was not to recommend harbor or other waterway improvements unless the community in question provided public terminal facilities open to all on equal terms; moreover the secretary of war was to withhold grants for aids to navigation if these provisions were not met by the community.

The rivers and harbors work of the United States government, which began in 1825 with federal improvements of the port of Philadelphia, had cost by June 30, 1930, a total of $1,660,336,226. The distribution of these expenditures by projects is as follows: seacoast harbors, $535,694,516; Mississippi River and tributaries, $426,330,492; Mississippi flood control, $228,968,264; operation and maintenance canals, $103,093,354; Great Lakes harbors and channels, $183,816,262; all others, $182,433,338.

Other government activities at seaports and at some Great Lakes ports are: the customs work of the Treasury Department; immigration regulation by the Department of Labor; the coast guard activities of the Treasury Department; the lighthouse, beacons and buoys services of the Bureau of Lighthouses of the Department of Commerce; steamboat inspection by the Bureau of Steamboat Inspection of the Department of Commerce; quarantine by the Department of the Interior; and the navigation aids of the Coast and Geodetic Survey of the Department

of Commerce. Private companies as a rule furnish towage, lighterage, car floats, car ferries and floating elevators. In some ports towboats and elevator equipment are owned and operated by the port authority.

Ports should be self-liquidating. It has been argued by one group of experts, which is particularly representative of the opinion of the inland waterway port cities of Europe, that the public benefits and the increase in returns and taxes from manufacturing and wholesale distributing enterprises attracted to the port must more than compensate the public treasury for any losses in the cost of operation, interest and sinking fund charges on particular port investments. However, a carefully planned port, which is based upon a clear understanding of the economic benefits it can confer upon a large and active hinterland and additions to whose plan are made only as initial terminal units become crowded, should reasonably be expected to pay for itself. Returns from rates for transfer, wharfage, handling, warehousing, switching and the like may be counted upon not only to pay for operation, maintenance, interest and sinking fund charges but also to pass on substantial savings to the users.

ROY S. MACELWEE

See: FREE PORTS AND FREE ZONES; LONGSHOREMEN; SHIPPING; MERCHANT MARINE; SEAMEN; WAREHOUSING; TERMINALS; WATERWAYS, INLAND; CUSTOMS DUTIES; COMMERCE; COMMERCIAL ROUTES; COMPACTS, INTERSTATE.

Consult: MacElwee, R. S., *Ports and Terminal Facilities* (2nd ed. New York 1926), and *Port Development* (New York 1925); MacElwee, R. S., and Taylor, T. R., *Wharf Management, Stevedoring and Storage* (New York 1921); Cunningham, Bryson, *Port Economics* (London 1926), *Port Administration and Operation* (London 1925), *Cargo Handling at Ports* (London 1923), and *Port Studies* (New York 1929); *The Shipping World, Afloat and Ashore*, ed. by John A. Todd (London 1929) chs. xiii, xv; Wiedenfeld, Kurt, *Die nordwesteuropäischen Welthäfen, in ihrer Verkehrs- und Handelsbedeutung* (Berlin 1903); Owen, Douglas, *Ports and Docks* (London 1904); "Water Terminals" in United States, Bureau of Corporations, *Report on Transportation by Water in the United States*, 4 vols. (1909–13) pt. iii; "Ports of the United States. Report on Terminal Facilities, Commerce, Port Charges and Administration at Sixty-eight Selected Ports," by G. M. Jones, United States, Bureau of Foreign and Domestic Commerce, *Miscellaneous Series*, no. 33 (1916); United States, Board of Engineers for Rivers and Harbors, *Shore Control and Port Administration* (1923); "The Co-ordination and Development of Transport" in Great Britain, Royal Commission on Transport, *Reports*, vol. iii, Cmd. 3751 (1931); Comité Central des Armateurs de France, Paris, *Les ports maritimes français* (Paris 1924); "Über Hafenverwaltungen im In- und Auslande" in Hafenbautechnische Gesellschaft, Hamburg, *Jahrbuch*, vol. xii (1930–31) 181–227; Rühl, Alfred, *Die Nord- und Ostseehäfen im deutschen Aussenhandel* (Berlin 1920); Amzalak, M. B., *Portos comerciais* (Lisbon 1923); Reid, W. A., *Ports and Harbors of South America*, Pan American Union, Ports and Harbors series, no. 1 (Washington 1926); MacElwee, R. S., *Wesen und Entwicklung der Hamburger Hafenbaupolitik* (Hamburg 1917); Clapp, Edwin J., *The Port of Hamburg* (New Haven 1911); Fluegel, H., *Die deutschen Welthäfen, Hamburg und Bremen* (Jena 1914); Rush, Thomas E., *The Port of New York* (New York 1920); Clapp, Edwin J., *The Port of Boston* (New Haven 1916); Helander, S., *Die internationale Schiffahrtskrise und ihre weltwirtschaftliche Bedeutung*, Kiel Universität, Institut für Weltwirtschaft und Seeverkehr, Probleme der Weltwirtschaft, vol. xlii (Jena 1928); National Rivers and Harbors Congress, *Proceedings of Annual Convention*, published in Baltimore since 1901; *Schiffahrt-Jahrbuch*, published in Hamburg since 1921; *Shipping World Year Book*, published in London since 1887; *World Ports*, published monthly in Montreal since 1920; *Dock and Harbour Authority*, published monthly in London since 1923.

POSITIVISM is a term which designates a philosophical tendency oriented around natural science and striving for a unified view of the world of phenomena, both physical and human, through the application of the methods and the extension of the results whereby the natural sciences have attained their unrivaled position in the modern world. From the point of view of methodology the term "positive" is conceived in polemical opposition to the metaphysical abstractions of traditional philosophy. One calls "positive" the facts and things of immediate perception as well as the relations and uniformities which thought may discover in them without transcending experience. On the other hand, one calls "metaphysical" every inquiry which claims to go beyond the sphere of the empirical and seeks either hidden essences behind phenomenal appearances, or ultimate efficient and final causes behind things, as well as any attempt to attribute reality to species, ideas, concepts or the mind's logical "intentions" in general. Inasmuch as the natural sciences, which early became dissociated from such sterile inquiries, have rapidly achieved a notable degree of exactness and objectivity and have been able to avoid the vain fluctuation of opinion, it is permissible to believe that through a similar delimitation of its sphere and an analogous purification of its concepts philosophy too might reach the same degree of certainty and scientific objectivity.

From the standpoint of results and aims of knowledge positivism shares with science the

practical ideal of knowledge in contrast to the merely contemplative and speculative goals of metaphysics. The aim of knowledge should not end with knowledge itself, with an otiose complacency in its own superiority and aloofness from the interests and cares of ordinary existence; it should embrace the real world. To know in order to foresee and provide, that is to say, to know in order to have a useful guide for conduct and to be in a position to control the forces of nature for the sake of the commonweal, is the motto of science and of that philosophy which would ally itself to science. From this circumstance arises the special significance of positivism for social problems—that the practical ideal of knowledge which positivism champions finds its most useful and immediate expression in the field of human relationships, where a sagacious labor of coordination and of scientific discipline might readily achieve new levels of efficiency and order.

But against these incontestable advantages of the positivist program there may be noted certain defects which are more or less latent in its very scientific structure. These have become progressively more apparent in the course of the development of positivism. Not only the extreme difficulty of maintaining itself on a level strictly positive and not exceeding the limits of experience but also the tendency, which it shares with science, to identify objectivity with materiality, have often caused positivism to range over into materialism, that is, into a metaphysics, in contradiction to its own premises. Moreover the sudden and brutal transference of scientific procedures valid in the world of material and inanimate nature into an order of psychic and spiritual facts of an incomparably higher level has had the effect of impoverishing such facts and often of mutilating them. It is therefore not difficult to understand the reaction against the positivist interpretations of the human spirit which has developed from the side of traditional philosophy, reaching maximum intensity at the turn of the present century. Throughout the ages traditional philosophy had gathered, along with considerable dross, much experience of great profundity and subtlety concerning the spiritual life; and it therefore resented the mutilated pictures of the mind presented by positivism.

If account is taken of the positivistic trends associated with scientific thought, the history of positivism extends through the three centuries of the modern period in which the progressive expansion of the natural sciences has taken place. From the beginning of the seventeenth century through the eighteenth there is a more or less latent positivism which reflects the increasing successes of the scientific conception of the world. But only in the nineteenth century does the positivist tendency become explicit and conscious and take form in a definite system, that of Comte, who not only gave it its appropriate name but also made its appearance the necessary end of all modern civilization in accordance with a historical law of the evolution of human thought.

The earliest traces of positivism in modern times date from the beginnings of English empirical philosophy in the seventeenth century. Francis Bacon expressed confidence in the brilliant future of the natural sciences and of humanity under their guidance. To the realization of his vision of the *regnum hominis* he made the solid contribution both of his scientific methodology and of a social program sketched out in the fragment of the *New Atlantis*. In the *Novum organum* he laid down the principles of a scientific procedure based upon observations of facts and upon inductive generalizations, singling out as goals of thought not so much universal concepts as *axiomata media*, which are really the laws of the individual sciences. In the *Advancement of Learning* he made a first classification, from a modern point of view, of the branches of knowledge, both in order to take inventory of the conquests already made and also to indicate the tasks still to be accomplished. On the other hand, in the *New Atlantis* he painted a vivid picture of a humanity saved and guided no longer by the old traditional aristocracies but by the new aristocracy of science. The new rule would substitute for the barbarous and inhuman domination of man by man the peaceful and profitable domination of nature by man and thus succeed in raising to the highest potency the inventive and constructive capacity of human genius.

Later empiricism, from Locke to Hume, went deeper into some parts of the Baconian program but neglected others which were historically less ripe. It set in ever greater relief the antimetaphysical aspect of the new scientific conception of the world, eliminating those relics of scholasticism which still remained in Bacon's thought. Locke restricted the sphere of valid consciousness to the field of pure experience as presented in sensation and elaborated by reflection. With Berkeley the metaphysical concept of substance,

which was still retained in a shadowy manner in the Lockian distinction of primary and secondary qualities and which served to give an objective and material support to sense perceptions, was entirely abolished; and the existence of objects was reduced to their perceived existence. Nevertheless, there persisted the idea of a world of spirits, in whose divine nature was placed the transcendental cause of sensible appearances. Hume cast aside even this metaphysical concept of productive causality; he held that relations of cause and effect were only temporary relationships of phenomena which habitually occurred in succession; their "necessity" was merely the result of a confirmed habit of mind. In this way the last bridge which still joined the new empiricism with the old metaphysics was broken, and the natural world was reduced to a complex of phenomenal data bound up with relations equally phenomenal; the corresponding subjective and mental world also was resolved into a bundle of sensations held together by empirical bonds of an associative nature. The mind, fortress of traditional metaphysics, was reduced to the level of nature and thus became, at least potentially, subject to the application of the same scientific methods which proved so fecund in the study of nature.

If the Baconian ideal of a science founded upon facts and empirical generalizations may be said thus to have been in process of realization, Bacon's other aspiration, that of making science the instrument of human power, social organization and progress, still remained unsatisfied. The partisans of classic empiricism were still too individualistic to be able to appreciate the social aspects and implications of the advent of the empirical sciences. Moreover in the eighteenth century the habit of the positive study of human facts was not yet fixed, being counterbalanced by too many doctrinaire influences of metaphysical origin. The latter consideration serves particularly to explain the attitude of the French Enlightenment. From the time when the young Voltaire, early in the eighteenth century, began to popularize Newtonian science in France, and Locke's doctrine of knowledge began to gain adherents in educated circles, France was won over to the new scientific ideals. But these acted on the historical consciousness as a solvent of the ancient traditions rather than as positive principles of reconstruction. For the philosophers of the Enlightenment the object of reverence and even of worship was not at all the idea of science as representing a collective labor scarcely begun and moving forward with deliberate and cautious step—it was rather science as the symbolic incarnation of reason, capable of wiping out in one broad stroke human prejudices in every field. For this reason the *philosophes* missed precisely the most positive and empirical aspects of the new scientific revelation and in the name of science placed upon throne and altar a perfect and rational "human nature," and a no less rational "cosmic material" as the equalizer of all beings; in other words, they summoned up new incarnations of the old metaphysics. Yet in this still transcendent and utopian form the ideal of a humanity whose perfection is entrusted to the work of science and culture received under the Enlightenment certain suggestive expressions, like that of the *Esquisse d'un tableau historique des progrès de l'esprit humain* (1795) of Condorcet, which puts forward as a goal of progress the abolition of national and class distinctions and the intellectual and moral perfection of the individual.

More akin, however, to the positivist spirit of English empiricism are the utilitarian currents which converged in Helvétius in France and in Bentham in England. The idea of utility presented itself to reflection as an immediate datum of observation; scientific method was to help to free it from its too individualistic roots and from ethical criteria founded upon the confusion of utility with egoism. This work was performed with lucidity and vigor by Bentham, who was able to point out that, far from being necessarily neglected, individual utilities tend to adjust themselves in such a way as to further the general interest. This harmony of interests at the same time made possible the transition from scientific generalization to that of practical deontology; for, if the interest of the greater number is the goal toward which the spontaneous integration of the individual interests aspires, the realization of that goal becomes a duty of the ethical consciousness. There sprang from this realistic consideration of utilitarian activity two sciences: first, economics, which at least at first evolved independently of Benthamism, as analysis of the logic immanent in the play of interests in their mutual implications and complications; and, second, the science of law and legislation, the object of Bentham's most assiduous attention, which took as its starting point a radical criticism of the old teleological and metaphysical (natural law) conceptions of law and installed in their place utilitarian and empirical views. Thus Bentham sketched a constitutional code which

aimed so to place every member of the political society that his particular interests would coincide with those of the greater number. The utilitarian doctrine of law formulated by Bentham was championed in England by John Austin (1790–1859), who, however, drew from the same premise—that the general interests form the principal aim of justice and law—a directly opposite conclusion. Austin contended that the general interests would be better attained by a hereditary aristocracy than by the radical democracy favored by his predecessor.

The foundation of a definite positivist school, in which these implicit tendencies became completely explicit, dates from the French philosopher Auguste Comte (1798–1857). He had devoted himself to scientific studies and in his youth frequented Saint-Simonian circles, so that he was led by his very education to bring together the speculative and practical trends which were to form the system of positivism. Comte's *Cours de philosophie positive* (1830–42) made the advent of positivism the epilogue of the intellectual evolution of humanity and enunciated the famous law of the three stages of philosophic thought: the first, theological, in which thought has recourse to the intervention of supernatural and divine beings for the explanation of phenomena; the second, metaphysical, in which abstract rational entities, such as substance, essence, form and cause, are posited as explanatory principles; the third, positive, in which facts are understood in their empirical certainty and in their phenomenal connections. In order to present a positive theoretical picture of the intellectual cosmos Comte sketched out a general classification of the sciences according to the degrees of increasing complexity of their subject matter, which were, correspondingly, degrees of diminishing generality of their respective concepts. Thus at the initial stage of the scientific hierarchy (more general and less complex) he placed mathematics; above this, astronomy; then physics, chemistry, biology; and finally sociology as the doctrine of human facts and relationships, which are the most complex and particularized of the whole series. In his conception of this order he avoided the easy simplifications of materialism: every stage represented something which could not be reduced to the preceding stage—a new phenomenal level demanding its own explanation, connected, to be sure, with that of the lower grades but emerging above these with autonomous specific character.

It was to sociology, which he had placed at the summit of the hierarchy of the sciences, that Comte devoted his attention by preference. In depicting the structure of this discipline he made considerable use of his Saint-Simonian experiences, which inclined him to consider society as an organic whole of an order superior not only to physiological organisms but also to the psychic individuals composing it; he endowed it with its own autonomous life governed by its own peculiar laws. But, as was true also of his Saint-Simonian predecessors, Comte exaggerated the bearing of these organismic premises, even to the point of making society a compressing force obliterating the freedom of the individuals subjected to it as well as of sanctioning, under the aegis of science, a new despotism, graver than that which in the past had inspired the theocratic and to a certain extent the natural law systems (those, for example, of Hobbes and Spinoza). Moreover in his last years, by a sort of theological involution of his thought, he made sociology the formative principle of a religion of humanity and founded a positivist church; although to some of his own followers, such as Littré, this appeared to be a deviation from the scientific tenor of his thought, it later found many groups of adherents in Europe and the United States.

Stemming from Comte, and with more or less dependence on his system, the idea of a new positive and scientific era of human thought was adopted widely by scholars during the second half of the nineteenth century, each striving individually to mold it to his own special interest. Thus John Stuart Mill, pursuing the tradition of Hume and Bentham and developing it in the light of the new ideals, gave systematic formulation to the principles of inductive and deductive logic and of empirical epistemology. Spencer and Huxley labored to graft upon positivism that great branch of modern science which, under the name of evolutionism, arose from the researches of Darwin on the origin and transformation of organic species. And even in the schools of metaphysical origin the positivistic command to remain within the limits of experience was strongly felt. Especially among the followers of Kant there arose the cry, which had loud reverberations in Germany and elsewhere, *keine Metaphysik mehr!* Under the name neo-Kantianism the slogan gave rise to a movement tending to dissociate the pure philosophy of Kant from the metaphysical and theological deformations which it had suffered at the hands

of the post-Kantian idealists, Fichte, Schelling and Hegel. As Comte himself had recognized, Kant was the one metaphysician who had approached most closely to the positive philosophy; his *Critique of Pure Reason* had restricted the domain of valid consciousness to the experimental field of phenomena and had denounced the illusions of reason which attempt to invade the forbidden realm of things-in-themselves, or noumena. If Kant had in some degree gone beyond the limits of phenomenal relationships in his ethical doctrine, his disciples, more imbued with the positive spirit, easily succeeded in ruling out these incursions from their thinking, confining themselves rigorously to the phenomenalistic conclusions presented in the *Critique*.

Particularly fruitful was the union of the positive mentality with Darwinism in humanistic culture and the social disciplines. In the science of language new vigor was given to researches of a genetic and comparative nature; in scholarship philological investigations took on a preponderating importance; in literature and art realism and naturalism struck out along new paths, aiming to express life as it is rather than to idealize and embellish it; in literary and political history large philosophical syntheses were set aside in favor of minute and patient reconstructions of facts; in the science of religions the human factors in the development of religious experience were sought out; while in the social disciplines the interest of the inquirer revolved about ethnographic and palaeo-ethnographic reconstructions and the comparative study of the various forms and stages of civilization. Even the circles at first most hostile to positivism, such as those of Catholic culture and tendency, were drawn more and more in the new direction, although they remained perplexed and reserved. In the field of literary criticism the example of Brunetière is typical; he saw in evolution, which contradicted the belief in a rationally perfect human nature, an unexpected confirmation of the Christian dogma of original sin and therefore applied evolutionary criteria to the studies of the literary genres, conceived by him, after the manner of organic species, as capable of development, transformation and degeneration.

Comtian sociology, the positivist science par excellence, had its most systematic devotee in Émile Durkheim, who stripped it of its theological residue as well as of the reactionary political influences of its founder. Durkheim succeeded in maintaining with vigor and scientific clarity the autonomy of the social organism as distinct from the individuals who compose it. Uniting, mingling, fusing together, the individual psyches give birth to a being, psychic perhaps, but constituting a psychic individuality of a new order, which is not a metaphysical entity but simply connotes the specific nature of the social phenomenon. And to avoid the danger which Comte had incurred, of an oppression of the individuals by society, Durkheim in *De la division du travail social* (1893) showed that the same factors which have produced social specialization and hence have apparently encroached upon the autonomy of the individuals have in reality contributed to their progressive emancipation. The division of labor itself promotes this liberation, because the individual human natures by becoming specialized become also more complex and therefore exempt in part from collective action and from hereditary influences, which can coerce only simple and general entities. Thus society may exist and impose itself upon the individual without depriving him of his own *raison d'être*: between the two forces there is cooperation, not conflict. On the basis of this conciliatory criterion Durkheim and his school have carried out broad scientific explorations of human society and have investigated the laws which govern the different forms of association and the various institutions in which the organizing spirit of humanity has become embodied in the course of history.

At the present time positivism can scarcely claim that hegemony over world culture which it maintained until the close of the nineteenth century. Other movements have sprung up in rivalry and often in opposition to it. All that may be stated with certainty is that positivism has largely permeated with its own spirit its contemporary rivals and antagonists, each of which in its own way tends to achieve a positive view of reality, and, even when reverting to the metaphysical trends of the past, eschews the more abstract and purely speculative elements. But Spencer's ideal of a philosophy as a universal synthesis of the results of all the separate sciences is being rapidly discredited. The immense progress made by the sciences in a few decades has shown how precarious is every philosophical construction founded upon provisional and transitory conceptions; and at the same time the very logic of philosophy could not but hasten the repudiation of a conception claiming to construct a universal system as a mosaic of disparate pieces, never recast in the crucible of

thought. The positivistic movement has proved much more fruitful in the task of critical reflection upon the sciences of nature than in the non-critical prosecution of scientific work.

From this point of view Mach's empirio-critical conception is particularly important. He views the work of science under the category of economy, seeing concepts, hypotheses and laws as so many means of abbreviation and simplification enabling the thinker to grasp with a minimum of effort, and hence with a maximum of economy, the infinite multiplicity of perceptible and experimental data. In his *Die Mechanik* (1883) Mach shows how this principle works in the development of a single science and how it implicitly necessitates the gradual repudiation of complicated and abstract concepts; for example, that of metaphysical causality. His *Analyse der Empfindungen* (1886) provides a further application of this principle, showing that it is uneconomical to complicate the unique reality which consciousness reveals by setting up a dualism of an objective material world and a subjective sensible world, and that it is possible to reduce to sense data all that is needed to satisfy the demands of scientific objectivity and conscious subjectivity.

Following the same line of thought the empirio-criticism of Avenarius, in a very abstruse psycho-physiological inquiry, traces the origin of the principle of mental economy to the functional mechanism of the central nervous system itself. A positivist character attaches also to the so-called phenomenology of Husserl, who would confine philosophical research to the sphere of the immediate revelation of consciousness, eliminating every problem of transcendental existence and causality as tending to force thought beyond the limits of empirical consciousness. A kindred position is that of the so-called philosophy of immanence (Schuppe, Rehmke and others), while analogous motives may be discovered also in certain exponents of modern English and American realism. These same tendencies have recently found new expression in the "logical positivism" of the Vienna School (Schlick, Carnap and others), which has assigned to theoretical philosophy the task of studying pure mental structures, that is, logical articulations of psychic complexes, and has excluded, as pertaining to metaphysics, every quest for physical and psychical essences.

These various trends, with the possible exception of that of Mach, which seems to some intellectual exponents of Russian socialism to furnish the criterion of a positive interpretation of human society, are generally sterile in social and political application. Some phases of American pragmatism, on the contrary, appear to be very fertile in this respect, particularly that represented by John Dewey. In a broad sense Dewey may be called a positivist in that he champions a scientific view of reality and extols that active experimentalism which has in modern times profoundly modified the attitude of the mind toward physical nature. But for Dewey reflective and critical work on the theory of science represents but a preliminary part of the philosophical task; the other and more important part must consist in the application of the methods of science to the organization and control of the relationships of human society, which in numerous respects are still dominated by antiquated traditions and customs. The notorious incongruity between the perfection of scientific technique and the imperfection and disorder of the machinery of social organization constitutes a powerful incentive to reforming and reconstructive activity guided by philosophical reflection.

GUIDO DE RUGGIERO

See: PHILOSOPHY; SCIENCE; METHOD, SCIENTIFIC; LOGIC; MATERIALISM; UTILITARIANISM; ENLIGHTENMENT; PRAGMATISM; SOCIAL REFORM; SOCIOLOGY; EVOLUTION; PROGRESS.

Consult: Überweg, Friedrich, *Grundriss der Geschichte der Philosophie*, 5 vols. (11–12th eds. Berlin 1923–28) vol. iii, p. 351–448, 685–703, vol. iv, p. 378–416, and vol. v, p. 15–20, 70–72; Cassirer, Ernst, *Die Philosophie der Aufklärung* (Tübingen 1932). FOR COMTIAN POSITIVISM: Comte, A., *Cours de philosophie positive*, 6 vols. (5th ed. Paris 1892–94), abridged and translated by H. Martineau, 2 vols. (3rd ed. London 1893), and *Système de politique positive; Traité de sociologie instituant la religion de l'humanité*, 4 vols. (3rd ed. Paris 1890–95), English translation (London 1875–77); Mill, J. S., *Auguste Comte and Positivism* (5th ed. London 1907); Huxley, T. H., "The Scientific Aspects of Positivism" in his *Lay Sermons, Addresses, and Reviews* (3rd ed. London 1870) ch. viii; Caird, Edward, *The Social Philosophy and Religion of Comte* (2nd ed. London 1893); Lévy-Bruhl, Lucien, *La philosophie d'Auguste Comte* (Paris 1900), tr. by Kathleen de Beaumont-Klein (London 1903); Milhaud, Gaston, *Le positivisme et le progrès de l'esprit* (Paris 1902); Michel, Henri, *L'idée de l'état: essai critique sur l'histoire des théories sociales et politiques en France depuis la Révolution* (3rd ed. Paris 1898). FOR POST-COMTIAN POSITIVISM: Gruber, Hermann, *Der Positivismus vom Tode Auguste Comtes bis auf unsere Tage (1857–1891)*, Stimmen aus Maria-Laach, supplementary vol. lii (Freiburg i.Br. 1891); Murray, R. H., *Studies in the English Social and Political Thinkers of the Nineteenth Century*, 2 vols. (Cambridge, Eng. 1929) vol. i, ch. x, and vol. ii, p 9–14; Harrison, Frederic, *The Positive Evolution of*

Religion (New York 1913). FOR EXPRESSIONS OF POSITIVISM IN LITERATURE AND LITERARY HISTORY: Taine, H. A., *Essai sur Tite Live* (new ed. Paris 1874), *Essai de critique et d'histoire* (6th ed. Paris 1892), *Le positivisme anglais: Étude sur Stuart Mill* (2nd ed. Paris 1878), *De l'intelligence*, 2 vols. (6th ed. Paris 1892), tr. by T. D. Haye and revised with additions by the author, 1 vol. (London 1871), and *Les origines de la France contemporaine*, 12 vols. (22nd ed. Paris 1899), tr. by John Durand, 6 vols. (New York 1876–94); Brunetière, Ferdinand, *Études critiques sur l'histoire de la littérature française*, 9 vols. (1st-8th eds. Paris 1910–25), *L'évolution des genres dans l'histoire de la littérature* (8th ed. Paris 1924), and *La moralité de la doctrine évolutive* (Paris 1896, reprinted in his *Questions actuelles*, new ed. Paris 1913) pt. ii, and *Discours de combat*, 3 vols. (5th–20th eds. Paris 1912–14). FOR EXPRESSIONS OF SOCIOLOGICAL POSITIVISM: Durkheim, Émile, *De la division du travail social* (5th ed. Paris 1926), and *Les règles de la méthode sociologique* (7th ed. Paris 1919). See also *L'année sociologique*, vols. i–xii (Paris 1898–1913) and n.s., vols. i–iii (Paris 1925–27). FOR CONTEMPORARY SCIENTIFIC POSITIVISM; Ruggiero, Guido de, *La filosofia contemporanea*, 2 vols. (2nd ed. Bari 1920), tr. by A. H. Hannay and R. G. Collingwood, 1 vol. (London 1921); Boll, Marcel, *La science et l'esprit positif chez les penseurs contemporains* (Paris 1921); Mach, Ernst, *Die Mechanik in ihrer Entwickelung* (8th ed. Leipsic 1921), tr. from 2nd German ed. by T. J. McCormack (3rd ed. Chicago 1907), with supplement containing additions to 7th German ed. tr. by P. E. B. Jourdain (Chicago 1915), *Beiträge zur Analyse der Empfindungen* (8th ed. Jena 1919), tr. by C. M. Williams and Sydney Waterlow (Chicago 1914), and *Erkenntnis und Irrtum* (5th ed. Leipsic 1926), p. 331–414 of 1st ed. tr. by T. J. McCormack as *Space and Geometry in the Light of Physiological, Psychological and Physical Inquiry* (Chicago 1906); Cornelius, Hans, *Einleitung in die Philosophie* (Leipsic 1903); Avenarius, Richard, *Kritik der reinen Erfahrung*, 2 vols. (2nd. Leipsic 1907–08), and *Der menschliche Weltbegriff* (4th ed. Leipsic 1927); Petzoldt, Joseph, *Einführung in die Philosophie der reinen Erfahrung*, 2 vols. (Leipsic 1900–04) vol. ii, p. 294–96; Schuppe, Wilhelm, *Grundriss der Erkenntnistheorie und Logik* (2nd ed. Berlin 1910); Rehmke, Johannes, *Philosophie als Grundwissenschaft* (Leipsic 1910); Husserl, Edmund, *Ideen zu einer reinen Phänomenologie und phänomenologischen Philosophie* (Halle 1913), tr. by W. R. Boyce Gibson as *Ideas: General Introduction to Pure Phenomenology* (London 1931); Schlick, Moritz, *Allgemeine Erkenntnislehre*, Naturwissenschaftliche Monographien und Lehrbücher, vol. i (2nd ed. Berlin 1925), and "Erleben, Erkennen, Metaphysik" in *Kant-Studien*, vol. xxxi (Berlin 1926) p. 146–58; Carnap, Rudolf, *Scheinprobleme in der Philosophie* (Berlin 1928), and *Der logische Aufbau der Welt* (Berlin 1928). FOR SOCIAL ASPECTS OF PRAGMATISM, see especially: Dewey, John, *Democracy and Education* (New York 1916), *Reconstruction in Philosophy* (New York 1920), and *Experience and Nature* (Chicago 1925).

POSOSHKOV, IVAN TIKHONOVICH (*c.* 1652–1725), Russian writer. Pososhkov, of peasant origin, was a craftsman, inventor and industrialist by turns; toward the end of his life he attained some affluence. His personality presented a characteristic synthesis of the traditionalism of holy Russia with the progressive spirit which animated the reformism of Peter the Great. Superstitious and yet thoroughly alive to the advantages of the new learning, uneducated in the western sense and yet widely read in the literature of Muscovite Russia, shrewd in business and an idealistic patriot, he was typical of the self-educated merchants and industrialists who had risen above the general level without sharing as yet in the wealth and culture of the ruling group. Moved by his profound knowledge of the inveterate evils of Russian life, which brought to naught Peter's reformatory ukases, he tried at his own peril to help the cause of reform by suggesting to the authorities practical methods of combating ignorance and lawlessness. He wrote in a plain but picturesque style on every conceivable subject—religion, family life, law, politics, social legislation. His longer writings are: *Zerkalo ochevidnoe* (The mirror obvious), completed in 1708, an erudite but spirited tract against religious old believers and Protestant sectarians; *Zaveshchanie otecheskoe* (A father's testament), written in 1719–20, a book of very detailed rules for orthodox Christians to guard them against the "luxurious, easy going and lustful" habits of "Lutheran" foreigners; and, most important of all, *Kniga o skudosti i bogatstve* (Book on poverty and wealth), written in 1721–24, whose presentation to the emperor led to its author's death in prison.

The views expressed in this treatise on political economy, the first in Russia, are those of an advanced mercantilist: the importance of agriculture is not underestimated, but encouragement to commerce and trade is stressed. Increasing the wealth of the people is a better road to state power and prosperity than attending to "the fulness of the czarist treasury." The first prerequisite is the substitution of a rule of law for the regime of injustice—the compilation of a new law code with the aid of freely elected representatives of all estates and a radical change in the judicial personnel. Peasant dues must be limited by the state, the division of peasant families halted, the tax system reorganized, the coin in circulation increased and improved, universal education introduced. Some of Pososhkov's proposals are similar to those made by Walter Raleigh in England, Pieter de la Court in Holland and Marshal de Vauban in France, while others anticipate programs advanced by

non-Russian writers at a later date; in either case direct foreign influence is improbable.

PAUL MILIUKOV

Important works: *Sochineniya* (Works), ed. by M. Pogodin, 2 pts. (Moscow 1842–63).

Consult: Pavlov-Silvansky, N. P., "Ivan Tikhonovich Pososhkov" in his *Ocherki po russkoy istorii XVIII–XIX vv.* (Essays on Russian history of the 18th–19th centuries) (St. Petersburg 1910) p. 42–72; Brückner, A., *Iwan Possoschkow; Ideen und Zustände in Russland zur Zeit Peters des Grossen* (Leipsic 1878).

POSSESSION. *See* OWNERSHIP AND POSSESSION.

POST, ALBERT HERMANN (1839–95), German jurist. Post wrote on the primitive forms of law and society, especially the family, and developed a system of ethnological jurisprudence. Upon the methodological assumptions of positivism he aimed to construct in a purely empirical manner a universal history of law. Strongly influenced by the progress of the natural sciences and especially by biology, he conceived of ethnology "as the natural science of social life" and proposed, postulating a universally similar and at the same time necessary course of evolution, a "comparative ethnological method" which was characterized by the neglect of varying factors and a predilection for typical cultural phenomena. He thus hoped to make possible the discovery of the natural evolution of law and society, "a consistent historical evolution towards definite goals," since "ethnology finds humanity subject to a rigorously determined course of evolution." Ethnographic parallels among the most diverse peoples, for example mother right, seemed to him therefore "emanations of general human nature." Thus he posited a series of stages in societal evolution which everywhere and necessarily lead from a "primitive age of the family organization" of matrilinear sibs, through a "territorial-associational" to a "dominative" and finally to a "social" order of human life. Even though Post has remained the most important representative of ethnological jurisprudence, his system nevertheless was bound to collapse with the recognition that a divergent evolution of the various peoples is possible and demonstrable. Because of this Post's grand attempt to create a system of primitive law and universal legal history now belongs to the past. His material insufficient and not always exact, he relied upon an unhistorical method, and despite his strictly empirical point of departure, he ended by doing violence to the facts and forcing himself into an a priori scheme that was possible only as the result of psychological construction.

HERMANN TRIMBORN

Works: *Einleitung in eine Naturwissenschaft des Rechts* (Oldenburg 1872); *Die Geschlechtsgenossenschaft der Urzeit und die Entstehung der Ehe* (Oldenburg 1875); *Bausteine für eine allgemeine Rechtswissenschaft auf vergleichend-ethnologischer Basis*, 2 vols. (Oldenburg 1880–81); *Einleitung in das Studium der ethnologischen Jurisprudenz* (Oldenburg 1886); *Afrikanische Jurisprudenz* (Oldenburg 1887); *Grundriss der ethnologischen Jurisprudenz*, 2 vols. (Oldenburg 1894–95).

Consult: Achelis, T., *A. H. Post und die vergleichende Rechtswissenschaft* (Hamburg 1896); Trimborn, H., "Die Methode der ethnologischen Rechtsforschung" in *Zeitschrift für vergleichende Rechtswissenschaft*, vol. xliii (1928) 416–64.

POST, LOUIS FREELAND (1849–1928), American publicist. After an apprenticeship as a printer Post studied law and was admitted to the bar of New York in 1870. His interest in labor politics led him to run for Congress as a Labor party candidate in 1882 and for attorney general of New York on the Greenback ticket in the following year. In 1890 he abandoned the law to preach with clarity and force the single tax doctrine of Henry George, whose stanch disciple he had become. Already widely known for his editorials in *Truth* and in George's weekly, the *Standard*, Post founded the *Public* in Chicago in 1898 and during the fifteen subsequent years of his editorship made it a vigorous supporter of free expression as well as the leading exponent of George's economic gospel.

Agreeing with George on interest and public management of utilities, Post accepted his program more completely than most single tax advocates. He held that great fortunes could be accumulated only by impoverishing large numbers of men and that wealth was generally an index only to its holder's astuteness in playing a predatory game. Opposing monopolies as levies on the industrious, he regarded socialism as enforced cooperation and hence monopoly under another name. He considered natural competition a prerequisite of the ideal economic order and believed that trade freedom and not political federation bound the states of the American union.

As the single tax movement has achieved little in practical results, Post probably will be remembered as the first assistant secretary of labor (1913–21) and particularly for his efforts to halt the anti-alien hysteria in 1920. Convinced by the records that the Department of Justice had

exceeded its rights, he permitted the deportation of only about one fifth of the aliens for whom warrants were issued. Few Americans have upheld so stanchly the civil liberties guaranteed by the bill of rights.

IRVING DILLIARD

Important works: *Ethics of Democracy* (Indianapolis 1903, 3rd ed. 1916); *The Deportations Delirium of Nineteen-twenty* (Chicago 1923); *Ethical Principles of Marriage and Divorce* (Chicago 1906); *Social Service* (New York 1909); *Outlines of Louis F. Post's Lectures on the Single Tax* (New York 1895), republished as *Taxation of Land Values* (5th ed. Indianapolis 1915); *What Is the Single Tax?* (New York 1926); *The Prophet of San Francisco; Personal Memories and Interpretations of Henry George* (New York 1930).

Consult: Vallandigham, E. N., in *New-Church Review*, vol. xxxvi (1929) 37–46; La Follette, Belle Case, in *La Follette's Magazine*, vol. xx (1928) 20; Knapp, G. L., in *Signalman's Journal*, vol. viii (November, 1927) 18–19.

POSTAL SAVINGS BANKS are savings institutions established by the government and operated as a part of the general postal service. Among the considerations which have prompted the establishment of such institutions is the desire on the part of the government to provide savings facilities to the small depositor, whose interests are frequently neglected by the ordinary banking institutions, and to encourage thrift among the low income groups of the population. Still another consideration is the possibility of mobilizing such savings for purposes of public borrowing. The outstanding virtue of postal savings banks is that the safety of the deposits is secured not only by stringent reserve requirements but by the national credit of the country. They consequently appeal to the small saver, for whom safety of the principal is the foremost consideration. With the exception of Germany, postal savings banks exist in almost every country in the world. The relative amounts of postal savings deposits as compared with general banking deposits vary, however, both in time and in place; they form a larger proportion in countries where general banking policies are of doubtful soundness and frequently increase in times of business crises, when the public is likely to become apprehensive with regard to the solvency of the private financial institutions.

Postal savings banks were first established in Great Britain in 1861 and it is in that country that they have been most successful. The earliest proposals date from the beginning of the nineteenth century and at various times were the subject of discussion in Parliament. The usual argument that they would encourage thrift among the comparatively poor was most commonly put forward, while the opposition came largely from the joint stock banks, which feared the competition of the new savings institutions. The ultimate adoption of the plan was largely brought about by the enthusiastic support of William E. Gladstone and Sir Rowland Hill. Originally limits were placed on the amount of a single deposit and of the total on deposit, but these have since been withdrawn. At first too there were several obstacles which made withdrawal of deposits a long and laborious task, but these have for the most part likewise been removed. In 1893 arrangements were made for the withdrawal of deposits by telegram. A depositor might telegraph for his money and have his warrant sent by return post or by telegraph. In 1905 a rule was introduced by which a depositor, on presentation of his pass book at any post office doing a savings bank business, could withdraw on demand not more than £1; the amount has since been increased to £3. This privilege obviates the expense of telegraphing for small amounts, and the large increase in withdrawals on demand and the corresponding decrease in telegraphic withdrawals indicate that it is greatly appreciated. Deposits bear a rate of interest of 2.5 percent. The very marked success of the postal savings banks in Great Britain is shown by the increase of deposits from £187,248,167 in 1913 to £283,658,417 in 1926 and £290,235,317 in 1930. Moreover the books of the postal savings banks showed that on December 31, 1930, government securities to the value of £188,472,183 stood to the credit of holders.

In the United States, postal savings banks, established only in 1911, are under the direction of a board of trustees, consisting of the postmaster general, the secretary of the Treasury and the attorney general. They have not proved as popular as in Great Britain for a number of reasons: first, the facilities granted to depositors are not so numerous; second, they are not so well advertised; third, there exist in the United States a large number of savings banks which pay a higher rate of interest on deposits; finally, Americans are more inclined to risk their earnings in speculative undertakings than are the British. The postal banks in the United States have, however, had a wide appeal among the immigrant population, who, untrained in banking habits and frequently the victims of unscrupulous banking practises, prefer the safety

afforded by a government institution. The sum of $1 is sufficient to start an account and individual balances may not exceed $2500. The rate of interest paid is 2 percent, but deposits in excess of $20 may be converted into government bonds which pay interest at the rate of 2.5 percent. Postal savings deposits in the United States rose from $152,143,349 in 1928 to $347,416,870 in 1931 and to $784,820,623 in 1932; the number of savings accounts increased from 500,000 in 1928 to 1,545,190 in 1932. The marked rise in 1932 reflects decreasing confidence in the ordinary banks and the obvious desire to place savings in institutions which have behind them the credit of the national government. The bulk of the funds is deposited by the postal authorities in designated banking institutions, which comply with certain specific collateral requirements.

In France the corresponding term for postal savings bank is *caisse nationale d'épargne* or *caisse d'épargne postale*. The establishment of postal savings banks was preceded by legislation in 1875 which authorized post offices to act as agents of the existing savings institutions. The attempt was none too successful and postal savings banks were organized in 1881. In 1913 the maximum deposit for one person was 1500 francs, but it has since been increased to 12,000 francs. In 1913 the total deposits amounted to 1,818,000,000 francs at the pre-war rate of exchange. In March, 1931, deposits amounted to 16,132,973,736 francs, but the franc was equal to only $0.0392.

In Canada the postal savings banks have not progressed with the country and both the number of depositors and the sums deposited have shown a slow but steady decline. This is due partly to the prevailing confidence in commercial banks and partly to the fact that these institutions offer greater facilities to depositors than do the postal savings banks. The rate of interest paid by both is the same—2.5 percent—but the commercial banks, unlike the postal savings banks, permit a liberal use of checks drawn on savings deposits. In addition the withdrawal of a part or the whole of a deposit in the postal savings bank involves a far more complicated and lengthy procedure than the withdrawal of savings deposits from a commercial bank. In 1932 the balance due to depositors in the Canadian postal savings banks was $23,919,677 as compared with $24,750,227 in 1931. The new accounts opened during the fiscal year ending March 31, 1932, numbered 6361, while during the same period 6657 accounts were closed. Deposits are of course likely to diminish during a period of depression, but it is true also that diminution was noticeable throughout the period preceding the depression.

J. C. HEMMEON

See: SAVINGS BANKS; BANKING, COMMERCIAL; THRIFT; SAVINGS; POSTAL SERVICE.

Consult: United States, National Monetary Commission, *Notes on the Postal Savings-Bank Systems of the Leading Countries*, 61st Cong., 3rd sess., Senate Document, no. 658 (1910); Heber, Fritz, *Die Postsparkassen als Volks- und Staatsbanken*, Zeitschrift für die gesamte Staatswissenschaft, Ergänzungsheft no. 27 (Tübingen 1908); Hemmeon, J. C., *The History of the British Post Office*, Harvard Economic Studies, vol. vii (Cambridge, Mass. 1912) p. 74–77; Kemmerer, Edwin W., *Postal Savings* (Princeton 1917); Annual reports of the postmasters general of Great Britain, the United States and other countries.

POSTAL SERVICE. The postal service in all countries was inaugurated as a government undertaking, although at its inception it was not a government monopoly. The reason for its establishment was the necessity for the carriage of government communications, in order that outlying sections might be apprised of new laws and ordinances and also that the government might keep posted on what was taking place in distant parts of the country. At the same time the carriage of private communications was taken over by the governmental posts. This enabled governments to become acquainted with public opinion and to obtain information about the activities of suspected persons by opening and reading their letters, a practise, incidentally, still resorted to by existing governments to a much greater extent than is generally realized. The mails have often also been made instruments of formal censorship.

Besides the government posts those who could afford to do so utilized the personal messenger, who traveled the whole journey and delivered the letter or letters to the addressee. In addition to the fact that such service was limited to the wealthy classes, it lacked the speed of the regular posts, which relieved each other in their arduous work. The relay system under government protection was both cheaper and swifter, although lacking in privacy.

The history of the postal service goes as far back as the ancient eastern empires. In China under the Chou dynasty (1122–255 B.C.) a system of mounted and foot couriers was established for the carriage of state ordinances and edicts. In Upper Egypt there have been found

state letters in the form of clay tablets dated about 1400 B.C., while Darius about 500 B.C. had an elaborate system of messenger posts in Persia. The special dependence of these early empires on the acquisition of knowledge of what was going on in different parts of their widespread territories necessitated some kind of postal communication.

Under the Roman Empire the postal service was brought to a high stage of development. Known as the *cursus publicus*, it was established throughout all parts of the empire. Although, as usual, the primary objects of these posts were governmental, they were soon employed for the carriage of both private communications and passengers on public business. With the excellent roads, built primarily for military purposes but also admirably adapted for the carriage of posts and the system of relays, a rate of speed was maintained which was not surpassed until the nineteenth century. Moreover the security afforded was much greater, for the power of the Roman Empire was used to free the roads of those gentry of easy morals who later infested the countryside of mediaeval and modern Europe.

In the Middle Ages there were postal systems of sorts in most European countries. These were concerned almost exclusively with the conveyance of government messages, and the range of their activities was very restricted. Indeed this restriction was so pronounced that private agencies found it necessary to undertake postal services as late as the sixteenth and seventeenth centuries, and even later as far as the foreign posts were concerned. In the Middle Ages in France a postal system was established by the University of Paris, and private individuals were allowed to make use of its system of messengers. At the close of the thirteenth century these messengers were freed from tolls and a very marked development resulted. Not only private letters but persons were carried, although the whole scheme was unauthorized by law. A royal, or government, system of posts was established in France in the fifteenth century in the reign of Louis XI, who is considered the founder of the French post office. The edict establishing the royal post set severe penalties for the carriage of private messages, but later the carriage of private letters and individuals was taken over. The edict of 1681 granted a monopoly to the royal posts with regard to the carrying of letters.

In Germany at an early period there were established state, monastic, scholastic and private posts. Many towns and guilds had their own services. Maximilian instituted an imperial system for state purposes. These soon took over the custody of private letters and later the conveyance of travelers. Maximilian's first postmaster general was Johann von Taxis; the house of Thurn and Taxis maintained a close connection with European postal affairs until well into the nineteenth century. The members of this famous house not only held the German imperial postal monopoly as hereditary postmasters general but were employed by various other countries to supervise their domestic postal affairs. Their systems reached into the Netherlands, Spain and Italy.

The history of the British post office dates from the beginning of the sixteenth century, although long before this, as on the continent, a system of communication had been inaugurated both for the special use of the government and for the conveyance of official letters and documents. These continued to be the principal functions of the royal posts until well into the seventeenth century. The royal posts were at first messengers who traveled the whole of the journey and delivered the letters directly to the people to whom they were directed. A different style and a precursor of a more modern method was established by Edward IV. During the war with Scotland he found himself in need of a better and speedier system of communication between the seat of government and the battlefield. In pursuance of his plan he placed post horses along the great road between England and Scotland, so that his messengers supplied themselves with fresh horses along the way and the dispatches were carried at a speed of a hundred miles a day.

The English government seems to have been interested only or primarily in the conveyance of domestic dispatches. As far as the foreign post was concerned, there were during the sixteenth century three ways of sending letters between Great Britain and the continent aside from such opportunities as were afforded by occasional travelers and messengers: the government post, the foreigners' post and the merchants adventurers' post. The foreigners' post was managed by a postmaster general, nominated by the Italian, Spanish and Dutch merchants residing in England and confirmed by the council. These posts were used extensively by English merchants, which seems to show that they were efficient in the performance of their duties or at least that they supplied a service that was ren-

dered inadequately if at all by the state system.

The seventeenth century witnessed the imposition of very high postage rates in most countries, the postal establishments having come to be regarded as sources of governmental revenue. Indeed they were openly used as means of taxation. The rates varied to some extent with the weight of the letter or parcel carried, but still more with the distance. These high rates led to much evasion, which was facilitated by the rule that the postage might be paid by the recipient of the letter or parcel as well as by the sender. Since the receiver of an unpaid parcel was at liberty to refuse payment while benefiting at the same time from the information that a letter or parcel had been proffered to him, there was collusion with the sender to establish a free code of communication. Nevertheless, despite this evasion and the curtailment of the use of the posts resulting from the prevalence of the high rates, there was undoubtedly a larger net revenue than has been generally realized.

Although the high rates continued during the eighteenth and part of the nineteenth century, a cheap post was established in the city of London as early as 1680. Before this date there was no post between one part of the city and another. A Londoner having a letter for delivery in London had to send it by a special messenger. Such was the state of affairs in the largest city of the world until William Dockwra organized his famous penny post. He employed a controller, an accountant, a receiver, thirteen clerks in the six offices and about a hundred messengers to collect and deliver letters. There were numerous places in London where letters and parcels might be posted. Shops and coffeehouses were used in addition to the regular offices, and in almost every street some door or shop window would bear the sign, "Penny Post Letters and Parcels are taken in here." There were four deliveries a day to most parts of the city and six or eight to the business centers. The postage fee for all letters or parcels was one penny, payable in advance. The rate was the same for all letters or parcels up to one pound in weight. Thus London in the seventeenth century had, as far as city letters were concerned, a postal system superior in many respects to that of today.

Nevertheless, the importance of Dockwra's accomplishment should not be exaggerated. It remained for others to point out that a cheap method of communication throughout a whole country as well as between different countries is more important than such service in a single city, and that the distance a letter is carried plays but a small part in the total cost. In other words, the cost of collection, sorting and delivery is much greater than the cost of carriage between the places of origin and delivery. This was stressed in a famous pamphlet published in 1837 by Sir Rowland Hill, who inferred that if the charge for postage were to be made proportionate to the whole expense incurred in the receipt, transit and delivery of the letter and in the collection of its postage, it must be made uniformly the same for every post town to every other post town in the United Kingdom, unless it could be shown how so small a sum as one thirty-sixth of a penny could be collected. And, inasmuch as it would take a ninefold weight to make the expense of transit amount to one farthing, he held that, taxation apart, the charge ought to be precisely the same for every package of moderate weight.

The demand for a system of rates, irrespective of distance, was strongly supported by the public, especially by business people, and as vigorously opposed by postal officials. The latter were ignored by Parliament, which in 1839 passed an act empowering the Treasury to establish uniform penny postage throughout the United Kingdom; in the following year the act went into effect. Among its provisions was the prohibition of parliamentary franking and the stipulation that if postage were not prepaid, double rates should be collected from the recipient. Postage stamps were then introduced for the first time, and the idea was quickly adopted in many other countries. A postal money order system had been legalized the previous year. Postal savings banks were first introduced in England in 1861, and in 1864 postal life insurance and annuities were established. Other arrangements, however, were not adopted until considerably later. The principle of compensation for registered letters was not accepted in England until 1878; and a parcel post was not made available until 1883, some years after an international one had been established. The parcel post was for a long time left to private initiative, but it is now almost universally a postal enterprise.

Despite the imperial monopoly of the house of Thurn and Taxis regional postal systems had developed in Germany for various political reasons. The result was a rather chaotic state of affairs. The most important of the German

postal systems was naturally the Prussian, which had been founded by Frederick William, the Great Elector. The present postal system of the German Reich is largely the result of the development of the Prussian establishment under the direction of Heinrich von Stephan, the renowned postal reformer, whose name is also closely associated with the organization of the Universal Postal Union. Under Stephan the German postal system was not only unified but made into a truly popular institution. The Taxis monopoly was legally abrogated in 1867 on the eve of the formation of the North German Confederation, of which Stephan became the postmaster general. He was appointed to this post likewise in the new empire with its larger territory, although Bavaria and Württemberg still retained independent post offices, which were not abolished until after the founding of the republic. One of the innovations introduced by Stephan was the post card, which was, however, first adopted in Austria rather than in Germany as a result of his suggestion at a postal conference in 1865. Stephan also did much to develop the parcel post and rural delivery, which was begun in Prussia as early as 1824.

In France the postal powers of the University of Paris were considerably curtailed early in the eighteenth century but were not wholly abolished until the revolution. In 1758 a penny post was established in Paris by Piarron de Chamousset in imitation of Dockwra's London penny post. At that time the government posts were producing a large and steadily increasing revenue. Although they were called government, or royal, posts, they were in reality managed by private entrepreneurs, who paid to the government a sum determined by agreement for the privilege so granted. This practise, quite common in European countries at one time or another, was followed more consistently in France than elsewhere and was not abolished there until 1788. The policy of "farming" the posts had the advantage of producing a considerable and positive revenue for the government; but this advantage was in many cases counterbalanced by the collection of rates higher than those which the "farmers" were legally entitled to impose.

Until 1774 the posts in the American colonies had been under the control of the British government, although such control was more nominal than real. Benjamin Franklin was the last postmaster general to be appointed by Great Britain, but his appointment was canceled when the colonies declared their independence. He was immediately reappointed by Congress and when sent as ambassador to France, his son-in-law Richard Bache was granted the post.

Postage rates in the United States before 1863 varied with the distance the mails were carried. If the cost of carriage is to be considered in fixing rates, something is to be said in favor of such a policy where the distances are considerable and the country is thinly settled. In such cases the strongest argument that can be advanced for uniform and low rates is the desirability of furnishing a cheap system of communication for social and economic reasons. In 1863 a uniform rate was fixed at three cents and in 1883 this was reduced to two cents, where it remained until the period of the World War. The rate was again made three cents in 1932 but reduced the following year to two cents for the carriage of local mail. The franking privilege, which was very much abused, was temporarily abolished in 1873 but was restored later subject to certain modifications which have made it less objectionable than before 1873.

The extension of the free delivery system in the United States has been very marked. Inaugurated in 1862 on a paying basis, it was made free in the following year for most of the larger cities. Year by year the number of cities and towns to which this service applies has been increased, and in 1896 a beginning was made in the extension of this privilege to the rural population. In 1885 a policy was adopted for special delivery in cities and certain towns of letters on which an extra fee had been paid. The registration of letters was introduced in 1855. A money order system was first established in 1864. A new postal agreement with Canada was adopted in 1888, which removed many of the restrictions hitherto imposed upon the transfer of merchandise by post between the two countries. As postal rates and practises in the United States and Canada are for the most part the same, this and later agreements have made them virtually one postal area. In 1910 Congress authorized the establishment of postal savings banks.

The modern postal systems, it must be apparent, have progressed far beyond the mere collection, carriage and delivery of the mails. The discharge of these traditional functions has been immensely facilitated by the successive appearance of railroad, motor and aerial transport. But the postal departments of most countries have also come into direct competition

with the commercial and banking interests by the organization of the parcel post, the issue of money orders and the establishment of savings banks. This competition with important and influential corporations explains to a certain extent the comparative failure of many governments to advertise or extend their activities along these lines, and the same statement holds true in those few cases where governmental insurance and annuities are available. On the other hand, in some continental countries the postal departments have at least provided competition with commercial interests by extending facilities which are not available in England or the United States. Thus in some continental countries there may be obtained postal letters of credit and postal checks, and the post office will even collect money and protest commercial paper. In Germany and Switzerland, for example, the carriage of passengers still survives, although it is no longer a government monopoly.

With the exception of the United States, most of the industrialized countries of the world have also established the telegraph and telephone as monopolies of the postal establishment. There are two important arguments in favor of such an arrangement. The first is that postal departments can provide such services more economically by making use of existing post office buildings and the postal staff. The second is that it is not only fair but necessary that the government should own and operate methods of communication which compete directly and indirectly with the postal service proper. There is more to be said for the first argument than for the second. In so far as the latter has any force it is applicable also to the other non-postal interests of governments. Moreover anyone who is familiar with the government telegraphs and telephones of Great Britain and continental Europe must be aware that the services rendered by them are inferior to similar services of private corporations in the United States and Canada. It is only fair to add that in the case of Great Britain the excessive price paid for the purchase of private and corporation telegraphs and telephones has been a great handicap to the government in its endeavor to make them a financial success.

In the United States various proposals have been advanced in favor of a restricted plan of government ownership of telegraphs. In 1888 the postmaster general in his annual report advocated the appointment of a commission with power to construct short experimental lines. His successor, John Wanamaker, was a consistent and vigorous advocate of a limited postal telegraph service. He was in favor of the collection and delivery of messages by the postal department for a small fee, while existing corporations were to furnish instruments, lines and operators. Rates were to be fixed by the government. In Canada more than half the telegraph mileage is owned and operated by the Canadian National Railways Company, while in the prairie provinces there is government ownership of both telegraphs and telephones.

The first step toward the formation of the Universal Postal Union was taken at Paris in 1863, when delegates from most of the important countries of the world met under the presidency of the French postmaster general. The agreements reached were not very important, but they formed a basis for the famous treaty of Berne in 1874 and for the still more adequate provisions adopted at Paris four years later. At Berne delegates of twenty-two states, representing 350,000,000 people, were present; the leading figures were Stephan, representing Germany, and Vinchent, representing Belgium. The treaty of Berne provided for a half ounce unit of weight for ordinary letters, a uniform rate of five cents per half ounce for letters from any one country within the union to any other, uniform rates for newspapers and the like, a much lower transit rate and a regulation that each post office should retain its own collections and that payments due for transit should be estimated from accounts taken only twice in each year. At the same time an international board was established, to be supported by countries bound by the treaty. The convention which met at Paris agreed to further facilities in postal communications not only between the countries which were members but also with those not represented. Provision was made at this meeting for a periodic revision of the existing rules and regulations, and postal conventions have since met every five or six years. The Universal Postal Union has tended to make the whole world one postal territory.

J. C. HEMMEON

See: COMMUNICATION; TRANSPORTATION; GOVERNMENT OWNERSHIP; CIVIL SERVICE; FRANKING; POSTAL SAVINGS BANKS; TELEPHONE AND TELEGRAPH; EXPRESS COMPANIES.

Consult: Schweiger-Lerchenfeld, A. von, *Das neue Buch von der Weltpost* (Vienna 1901); Veredarius, G. (Hennicke, F.), *Das Buch von der Weltpost* (3rd ed. Berlin 1894); Stephan, H., *Geschichte der preussischen*

Post, Geschichte der deutschen Post, vol. i (new ed. by K. Sautter, Berlin 1928); Schwarz, Konrad, *Die Entwicklung der deutschen Post* (Berlin 1931); Schwaighofer, H., "Post" in *Handwörterbuch der Staatswissenschaften*, vol. v (4th ed. Jena 1925) p. 894–984; Gallois, E., *La poste et les moyens de communication* (Paris 1894); Rothschild, A. de, *Histoire de la poste aux lettres* (Paris 1879); Florange, C., *Étude sur les messageries et les postes* (Paris 1925); Harlow, A. F., *Old Post Bags* (New York 1928); Hill, R. and G. B., *The Life of Sir Rowland Hill*, 2 vols. (London 1880); Joyce, H., *The History of the Post Office down to 1836* (London 1893); Hemmeon, J. C., *History of the British Post Office*, Harvard Economic Studies, vol. vii (Cambridge, Mass. 1912); Marshall, C. F. D., *The British Post Office* (London 1926); Murray, Evelyn, *The Post Office* (London 1927); Roper, D. C., *The United States Post Office* (New York 1917); Rich, W. E., *History of the United States Post Office to the Year 1829*, Harvard Economic Studies, vol. xxvii (Cambridge, Mass. 1924); Sly, John F., *The Genesis of the Universal Postal Union*, International Conciliation, no. 233 (Worcester, Mass. 1927).

POST-GLOSSATORS. *See* GLOSSATORS.

POTASH, or crude potassium carbonate, is one of the basic plant foods, nine tenths of the commercial output of which is consumed as fertilizer in agriculture. It is likewise an important constituent in metallurgy and in the manufacture of glass, soap, chemicals, drugs, aniline dyes, gunpowder, matches, photographic film and a host of other products.

Potash—the name is a combination of "pot" and "ash"—was originally obtained by leaching wood ashes and evaporating the solution to dryness in pots. The process was employed by the Greeks and Romans. Until recent years the potash compounds used in the arts were obtained in the form of crude potash by this simple method; and for some time after the use of fertilizer had become a common farm practise, wood ashes constituted an important source of supply of potash for fertilizing purposes.

The modern potash industry is based largely upon the mining and refining of potassium salts, made possible by the development of a chemical process in Germany in 1860. Commercial deposits occur most commonly as sylvinite, as hartsalz or as carnallite. The deposits lie at depths of from a few hundred to several thousand feet; the production of crude salts is a mining process similar in its basic characteristics to the mining of coal or salt. The crude salts are relatively low in potassium content and as a rule refining is necessary before they can be utilized. The fundamentals of the refining process are simple, resting upon the basic fact that potassium chloride is more soluble in hot water than in cold and hence will separate through crystallization by the cooling of a solution which has been saturated at a higher temperature. In order to avoid unnecessary transportation charges refineries are customarily located adjacent to the mines, and the potassium salts are transported in concentrated form.

Before the World War the commercial production of potash was virtually a German monopoly. The German industry dates from 1861, when a factory was erected near Stassfurt for the production of potassium chloride from crude potassium salts accidentally discovered in shafts sunk by the Prussian state in 1857 in its search for more abundant supplies of common salt. In 1861 the duchy of Anhalt also completed a shaft for the mining of potash. Until 1875 these two German states had a mining monopoly, although refining was in private hands. Following the liberalization of mining laws in various German states from 1865 to 1870 in an effort to attract private capital into the mining industry, two privately owned potash mines were opened in 1875 and 1877. With the breakdown of the fiscus potash monopoly a period of vigorous price competition ensued. This led in 1879 to the formation under the leadership of Prussia of the first fiscus potash cartel. Between the organization of this loose syndicate and the enactment of the potash law of 1910, which brought the industry under government regulation and gave stability to the syndicate, the history of the German industry is largely a story of the organization, dissolution and reorganization of the syndicate arrangement under the leadership of the Prussian fisc, directed immediately toward control of production and regulation of price. Although the details of the organization changed from time to time, in its mature form the syndicate represented a central sales agency for the industry, among the members of which total production was allocated in conformity with production quotas. Meanwhile German exports of potash had risen from about 100,000 tons in 1900 to over 450,000 in 1913.

The guaranty by the syndicate of the sale of potash in a closed market and the insurance to individual companies of a share in that market served as a powerful stimulus to the inflow of capital. Improvements in the technique of potash discovery and production, and expansion in the geographic area over which potash was found, contributed toward the same end. The result was a boom in potash mining of specula-

tive proportions shortly after the close of the nineteenth century. In 1900 the number of quota bearing shafts was 15; within five years it rose to 35 and in ten years to 73. Although the world demand for potash showed a significant increase, it did not keep pace with productive capacity; the average output per quota bearing shaft declined from 202,469 metric tons in 1900 to 139,388 metric tons in 1905. By 1910 average production per shaft had shown a further significant drop.

Under the pressure of increasing overhead costs and decreasing output per shaft it became constantly more difficult to maintain the cartel intact. In 1909 when it became apparent that the syndicate agreement would not be renewed, contracts were entered into between important members and leading American purchasers covering approximately four fifths of the annual American imports at prices from 18 to 49 percent below prevailing syndicate prices. With the existence of the potash monopoly thus threatened, the state intervened through the enactment of the potash law of 1910. The law fixed the price at which potash could be sold thereafter and provided for the allocation of production for foreign or domestic markets among the various producers in accordance with the allotment quota. Excess production was punishable by a prohibitive tax. The result was a compromise settlement with the American firms which had purchased potash at non-syndicate prices and the reestablishment of the syndicate's monopoly policy.

Although designed merely to stabilize the potash industry, the law of 1910 contributed to a further expansion of capacity. In the four years immediately following the enactment of the measure the number of shafts for the mining of potash increased almost threefold, reaching a total of 194. Average production of crude potash salts per shaft declined to 42,121 metric tons as compared with an average output of 202,469 metric tons in 1900. Just before the World War the syndicate was selling 45 percent of its output in foreign markets. By 1913 its exports of pure potash to North America, mainly the United States, the most important foreign customer, had reached a total of 233,066 metric tons; the totals for some of the other countries were: Holland 43,673 tons, France 42,436 tons, the Scandinavian countries 34,134 tons, England 17,479 tons and Italy 7320 tons.

At the close of the war, when the seventeen Alsatian mines and the youngest, richest and potentially the most valuable of its potash deposits were lost by Germany, its world monopoly in soluble potash salts was ended. Moreover the German industry was in a demoralized condition: it was crippled by overcapacity and obsolescent equipment, and its foreign markets were gone. The cartel system seems to have been directly responsible for many of its ills, which are typical of monopoly under modern conditions. Through allocation of production and control over prices the cartel encouraged the development of excess capacity and retained high cost producers in the industry. Restrictions placed on individual plant output necessitated small scale production and retarded technological progress. Production was frequently from potash deposits of an uneconomic character, when judged by their geological stratification or their chemical composition. In order to meet vigorous competition from the new French industry, drawing upon the Alsatian deposits, a comprehensive program of rationalization was undertaken. Inefficient mines and refineries were closed down and their production quotas taken over by the more efficient plants. As their scale of operations expanded, these mines were modernized and mechanized. The number of operating shafts was reduced from 152 in 1913 to 60 in 1928, and the average output of crude potassium salts per shaft increased from 78,661 metric tons to 208,133 metric tons. Machines displaced man power, and the output per man per shift rose from 1.56 metric tons to 3.08 metric tons. Similar developments took place in the refining branch of the industry. The number of operating refineries was reduced from 75 in 1921 to 31 in 1928 with an increase in average yearly output per factory from 9600 metric tons of K_2O to 43,000 metric tons and a rise in output per man per shift from .37 metric tons in 1924 to .86 metric tons in 1928.

The rationalization program was made possible and was accompanied by a concentration in control of the industry. This process had been begun before the war but was now greatly accelerated under the influence of the socialization program of 1919 and the inflation of the currency before 1923. In 1914 the potash mines were under the control of 33 concerns representing combinations of 2 or more companies, and of 11 independent concerns; no one concern controlled as much as 10 percent of the total output. By 1928 the concentration of control had proceeded to the point where 3 major combines controlled more than 80 percent of the entire

sales of German potash and practically dominated the syndicate's policies.

As the German potash industry was reorganized and rationalized, it was subjected to more rigorous governmental regulation under a socialist regime in an endeavor to insure its functioning on behalf of the public welfare. Under the potash law of 1919 the Reichskalirat (State Potash Council) was established as the industry's governing body, composed of 30 representatives of the producers, distributors and consumers of potash and representatives of the laborers and technicians in the industry. Although apparently designed as a sort of economic parliament for determining the broad policies of the industry and for regulating prices and labor conditions, in practise the primary task of the Reichskalirat has been the regulation of price, a function performed directly by the syndicate in the early history of the industry and by the Bundesrat under the potash law of 1910. The law of 1919, ostensibly a socialization measure, in effect resulted in no marked departure from previous control.

The World War deprived the German potash industry of its foreign markets. American imports, which in 1913 totaled 272,400 short tons of K_2O, declined sharply. As the war continued, the decline became progressive, and by 1918 importations had practically ceased. The price of potash rose more than elevenfold. These circumstances stimulated the growth of an American potash industry, which resorted to a variety of practises in its search for commercial potash. Giant seaweed on the Pacific coast, lake brine in California and Nebraska, cement mill and blast furnace dust, were all made to yield potash in commercial quantities. By the end of the war the American industry produced approximately 207,600 short tons of crude potash with a potash content of 54,800 tons. But the industry succumbed for the most part to the vigorous postwar competition of the more mature and more richly endowed foreign industry. Of the 128 plants producing potash in the United States in 1918 all but 7 had suspended operation by 1926 and output had decreased to less than one half the output of 1918. The American Potash and Chemical Corporation, representing a striking exception to the general development, produces potassium chloride as a major product and borax as a by-product from the salt brines of Searles Lake, California. With a plant capacity of 250 tons of potassium chloride and 125 tons of borax per day, this concern has accounted for most of the output in the United States in the postwar period.

The rapid decline in American output served to intensify the search for natural deposits of potassium salts which had been initiated prior to 1914. Pioneer exploratory work conducted by the Texas Bureau of Economic Geology under the leadership of J. A. Udden and by the United States Geological Survey had by 1926 delimited an area in the Permian salt basin of west Texas and eastern New Mexico, in which potash in commercial quantities might be found in numerous scattered places. Private exploration resulted in the discovery of deposits of sylvinite rich in potassium chloride, which have since been exploited. Meanwhile public and private research has been directed toward the perfection of a process for the refining of potassium sulphate from polyhalite, of which numerous deposits have been discovered. While no venture in this field has yet been carried to commercial success, it is possible that potassium sulphate derived from polyhalite, despite the more complex and expensive refining process as compared with the production of chloride salts from sylvinite, may yet find a place in the American market. Exploration has revealed additional deposits of sylvinite, which are now being developed. Ultimate American independence of foreign sources seems likely. For the past several years the peak of war production has been exceeded, and a new high point was reached in 1931.

Although the loss of Alsace at the close of the war broke the German potash monopoly, it did not result in the establishment of a permanently free market for potash. The French industry, under the control of a single private producer, Kali Sainte-Thérèse, and the government owned mines, Les Mines Dominiales de Potasse d'Alsace, are organized in syndicate form. While the French industry increased its output sharply in the years immediately following the war and offered vigorous competition to the German product in the world market, competition eventually forced an agreement. In August, 1924, the two great producers agreed to a division of the American market, approximately two thirds being allotted to the German industry and one third to the French. A more comprehensive agreement between the German potash syndicate and the French syndicate was entered into in 1925 and renewed in 1926 for a provisional period of ten years. Under its terms sales in the world market were to be shared jointly, 70 percent to be supplied by the German industry and

the remaining 30 by the French industry, until total sales exceeded 840,000 metric tons of K_2O. Sales in excess of this amount were to be shared equally. In case sales should not total 840,000 tons by the fifth year of the contract, beginning with the sixth year sales in excess of the highest figure reached during the first five years were to be divided equally between the two contracting parties. The contract reserved sales within French territory to the French industry and within German territory to the German industry. A uniform price policy was provided for and a joint sales and propaganda organization was established. This arrangement eliminated competition effectively.

While they still dominate the world markets, in recent years the French and German industries have been losing ground to the potash industries of the United States, Poland and Spain. The United States, the world's second largest consumer of potash, still secures the major portion of its supply from abroad. Imports have declined sharply in recent years, however, and domestic output has shown an increase. The output of the Spanish industry in 1930 was 54,811 tons, more than double that of 1929; serious inroads have been made into the Franco-German market in the Netherlands. Polish output has held up relatively well. Polish competition was harnessed in the spring of 1932, when a five-year commercial agreement was concluded between the German potash syndicate and the Polish society for the exploitation of potassium salts, under the terms of which Polish production was allotted a 4 percent quota in the world market and brought under control of the German syndicate.

PRODUCTION OF POTASH, LEADING WORLD PRODUCERS, 1928–31

(In metric tons of K_2O)

	1928	1929	1930	1931
Germany	1,691,128	1,787,775	1,608,514	1,077,642
France	406,640	492,097	506,370	368,870
Poland	55,611	63,735	55,230	52,741
United States	54,349	55,873	55,583	57,951
Spain	24,323	24,395	28,644	28,116

Source: United States, Bureau of Mines, *Minerals Yearbook, 1932–33* (1933) p. 773–74.

The world's developed deposits contain a visible supply of potash adequate to meet the world's demand for hundreds of years. Available world capacity is far in excess of consumption. Although consumption may be expected to increase with declining soil fertility, it is overproduction and not shortage of potash which constitutes an ever more serious threat to the industry. Particularly in the United States, in view of the broad area of the Permian salt basin (approximately 70,000 square miles), in which potash may be found in commercial quantities, and in view of the prevailing legal and economic system, there is danger of long run gross overdevelopment in the absence of an intelligent program of social control. This condition exists in many other industries producing raw materials and finished products. What is needed both at home and abroad is not merely control over output, but control over capacity to produce with some guaranty that the resulting economies may be passed on to the consuming public.

GEORGE WARD STOCKING

See: FERTILIZER INDUSTRY; SOILS; MINING; CARTEL; GOVERNMENT REGULATION OF INDUSTRY.

Consult: Turrentine, J. W., *Potash* (New York 1926); Stocking, G. W., *The Potash Industry; a Study in State Control* (New York 1931); Krische, Paul, *Das Kali* (Stuttgart 1923); Schönemann, Josef, *Die deutsche Kali-Industrie und das Kaligesetz* (Hanover 1911); Hoechstetter, Wilhelm, *Kontingentswirtschaft in der Kaliindustrie* (Halle 1927); International Economic Conference, *The Potash Industry*, League of Nations, Publications, 1927.ii.12 (Geneva 1927); Münstermann, Hans, *Die Konzerne der Kaliindustrie* (Leipsic 1925); Germany, Ausschuss zur Untersuchung der Erzeugungs- und Absatzbedingungen der deutschen Wirtschaft, Unterausschuss III, *Die deutsche Kaliindustrie* (Berlin 1929); United States, Bureau of Foreign and Domestic Commerce, "Potash: Significance of Foreign Control and Economic Need of Domestic Development," by H. M. Hoar, *Trade Promotion Series*, no. 33 (1926); United States, Bureau of Mines, "Potash Mining in Germany and France," by George S. Rice and John A. Davis, *Bulletin*, no. 274 (1927), and "Commercial Possibilities of Texas-New Mexico Potash Deposits," by James S. Wroth, *Bulletin*, no. 316 (1930); Tosdal, H. R., "Kartell Movement in the German Potash Industry" in *Quarterly Journal of Economics*, vol. xxviii (1913) 140–90; Stocking, G. W., "Potash; Can the United States Free Itself of Foreign Dependence?" in *Chemical Markets*, vol. xxviii (1931) 247–52, 368–72, 482–86.

POTHIER, ROBERT-JOSEPH (1699–1772), French jurist. Pothier was born at Orléans, where he served as magistrate and as professor of French law at the university. His lonely existence as a modest provincial was given over entirely to the law. He published a study on the Pandects, *Pandectae justinianae in novum ordinem Digestae* (3 vols., Paris 1749–52), in which he strove to arrange Justinian's compilation in logical order; but his other works are all devoted to the French civil law, which he surveyed in a series of separate treatises, that on obligations

being particularly notable. It was from Pothier's works that the provisions of the *Code civil* of 1804 were in large part drawn.

Most of the jurists who preceded Pothier had confined themselves to the study of the local legislations which divided France under the old regime. Imbued with the spirit of the eighteenth century, Pothier sought to give encyclopaedic treatment to the whole of French private law. While the commentators on the local customs had generally emphasized the originality of the institutions described by them and had concentrated upon the peculiarities of a particular local law, Pothier, bringing to the study of the whole of French legislation the methods of exposition which he had learned from the Roman jurists in the course of his work on the Pandects, dwelt upon the central ideas and the elements of cohesion common to all customs, with the result that the customary law took on a more homogeneous aspect. This method, based on reason, not only introduced a principle of unity among the customs but likewise related the customary law of the north with the Roman law which still prevailed in the south, so that these two systems of law thenceforth seemed less dissimilar. Pothier's work thus prepared the reconciliation which was to be accomplished in the *Code civil*. Indeed his texts were often literally incorporated in the *Code*.

Moreover in imitation of the Roman jurists Pothier had set himself the task of separating juridical science from political conditions. Having allowed no place in his work for public law, he could not be suspected of partiality toward any specific political regime. His influence was destined to grow when the time came to find a model for the drafting of the *Code civil*, which required adjustment of the juridical conceptions of the old regime to those of the revolution without a revival of political passions.

As one of the fathers of the *Code civil* Pothier enjoyed great prestige in France until the opening of the nineteenth century. But as the Napoleonic code recedes into the past, as the law becomes renewed and as social and economic conditions change, his authority tends to be effaced. Pothier remains nevertheless a name venerated by French jurists, for it was he who showed how a private work might serve as a legislative model.

L.-H. DUNOYER

Works: *Oeuvres de Pothier*, ed. by J. J. B. Bugnet, 10 vols. (Paris 1845–48).

Consult: Le Trosne, G. F., *Éloge historique de M. Pothier* (Paris 1773), English translation (London 1806); Dupin, A. M. J. J., *Dissertation sur la vie et les ouvrages de Pothier* (Paris 1825); Frémont, A. F. M., *Recherches historiques et biographiques sur Pothier* (Orléans 1859); Montmorency, J. E. G., in *Great Jurists of the World*, ed. by S. J. Macdonell and E. Manson, Continental Legal History series, vol. ii (Boston 1914) p. 447–76; Dunoyer, L.-H., *Blackstone et Pothier* (Paris 1927).

POTTER, GEORGE (1832–93), English labor leader. Potter, a London carpenter, became prominent as leader in the builders' nine-hour movement in the years 1858 to 1861. This struggle, which came to involve the very existence of trade unionism, deepened the sense of unity among all trades and in London led to the formation of the Trades Council. Striving to place the trade union movement upon a national basis, Potter cooperated with provincial leaders and thus contributed to the formation of the Trades Union Congress, the immediate precursor of which was a national conference he assembled in 1867. In 1861 Potter founded the *Bee Hive*, which became an able trade union organ under his editorship. About 1864 a feud developed between Potter and the leaders of the amalgamated unions who formed the Junta of the Trades Council, Potter emphasizing militancy and solidarity, they moderation and particularism. It is true that Potter had no reasoned class conscious philosophy, yet certain implications of such a philosophy appear not only in his conflict with the Junta but in his speeches and writings from 1858 to 1870. When danger threatened trade unionism in 1867 the Junta stressed pacific policies and legislative protection for insurance funds. Potter regarded such a program as inadequate for unions which held strikes to be of primary importance. The unsatisfactory legislation of 1871, which taking the Junta leadership at its word penalized picketing and obstruction, led to a realization of the necessity of wider cooperation among all trades. Hence the congress of 1871, of which Potter was chairman, took over the conduct of the struggle and the Junta dissolved. Thereafter they and Potter cooperated.

During the agitation for the franchise Potter organized the London Working Men's Association, which in 1869 participated in the formation of the Labour Representation League. A Liberal in politics, he endeavored several times to enter Parliament. He was the second working man elected to the London School Board.

FRANCES E. GILLESPIE

Consult: Postgate, R. W., *The Builders' History*

(London 1923); Gillespie, F. E., *Labor and Politics in England, 1850–1867* (Durham, N. C. 1927); Cole, G. D. H., *A Short History of the British Working Class Movement*, 3 vols. (London 1925–27) vol. ii; Webb, S. and B., *The History of Trade Unionism* (rev. ed. London 1920).

POTTERY

PRIMITIVE. Pottery has little utility to nomadic peoples because of its fragile nature; its successful use demands the relative stability of habitat which is made possible through knowledge of the cultivation of plants. The geographic distribution of pottery among primitive peoples corresponds roughly to that of agriculture; both in the Old World and in the Americas they appear to have developed almost synchronously and as a rule to have traveled together. The sporadic appearance of pottery in late palaeolithic deposits in western Europe prior to its full development in megalithic agricultural settlements can probably best be accounted for as the work of a vanguard of neolithic peoples coming from the east who had previously practised the craft, although it may in certain instances have been the result of diffusion without migration. In North America there are instances of the use of pottery by a few tribes beyond the margin of the agricultural area, but these exceptions are found among nomadic Indians who made some use of pottery objects manufactured by their sedentary neighbors and among tribes in regions where agriculture was probably once practised. A crude ceramic art is, however, to be found among the tribes of the Yukon River in Alaska and of the Arctic coast; this development may be ascribed to influences from northeastern Asia. In South America the marginal peoples of Tierra del Fuego and of eastern Brazil possess no pottery and among south African, Australian and Polynesian natives it is also unknown. It was more extensively used by Melanesians formerly than at present.

Primitive pottery is made by four different methods, which may also be used in combination: by direct shaping through scooping out and forming a lump of clay, by the coiling method of building up rolled strips of clay, by molding in forms already made and by turning. The theory of the accidental origin of pottery manufacture through the inadvertent burning of clay plastered baskets is untenable since it ignores the many factors indispensable for the successful firing of a pot. Baskets have, however, been widely used as accessories in the shaping of clay vessels; bowls molded in baskets have been found to be among the earliest types of pottery in the southwest of the United States. The prior use as vessels of baskets, gourds and shells also led to the use of these as models for the shaping and decoration of pottery modeled without the aid of basket molds. Coiled pottery built up spirally is readily adapted to patterns comparable to those of coiled basketry. The shape and ornament of the bell beaker, a widely distributed form of pottery in the megalithic period in western Europe, are often declared to have been derived from basketry prototypes; one authority suggests that both the bell beakers and the similar earliest known Egyptian pottery are imitations of grass basketry forms used in Africa. In Iberian Spain, however, a whole series of gradations can be observed in the development and maturation of the bell beaker from the low waisted bowl independently of basketry prototypes.

The fact that pottery is fashioned in the Americas without the aid of the potter's wheel, which is characteristic of the Old World, and the evidence of geographical distribution support the hypothesis of independent centers of development on the two continents. It remains for future archaeological research to determine the time and place of origin of Old World pottery; the consensus of authoritative judgment places it in southwestern Asia not later than 6000 to 5000 B.C. The art of pottery making in America is thought to have diffused from Central America, which was the culture center whence spread such advanced elements of native American culture as corn growing, cotton cultivation and stone masonry. An almost unbroken development from the earliest and crudest forms through intermediate stages to the perfected styles of later times, independent of Mexican influence, can be traced in the case of the pottery of the southwest of the United States; as pottery does not appear in this area, however, until some time after the introduction of corn, which proves contact with Mexico, the basic knowledge that vessels could be made from clay may also have been derived from this source although its subsequent development was local. Important advances in the technique of working the clay and in the surface treatment of pottery were made independently in the east Andean region of South America.

Wherever pottery has been manufactured, practically imperishable potsherds are found in abundance; rubbish heaps and artificial fills have made possible stratigraphic excavation which

often affords chronologically seriable specimens. The rise and spread of predynastic cultures in Egypt and the time sequences of other ancient cultures are traceable largely by studies of ceramic types and of their stratigraphic relation to one another; likewise pottery has proved to be the most serviceable single criterion in ranking the ruins of the American southwest in correct chronological order. Because of the distinctiveness which wares possess, knowledge of the fashions of area, region and site enables archaeologists to designate the source of potsherds and to reconstruct the cultural connections between regions. Forms of pottery, for example, the bell beakers and decorative techniques such as the "comb" ornament, have been of great value to students of prehistoric European cultures in their attempts to determine the interrelations between different areas. The migrations of living primitive peoples can sometimes be traced through their pottery, as in the case of the Navaho, who in their movement southward through the Pueblo region retained the style of pottery they had learned to make in the plains. The processes of selection and combination of clays, of ornamentation—whether by imprint, by incising, by carving or applied relief, by white or colored slips, by varnishes or paints—and of firing to the requisite degree of hardness, all involve complex technical knowledge and skill; for this reason pottery affords one of the most reliable indexes of the technical resources of a people. Involving as it does individual craftsmanship and permitting virtuosity in its manufacture, primitive pottery also affords an excellent medium for the study of the processes of primitive art and of the psychology of the artist. The character of pots and burial urns and their decoration often throw light on the customs of primitive communities.

Pottery is generally but not invariably made by women in the Americas and in Negro Africa and India wherever pots are fashioned by hand. Where pots are turned on the wheel, men are the potters. Stylistic specialization and differentiation of pottery are sometimes emphasized by social organization, as in the case of the guilds which governed Aztec manufacture and trade. The manufacture of a distinctive type of pottery is in many instances a village, family or individual tradition; pottery making then becomes a profession conveying prestige rather than merely a household art.

BERNARD J. STERN

HISTORICAL. The developments in pottery since prehistoric times have generally been dependent upon larger social and economic changes, which extend the uses of pottery in the domestic life of the upper classes, condition its manufacture as an exportable commodity, stimulate technical experimentation in the search for cheaper methods of production, superior materials and novel aesthetic qualities and beget new contents of decoration.

A hundred distinct types of pots and dishes have been developed since the sixteenth century. Ceramics have been used also in bric-a-brac, toys and decorative sculpture and applied to architecture in bricks, tiles, conduits, acoustic devices, ovens and sanitary fixtures. Variety of type is determined not only by the elaboration of practical needs, with the growth of material culture, but also by aesthetic interests, as is indicated by the fact that most of the new pottery forms developed since prehistoric times are show pottery; ordinary kitchen crockery exhibits a relative stability of type or a modest dependence on the show types. Pottery becomes an important aesthetic object in those cultures and classes which practise elaborate formal ceremonials in secular hospitality and in religious rites. When taste changed in the later eighteenth century from rococo to neoclassic art, there was a corresponding change in pottery.

The varied aesthetic changes in pottery form and decoration have been determined by technical and material developments in so far as each new material or technique affects the shape, color and texture of pottery. Since many of the new materials and techniques were investigated in order to produce desired aesthetic effects, the relation of technique and style is not a one-sided influence, but an interaction in which aesthetic problems modify technique and technical discoveries suggest new aesthetic types. The development of aesthetic types has been affected also by purely commercial interests, for the competition with a successful type of pottery encouraged either the local imitation of that pottery, with the consequent abandonment of a previous local style, or the search for a new type, if only of a glaze or a color, to compete with the rival fashion. In countries like Holland and Portugal, which in the seventeenth century profited commercially from the carrying trade in far eastern goods, little effort was made to reproduce the Chinese wares, especially in Holland, where there was also a native faïence industry which would probably have

been ruined by a local porcelain establishment.

The success of English pottery in the later eighteenth century was due not merely to the change in taste from the rococo to the neoclassic but to a superior mechanical mode of manufacture, to the cheapness of the articles and a greater durability. But these material advantages are ultimately inseparable from the taste for the neoclassic, since the latter arose in opposition to the unproductive sensuality of the court and extolled the bourgeois virtues of simplicity, orderliness and economy. The rise of Wedgwood as a manufacturer and the growing popularity of his particular ornament were thus not unrelated phenomena.

Within the limits of the pervading style of a time or place pottery exhibits unique and independent aesthetic qualities, which may in turn influence other arts of the period. The blueness of delftware, which was copied from the blue of Chinese porcelain, is a quality restricted to Dutch ceramics, but the shapes of the pottery and the ornament itself accord with the general principles of Dutch art at this time. From the technique of ceramics may arise peculiar formal devices, like the cloisons or cells in old oriental tiles, which are transferred in turn to textile ornament. On the other hand, pottery forms may be subordinated to another contemporary art of quite different material and function, as in the case of the eighteenth century wares which become pictorial surfaces or imitate the effects of stone sculpture.

There are few details of modern pottery manufacture, whether aesthetic or technical, which do not presuppose the inventions and fantasy of the past and of non-European countries. The ancient Orient already knew the wheel and practised glazing of a high order. Besides the alkaline glaze of the Egyptians, which had a limited application elsewhere, the tin and lead glazes, crucial for subsequent eastern and western ceramics, were employed. In the archaic period of Greece, from the ninth to the seventh century B.C., the typical painted ornament of Greek pottery included numerous animals and plant forms taken from the repertoire of oriental art; but by the sixth century they were replaced by a native decoration of human figures in mythological or genre scenes. Already in the eighth century B.C. pottery had become one of the chief industries in Greece. It was made chiefly for local use, for feasts, for display and for funerary and religious purposes. After the eighth century it was manufactured also for export and in greater variety of specialized types. The self-consciousness of the industry is indicated in the choice of themes from pottery manufacture as the subjects of the painted decoration, especially in Corinth, and in the appearance of signatures as trademarks and ultimately as expressions of personal pride in craftsmanship. In the period between 650 and 550 B.C. Corinthian pottery was exported all over the Mediterranean region and even beyond the Alps. The role of Corinth was taken over by the Athenian potters, who possessed a local clay of fine quality and were artistically more enterprising than the Corinthians. There pottery manufacture became a primary industry organized in workshops of twelve to fifteen men, usually slaves, with a division of labor. The prosperity of the industry was bound up partly with the export of wine and oil stored in pots and also with luxury, since the Athenians made especially fine ware as show pieces for banquets and gift offerings. In the sixth century B.C. they acquired a monopoly, which was enforced by embargoes, tariffs and even by violence. The style of painted decoration shows a steady development of naturalistic forms, based largely on the development of monumental painting and sculpture at the same time, but with a retention of the earlier black and red figured techniques. The industry passed during the fourth century from Athens to Rhodes and Italy and then to various Hellenistic cities.

Painted pottery was gradually superseded during the second century B.C. by the cheaper molded vases, especially by "terra sigillata," a hard, reddish, glazed ware, with molded and stamped ornament of light mythological and animal subjects, copied from the vessels of precious metal then fashionable in the wealthier Roman and Hellenistic homes. This pottery, also known as Samian and Aretine ware, was the common table ware of the Mediterranean world up to the third century A.D. and has been found from the Euphrates to Scotland. It was produced industrially in Italy and Gaul and was stamped with the names of the potters.

Little of the pottery of the early Middle Ages has survived in western and eastern Europe. The change in funerary customs with the spread of Christianity may account for this in part, but more important factors are probably the lowered standards of living, the shift from city to country and the use of metal vessels and glass by the church and the nobility. The pottery which

has survived is generally, although not always, unglazed; it is of very simple form, recalling prehistoric and primitive pottery, especially in the incised or crudely stamped decoration and in the plain bulging shapes of the vessels. By the twelfth and thirteenth centuries, eastern and Spanish Islamic wares, influenced especially by Persian ceramics, were imported in Italy, France and Spain and were employed not only domestically but also as an architectural decoration. A definite technical advance then became evident in western pottery.

The finest wares of the Middle Ages were produced in Persia and China. The Persians continued to use the materials and techniques of the older Orient, including the lead and tin glazes, on tiles and pottery. By the ninth century they or a neighboring people had discovered a method of luster painting which gave the pottery a delicate iridescence. Persian pottery was produced in various centers usually associated with a royal court. These wares reflect in the common scenes of hunting and feasting and in the heraldic animals or game painted on them the ideas and interests of the royal court. The painted ware shows the utmost finesse and calligraphic freedom in its naturalistic rendering of human and animal figures. The work, however, remains impersonal, entirely attached to a class distinct from the artisan's; it carries no signatures and few references to the place and the date of manufacture.

Chinese pottery, the history of which can be traced as far back as the third millennium B.C., is not entirely detached from western Asiatic traditions. The oldest prehistoric wares resemble those of Susa in Persia and show wheel marks which indicate a western Asiatic influence. The occasional lead glazing in the pottery of the Han dynasty (206 B.C.— 220 A.D.) also points to the Near East. The wares of this period are preserved as funerary pottery and include ceramic sculptures of domestic objects, family figures, animals and even buildings. In the period after the Han dynasty there appears a proto-porcelain, a semitransparent pottery in which kaolin has been imperfectly utilized. The oldest assured examples of porcelain are Chinese exports found in Samarra on the Tigris in a palace of the ninth century. The manufacture of Chinese porcelain was an experimental art; new shades and textures were continually discovered in the processes of mixing and firing, but traditional types were not abandoned for many centuries after such innovations. The porcelain had a varied use, entering into almost every aspect of life from religious ceremony to the tea service. In later times it was produced under royal administration with the greatest care and supervision and involved a detailed division of labor. Special types were manufactured for Persian and western taste, which was devoted both to the material qualities of porcelain and the images of Chinese life and Chinese decoration. Since the eighteenth century, Chinese pottery has been eclectic and uninventive, like the pottery of Islam and the west.

Apart from the stoneware of the Rhineland and its English derivatives, the development of western pottery between the fourteenth and nineteenth centuries was conditioned largely by the imitation of Islamic and Chinese pottery, in so far as the typical techniques and problems arose from the effort to reproduce the tin glazed and lustrous wares of Islam and the hard porcelain of the Chinese. From the first proceeded the majolica, faïence and delft wares of Italy, France and Holland; whereas the far eastern wares were copied in the various artificial and true porcelains of Italy, France and Germany. This effort to reproduce the imported article locally indicates the aggressive, inventive character of western industry in contrast to that of the Persians, who seem to have made little effort to discover the true technique and materials of the porcelain. In the West, almost since the first acquaintance with Chinese porcelain in the Renaissance, a ceaseless search was begun with the hope of finding the secret of porcelain. This search resulted at first in an expensive, artificial soft porcelain, which had the appearance and surface of porcelain but not its essential hardness. It was manufactured in establishments subsidized and protected by individual nobles or the king. Several varieties of the soft porcelain were invented before Böttger, in cooperation with von Tschirnhaus, discovered the true composition of hard porcelain in 1707 and also deposits of the essential ingredient, kaolin, in the neighborhood of Meissen in Saxony. Böttger's effort was subsidized by the elector of Saxony, Augustus the Strong, who hoped to acquire great wealth by the production of native porcelain. In accord with this mercantilist policy a privileged factory with secret processes was founded at Meissen, which for the next fifty years was the chief source of European hard porcelain. But the secret was soon stolen and porcelain was manufactured throughout Germany and in Austria. The chief decorations of

the hard porcelain were either exotic Chinese subjects or themes of rococo eroticism based on French paintings of the time. Later in the century the subjects became less exotic, until the classic movement of the 1760's and 1770's introduced a primarily mythological, heroic and moralistic content. Then porcelain lost much of its appeal and was replaced by techniques which provided a plainer surface. At this time English potteries practically dominated the European market. They provided a hard stoneware as durable as porcelain, at a far lower cost and with a sentimental or neoclassic decoration congenial to the bourgeois patronage of the period. Through a whole series of inventions the English potters had developed methods of mass production which virtually revolutionized the industry. They discovered a bone pottery of extraordinary hardness, a convenient salt glaze, mechanical methods of decoration (transfer printing) and molding as well as superior kilns, mechanical and steam power for the wheel and the mixing of clays. At the time these newer processes were introduced there was a distinct deterioration in decorative qualities, which, however, cannot be attributed to mechanical methods as such, since decorative arts in general show a decline during this period in the East and West, even where handicraft persisted.

The pottery of the nineteenth century, produced in large factories, has been eclectic for the most part and subject to rapid changes in historical and aesthetic fashions. In the second half of the nineteenth century there were numerous movements to restore pottery as an artistic handicraft. This trend was stimulated not only by the study of older pottery, which was beginning to be collected, but also by the increasing luxury of bourgeois life. Such efforts to revive pottery were part of a larger movement to overcome the supposed effects of industrialism on craftsmen and artists by a revival of handwork. The products have been mediocre and have commanded only an ephemeral attention; they have not risen far above the level of cheap mechanical production. They have been too expensive to reach any but the wealthier classes, despite their imitation in factory wares. On the other hand, a vogue has been created throughout the western world for simple, naïve pottery which has quickened the market for cheap colonial and central European wares with primitive and peasant designs.

MEYER SCHAPIRO

See: GLASS AND POTTERY INDUSTRIES; ART; ARCHAEOLOGY; ANTHROPOLOGY; ORNAMENT; SYMBOLISM; HANDICRAFT; INDUSTRIAL ARTS.

Consult: FOR PRIMITIVE: Linné, S., *The Technique of South American Ceramics*, Göteborgs Kungliga Vetenskaps- och Vitterhets-Samhälles, Handlingar, 4th ser., vol. xxix, no. 5 (Göteborg 1925); Spinden, H. J., "The Origin and Distribution of Agriculture in America" in International Congress of Americanists, *Proceedings*, vol. xix (Washington 1917) p. 269–76; Tylor, E. B., *Researches into the Early History of Mankind* (3rd ed. London 1878) p. 174, 179, 264–74; Mason, O. T., *The Origins of Invention* (London 1895) ch. v; Holmes, W. H., "Origin and Development of Form and Ornament in Ceramic Art" in United States, Bureau of American Ethnology, *Annual Report*, vol. iv (1886) 437–65; Kidder, A. V., and others, *The Pottery of Pecos*, Phillips Academy, Department of Archaeology, Southwestern Expedition, Papers, no. 5, vol. i– (New Haven 1931–); Bunzel, R. L., *The Pueblo Potter*, Columbia University, Contributions to Anthropology, vol. viii (New York 1929); Guthe, C. E., *Pueblo Pottery Making, a Study at the Village of San Ildefonso*, Phillips Academy, Department of Archaeology, Southwestern Expedition, Papers, no. 2 (New Haven 1925); Harrison, H. S., "The Clay and the Pot" in Pitt-Rivers Museum, Farnham, Eng., *General Handbook*, ed. by L. H. Dudley Buxton (Farnham 1929) p. 38–45; Forde, C. Daryll, "Early Cultures of Atlantic Europe" in *American Anthropologist*, n. s., vol. xxxii (1930) 19–100; Morgan, J. J. M. de, *L'humanité préhistorique* (Paris 1921), tr. by J. H. Paxton and V. C. C. Collum (London 1924); Childe, V. G., *The Dawn of European Civilization* (London 1925); Laufer, Berthold, *The Beginnings of Porcelain in China*, Field Museum of Natural History, Anthropological Series, vol. xv, no. 2 (Chicago 1917) p. 148–77.

FOR HISTORICAL: Hannover, Emil, *Keramisk Haandbog*, 3 vols. (Copenhagen 1919–24), tr. by Bernard Rackham and W. W. Worster as *Pottery and Porcelain; a Handbook for Collectors*, 3 vols. (London 1925); Petrie, W. M. F., *The Arts and Crafts of Ancient Egypt* (2nd ed. London 1910) ch. xi; Contenau, Georges, *Manuel d'archéologie orientale depuis les origines jusqu'à l'époque d'Alexandre*, 3 vols. (Paris 1927–31); Furtwängler, Adolf, Reichhold, Karl, and Hauser, Friedrich, *Griechische Vasenmalerei* (Munich 1909); Déchelette, Joseph, *Les vases céramiques ornés de la Gaule romaine*, 2 vols. (Paris 1904); Oswald, Felix, and Pryce, T. D., *An Introduction to the Study of Terra Sigillata* (London 1920); *Bilder griechischer Vasen*, ed. by J. D. Beazley and Paul Jacobsthal, vols. i–vii (Berlin-Wilmersdorf 1930–33); Migeon, Gaston, *Arts plastiques et industriels*, Manuel d'Art Musulman, no. ii, 2 vols. (2nd ed. Paris 1927) vol. ii, ch. xii; Pézard, Maurice, *La céramique archaïque de l'Islam et ses origines* (Paris 1920); Sarre, Friedrich, *Die Keramik von Samarra* (Berlin 1925), and "Die Keramik im Euphrat- und Tigris-Gebiet" in Sarre, F., and Herzfeld, E., *Archäologische Reise im Euphrat- und Tigris-Gebiet*, 4 vols. (Berlin 1911–20) vol. iv; Rice, D. T., *Byzantine Glazed Pottery* (Oxford 1933); Hobson, R. L., *Chinese Pottery and Porcelain*, 2 vols. (London 1915), and *The Wares of the Ming Dynasty* (London 1923); Andersson, J. G., "An Early Chinese Culture" in China, Geological Survey, *Bulletin*, no. v (Peking 1923) p. 1–68, and "Preliminary Report on Archaeological Research in Kansu" in China, Geological Sur-

vey, *Memoirs*, ser. A, no. v (Peking 1925) p. 1–51; Laufer, Berthold, *Chinese Pottery of the Han Dynasty*, American Museum of Natural History, East Asiatic Committee (Jacob H. Schiff Chinese Expedition), Publication (Leyden 1909); Hentze, Carl, *Les figurines de la céramique funéraire*, 2 vols. (Helleraus 1928), tr. as *Chinese Tomb Figures* (London 1928); Falke, Otto von, *Majolika* (2nd ed. Berlin 1907); Bode, Wilhelm von, *Die Anfänge der Majolikakunst in Toskana* (Berlin 1911); Piccolpassi, Cipriano, *I tre libri dell'arte del vasajo* (3rd ed. by Giuliano Vanzolini, Pesaro 1879), tr. into French by C. M. Popelin-Ducarre (Paris 1861); Van de Put, Albert, *Hispano-Moresque Ware of the XV. Century*, 2 vols. (London 1904–11); Garnier, Édouard, *Dictionnaire de la céramique* (Paris 1893); Hofmann, F. H., *Das Porzellan der europäischen Manufakturen im XVIII. Jahrhundert* (Berlin 1932); Falke, Otto von, *Das rheinische Steinzeug*, 2 vols. (Berlin 1908); Rackham, Bernard, and Read, Herbert, *English Pottery; Its Development from Early Times to the End of the Eighteenth Century* (London 1924); Burton, William, *Josiah Wedgwood and His Pottery* (London 1922). For comprehensive bibliography of pottery, see *Ceramic Literature*, compiled by L. M. E. Solon (London 1910), and "List of Books on the History and Technology of the Ceramic Art," compiled by L. M. E. Solon, in Ceramic Society, *Transactions*, vol. xi (London 1911–12) p. 65–104.

POVERTY. Fundamentally poverty is a negative term denoting absence or lack of material wealth. Such absence, however, is seldom absolute and the term is usually employed to describe the much more frequent situation of insufficiency either in the possession of wealth or in the flow of income. As J. H. Hollander has pointed out, in ordinary usage poverty is applied to three distinct conditions: economic inequality, economic dependence and economic insufficiency. But his judgment that only the last "forms the real problem" perhaps limits too narrowly the scope of the problems created by inequalities within modern economic organization. Acceptance of insufficient flow of income as the essential aspect of poverty merely shifts the difficulties of definition, since this concept predicates the assumption of standards, physiologic, psychologic or social. There can scarcely be a satisfactory answer to the question as to how much is enough without some arbitrary agreement as to the objective. Since there is obviously a clear distinction between human needs and human desires, the latter may include desires of a negative, definitely injurious nature, as, for instance, for narcotics; and there may be important needs, such as for cleanliness or education, which are not expressed as conscious desires. The determination of the state of poverty must therefore be based upon some distinction between legitimate and excessive desires, a distinction resting not only upon physiology but also upon some underlying theory as to the purposes of human existence.

If preservation of life and health is assumed as the fundamental and universal objective, the power of reproduction and child rearing follows as a necessary corollary. But in addition to this simple principle there is the quest for happiness or satisfaction. Furthermore an appraisal of individual deviations from a prevailing level of economic well being depends upon a particular theory of the historic destiny of human society.

Modern social science treats poverty as an aspect of social pathology. Since the term pathological is used to describe an abnormal condition of deviation from the average or the prevailing type rather than from an ideal condition, such a concept obviously arises within a society whose economic development has succeeded in forcing nature to yield in sufficient quantity the products necessary for its well being. The process by which such development has been progressively achieved for a tribe, a nation or even humanity as a whole has been fairly continuous despite the many interruptions imposed by natural calamities, such as droughts, crop failures and devastating epidemics, or by the mass destruction of wealth resulting from violent group conflicts. The exact statistical measurement of such increase, however, is not a simple matter. It cannot be gauged merely by monetary units because the purchasing capacity, or the command over goods, of any monetary unit has undergone many changes. Nor can the degree of discrepancy between recognized wants and desires and the opportunities for their satisfaction serve as a basis for measurement of increase, for there is no contradiction in the phenomenon of an increased degree of felt and recognized poverty at the same time that there is an increase in objective material wealth. Failure to observe these fundamental considerations may lead to an entirely erroneous appraisal in comparison of conditions of communities separated from one another either geographically or historically.

Moreover as one passes from the consideration of the poverty of an entire community to that of individuals, families, groups or classes within the community, the problem becomes more complex. In addition to the discrepancy between existing needs and available resources as a whole one must take into account such factors as the influence of prevailing social standards, the inevitable if sometimes semicon-

scious comparison of differences of standards within the community and its resultant stimulation of desires. Thus it becomes apparent why the realization of conditions of comparative poverty has led more often to social change than has absolute poverty.

In the final analysis a definition of poverty must therefore be based upon comparative scales and standards of living. These become more complicated as the degree of social wealth increases and as economic and social contrasts multiply. From this point of view it might be said that notwithstanding the scarcity of goods among primitive people the extent of poverty is probably not great, not only because they are able to satisfy—except in times of natural calamities—their limited wants but because the degree of inequality and the resultant sense of unjust deprivation are less pronounced. On the other hand, the poverty of the masses within the level of civilization prevailing in the oriental countries stands out in sharp contrast to the vast accumulations of wealth in the possession of a small privileged class in these poor countries even more than by comparison with western standards. The existence in this area of a social tradition which until recently favored the passive acceptance of these differences by the poverty stricken masses points to the distinction between absolute and felt poverty. Such distinction is applicable also to the poverty of the masses throughout most of the world in past generations, when the static social structure and the political and religious thought discouraged any attempt to wipe out or to mitigate class differences.

It might therefore be said that the concept of poverty as based upon scales and standards of living is comparatively recent and has arisen in dynamic industrial societies, although of late it has been applied to other communities as well. There have been many efforts to establish a classification of standards of living. The classifications usually accepted comprise five fairly recognizable levels: insufficiency, minimum subsistence, health and decency, comfort and luxury. If these grades could definitely be established, the extent of poverty could be measured. But it is obvious that these distinctions are fluid and are subject not only to changing conceptions as to the share in the social product of the individual or group, but as to the meaning of the terms which constitute the distinctions. Luxuries become comforts, comforts become necessaries; and repeated emphasis of the fact that in comparison with civilizations of the past or more backward contemporary cultures the poor in the United States now enjoy what would have constituted unusual luxuries a thousand or even a hundred years ago may lead to an entirely barren conception of the problem of poverty as an aspect of distribution of wealth. Thus an increase in perceived poverty is a phenomenon particularly characteristic of American life during periods of so-called prosperity.

The recent efforts in industrial countries to measure the extent of poverty have usually been based on data as to the distribution of wealth and particularly of income. The standard of income is necessarily reduced to terms of monetary values which fluctuate rapidly even within short periods of time. In the United States, for instance, the estimate of the normal annual income required to maintain a standard of health and decency for a family of five has jumped from $600 at the beginning of the twentieth century to nearly $2000 at the end of the third decade. A similar rise is to be noted in English estimates. The difference is due not entirely to increase in monetary costs but also to a large extent to changing standards. Presumably all families whose total income falls beneath the standard are in the poverty group. But within the group itself there are wide fluctuations as to both the amount of the income and the means by which the deficiency is covered, if at all. Account must here be taken of the extent to which "free services," such as education and recreation, are available in the community. More important, however, is the question whether the groups usually classified as dependent, because their members supply readily available statistics—those maintained in public or private institutions, by outdoor relief, through old age pensions—can properly be used as a yardstick for poverty when in fact they indicate only the extent of relieved dependency or destitution. Moreover, if the form of relief is at all adequate or if, as in the great majority of institutions for child care, the standards of health and comfort are decidedly above those prevailing in the community at large, it is doubtful whether the recipients should be included in the poverty class despite their dependency. In any case there must be further distinctions within the poverty class to include not only the destitute, the pauperized and the dependent but also a large self-supporting group whose income does not permit the minimum of health and decency. The setting of a minimum for various

communities at various periods to cover this latter group requires a much more laborious process than the computation of figures of dependency and can yield only approximate results. Information as to both the minimum required and the percentage of the community which does not possess the means for its attainment has been gathered largely through inquiries into family budgets and costs of living, although such surveys were not necessarily intended to determine the extent of poverty.

The earliest and most comprehensive attempts to estimate the extent of poverty were made in England, where the tempo first of the agricultural and then of the industrial revolution created a more acute and widespread problem of relieved and unrelieved poverty. The estimates of Arthur Young with regard to rural poverty and of Sir Frederick Eden were the forerunners of the notable survey of Charles Booth at the end of the 1880's. Young estimated that the poor in England in the second half of the eighteenth century numbered about 8,000,000. By the middle of the nineteenth century it was estimated that one out of every seven families was aided by poor relief. Booth's conclusion that the poor constituted over 30 percent of the population of London and those in comfort somewhat under 70 percent was based upon a rather hazy classification of four major categories: the very poor—the lowest class of paupers and those who had only the earnings of casual occupations; the poor—those with irregular earnings or regulated minimums; the comfortable; and the well to do. He set 21 shillings as the minimum weekly subsistence. Ten years later Rowntree's study of York showed that these conclusions were roughly correct for smaller towns as well. These findings have been confirmed in subsequent studies of the urban poor and also of agricultural wage laborers. From the 1880's to 1923 the character of this poverty changed greatly. Modifications in the poor law led to a marked proportional decrease in institutional relief and a steady expansion in outdoor relief. The absolute numbers of the population receiving poor relief in both forms remained more or less constant—approximately 1,000,000—but with the advent of old age pensions the proportion increased from about 4 percent in 1913 to 6 percent in 1923. The apparent decline to 3.11 percent in 1924–25 was due to the introduction of unemployment insurance. Another factor in this change within the group was the introduction of wage boards in the sweated industries and in agriculture. After 1924, however, as unemployment increased, the number of persons receiving relief, particularly outdoor relief, rose sharply.

The net result of the introduction of many forms of social insurance and more adequate poor relief has been the diminution of misery among what was formerly the group included as the "very poor." It has not appreciably decreased the size of the total group, however, for the cost of such public measures has been partially borne by the employed wage earners. This fact together with the rising cost of living would in the opinion of the group which conducted the London survey in 1929 raise the minimum standard on Booth's basis from 21 to 40 shillings, and by this standard 25 percent of the London population in that year were in the poverty class.

In France and elsewhere on the continent attempts to estimate the extent of poverty were simultaneous with the development of revolutionary and utopian ideas. Here the slower tempo of industrial change and the provisions for local community and church responsibility made the problem of misery and destitution for the bulk of the rural population seem less acute. The introduction of social insurance in Germany at an early stage of industrialization gave the problem a somewhat different cast until the period of extreme misery after the World War.

Estimates in the United States concerning the number of persons receiving charitable relief in the period from 1911 to 1933 have ranged from 4 to 10 percent of the population. These estimates are as true for small semirural towns as for the large cities. One of the earliest writers on the subject, Robert Hunter, made in 1904 what was considered at the time a sensational estimate of 10,000,000 poor in the United States. Subsequent estimates, however, suggest that his figure was conservative. In 1916 Maurice Parmelee concluded that "at least half and probably more of the families of this country are in a state of poverty." In the period between 1900 and 1930 the national wealth of the country nearly quadrupled. Yet in the prosperous year of 1919 the National Bureau of Economic Research estimated that nearly 86 percent of all family incomes were below $2000; and at that time families with such low incomes would probably have been generally considered decidedly poor but not necessarily dependent. If the number of the unemployed and their dependents rather than those receiving public or

private relief is taken as a possible index of poverty, the figures in this period varied from 2,000,000 to 3,000,000 at the end of 1920 and the spring of 1930 to almost 6,000,000 in August, 1921. While the figures of the depression year of 1933 of some 12,000,000 to 17,000,000 unemployed (of whom an increasing percentage, perhaps as large as 35 percent to 50 percent have been receiving public or private relief) and the estimates of a total of 20,000,000 to 25,000,000 within the poverty level may not perhaps be comparable with the figures cited for the increase of national wealth, they do indicate nevertheless the instability of the position of the masses in a country rich in natural resources and highly developed industrially. Moreover, even if the number of unemployed were drastically reduced, the poverty class would still include millions of underpaid and underemployed workmen. The general level of economic well being even in the United States, which is most advanced in industrial development, has probably declined during the last decade; and the situation is fundamentally the same in every highly industrialized country.

Nor is the picture of mass poverty very different for predominantly agricultural countries or for those in an earlier stage of economic development. Recent surveys of the conditions of the rural masses in China and in India indicate a steady pauperization. Tawney estimates that in China 50 percent of the families in the east and 80 percent of those in the north have incomes below the barest subsistence minimum and concludes that conditions for this class are worse than they were two centuries ago.

During the last fifteen years the Soviet Union has presented the unique example of a country in which not only the elimination of poverty but the removal of wide extremes in incomes has become the predominating feature of economic policy. Russia traditionally has been described either as the richest country in the world because of its natural resources and potential wealth or as the poorest of all modern nations because of the low income level and standard of living of both its agricultural and its industrial populations. Any effort to estimate the extent of poverty in old czarist Russia and also in Soviet Russia involves the difficulty of finding a reasonable basis of comparison. Thus, for instance, the recent attempt to classify the peasantry into the poor (*bednyak*), the middle class (*srednyak*) and the rich, or exploiters (kulak), obscures the fact that local standards have put into the kulak group peasants who would be classified in the United States as very poor farmers.

Consideration of factors responsible for the conditions described by the term poverty will be influenced by the particular content given to the word. It is comparatively simple to attribute the poverty of a community as a whole to unfavorable external conditions, such as limited natural resources or severe climate; or to a low level of civilization, in which the poverty of the masses may be cause as well as effect; or to some set of political circumstances. At the other extreme, in consideration of individual poverty as a deviation from the status of the group, it has been common in the past to look for individual causes; that is, a variety of causes representing variations either of individual opportunity or of individual physical, intellectual and emotional endowments. Thus responsibility is shifted to the individual himself, and what should be an objective scientific problem, an appraisal of factors and resulting conditions, is converted into a moral problem. When, however, the poverty of a whole group, as, for instance, the modern wageworking or agricultural population, is under consideration, discussion of the causes must deal in the main with the factors producing that economic status and less attention be devoted to the element of individual responsibility.

Thus basic to all other factors in the consideration of the poverty of wage earners is the prevailing wage level and the extent to which it fails to meet the cost of all the goods and services which make for a clean, healthy and satisfying existence. The destructive results of a low wage level are aggravated by all obstructions to the regular flow of wages. Of primary importance among these are death or disappearance of the wageworker who carries the economic responsibility for the family; temporary or permanent loss of earning capacity because of illness, accident or old age; and, finally, lack of employment whether as a result of strikes, lockouts, boycotts or general economic depression. Unless there is some means of systematic relief, these primary factors constitute the majority of cases of individual poverty as distinguished from the general low wage level. Of lesser importance are such factors as lack of occupational training, excessive size of family, emotional difficulties resulting in inability to hold steady employment, criminal behavior which leads to imprisonment, intellectual deficiencies or physi-

cal handicaps. While any discussion as to the degree of personal responsibility for any one of these conditions inevitably leads into the problem of determinism, it has been established by a large and constantly growing volume of observations that the causes already mentioned account for the vast majority of individual instances of poverty among wageworkers.

In the case of the farmer or the peasant the general causes do not affect his economic status to such a catastrophic extent. In so far as he is self-employed or able to supply his basic needs, he is not to the same degree dependent upon an uninterrupted sale of his labor power. The family rather than the individual remains the economic unit in agriculture, even though the patriarchal family has been breaking up and the average number of children is decreasing, while the substitution of mechanical for human energy has created a surplus of labor power on the farm. But poverty may strike the independent farmer through such extraneous factors as a fall in the price of agricultural products or an increase of the burden of taxation or interest. As these are mass phenomena, agricultural poverty has more of a mass character than poverty of wageworkers, although here adverse individual factors may have importance. The growing tendency toward tenant farming in all countries increases the chances of further impoverization; and, to the extent that agricultural labor replaces independent farming, the life of the agricultural laborer will be controlled by the same conditions as affect any other wageworker. Studies of rural standards of living reveal that in addition to low incomes rural communities are at a disadvantage as compared with urban in educational and health services, and in such sections as the southern states of the United States both the Negro and white agricultural populations have a per capita income below that of the poorest sections of the urban masses.

Modern industrial development has resulted in a tremendous increase of the middle classes, the white collar workers and the small business men as well as the self-employed professional men. While the economic condition of these groups is normally higher than that of the wageworker, they too are subject to the same poverty inducing influences; and in addition they are affected by loss of custom, business, trade or clientele, resulting from inefficiency, lack of personal popularity or sudden economic upheavals which may destroy established behavior patterns, make their services or business unnecessary or deprive their clients, customers and consumers of their purchasing capacity. If the elimination of the middle class does not proceed so speedily as was predicted by Marx half a century ago, nevertheless every economic crisis does precipitate part of the middle class to the level of wageworkers, the poor or even the dependent, at least for the time being.

From a comparison of a series of reports of many relief agencies the pioneer American student of poverty, Amos G. Warner, many years ago came to the conclusion that in the United States some 25 percent of cases were ascribed to personal misconduct (primarily laziness, shiftlessness and insobriety) and the remaining 75 percent to personal misfortune. British studies estimated that the proportion of misconduct reached 40 percent, while in Germany the percentage was so small as to be negligible. The differences obviously reflected variations in points of view rather than in underlying conditions. To a large extent these differences may be observed today both in scientific and in popular discussions of the problem.

Although it is by no means easy to draw a definite line of demarcation between misconduct and misfortune, personal and social factors, individual and social responsibility or responsibility and a blind sequence of events, these two types of explanation have been regarded as mutually exclusive and have provoked much controversy in economic and social literature. An analysis of the arguments supporting either of these two views to the exclusion of the other readily shows that back of ostensibly scientific differences there are differences primarily in attitude toward procedures designed to correct the situation. Assumption of social or objective responsibility serves as a starting point for the development of plans for social amelioration, whereas emphasis upon personal subjective responsibility tends to serve as a bulwark against state intervention.

Social thought and popular opinion have gradually shifted from a fatalistic or apologetic to a critical and constructive point of view toward poverty, its meaning, its causes and effects. The religious or fatalistic explanation of wealth as a gift from the deity and of poverty as a visitation, punishment or trial was useful as consolation for the poverty stricken individual or group. Many of the earlier attitudes or even the ostensibly scientific explanations offered at the present time are probably based upon the

same need of waiving responsibility for the existence of poverty in the midst of plenty or wealth. It is understandable therefore that the assumption of individual responsibility should retain its popularity among the more fortunate upper class minority and among its apologists in the press, pulpit, chair or legislative hall. The poor are held to be sinful, worthless, lazy, inebriate or of low biologic stock. In learned literature recourse was had to such semimystical subterfuges as "the sacrifice of the individual to the welfare of society" in sociological works; the substitution of economic laws for the decisions of the deity in economic theory; and "the necessities of social evolution" in pseudo-Darwinian writings. Malthus' theory of overpopulation whereby poverty was considered inevitable for the major part of society was undoubtedly influenced by the desire to explain in terms of natural law the recognition, not always frankly admitted, that the ethical theory of poverty was untenable. These explanations were voiced also by the early leaders in the modern philanthropic movement, despite the fact that like their successors in modern social work they were concerned with ameliorating poverty by attempting to cure some if not all of these personal deficiencies.

But throughout the development of social thought there has been a countercurrent, which in the last century has become more articulate and more widely accepted with its growing prestige in studies which likewise lay claim to scientific objectivity. It is most logically expressed in the theory of exploitation of one class by another; of the majority by the minority; the peasant, free or serf, by the manorial lord; the slave by his owner; the working man by his employer; the small dealer by his stronger competitor; the independent producer by the trust; the merchant by the banker. While the militant, monistic economists of the masses developed this point of view as an indictment of the ruling minority or of a particular type of society, its origin may interestingly enough be found among classical economists under the scientific disguise of the "iron law of wages." A survival of the same attitude may still be recognized in the definition of economics as a "science of price rather than of happiness."

The modification or dismissal of this pessimistic attitude among economists toward the problem of poverty has been the result not only of the industrial progress of the last century but of the attack of the Marxian school, which, taking conventional economics at its word, carried it to a logical conclusion by insisting that nothing short of the overthrow of the capitalistic system, under which poverty was claimed to be inevitable, could eliminate it. The productivity school, the psychological school and the ethical school produced new theories of a gradual automatic improvement through increased productivity of labor—a substitution of an optimistic laissez faire for the old Malthus-Ricardo pessimism—or through planned social effort. In the first two decades of the twentieth century a large number of books on relief, abolition or prevention of poverty appeared and at the same time much statistical evidence was brought together to break down the force of Marx' destructive criticisms. It was repeatedly declared by many writers that modern capitalism possessed the power to relieve, reduce, cure and entirely prevent real poverty. This optimistic attitude was particularly prevalent in the United States during the phenomenally prosperous post-war era.

What all these critical, apologetic or optimistic attitudes have in common is that they view poverty as an evil which must be either fought or explained away as inevitable. But this point of view has not always obtained. Poverty has been defended as holy on religious grounds; as a healthy and normal state on physiologic, hygienic or philosophic grounds; and as a condition conducive to physical, moral, mental and spiritual well being generally.

The positive values of poverty were assumed to be primarily moral, a point of view which followed quite naturally from observation of the cruel methods whereby the few obtained their excessive wealth and of the crude uses to which it was put. This attitude has to some extent survived to the present day. A substantial rise in the general economic level, a wider distribution of wealth among the masses, a corresponding rise in the prevailing standard of living, an increase in comforts, luxuries and leisure—all these changes had to occur before observation and comparison could establish the destructive influences of poverty not only upon the life, health and happiness of the individual but upon the welfare of society as a whole.

A study of these influences leaves little scientific basis for glorification of poverty as a social ideal, notwithstanding many impressive examples of individual achievements. That poverty destroys health and life itself is shown not only by comparison of death and sickness rates of

communities on different economic levels but also by similar comparisons of the economic strata within the same community. The study of mortality statistics of Great Britain has indicated a very marked negative correlation between the economic level and the death rate of various classes of the population. The American life insurance companies have found that the death rate for the industrial policyholders (the poorer masses) is very much higher than that of the general policyholders in more fortunate circumstances. Special studies of the United States Children's Bureau have brought out that infant mortality rates rise in inverse correlation to the family budget. A national economic breakdown, such as that in central Europe during and immediately after the World War, resulted in a considerable increase in mortality, especially from infantile disease, general debility and tuberculosis. That poverty causes illness is as certain as is the inverse causative relationship between disease and poverty.

Poverty has a destructive influence upon standards of social behavior. The fact that crimes are often committed by the most prosperous and that honesty, charity and nobility of character may be found among the poor does not affect the accuracy of observations indicating a greater incidence of crime against property and person among the poor or an increase of the frequency of crime in times of depression. Statistics of crime in many European countries before and after the World War offer abundant evidence on this point. Much capital has been made of the fact that the great depression which began in the United States in 1929 has not had similar results and that mortality and morbidity rates have actually declined. Favorable mortality statistics for the period 1930–32 have been quoted by many optimists to show, first, that the extent of unemployment and need was exaggerated and, later, that existing need was being satisfactorily relieved. Similar statements have been made with regard to crime, although in the United States statistics of crime are entirely too fragmentary to permit definite conclusions. It is argued by other statisticians, however, that the only evidence that has been produced reflects a statistical lag which is to be expected in communities with substantial reserves, such as were to be found in the more prosperous industrial sections of the United States.

Even more detrimental is the influence of poverty upon mental health and happiness. A sudden reduction in the level of economic well being creates fear, depression, despondency and suicides. Persistent chronic poverty results in apathy, inertia, indifference and loss of initiative. Mass poverty has been responsible for most revolutions. Comparative poverty causes envy, bitterness, self-depreciation of the ego and perhaps is mainly accountable for that overvaluation of material goods as compared with intellectual and social values which is most strikingly characteristic of modern western civilization. A true valuation of the benefits which the individual and society can derive from the greater availability of material goods may perhaps be reached only after extremes of wealth and need have been eliminated or disregarded. If wealth alone is not necessarily a guaranty of happiness, it is within reasonable limits a necessary condition. Little support can be found in modern science, whether biologic, psychologic or social, for the mystic fear that humanity may perish through excessive abundance of material wealth; but technological progress and the rate of its acceleration are now such that universal plenty is no mere utopian dream.

The effort to ascertain the causes of poverty, which has become much more articulate as society has passed from a scarcity economy to a surplus or abundance economy, really expresses a desire to find a way to eliminate it. Many of the older theistic or moralistic explanations now appear untenable. Malthus' theory of the inevitability of poverty has likewise broken down in the face of a falling birth rate which has made a stationary population for the major portion of western civilization almost a certainty within the immediate future. Nevertheless, since neither this factor nor technological progress has accomplished the task of furnishing a sufficiency of material goods for all, every modern explanation must begin by admitting the imperfections of the social and economic mechanism, at least as far as the processes of distribution of the aggregate output are concerned.

In the opinion of the more radical, however, poverty is due not so much to the imperfections of the mechanism as to its very nature. The theory of minor imperfections would require at least a gradual reduction of the extent of poverty as social intelligence succeeds in eliminating these defects. On the other hand, evidence that poverty as here defined is on the increase lends support to the criticism of the fundamentals of modern social organization. In de-

fense of both these opposing social philosophies, differing in the interpretative as well as in their pragmatic aspects, there is a wealth of statistical evidence concerning fluctuations in wage levels, standards of living and volume of unemployment. The strong mass fluctuations in the general level of economic well being give predominance now to one, now to the other of these alternative viewpoints. In the United States the period of unprecedented prosperity (1923–29) was marked by a flood of optimistic economic writing, while the ensuing years of depression have encouraged an attitude of pessimism and despair.

As properly controlled experiments are practically impossible, final judgment must rest upon an accumulation of a great variety of observations. Comparison with the more primitive societal groups or with societies in a more backward stage of economic development affords slight opportunity for conclusions, not only because of the wide difference of standards of living but because they represent another type of economy. On the other hand, the evidence furnished by the organization of life and industry in the Soviet Union is by no means conclusive. Viewed in absolute terms by comparison with many capitalistic countries with higher standards of living, the Soviet Union certainly has not as yet wiped out poverty among its workers. It is claimed nevertheless that, although periods of almost universal shortage of food and other necessaries are not unknown, the Soviet Union has succeeded within one decade of planning and reconstruction in raising the standard of living for its masses and moreover has eliminated comparative, or psychologic, poverty by the complete abolition of vast accumulations of private wealth. Strict application of logic to the problem of comparative poverty leads to an absolutely egalitarian ideal of distribution of wealth; but even in the Soviet economy this approach has been challenged by the conscious inauguration of differentials in money wages and other forms of labor remuneration, which, however, never approximate the extremes found in capitalistic countries.

Those who hold that poverty can be eliminated by more or less gradual reforms and those who insist on a revolutionary overthrow of the entire capitalistic system assume that their methods are mutually exclusive. This assumption may nevertheless be questioned. The reformist, or gradual, point of view proceeds from a pluralistic explanation and in the main endeavors to deal with each factor or cause separately. It undertakes to attack the problem of immediate need by relief, the destitution arising out of emergency situations by a program of security and social insurance, the general low wage level by legislative regulation of conditions of labor and wages or by facilitating and encouraging greater bargaining power on the part of wageworkers through legalization of labor organizations and the like. It studies the possibilities of reduction or elimination of causes of such emergencies as industrial and other accidents, disease or unemployment through industrial sanitation and safety regulations, improvement of standards of public health, organization of medical aid or stabilization of employment. It attacks such general social problems as excessive size of family, lack of occupational training, physical or mental deficiency, antisocial or criminal behavior patterns, through birth control, hygiene and eugenics.

The radical, or revolutionary, insists upon the monistic interpretation of present day poverty and criticizes these numerous measures as palliatives. He is inclined in the heat of controversy to argue that these reforms cannot be effective under present social conditions, that they are worse than useless because they distract attention from the deeper problem, or even that they are harmful because they may produce moderate improvements and thus save capitalism by preventing conditions from becoming so bad that revolution will be the only immediate remedy.

Within these two major groups, however, there arise many differences of opinion on particular issues of support of more or less fundamental reforms and remedial measures. Not all reformists agree on all the proposed reforms, and there are still to be heard among the more conservative many protests against state intervention through social insurance. On the other hand, revolutionary parties are at present the most articulate advocates of state social insurance and maximum relief, at least as part of their campaign to attract mass support. The fact that in the Soviet Union, the only large area of revolutionary reconstruction, many of the institutions developed by reformists and commonly thought of as part of their program have been found necessary and desirable is explained on the ground that these differ in their essential nature and control.

Certainly the question whether abolition of poverty does or does not require complete re-

organization of the very fundamentals of modern industrial society remains and is likely to remain for many years the most challenging problem for economic theory and practise.

I. M. RUBINOW

See: STANDARDS OF LIVING; COST OF LIVING; FAMILY BUDGETS; DEPENDENCY; CHARITY; PUBLIC WELFARE; POOR LAWS; INSTITUTIONS, PUBLIC; SOCIAL INSURANCE; SOCIAL WORK; WAGES; UNEMPLOYMENT; OLD AGE; FAMILY DESERTION AND NON-SUPPORT; EQUALITY; CLASS; NATIONAL INCOME; DISTRIBUTION; COMMUNISM; SOCIALISM.

Consult: Hollander, J. H., *The Abolition of Poverty* (Boston 1914); Michels, Roberto, *Die Verelendungstheorie*, Philosophisch-soziologische Bücherei, vol. xxxvii (Leipsic 1928); Labriola, A., "Misère et capitalisme dans la conception socialiste" in Institut Solvay, Brussels Institut de Sociologie, *Revue*, vol. xi (1931) 1–27; Hames, Hermann, *Das Armsein* (Ohlau 1927); Simmel, Georg, *Soziologie* (3rd ed. Munich 1923) ch. vii; George, Henry, *Progress and Poverty* (anniversary ed. New York 1929); Hunter, Robert, *Poverty* (New York 1904); Parmelee, M. F., *Poverty and Social Progress* (New York 1916); King, W. I., *The Wealth and Income of the People of the United States* (New York 1915), and "Employment Hours and Earnings in Prosperity and Depression, United States, 1920–22" in National Bureau of Economic Research, *Publications* (New York 1923) no. v; Devine, E. T., *Misery and Its Causes*, American Social Progress series, no. iv (New York 1909); Marshall, D., *The English Poor in the Eighteenth Century* (London 1926); Godard, J. G., *Poverty, Its Genesis and Exodus* (London 1892); *Life and Labour of the People of London*, ed. by Charles Booth, 9 vols. (London 1892–97); Rowntree, B. Seebohm, *Poverty, a Study of Town Life* (new ed. London 1922); Bowley, A. L., and Burnett-Hurst, A. R., *Livelihood and Poverty, a Study in the Economic Conditions of Working-class Households in Northhampton, Warrington, Stanley, and Reading* (London 1915); Bowley, A. L., and Hogg, M. H., *Has Poverty Diminished?*, London School of Economics, Studies in Economics and Political Science, no. 82 (London 1925); London School of Economics, *The New Survey of London Life and Labour*, vols. i–iv (London 1930–32); Webb, Sidney and Beatrice, *The Prevention of Destitution* (London 1911); Silverman, H. A., *The Economics of Social Problems* (2nd ed. London 1928); Humphrey, A. W., *The Workers' Share* (London 1930); Hobson, J. A., *Problems of Poverty*, Social Questions of To-day, no. ii (London 1891); Hurry, Jamieson Boyd, *Poverty and Its Vicious Circles* (2nd ed. London 1921); Money, L. G. Chiozza, *Riches and Poverty* (10th ed. London 1911); Pigou, A. C., *Wealth and Welfare* (London 1912); Feld, H., "Armenstatistik" in *Handwörterbuch der Staatswissenschaften*, vol. i (4th ed. Jena 1923) p. 1009–44; Weber, Anatole, *Les miséreux*, 3 vols. (Paris 1913–14); Arenal, Concepción, *El pauperismo*, 2 vols. (Madrid 1897); Tawney, R. H., *Land and Labour in China* (London 1932); Hasan, Jafer, *Die Armut Indiens* (Heidelberg 1931); Novicow, J., *Le problème de la misère et les phénomènes économiques naturels* (Paris 1908); Constable, F. C., *Poverty and Hereditary Genius* (London 1905).

POWDERLY, TERENCE VINCENT (1849–1924), American labor leader. Powderly was born of Irish parents at Carbondale, Pennsylvania. At the age of twenty he moved to Scranton, where he was active as an organizer among the machinists and the Knights of Labor. In 1878 he was elected mayor of Scranton on the Greenback Labor ticket and began the study of law. The following year at their second national convention the Knights of Labor elected him grand master workman, a position which he retained until 1893. Up to 1884, when he applied for a post in the newly created Bureau of Labor Statistics, he continued in office as mayor and as county health officer; for a time he was part owner and manager of a small business. It was not until 1886 that he devoted full time to the Knights of Labor.

After Powderly's removal from office in 1893 he was admitted to the bar in Pennsylvania. He supported McKinley in 1896, was made United States commissioner general of immigration in the next year and held various positions in the United States Department of Labor until his death. He wrote *Thirty Years of Labor* (Columbus, Ohio 1889, rev. ed. Philadelphia 1890) and a number of articles on labor matters.

An unusually effective orator, Powderly carried into the revolutionary 1880's, when the Knights were at the height of their power and represented the most effective and aggressive labor organization the United States had known, the temperament and ideas of the generation of the Civil War, when American labor was interested in reforms, many of them of a legislative propagandist nature. His chief interests were in temperance and land reform. His best work as representative of the Knights of Labor was his negotiation with the Roman Catholic authorities, especially Cardinal Gibbons, which resulted in an understanding by which the Vatican recognized labor organizations. Believing in arbitration and conciliation, in legislation for the eight-hour day and other reforms, he used his influence wherever possible against what he considered the unwise militant tactics of the Knights in their strike, boycott and other activities in 1885–86. He called off potentially successful strikes, refused to participate in the May Day movement for the eight-hour day and denounced the men condemned in the Haymarket riot.

In the period of social unrest of the late 1880's and early 1890's Powderly's lack of aggressive leadership, the rise of many opposing factions

and the fact that his organization was not well adapted to strict collective bargaining for wages, hours and conditions of work enabled Gompers to set up and maintain against the Knights the business unionism of the American Federation of Labor. While the Knights of Labor moved to the left and Powderly moved in the opposite direction, Gompers stood sturdily between the two.

NORMAN J. WARE

Consult: Ware, Norman J., *The Labor Movement in the United States, 1860–1895* (New York 1929); Commons, J. R., and associates, *History of Labour in the United States*, 2 vols. (New York 1918) vol. ii.

POWELL, JOHN WESLEY (1834–1902), American geologist and anthropologist. In 1867 and 1868 as professor of geology in Illinois Wesleyan College Powell led research expeditions to Colorado; he was thus the first instructor to combine field teaching with western exploration. These expeditions initiated his broader scientific career, for they revealed to him the vast possibilities for geological and geographical research and stimulated his interest in ethnological work. The following year, on an expedition under the direction of the Smithsonian Institution designed primarily to collect ethnological data, Powell and his party explored in boats the canyons of the Green and Colorado rivers; his account of this difficult and dangerous feat has become one of the classics of exploration in the United States. He then participated in a series of successive surveys devoted to geological and ethnological problems, until in 1879 he was put in charge of the newly organized Bureau of American Ethnology. In 1881 he succeeded King as director of the United States Geological Survey, which he had helped to create two years earlier; in 1894 he resigned to devote his attention to the development of the bureau. It is largely because of his effective administration of these organizations that he ranks as one of the most influential American scientists of the nineteenth century.

Powell's theoretical contributions to geology and physiography were related chiefly to his work on erosion and deposition. He was instrumental in promoting correct knowledge of the arid lands of the United States and their possible economic utilization; his comprehensive and now famous report on this subject written in 1877, warning of the danger of monopoly in the ownership of the nation's water supplies, inaugurated the movement which resulted in the establishment of the United States Bureau of Reclamation.

Powell's studies of primitive society were strongly influenced by the writings of Lewis H. Morgan; his specific contributions in this field were his authoritative linguistic map of North America north of Mexico, some notes on the Ute Indians and a study of the Wyandot government. He participated in the animated controversy on totemism, which he sought to explain as a doctrine of naming. Under the influence of Lester F. Ward, Powell contended in his sociological writings that human evolution is fundamentally intellectual evolution and that, in contrast with the lower animals, man transforms the environment. Toward the close of his life he sought to formulate a system of philosophy, which he called a "science of intellection," designed to reflect recent advances in scientific thought.

BERNHARD J. STERN

Consult: Warman, P. C., "Bibliography of Works of J. W. Powell" in Washington Academy of Science, *Proceedings*, vol. v (1903) 131–87; Davis, W. M., *Biographical Memoir of John Wesley Powell*, National Academy of Sciences, Biographical Memoirs, vol. viii (Washington 1915) p. 11–83.

POWER, INDUSTRIAL. It is difficult to limit the definition or to restrict the application of the term power, which includes all forms of technical utilization of natural energy. In its industrial aspect, however, the term may be limited to the most accessible and the most widely used forms of power. These include the use of water or wind power; hydraulic pressures where these are applied for motive power purposes; the combustion of fuel of all kinds to drive, directly or indirectly, power equipment, where the main activity is contributory to the production of some article of economic value or to some service which is translated ultimately into the production, distribution or marketing of industrial products or services. It must be borne in mind that in an economically highly developed nation the non-industrial uses of power may transcend its industrial uses; thus it has been estimated that in the United States, in 1929, 72 percent of an available 1,000,000,000 horse power was installed under the hoods of pleasure automobiles.

Under modern conditions almost every economic activity is conditioned by power as applied to industry and the exploitation of natural resources. Industry is dependent on power, even though there are still a few groups of activities, such as small rural industries, which in some

measure use manual power; but even these industries require raw materials, the extraction and elaboration of which may be dependent on power driven processes. The output of coal has been enormously increased and a whole group of new industries has come into existence to supply power or the means of generating power, including electricity, gas, oil and to some extent also water; in addition there are of course the industries manufacturing the many types of machines using power. At the same time the production of power, formerly subsidiary to the enterprises using it, has become, in the dominant form of electricity, a separate industry of gigantic size. The fact that the capital invested in the electricity supply industry alone amounts in the United States to over $12,000,000,000 and in Great Britain to more than £370,000,000 affords some conception of the importance of the power industries. The electric power industry ranks next to the railways in capitalization and constitutes the second largest industry in the leading industrial countries; if all the industries generating power or supplying the necessary fuels were combined, the aggregate capitalization would exceed that of the railroads.

Four periods may be distinguished in the evolution of industrial power. The first was coincident with man's struggle to rise above his environment and to create the conditions necessary to the evolution of some form of civilization. This period begins with the very early ages of civilization, when in addition to manual labor a successful attempt was made to harness animal power and apply energy, as yielded by the sun or water or by the combustion of fuel, to the immediate production of goods. Among the factors working toward the development of power was the discovery of the wheel, which is one of the earliest and most fundamental of technical developments (followed at some considerable distance by the elaboration of transmission methods, allowing one wheel to drive another wheel some distance away); the knowledge of differences of pressure, caused by the changing level of water; and the effect of differences in temperature, as applied to the working of metals. All the earliest civilizations—the Assyrian, the Egyptian, the Aegean and the Persian—had in common a fairly accurate knowledge of the use of water power. It was a condition of their existence that such knowledge should be applied immediately. The first real movement toward the exploitation of power was the development of irrigation along the Nile and the Euphrates and in China, with its ancillary operations, such as water pumping and distribution; the use of the water wheel to carry out fundamental agricultural operations, such as milling; the providing of materials and equipment necessary to maintenance of life, for example, pottery, domestic appliances, agricultural implements and even armor. The Greeks of the Alexandrian period developed a miniature steam engine of a rudimentary kind, but the discovery was looked on as part of philosophic speculation and not as economic necessity, while the Romans had no genius for research or at least no clear perception of the direction or significance of the scientific investigations made by the Greeks.

The second stage was an expression of the emergence of capitalist industry and the capitalist spirit in the period of the Renaissance and of the Reformation; it came to a conclusion with the French Revolution, which may be regarded as the victory of the capitalist spirit—and all its implications in political and social change—over the spirit of feudalism and conservatism. During the whole of the feudal period there was no real demand for power in the mass, and there may be discerned only a beginning of the scientific approach to power both as a cultural and as an industrial problem. The researches carried out by the Greeks were completely unknown, since the great mass of Greek thought and literature had still to be discovered, and the mediaeval guilds were a poor substitute for the public corporations elaborated by the Romans; the great engineering and structural achievements of the Romans, all part of a policy of public works construction, had been allowed to fall to pieces. There was consequently no knowledge of the necessary engineering calculations and no memory of actual technique; while the predominance of mediaeval scholasticism, which began to lose its grip only with the discoveries of Galileo, made it quite certain that the spirit of inquiry, necessary to economic development and upon which in turn the development of power depended, would be stifled at birth.

As the Renaissance merged into the Reformation and capitalism acquired increasing ascendancy, a whole series of manufacturing industries came into existence in certain well defined regions, such as Lyons, Florence and Milan; and the spread of these industries to other countries, political and religious persecutions being among the contributing factors, brought with it the first main movement toward industrialization.

Although there were no changes in the sources and application of power, there was considerable technological development; machines, including pumping apparatus in mines, were becoming more numerous and heavier, creating the problem of more efficient forms of power. It was moreover essentially a time of speculation, research, inquiry and experiment, when a love of knowledge was conditioned by a desire to apply it to a practical purpose. At the end of the seventeenth century no state in Europe, within the limits of existing power resources, could be regarded as capable of meeting much longer the needs created by the rapidly increasing tempo of economic progress, by the fast multiplying demands made on industry and the social structure, by the widening extent of world communications, world trade and world finance. Economic and technological forces pressed toward the development of new forms of power.

The third stage is coincident with the discovery of steam as a prime factor in developing mechanical energy and in the invention of industrial machinery which could utilize the new form of energy. The industrial application of the high pressure steam engine, from the rudimentary product created by James Watt to the enormously powerful reciprocating engine capable of driving miles of shafting in a factory, resulted in a great development of the arts of engineering and machine construction and in an enormous expansion of the output and productivity of industry. The researches of Michael Faraday and his discovery of the principle underlying the electric generator led to the creation of fundamental industries producing mechanical and electrical energy in volume sufficient to supply very large industries. Further inventions relating to the transformation and transmission of energy widened the range of the earlier appliances. A new power age was definitely ushered in.

The fourth period in the development of industrial power dates from about 1880. At the beginning of this period the single prime mover of importance was the steam driven reciprocating engine; its application took innumerable forms both in industry and in transport, including shipping. While the steam engine had stimulated a great development of machinery, it now imposed limitations on the types and efficiency of machines and on factory organization. Between 1881 and 1890 this position was changed by the discovery of the steam turbine, by the invention and elaboration of the gas engine and the resultant internal combustion engine using oil or gasoline, and by the application of all three engines—the steam turbine, the gas engine and the oil engine—to the generation of electricity.

These developments brought about a wide expansion of power production. Thus in the United States the capacity of all forms of prime mover rose from 10,000,000 horse power in 1849, of which work animals represented 7,747,000 horse power, or 76.9 percent, to 684,000,000 horse power in 1923, of which work animals accounted for 21,500,000 horse power, or 3.1 percent. Animal power fell from 25,262,000 horse power in 1909 to 21,500,000 horse power in 1923. Prime mover capacity in manufacturing rose from 1,100,000 horse power in 1849 to 19,728,000 horse power in 1923; in mines and quarries, from 50,000 to 5,000,000; in steam railways, from 435,000 to 74,600,000; in shipping, from 734,000 to 22,000,000. In 1923 automobiles accounted for 507,000,000 horse power, 53,724,000 being used in commercial automobiles.

The power structure of the contemporary world and its corresponding mechanical equipment are founded on the steam turbine, the internal combustion engine and electricity. The outstanding characteristic of these new prime movers is their capacity to generate power at a very much lower weight per unit of output than that of the reciprocating engine, and there is no apparent limit to the size of the engine itself. The reciprocating engine prior to 1880 had reached the highest standard of thermodynamic efficiency that could be expected with the knowledge of materials, temperatures and pressures prevailing at that time. As a matter of fact such improvement as did take place in the efficiency of the reciprocating engine was not strongly marked, while there was a very definite limitation as to size, because of the enormous masses of metal involved. It was only in marine propulsion that the very large reciprocating engine generating many thousands of horse power could be used. The new prime movers were free of these limitations. Thus the gas engine, which in the early 1880's reached the limit of 220 horse power, has been improved and extended so considerably that units have been installed of over 8000 horse power. The gasoline driven engine has not reached such very large capacities, because the tendency has been to reduce weight consistently for a given output and thus allow the engine to be used for purposes to which

other types of prime mover do not lend themselves; for example, airplane propulsion, high speed propulsion in small vessels and road transport over difficult areas. One elaboration of the internal combustion principle has been the Diesel engine for both land and marine purposes, and there is no immediate limitation to the capacity of the Diesel unit in power stations. Generating sets of 15,000 horse power and above are in commission. The thermodynamic efficiency of the gas engine and the internal combustion engine has been much higher than that of the reciprocating engine, resulting in a great economy of the fuels used to generate energy. It is in the steam turbine, however, that the most revolutionary changes have taken place. Through the exact study of temperatures, pressures, the behavior of materials under temperatures and pressures and through the selection of materials themselves it has been possible to achieve with the steam turbine results which were quite inconceivable in the early 1880's. Even until 1920 it was thought that the maximum limit of size of the steam turbine would be between 30,000 and 40,000 horse power, while for purposes of electrical generation about 15,000 horse power was considered a very large capacity; in 1932 the largest single turbine on order had a capacity of 200,000 horse power. The entire development has been toward realization of higher speeds, temperatures and pressures. The weight per effective horse power and the floor space required, if attention is confined to the largest turbines, was in 1933 less than one fifth what it had been in 1918. Thus a 60,000 horse power turbine in the later year occupied no more space than one of 12,000 horse power in 1918.

This movement toward higher units and higher thermodynamic efficiencies has been accompanied by more exact study of fuel economy and fairly rapid reduction in the consumption of coal; in other words, more successful methods have been found for extracting energy from a given amount of coal. In 1920, 3.5 pounds of coal were required to generate 1 kilowatt hour of electricity in central generating stations, whereas in 1929 only 1.9 pounds were needed. In each case the average consumption of coal for power production in steam generating stations in the United States and Great Britain has been taken. Coupled with this movement toward fuel economy has been the very rapid development of water power, particularly in the United States, Japan, New Zealand, Canada, Scandinavia and central and southern Europe. The output of hydroelectric water power in 1929, the year of maximum electrical development, was over 120,000,000,000 kilowatt hours, equivalent to the energy generated by 100,000,000 tons of coal in steam generating stations, while the world output of electrical energy was about 300,000,000,000 kilowatt hours. If the output from steam and fuel burning generating stations of the world, 180,000,000,000 kilowatt hours, had been produced with a fuel consumption of 3.5 pounds per kilowatt hour, as in 1920, the coal consumed would have amounted to about 282,000,000 long tons; but in 1929 the average fuel consumption was about 1.9 pounds of coal per kilowatt hour generated, and the world output required 152,000,000 tons—so that the combination of fuel economy and water power had cut down coal consumption by 230,000,000 tons a year. These figures are not given as absolute but merely as an indication of what is taking place in the power industries. In 1913, 88.5 percent of the world's production of power was supplied by coal; in 1931 the proportion had declined to 66.5 percent (Table 1). Coal as

TABLE I

WORLD POWER PRODUCTION, 1913–31

(In 1,000,000,000 British thermal units)

SOURCE OF POWER	1913		1920		1925		1929		1931	
	AMOUNT	PERCENTAGE	AMOUNT	PERCENTAGE	AMOUNT	PERCENTAGE	AMOUNT	PERCENTAGE	AMOUNT	PERCENTAGE
Coal*	36,236	88.5	35,209	82.1	36,130	75.5	40,580	71.2	32,530	66.5
Oil and gas	2,938	7.2	5,030	11.7	7,700	16.1	11,030	19.4	10,315	21.1
Water power	1,750	4.3	2,660	6.2	4,000	8.4	5,364	9.4	6,078	12.4
Total	40,924	100.0	42,899	100.0	47,830	100.0	56,974	100.0	48,923	100.0

* Including lignite, which contributed 3 percent in 1913, 3.4 percent in 1920, 3.6 percent in 1925, 3.7 percent in 1929 and 3.4 percent in 1931. (One kilowatt hour is equal to 3415 B. T. Us.)

Source: For 1913–25 see World Power Conference, International Executive Council, *Power Resources of the World* (London 1929) p. 79. For 1929 and 1931 computed by author on basis of statistics of production issued by the League of Nations.

such is becoming less and less important, along with the industries attached to it, while the process of substitution and elimination has gone so far that a new set of economic problems has come into existence. These problems affect the economic and social future of large parts of the world and some of its greatest industries. It is wrong, however, to assume that, measured on an effective energy basis, the power available from the combination of coal has declined. Progress in heat economy has been more rapid than the decline in world coal production. Even if in 1931 world coal output should have been, at 1,000,000,000 tons, only 70 percent of the 1913 total, the effective energy arising from it was very much greater.

The substitution of electrical energy for purely mechanical energy has resulted from technical change. It is difficult to give a statistical analysis of the conversion to electrification because of lack of adequate statistical data. It is known, however, that in 1930 of all the prime movers installed in industry in the United States 76 percent were devoted to the production of electricity; in Great Britain about 66 percent; in Germany about 64 percent; in Canada 86 percent; in France and Switzerland 90 percent; and in Italy 75 percent (Table II). For the principal

TABLE II

PRIME MOVER CAPACITY IN THE INDUSTRY OF VARIOUS COUNTRIES

(In 1000 horse power)

COUNTRY	YEAR	TOTAL PRIME MOVER CAPACITY	TOTAL CAPACITY OF PLANT GENERATING ELECTRICITY	PERCENTAGE OF PRIME MOVER CAPACITY
United States	1930	70,850	54,000	76
Germany	1931	27,500	17,500	64
Great Britain	1930	20,457	13,400	66
France	1931	13,410	11,940	89
Italy	1931	7,387	5,520	75
Canada	1931	6,764	5,800	86
Switzerland	1931	1,756	1,575	90

Source: Adapted by author from census figures and official returns. For Italy and Switzerland the census data of 1927 and 1929 respectively were supplemented by information as to later extensions of generating plant. For the United States see also Silver, A. E., "Operating Engineering Problems" in National Electric Light Association, *Bulletin*, vol. xix (1932) 467–72.

industrial countries taken in the aggregate the production of electricity accounted for the employment of about 70 percent of all prime movers installed, exclusive of those used in transport. The annual world rate of increase in electric generating plant before the crisis of 1930–33 was about 14,000,000 horse power. The justification for this change has been purely economic and has followed on technical development. The creation of very large units, with very high standards of thermodynamic efficiency, was possible only in conjunction with the production of electrical energy, since electrical energy easily lends itself to distribution over long distances and complicated areas and because the disappearance of the smaller units has led to greater and greater concentration on central generating stations.

A double movement can be traced: on the one hand, toward greater mechanization and use of power in industry and, on the other, toward the substitution of electrical generating plant for plant supplying mechanical energy directly. The capacity of all prime movers in Great Britain rose from 10,749,000 horse power in 1907 to 20,457,000 horse power in 1930; in the United States from 32,397,000 horse power in 1910 to 70,850,000 horse power in 1930; in France from 3,501,000 horse power in 1906 to 13,410,000 horse power in 1931; in Germany from 7,865,000 horse power in 1907 to about 27,500,000 horse power in 1931. In the principal industrial countries the increase in the capacity of all industrial prime movers was greater than the capacity of all installed prime movers in 1906–13, the capacity having more than doubled. The transition has been even more remarkable in countries which owe to the epoch following the World War much of their industrial development, as, for example, the British dominions, Italy, Japan, Argentina, Russia and Spain. Since 1924, as far as it is possible to judge, practically the entire productive capacity added to the prime mover plant in industry has been devoted to the generation of electricity.

In transport, on the other hand, this conversion has not taken place to any serious degree. Railway electrification has been carried out on a large scale in Switzerland, Italy, France (to a lesser extent), Austria, Hungary, south Germany, Spain, New Zealand and parts of South Africa. In the more developed industrial countries with large power resources, such as Great Britain and the United States, the tendency has been to electrify suburban lines only; but conversion, although delayed, is nevertheless taking place, and the modern swing toward large scale operation has caused executives to favor railway electrification. Thus the maximum capacity of high speed steam locomotives is about 2500 horse power, whereas an electric locomotive of

less weight and greater elasticity of power has been designed for a capacity of 8000 horse power. In marine transport the shipping driven by reciprocating steam engines or by turbines driving the propeller shaft directly has constituted a steadily decreasing proportion of world shipping and now accounts for less than 90 percent; but here again the introduction of turbo-electric drive in combination with reciprocating engines or without the latter has tended to bring back propulsion to the steam engine and to combine with such propulsion the generation of electricity.

While the position of industrial power at present is extremely complex, it is gradually becoming simpler and more clearly defined; and as a result of such definition there has been greater efficiency, better application of power to its essential use and a fairly steady reduction in the amount of fuel consumed.

The effect of this combination of increased mechanization and the use of electricity has been to produce basic transformations in a large number of industries. Not only has there been a change in the character of machines, but the labor force and factory organization have likewise been modified (*see* MACHINES AND TOOLS). The tendency of small industrial units to disappear has been stimulated as a result of centralization of power and its greater availability through widespread distribution systems. It is possible, however, to overestimate the importance of very large units. Thus in the United States there are over 200,000 factories using power in some form or other and in Great Britain more than 140,000, the statistics excluding in each case the basic industries of mining and quarrying. Again, in the power industries themselves the movement toward concentration has by no means reached its peak. In the United States there are about 4000 individual generating stations, quite apart from isolated units scattered throughout commerce, agriculture and mining; in Great Britain more than 3000; and in Germany at least 6600. But in these three countries fewer than 100 generating stations account for more than 80 percent of the national output of electricity. The small unit in industry and in power, however, has shown an extraordinary capacity for resistance to change. This may be expected by reason of the fact that innumerable industries still retain purely local application and definition.

While the development of electricity as the dominant form of power has been accompanied by increasing industrial concentration and urbanization, there are some indications of development in the opposite direction. Steam power necessarily meant the geographic concentration of industry, adjacent to coal regions; and it was conducive also to the overrapid growth of cities. Electric power, because of long distance transmission, can become a potent force for the geographic decentralization of industry and its more even distribution, a development already manifest in many regions and countries. This and the advent of new methods of transportation based on the oil engine may help to check the spread of excessively large cities. At the same time, although the generation of electricity is dependent on giant plants, electric power and the type of machine it can serve also make possible a large amount of technological and economic decentralization of industry. While it must be admitted that these aspects of electric power are thus far more latent than actual, certain industries, such as pottery, woodworking, textiles and paper making in its finer stages, have not been destroyed entirely by large manufacturing units with national marketing systems. In some respects in fact the new developments encourage, from the purely technological angle, the persistence and development of small scale industry. Electricity and the internal combustion engine with its high standard of operating efficiency have enabled the rural industry to increase its output, standardize its product and cut down cost at the same time; and in many areas distant from centers of population, these industries have shown a marked tendency to increase rather than to decline. Mechanization has spread also to farming operations, largely through the use of the internal combustion engine for outdoor farming and of the electric drive for all other operations. There has been a very large increase in production, so large indeed that during the world crisis the basic agricultural products, influenced most of all by mechanization, were a glut on the market.

The new power age has caused important economic changes. It has led to the development of the power industry as the greatest single industry after the railways in the modern economy. Through the process of technical change it has brought about the concentration of power producing units in very large centers of production. In order to take advantage of technical progress it has intensified the development of a system of very large scale production, which has extended to every industry of importance; and

although possibly this has been overdone in some cases, the only real exception is the small rural industries with local markets, which have the widespread distribution of electric energy to improve their competitive position. This new power age has resulted in a considerable displacement of labor as between one group of industries and another. In basic industries, such as coal, iron and steel, shipbuilding, agriculture and chemical manufacture, the introduction of power into every operation has increased output and displaced labor. In the manufacture of articles for general consumption, for example, in the textile, paper, woodworking, rubber, brewing and milling industries, the increase in power facilities has not so much intensified the movement toward mechanization, since all of these industries had already been mechanized as far as possible, as it has improved efficiency in production and consequently led to a rapid fall in price. In some of the industries producing consumption goods, above all in textiles, the emphasis has been on design and quality to insure continual stimulation of consumers' demand. The power age has given new prominence also to the industries supplying the material for power equipment and power production, for example, the manufacture of electrical equipment and machine tools, light engineering, automobile engineering, light steel and industrial textiles; and, finally, through the progress of scientific and technical research it has disclosed a whole series of new requirements, particularly in amusement and transportation, which were unknown before and which in the majority of cases are linked up with the production and utilization of power machinery.

Power development in the whole period since 1890 has caused emphasis to be placed on capital investment and on the production of capital goods, since it has necessitated an entirely new equipment in the main producing industries. The application of investment to the new power industries has introduced new forms of corporation and public financing, while the rapid growth of the power industry itself has entailed new methods of control in order that the public interest might be protected (*see* PUBLIC UTILITIES). The electric holding company, for example, as in the United States or in Italy, can control the destinies of companies supplying as much as 25 percent of the national production of electricity and in addition has been able to form international affiliations with a view to securing similar control in other countries, particularly in the Far East and in Latin America. In recent years there has been a marked tendency for a special type of financial institution, associated with important banks, to enter more and more fully into the public utility field and in this way to set up extremely complicated commercial and trading relationships. The development of holding companies to obtain financial control over operating companies has proceeded so far that the public has ceased to have any real control over the direction and cost of the services supplied by such companies. In many countries the problem of supervision is being tackled, as far as production and main transmission of electricity are concerned; the tendency is to subject the new public utilities to much the same type of legal control as that over railways and concerns which are developing water power resources.

It is too early even now to determine what will happen as a result of this change, just as it is difficult to make any estimate of the realignment which may take place in the industrial geography of the world. It is common knowledge that the exploitation of water power has allowed new countries to become industrialized with very great rapidity, particularly Japan, France, Italy, Switzerland, Austria, Scandinavia, Chile and other Latin American countries, New Zealand, Canada, southern Germany, the southern states of the United States and outlying areas in India. The industrialization of these countries has caused a change in the distribution of world trade; there has been a decline in the consumption of coal from predominantly coal exporting countries, like Great Britain, while their industrial development has moved toward industries producing power equipment, so that international competition has borne very heavily on what are generally regarded as the new industries. There can thus be observed some movement toward equalization of economic effort as between one group of countries and another, but this equalization has not proceeded very far and has not been such as to open up world markets, outside of the United States and possibly Canada.

There may be a time subsequent to the present period of adjustment when the combination of power with the proper study, control and utilization of natural resources will lead to very rapid economic expansion in the principal countries of the world and through them in the world as a whole. Power consumption is still greatest in the four major industrial nations, and even

TABLE III

POWER CONSUMPTION IN VARIOUS COUNTRIES, 1925–31*

(In 1000 long tons of coal)

YEAR	UNITED STATES	GREAT BRITAIN	GERMANY	FRANCE	TOTAL
1925	681,426	179,244	156,271	72,221	1,089,162
1927	730,125	192,122	163,332	79,085	1,164,664
1929	781,859	186,658	180,331	87,422	1,236,270
1930	694,467	181,449	155,918	90,168	1,122,002
1931	602,644	169,387	130,101	83,628	985,760

* The basic data include net consumption (production plus imports minus exports) of coal, oil, water power in electric generation and, in the United States, production of natural gas. Conversion to a coal basis is on the assumption that 1 ton of oil = 1.495 tons of coal; 1 cubic meter of natural gas = 3.13 pounds of coal; and that the water power required to generate 1 kilowatt hour = the average amount of coal required to generate 1 kilowatt hour in electric generating stations in Great Britain, i.e. 2.40 pounds in 1925, 2.16 in 1927, 1.97 in 1929, 1.90 in 1930 and 1.82 in 1931.

among them it is unequal (Table III). Many countries at present are necessarily limited in their output and consumption of power because of insufficiency of the fuels now utilized in power production. Despite a number of experiments in the harnessing of new sources of power, such as thermal energy from the ocean on the equator; the use of vegetable liquid fuels, such as alcohol for power production; and the careful study of solar radiation, no serious increment in power capacity can be expected from such sources within any appreciable time. On the other hand, suitable research as to the use of tidal waters would tend to show that the tides can be used, provided engineering technique can design the proper machinery. At the present time there appears to be no physical impossibility, but the required capital investment is so high and the resultant cost so great that such means would be resorted to only in the event of a power scarcity; such scarcity would occur as a result of exhaustion of fuel and oil resources, and there is no indication yet of such exhaustion. A number of countries with no water power and no fuel may well study the possibility of tidal power, but transport charges have become so low that energy generated by imported fuel would probably compete with energy generated locally through tidal power.

In the future the expansion of power networks may be expected to cover whole countries, such as Great Britain, Germany or France, or groups of states, as in the United States. There is likely to be imposition of state supervision or control over such networks, coupled with the rapid decline in cost of power in industry, transport and agriculture. New centers of economic activity may be anticipated, particularly in rural areas; while the availability of power in small bulk, particularly electricity, may be expected to change the habits of the people. The electrification of domestic processes, resulting as it does in greater leisure, will exert its maximum effect when society itself begins to develop an organization to control important services with a view to the most widespread national requirements. The task of the future will be found not so much in the development or the utilization of power as in the study of the adjustments which must be effected in social relationships so that economic effort may be enlisted in the service of social utility.

HUGH QUIGLEY

See: TECHNOLOGY; MACHINES AND TOOLS; ELECTRIC POWER; COAL INDUSTRY; GAS INDUSTRY; OIL INDUSTRY; NATURAL RESOURCES; LOCATION OF INDUSTRY; PUBLIC UTILITIES; LARGE SCALE PRODUCTION; INDUSTRIAL REVOLUTION; INDUSTRIALISM; CAPITALISM.

Consult: Keir, R. Malcolm, *Manufacturing* (New York 1928) ch. iii; Hirshfeld, C. F., "Power" in *Toward Civilization*, ed. by Charles A. Beard (New York 1930) ch. iv; Daugherty, C. R., Horton, A. H., and Davenport, R. W., *Power Capacity and Production in the United States*, United States Geological Survey, Water-Supply Paper, no. 579 (Washington 1928); Daugherty, C. R., "Horsepower Equipment in the United States, 1869–1929" in *American Economic Review*, vol. xxiii (1933) 428–40; Olphe-Galliard, G., *La force motrice au point de vue économique et social* (Paris 1915); Huber, Michel, "La statistique des forces motrices" in Société de Statistique de Paris, *Journal*, vol. lxxiii (1932) 397–422; Heys, J. W. van, "Welt-Kraft" in *Technik und Wirtschaft*, vol. xvii (1924) 229–40, 257–61; Leisse, Wilhelm, *Die Energiewirtschaft der Welt in Zahlen*, Vierteljahrshefte zur Konjunkturforschung, Sonderheft 19 (Berlin 1930); Osborne, A. A., "Power Using Industries of Italy," United States, Bureau of Foreign and Domestic Commerce, *Trade Information Bulletin*, no. 772 (1931); World Power Conference, First, London, 1924, *Transactions*, 5 vols. (London 1925), and World Power Conference, Second, Berlin, 1930, *Gesamtbericht: Transactions*, 20 vols. (Berlin 1930–31); World Power Conference, International Executive Council, *Power Resources of the World* (London 1929); Murray, W. S., *Superpower* (New York 1925); Fairgrieve, James, *Geography and World Power* (London 1915); Thorp, W. L., *The Integration of Industrial Operation*, United States, Bureau of the Census, Census Monographs, no. 3 (1924); Henderson, Fred, *The Economic Consequences of Power Production* (London 1931); "Public Control of Power," ed. by P. T. Moon in Academy of Political Science, *Proceedings*, vol. xiv (1930–32) 1–210. Consult also bibliographies on MACHINES AND TOOLS, ELECTRIC POWER, PUBLIC UTILITIES.

POWER, POLITICAL. Despite the diversity of processes subsumed under the general category "political" it is possible to detect a com-

mon element implicit in all forms of political activity; namely, the effort to develop and utilize organized social power. Organized social power may be defined as that type of power which is engendered and maintained by joint human activity guided by a more or less explicitly agreed upon set of rules, and which is converted into action by special organs deciding upon and determining those rules. Political power is distinct from all the other forms of social power by reason of the function which it performs in organizing and integrating into action the interrelated activities of the inhabitants of a particular territorial area. The underlying necessity for political power arises from the fact that notwithstanding the widest disparity of personal, regional, economic, religious, party and other interests the people within certain territorial boundaries are forced to agree upon some broad, comprehensive *status vivendi* as the only alternative to civil war and invasion. In order that this *status vivendi* may be established and perpetuated, special institutional mechanisms are set up to apply in concentrated form the power thus accumulated.

The distinction between political power and the other forms of social power with which it is organically interrelated can be determined only by a consideration of the relation of political power to the politics of the state, for its peculiar character derives in large part from the role which it plays in the organization and action of the state. The state is a territorial organization which is able to enforce its power as against all other associations and persons within its borders and thus to regulate and give an integrated expression to the interrelated social activities of its inhabitants. The objective social function of political power may be at marked variance with the subjective intentions of the individual agents who give concrete expression to its organization and activities. The subjective motivations which induce the inhabitant to perform military service or to pay taxes are of minor importance. For political power, no less than every other type of social power, is a cause and effect complex, revolving about the objective social effect and not, at least not exclusively, about the subjective intent and attitude. Thus the aim of the politician who exercises political power may be to enrich himself; but in so doing he must, if he wishes to avoid political as well as economic catastrophe, take careful cognizance of the peculiar laws which govern political power.

Although they are intimately related, conceptually as well as concretely, a distinction should be drawn between state power and political power per se. For political power is exercised not only by the state but also by smaller political associations within it: by political organizations extending across state boundaries as well as by those groups—churches, entrepreneur associations, trade unions and the like—which have no inherent political function. Not every political power as such is state power, but, in the eyes of its incumbents at least, every political power is potentially state power. The only way the minor power group can be certain of imposing its will on the common life of the population is through the achievement of the ultimate in power; namely, state power. For state power towers above the power exercised by smaller pluralistic groupings in that it controls the system of law which is set up and perpetuated by state organs. Since the state is equipped as a rule with the most powerful, the most highly developed and the most efficient organization, every other political power, in order to find concrete expression, must strive—not to gain control of this organization as a whole—but to take its appropriate place in the larger system.

By way of further qualification it should be noted that not every activity of the state can be considered as involving the exercise of political power. The exact point at which social power becomes political power is determined by the historical and social situation, especially by the degree of social and political homogeneity of the population as well as by the concrete form of the state. In general political power may be conceived as restricted to that social power which, by reason of its own autonomous decisions, succeeds or at least hopes to succeed in bringing about a basic transformation of the distribution of governmental power, in relation to either domestic or foreign policy. In this sense neither the routine activities of state administration nor as a rule the social and cultural activities of the state may be considered as involving the exercise of political power. Political power resides in those groups which initiate and direct policy rather than in those which execute it. Thus in the constitutional state the legislative and governmental agencies enjoy a virtual monopoly of political power to the exclusion of the administrative and the judicial; while under the "integrated" dictatorial state the judicial and administrative agencies likewise share in this power, at least as technical adjuncts.

Since there is a reciprocal influence between

every process involving political power and the various other forces in the social complex, the most that can be said is that a particular exercise of power is predominantly rather than intrinsically political in nature. In virtually all cultures the exercise of political power has been buttressed by religious and church authority. Long after the disappearance of the theocracies of the ancient Orient and the religiously grounded polity of the Greeks and Romans the alliance between throne and altar was perpetuated. Even where, as in the Middle Ages, there was an open conflict between church and state or where, as in the modern period, the political process is saturated with secularism, the power of the priesthood has served—sometimes voluntarily, more often under state pressure—as a powerful factor in sanctifying the exercise of political domination. In the attempt of the modern fascist dictatorships to harness the national church a conflict has inevitably been precipitated between the implicitly pantheistic tendencies of the national cult and the essentially supernational monotheism of the Christian religion.

The interrelationship of political power and military power touches upon one of the most crucial sets of forces in the entire state process. Although military power is often misconstrued as merely the most highly developed form of political power, its social function is dependent in the main on the fact that it is essentially an instrument of the political. Otherwise it is merely an association for plunder. Since, however, the threat, if not the actual application, of the ultimate force of arms assists in the maintenance of internal and external security, military power is a necessary ingredient of political power; and the greater the physical danger to the state from within or without, the more intensive will be the development of the military organization. Militarism arises only when the degree to which the military power gains in strength as compared with the political is out of all proportion to the actual exigencies of the domestic or international situation.

The most acute problem of modern statecraft is the relation of political power to economic power. In the Middle Ages political power had to fight for its autonomy against religious power, while nowadays it has to struggle for it against economic power. According to the historical materialists political power is merely the instrument of the dominant capitalist class in its program of exploitation. If, however, as Engels emphasizes, authority is a prerequisite of any type of social organization, political power must continue to occupy a separate sphere, even in a society based on real economic solidarity; that is, unless the territorial-political and the economic are, in defiance of all reality, indistinguishably heaped together and unless at the same time international politics is altogether ignored. The fact that in every class society the exercise of political power is guided, among other things, by economic considerations of class aggrandizement no more invalidates the autonomous status of political power than the fact that the education of children is prompted in part by economic considerations makes the function of pedagogy identical with that of economics.

It goes without saying that the exercise of power in the political sphere, as in every other sphere of society, is grounded in the economic situation of the time. The exercise of political power is unthinkable without adequate economic resources. To supply their own economic needs the agencies of political power must intrude with their regulations into the economic field. In the early modern period the successful exercise of political power entailed a basic transformation of the existing economic system and was thus responsible in large part for ushering in capitalism; the capitalistic production of goods was stimulated in supplying the tremendous new market offered by the increasingly well equipped mercenary armies. To bolster its power the mercantilistic state set out, deliberately and with carefully formulated plans, to direct the progress of capitalism. Such regulation of economic activity presupposes a sufficient degree of homogeneity in the people to enable the agencies of political power to subject the territorial-social coactivities to effective control. At all periods therefore the exercise of political power has involved regulation of the economic system with a view to easing social and economic tensions.

The effectiveness of political power at the present day is threatened on the one hand by the absence of social homogeneity and, on the other, by the fact that it lacks sufficient economic grounding to weld together in a really effective manner the crucial social cleavages. Liberalism opened the way for the staggering accumulation of capital in private hands: as profound class fissures appeared, the foundations of political power began to crumble. At the same time further regulation of the mammoth economic system became difficult, if not impossible. Extreme tension developed as economic power became concentrated in the hands of a few people and

political power became more widely distributed as a result of democratic government. Until the nineteenth century the politically powerful were also the economically powerful. During the Middle Ages and even in the early modern period political power was the monopoly of the landowning nobility and, to an increasing degree, of the moneyed bourgeoisie in the towns. Absolutism, which through its mercantilistic policy made the state the outstanding residuary of economic power, stripped the feudal estates of their political power and monopolized it for the state. But at the same time it not only left to the nobles their land but, through a policy which soon proved of incomparably greater historical significance, helped to bring into being a powerful bourgeois economic power in the form of industrial, commercial and financial capital. To these economic forces the liberal state guaranteed almost unlimited freedom of action.

The increasingly concentrated power of capital gradually extended its sway over an ever larger number of media of economic power, but under the democratic system did not gain an equal hold on political power itself. The trust baron of course enjoys a greater degree of political power than accrues to him from the single vote to which he is entitled as an ordinary citizen. His immense economic power enables him, thanks to those agencies both within and without the party organization which cannot ignore financial considerations, to play upon leader and masses alike. The enormous political power which he thus wields is increased still further by his indispensability to the state in times of financial embarrassment, by the possibility that if thwarted he will become the backer of openly revolutionary shock troops and, finally, by the fact that his highly developed business sense and perspective, attributable in no small degree to his international connections, is far superior to that of the state bureaucracy. But it remains true, at least where there are a professional bureaucracy, imbued with a sense of its historical traditions and intolerant of venality, and a well organized and articulate labor group, that the political power of the trust baron is by no means commensurate with his economic power. On the other hand, the political leader is much less able to array against the intruding economic power that body of political power which the democratic state constitution has entrusted to him.

This divergence of the axis of economic power from the axis of political power is the source of the most characteristic tension of present day capitalistic democracy. For on one side the great masses of the people desire to bring the regulation of the economic system within the radius of the ballot box and the legislative assembly, while on the other the economic leaders, threatened by that democratic interference which they are at one in deploring, strive to gain control, direct as well as indirect, of political power. This basic form of social tension is bound in one way or the other to resolve itself in the very near future. Either the incumbents of political power, by somehow tapping new sources of economic strength, must proclaim and actually enforce their independence as against the forces of private wealth, or the efforts of the economic leader will result, at least tentatively, in bringing to an end the democratization of political power.

In addition to the religious, the military and the economic ramifications of political power there are the very real, if less tangible, intellectual and cultural forces, which are likewise organically interrelated with the general process of political power. The greater the recognition political power can win for the validity of the legal and ethical norms which it professes to embody, the more effective and the more enduring it will be. In seeking to invest itself with the resplendent mantle of legitimacy it may invoke either tradition, the charismatic attributes of a personal leader or the prophetic genius of the leader as revealer of certain religious, ethical, political or other verities. A further stage of consolidation is reached when the exercise of power is accepted as an expression in political guise of a living culture in which all concur. Thus considered language, literature, the plastic arts, as well as science and technology bear an integral relationship to the exercise of political power. Accordingly the modern nation state has laid great emphasis on the promotion of culture at home and the dissemination of cultural propaganda abroad. In every form of state political power must seek to legitimize itself in intellectual and cultural terms. Even under the system of laissez faire indifference characterizing the constitutional state, art and science and the church could not proceed beyond an at least implicitly delimited safety zone; while in the eyes of the modern dictators all intellectual and spiritual activity is merely an instrument in the execution of political power, and in the fond hope of bringing about spiritual homogeneity they use all weapons of their political power to enforce spiritual uniformity.

As noted earlier, the relation of political power to state power is characterized by the fact that state power differs from all other forms of political power in that it has at its disposal a system of law established and maintained by state organs. In an analysis of the very significant and frequently misunderstood relation between political power and law it is necessary to reemphasize that every type of political power strives to express itself in a legal system which is instituted and perpetuated through the organs of the state. It manifests this tendency by reason of the fact that in the modern state law is the inevitable expression, at once technical and ethical, of every type of political power which really succeeds in maintaining itself. In its technical but not necessarily political aspects law is the most perfect expression of political power, since by and large it makes possible the most precise and practical guidance and regulation of political activity; or, in other words, the least fallible weighing and balancing of the behavior which constitutes and activates political power. Its precision and practical effectiveness are due to the fact that the promulgation and the execution of law—in contrast, for example, to ethical codes, conventions and international law—are performed by the state power, which for this purpose maintains a special apparatus that has proved as a rule the most powerful decisory-executive unit within the state. This institutional system issues authoritative pronouncements on the various questions relating to the residence and incidence of political power and at the same time is in a position, thanks to its organizational equipment, to give concrete normative embodiment to the fluctuating and evanescent manifestations of political power. On the basis of these rules of law, which may be at variance with the actual political power situation, an answer is provided not to the often unanswerable question as to who really exercises the decisive political power—the autocrat, his minister, his banker, his valet or his mistress—but to the more precise and practical query as to which of them is vested with political power according to the law.

Thus state power is always legal; that is, legally organized political power. Political power succeeds only in so far as it is able to find moral authority for the ethical principles of its law. The ideologist who worships force per se spurns the idea that power is built up by means of law, while the ideologist who pays homage to peace is equally averse to conceding that law is an instrument in the service of power. But since an absolute, homogeneous legal community is unthinkable, even in a society based on economic solidarity, unless the ultimate elimination of all personal differences can somehow be conceived, the inevitable adjustments required by common life in society create an essential function for a political power which promulgates the positive law and proceeds to apply it against the refractory. Each day bears new witness to the progress of the factitious toward the normative, in the course of which power that at first was the sheerest de facto might—acquired none too fastidiously—manages to gain for itself, slowly but surely, first acquiescence and then acclaim.

The actual process by which the exercise of political power becomes localized, a process which in its realistic setting may reveal marked divergences from the body of juristic theory professing to describe it, is determined by or rather determines the type of state. In a democracy the apparently iron law of the smaller number, as developed at length by Michels and Ostrogorsky, serves to localize power in a dynamic, active minority of parliamentary and extraparliamentary party leaders on the one hand (*see* PARTIES, POLITICAL and MACHINE, POLITICAL) and in a professional, bureaucratic civil service on the other. But however much democracy in its later stages may have belied the extravagant hopes of its early doctrinaire exponents, the significant fact remains that the organization of the democratic constitutional state, with its separation of powers and guaranty of fundamental rights, imposes invaluable constitutional restraints on the arbitrary exercise of political power and without discrimination distributes among the masses a modicum of social and political power in the form of various types of liberties.

At the opposite end of the scale the localization of political power in the hands of a single, all powerful ruler is as unrealistic as the corresponding juristic formulation of the democratic ideologists. For no autocrat is wise enough or powerful enough to manipulate single handed the mammoth organization of the modern state, even in its domestic ramifications. Consequently the absolute monarch and to a far greater degree the post-war dictator must parcel out his power: first and foremost among his bureaucracy and other governmental agencies, and to a lesser degree among national and international churches and the economic and various other types of

power groups on which the monocrat must lean for day to day support. And yet, here again, it cannot be denied that the localization is valid as establishing a clear line of demarcation to set off this type of state as against the democratic, constitutional state. Although the brushing aside of all constitutional restrictions in no sense implies that all political power is actually concentrated in the person of the dictator, it does mean that this political power must establish its limits by trial and error reference to the actual, concrete power patterns traceable in the contemporary social complex. The more astute dictator, drawing upon the rapid technological advances of the last century, is in a position to manipulate the manifold instruments of mass appeal and mass exploitation and thereby to achieve a monopolization of political power hitherto undreamed of.

HERMANN HELLER

See: STATE; AUTHORITY; SANCTION; COERCION; FORCE, POLITICAL; OBEDIENCE, POLITICAL; PARTIES, POLITICAL; MACHINE, POLITICAL; PLURALISM; CONSTITUTIONALISM.

Consult: Murhard, F. W. A., *Der Zweck des Staats* (Göttingen 1832); Wieser, Friedrich von, *Das Gesetz der Macht* (Vienna 1926); Panunzio, Sergio, *Diritto, forza e violenza* (Bologna 1921); Meinecke, Friedrich, *Die Idee der Staatsräson* (3rd ed. Munich 1929); Laski, H. J., *A Grammar of Politics* (2nd ed. London 1929); Carré de Malberg, Raymond, *Contribution à la théorie générale de l'état*, 2 vols. (Paris 1920–22); Heller, Hermann, *Die Souveränität*, Institut für ausländisches öffentliches Recht und Völkerrecht, Beiträge zum ausländischen öffentlichen Recht und Volkerrecht, no. 4 (Berlin 1927); Burckhardt, Jacob C., *Weltgeschichtliche Betrachtungen* (2nd ed. Berlin 1910); Weber, Max, *Wirtschaft und Gesellschaft*, Grundriss der Sozialökonomik, pt. iii, 2 vols. (2nd ed. Tübingen 1925); Spranger, Eduard, *Lebensformen* (7th ed. Halle 1930), tr. by P. J. W. Pigors as *Types of Men* (Halle 1928); Chang, Sherman H. M., *The Marxian Theory of the State* (Philadelphia 1931); Willoughby, W. W., *The Ethical Basis of Political Authority* (New York 1930); Elliott, W. Y., *The Pragmatic Revolt in Politics* (New York 1928); Emerson, Rupert, *State and Sovereignty in Modern Germany* (New Haven 1928).

PRAETORIANISM is a word frequently used to characterize a situation where the military class of a given society exercises independent political power within it by virtue of an actual or threatened use of military force. Like so many of the terms current among political scientists, this word represents a generalization from the ever suggestive field of classical history. The concept of praetorianism was developed with reference to the history of the praetorian guards of ancient Rome. The declining days of Rome saw a progressive assumption of political power by the soldiery. By the third century the imperial office had become a prize for the contending ambitions of the legions, which made and unmade emperors in order to secure special donatives and privileges for themselves. Although all the legions participated with varying fortunes in the profitable struggle for political power, the praetorian guards became notorious as the most strikingly successful. Established from the time of Augustus as the sole military force within the city of Rome, their proximity to the capital frequently enabled them to play a dominating role in imperial politics. Their most celebrated exploit was the murder of Pertinax and the sale of the empire at public auction to Didius Julianus. This and other striking acts of military usurpation have led posterity to look upon them as the typical representatives of their age, although they were only the most consistently successful of many contemporary military groups which were competing for political power.

The career of the ancient praetorians illustrates the distinction between praetorianism and the concepts of Caesarism and militarism, with which it is frequently confused. Caesarism, being a form of personal absolutism, is fundamentally opposed to all independent political pretensions of the military class as of all other competitors for power. It is notable that even those emperors who were enthroned by the praetorians were soon forced by the exigencies of their situation to try to consolidate their imperial position by military discipline. Militarism, on the other hand, differs from both these concepts in that it refers not to a form of political power but to a type of political purpose. Militarists are characterized solely by their special desire to direct the energies of society into military channels and not at all by the nature of the political power at their disposal for the attainment of that ideal. The fact that military men are not necessarily militarists is indicated by the rapid decline of Roman military efficiency during the period when the self-indulgent soldiery were supreme.

The application of the generalized concept of praetorianism to another context than the Roman presents certain difficulties, since the political power of the military is seldom so unambiguously apparent. Even when political changes are obviously effected by military rebellions, it cannot always be concluded that the military have been playing an independent

political role. Any militantly revolutionary movement requires armed forces: sometimes, as in the case of Italian Fascism, armed forces are improvised; sometimes the regular army is won over to the cause. Thus rebelling armies are frequently nothing more than the tool of other powers. At other times, particularly when revolution merely serves military class interests, it is clear that the military are acting with praetorian independence. Such occasions arise sufficiently often to give the concept a certain utility despite the difficulties of historical interpretation involved in its marginal applications.

Military discipline normally subordinates the army to the established political authorities. Praetorianism flourishes only when the weakness of political institutions encourages military independence, and consequently appears most frequently after revolution, which is at once a cause and a symptom of the declining prestige of established political institutions. The only praetorian interlude in English history, for example, occurred during the post-revolutionary Commonwealth. This connection between praetorianism and revolution is quite natural, since the absence of traditionally respected institutions makes political power a prize for competing social groups. Of course the military class does not necessarily triumph in this competition. Highly developed economic interests, for instance, often emerge victorious; and it has been observed in South America, where praetorianism has been especially frequent, that plutocratic tend to replace military oligarchies with the advance of industrialization. But where there are no other strongly organized competitors for power and where a warlike national tradition, as in Rome or the Spanish speaking countries, or the exigencies of protracted revolution, as in Cromwellian England or South America, have created a powerful and self-conscious military class, praetorianism frequently results. When the dissolution of traditional forms leaves society in an anarchical state of nature, it is not surprising that power falls to men technically trained for conquest.

The problem of revolution and hence of praetorianism assumes peculiar intensity in countries devoted to republicanism. Absolutism thrives on traditions of passive obedience; but successful republics require a strongly homogeneous general will, which in turn depends on a thorough social homogeneity and a long republican tradition. Sharp racial, social, economic or religious cleavages and even any considerable difficulties of communication prevent the formation of a general will. Republican institutions thus have a peculiar vulnerability. It is significant that imperial Rome and the Spanish speaking countries of the nineteenth century, two of the most important seats of praetorianism, were both engaged in untimely republican experiments. Veneration for the institutions of the city-state caused Rome to adopt the pseudo-republican system of the diarchy. Strong autocratic forms were not developed until Diocletian, although current political techniques permitted no true republicanism within a larger area than the city-state. Similarly, subservience to contemporary liberal fashions led in South America to premature experiments with democratic forms suited only to more developed societies. Devotion to unworkable republican institutions in both these regions retarded the achievement of stability and helped to cause a recurrent anarchy favorable to praetorianism.

Praetorian methods naturally vary according to the circumstances. Since the permanent military subjugation of a civil population is extremely difficult, praetorians ordinarily seek to exploit rather than to destroy existing political institutions. Exploitation is possible without overt acts in unstable states, where the mere possibility of military revolt gives the soldiery great influence. Frequently, however, a military group conspires or spontaneously determines to seize power forcibly. To destroy the armed defenders of the existing regime is a technical military problem. The methods used to convert the resulting military supremacy into political power must vary according to the nature of the existing political structure. In monarchies the problem is to assert control over the king and his ministers. The capture and coercion of the monarch by revolting military groups have occasionally occurred in Spain, notably during the Revolt of the Sergeants in 1836. To coerce presidents and parliaments is equally possible, and South American legislatures have often suffered military intimidation. A peculiarity of democracies, however, is that the resources of coercion can be used in the selection of an entirely new set of authorities. Hence South American revolutions are normally followed by the banishment of presidents and the dissolution of parliaments, military power being used in the subsequent elections to intimidate the electorate, to control the press and otherwise to prejudice the result. The regularity with which elections have confirmed the results of armed revolt bears

testimony to the political effectiveness of military power.

Nevertheless, the power of the soldiery finds no permanent institutional expression. The ancient praetorians asserted vague claims to a constitutional right of electing emperors; military juntas have governed briefly in South America. But the ultimate result has always been the installation of a new emperor or president rather than the creation of a formal military oligarchy. Once raised to the pinnacle of power, however, the most devoted military partisan, aware at once of his insecurity and of his opportunities, tends to seek political independence of the military. The latter, still institutionally powerless, can reassert themselves only by a fresh resort to force. Consequently praetorianism results in a recurring series of rebellions. An external force is needed to break the vicious cycle. Sometimes, as in the case of the Chilean gentry under Portales, aroused elements of the nation may intervene to reestablish order. More frequently a dictator, himself perhaps a creature of praetorians, succeeds in crushing the army and in establishing a personal absolutism. The consummate statecraft of such figures as Díaz of Mexico has often provided long periods of peaceful development, during which lasting progress has been made toward the attainment of the social prerequisites of political stability. In South American history is found general confirmation of Machiavelli's opinion that an individual of outstanding *virtù* is needed to achieve the reformation of a state.

FREDERICK MUNDELL WATKINS

See: MILITARISM; OLIGARCHY; DICTATORSHIP; REVOLUTION AND COUNTER-REVOLUTION; CONSPIRACY, POLITICAL; EMPIRE; FORCE, POLITICAL; VIOLENCE.

Consult: Suckert, Curzio (Malaparte), *Coup d'état, the Technique of Revolution* (New York 1932); Gibbon, E., *The Decline and Fall of the Roman Empire*, new ed. by J. B. Bury, 7 vols. (London 1923–25) vol. i; Firth, C. H., *Cromwell's Army* (London 1902) ch. xiv; García Calderón, F., "Dictatorship and Democracy in Latin America" in *Foreign Affairs*, vol. iii (1924–25) 459–77, and *Latin America: Its Rise and Progress* (New York 1913); Beals, C., *Mexico, an Interpretation* (New York 1923) ch. xiv; Jane, L. C., *Liberty and Despotism in Spanish America* (Oxford 1929); Arguedas, Alcides, *Historia general de Bolivia . . . 1809–1921* (La Paz 1922); Dawson, T. C., *The South American Republics*, 2 vols. (New York 1903–04); Callcott, W. H., *Liberalism in Mexico, 1857–1929* (Stanford University 1931).

PRAGMATISM. Like many other philosophic labels, pragmatism denotes more an attitude of mind than a system of ideas; it is applied to many different, and often conflicting, systems. All such systems, however, have in common certain fundamentals, such as the plurality and diversity of things and thoughts, the primacy of change, movement and activity, the genuineness of novelty and belief in immediate experience as the court of last resort in validating ideas. In accounting for the differences between true and false, right and wrong, good and bad, beautiful and ugly, they may be said to employ the Darwinian notions of spontaneous variation and the struggle for survival.

The intellectual climate into which this pragmatic attitude was born may be characterized in Santayana's apt phrase as "the genteel tradition." The differentiating sources of this tradition are to be found in Calvinism. Its view of man and nature is monistic. It regards the universe as a single block, the nature of whose every part is determined by its place and relationships within the whole. It assumes for each man, each thing, each thought a predestined history and fate. Although Calvin had made this predestination dual, dividing all mankind into the eternally elect and the eternally damned, the notion of eternal damnation has fallen into disuse. Today there is a very widespread consensus among the heirs of Calvinism that man is foreordained only to a happy ending in a good life in eternity. The paramount spokesman for this faith was Ralph Waldo Emerson. The difference between him and Jonathan Edwards is a difference made mostly by the American scene and a little by Germanic transcendentalism. The high point of this doctrine is reached in urban America, and its attainment goes with the use and spread of the comforts and culture of city life.

On the countryside the Calvinism of the fathers underwent another sort of change. The countryside was first and last wilderness and frontier. Those who dwelt in it or wandered over it were pioneers gambling with the uncertainties of climate, soil, animals and Indians, risking their lives and fortunes on an unknown future. For these actual risks the certainties of Calvinistic predestination could serve only as imaginative compensations. Pioneer life dissolved the inevitabilities of the genteel tradition into the chances and changes of the struggle for existence in the wilderness. With them were worn down all the fixed orders of inherited caste and custom. Achievement replaced status as the measure of value. Rank and birth gave way to works. Men ceased to be born good, they "made

good." That pregnant Americanism tells the story. It shows that considerations of the past have given way to creations of the future, that what is from day to day vital to Americans is not established order, routine and finality, but initiative, enterprise, innovation, and that these are judged not by their premises but by their consequences.

Industry exhibits an analogous transformation of mood. Its captains, of course, risked not so much their lives as their fortunes. But its rank and file, who filled the textile factories, laid the railroads, dug the ores and smelted the metals, came first adventuring from the countryside, with the habit of initiative and experiment strong in them. Later they were partly pushed upward and largely supplemented by immigrants from all Europe. But in these the pioneer mood was set up by the very act of migration, which imposed innovation and adventure among the new conditions of a new life. Thus industrial enterprise in America elicited, from both native and immigrant whites, attitudes, qualities and valuations like those of the wilderness. The mood was continental.

When the American mood became aware of itself and sought to define its inward quality and direction there was nothing in the genteel tradition which it could employ. Emerson, when he was most American, was least traditional; Whitman could speak at best of "democratic vistas." The theme needed another language. This was derived for it first from the victory of Darwinism, with its vision of so many novelties entering a world not made for them, struggling for their lives in it and winning the struggle by the workings of their organs and ideas upon the recalcitrant world, by their "making good." The new language came, secondly, out of the sciences, out of an analysis of their method and logic. This analysis tended, from Mill's day on, to maintain the thesis that "laws of nature," the concept of classes, of genera, of species and other general ideas depend for their validity on verification by piecemeal experiments, each yielding a concrete, specific, sensory experience.

The coming together of the American mood with an interest in the logic of scientific method had the effect of standing the traditional philosophic conclusions on their heads. Multitude and variety of existence were asserted against the traditional organic unity and homogeneity; immediate experience of terms and relations was exalted over the traditional sheer rationality. Time and change were treated as elemental and primary; eternity was treated as an empty concept; chance was put above necessity. Rationality itself was reduced to familiarity, convenience or some other mode of adjusting the vital economy. In sum, empiricism, pluralism and temporalism were recognized as possessing a congruity with our day to day experiences of both theory and practise which the genteel tradition, however Hegelianized, entirely lacked, inasmuch as its function with respect to these experiences was equilibrating and compensatory, not vital and programmatic; its monism, necessitarianism and optimism merely projected beyond experience the determination of the effortful will which was making good its way within experience. Although, as in Emerson's case, the tradition was sometimes invoked in behalf of freedom, for the most part it was used as a guaranty of the status quo. Great landlords, captains of industry or of finance, invoked it chiefly to justify their overlordship when that was challenged or to vindicate both chattel and wage slavery.

But the foremost conscious concern of the professional spokesmen for the genteel tradition lay outside the social scene. It lay in the challenge of the sciences. This challenge had various forms. One was rigid and intransigent. Like the young Hegelians, philosophers of science were likely to reply to the idealistic dogmatism of the genteel tradition with a harder materialistic dogmatism of their own, crying "matter, matter," where the tradition cried "mind" or its equivalents. On the other hand, others who were analyzing the daily procedure of the sciences regarded such mind and matter as hypotheses by no means proved in experience. Thus, to the Germanic physicist Mach, physics and psychology have the same subject matter and are alike to be handled by the methods of science. These methods, he pointed out, are rules of thought's economy, born of "our psychological need to find our way in nature" and functioning to formulate ideas which summarize and anticipate experience so that we may control it. The structure, precision and consistency we give such ideas do not pertain to experience. We manage phenomena by their means, but cannot discover what lies beyond them. Science, Mach concludes, is no revelation of nature; it is only a device for handling her. The French mathematician, Henri Poincaré, comes to an analogous conclusion. Experience, he finds, is rich, multiple, varied and changing. Our imagination

plays on it; fixes, with a sort of direct intuition, upon some one of its innumerable qualities or relations and on it builds up a system. The system is neither a priori nor inevitable; it has numberless alternatives. Should it prevail among scientists, it would do so only because it serves their convenience, because it enables them more successfully than its current rivals to handle facts. In this success its truth consists. If need be, however, it can be translated into another, and even contrasting theory, applicable to the same facts; a theory is preferred over an alternative one because it is simpler and more convenient when judged by its experiential consequences. The American scientist and logician, Charles Peirce, also came to conclusions like these. The conception of any given object, he showed, can consist of nothing else than its anticipated consequences. These are necessarily sensory, and guide conduct by determining our future attitudes and action. Conceptions are systems of expectation and plans of action which arise out of sensory experience and lead back into it and cannot pass beyond it.

On the whole, such analyses of the methods of the sciences as those of Mach, Poincaré and Peirce make for a relaxation of dogma, for skepticism and agnosticism. Concerning metaphysical ultimacies scientists more and more abandoned "I know" for "I don't know; I suppose." Among the spokesmen of the genteel tradition a similar relaxation of dogmatism was to be observed. The infallible certainties of revelation gave way to the vaguer assurances of dialectics. Here also a certain skepticism was manifest. Revealed truth became merely projected belief. F. H. Bradley was a foremost voice of this mood in England, Vaihinger in Germany, while among the French Renouvier's exaltation of faith without dogma—fideism they called it—directly influenced William James. The general maxim was "I don't know; I believe."

Fideism and agnosticism are the consequences of the impact of science on religion and of religion on science. Pragmatism may be said to have been born in the mind of William James as a consequence of this impact. James grew up in the atmosphere of the genteel tradition, but he early became convinced of scientific determinism. The clash between these two ideologies became the surrogate for a deep inner conflict and anxiety, which were resolved when he applied Renouvier's teaching to his own life. He willed to believe in free will and trusted the validation of this belief to its consequences.

The attitude that was thus formed was the initiation of James' pragmatism. It absorbed and transformed what James had learned from Peirce. It directed James' sensibilities toward the unconventional, the new, the marginal and anarchic in experience; it fixed his sympathies with the individualism, the equalitarianism, the adventure, the struggle, the risk and the innovative remaking of the American scene. Hence he viewed life and mind as streams of effort, of constant choosing between alternatives, of constant struggle to make the choice good by its consequences. As the consequences fall out, he observed, so things are judged—true, false; good, evil; right, wrong; beautiful, ugly. Such judgments are retrospective, not prospective, and they apply as well to all the establishments of civilization as to events in a biography. Law, religion, government, art, science or what you will receive meaning and value not from what they are but from what they accomplish. They are neither the first things of life nor the last; they are only its ways and means.

James' teachings make paramount the functional nature of mental activity and the instrumental character of knowledge. The extension of this philosophy to the analysis and interpretation of social institutions and to the redefinition and redirection of education was the work of his younger contemporary, John Dewey, who brought in the term instrumentalism as the synonym for pragmatism. James' world, especially his intellectual world, had been European as much as American. Dewey's was all American. From the Vermont hill town of his youth his work took him to the busy cities of the midwest plain. He saw the machine economy grow up and transform its agricultural predecessor and he was sensitive to it as James was not. A convert to Hegelianism, which brought him the vision of a hitherto missed unity in his ideas of the self and of the world, and a convert to James' functionalism, which gave concreteness and substance to the unity, Dewey realized men and events as a continuing process "of communication and participation" between each and all. He redefined thinking and knowing as a sort of instrumentation by which blocked movement, thwarted activity, balked will, overcame their obstructions and again flowed free. Ideas, it followed, were in nature active organs and instruments of integration, continuity and survival. Especially are they such, Dewey found, in education, which focalizes upon the growing human his available social inheritance and is

thus the most naturally potent organization of "communication and participation."

In England the Oxonian Schiller, also under the influence of James, worked out a theory of life which he then called humanism and now calls voluntarism. Beginning in a primeval protoplasmic will, the human psyche develops by postulating the satisfaction of a need as a quality of the external world. Every axiom began as such a postulate and the whole dynamics not only of human thought and human conduct but of the worlds of history and of nature are the creations and recreations of this postulative activity. To Schiller man was the starting point and the goal of all experience and the measure of all things.

Now experiences are manifold, inwardly diversified and outwardly changing. Obviously no one view of their basis, character and function could be more than a way of seeing them, of controlling and interpreting them. A system of metaphysics is no less an instrument of adjustment and control than a spade or a harness. As the history of philosophy well attests, to set up a system as final, unchanging, eternally valid, is to destroy its value as a tool, to denature it into an idol and to open the way for its competitors. The recognition of this fact constitutes the essential metaphysic of pragmatism. It points out that all systems of ideas, metaphysical and non-metaphysical alike, are relative to the situations in which they arise and the personalities they satisfy, and are subject to continuous verification by consequences. For Schiller a certain personalism or spiritism is basic; for Dewey the central thing is a split or conflict in experience which presents a problem and requires integration and unification; for James it is the radical empiricism which declares that the relations of things are as real and as immediate as the things themselves. Some thinkers with pragmatic leanings, like Ostwald, make their metaphysical ultimate an amorphous energy subject to control and transformation by means of mathematics. Others, like Papini in one of his early manic states, make it a sort of theosophic personalism. Still others, like Edward Scribner Ames and the religious humanists, tend to make their conclusion a philosophic depersonalization of the god both of theology and of mystical experience into "the highest social ideals" and to conform it, as Dewey suggests, to the "current intellectually acceptable beliefs."

Pragmatism has had its richest effect on education. It is not too much to say that educational practise and theory in the United States, in Russia, in Mexico, in Turkey derive from John Dewey. Moderns owe to Dewey the stress on the child as a growing, changing personality, on the school as an instrument to facilitate this growth and change, on teaching and learning as processes of communication and participation whereby the child appropriates and assimilates the past and creates the future. From Dewey and his followers also flows a pragmatic influence on politics which has its high point in the principles and the program of the progressive movement, through which it also enters legislation and administration of the law. Indeed since 1910 it has not been uncommon to find reference to James, Dewey or other pragmatists in judicial decisions of state and national courts, including the Supreme Court of the United States.

The influence of pragmatism on the social sciences is yet too early to measure. It shows itself chiefly in the decline of sociological dogmatism and the growing refusal to accept as final and definitive either the quantitative or descriptive treatment of "facts" or the deductive handling of social theories. The pragmatic attitude in the social sciences indentifies itself with the determined use of scientific method, and to pragmatists scientific method here includes: the continuous discrimination and analysis of problematic situations; the invention and the candid and sympathetic consideration of alternative hypotheses and programs to resolve the problems; the verification of these alternatives by direct testing and experiment. This method pragmatists extend to established institutions as well as to new conditions. Family, state, church, industry, art or science—all are considered as instrumentalities to be judged by their consequences. The pragmatist in the social sciences therefore cultivates a skepticism of the instrument and is ever watchful against its hypostasis, or conversion from a tool into an idol.

By and large, pragmatism has never had a widespread acceptance among either academic philosophers or the philosophic public. Its rejection seems due to the fact that men in any walk of life whatever require of their philosophies that they shall be closed systems establishing once and for all the ultimate nature and destiny of man and of the universe. This the genteel tradition in its various forms does, and it continues to prevail among academic philosophers. It is supported moreover by the vested interests of the ecclesiastical and industrial es-

tablishments. Among the philosophic public, especially the rebellious portion of it, and among the natural scientists who deal directly with the stuffs of nature and are not troubled by problems of the logic of assumptions and methods, the prevailing philosophic dogma is materialism —either in the form of Marxist dialectic or of mathematical physics. To these also pragmatism is too tentative, pluralistic, temporal and relativist. It can offer struggle and hope, courage and belief at one's own risk, but it cannot offer either instant assurance or ultimate consolation; it cannot insure certainty. Vision of life born of the union of an insight into scientific method with the mood of a democratic social experience, of an adventure which has lapsed, pragmatism remains too difficult a rule of conduct for many to live by. Although it is an unconscious component of the general common sense, only a prolonged and assiduous realization of the nature of scientific method, coupled with the renewal, amid the establishments of the industrial economy, of the pioneer spirit and democratic purposes of early America, could maintain pragmatism as a consciously held philosophy of the multitudes.

Even if this should be desirable, it is unlikely to be attained. For not only are the conditions lacking in the trends of social life, but pragmatism itself is antagonistic to it. A widely accepted philosophy consists of dogmas held as eternal and necessary verities. Pragmatism dissolves dogmas into beliefs, eternities and necessities into change and chance, conclusions and finalities into processes. But men have invented philosophy precisely because they find change, chance and process too much for them, and desire infallible security and certainty. Pragmatism is no philosophy for them. It calls for too complete a disillusion.

HORACE M. KALLEN

See: PHILOSOPHY; LOGIC; SCIENCE; ETHICS; RATIONALISM; IDEALISM; NATURALISM; REALISM; FUNCTIONALISM; HUMANITARIANISM; POSITIVISM; PLURALISM.

Consult: Mead, G. H., *The Philosophy of the Present*, ed. by A. E. Murphy (Chicago 1932); Peirce, C. S., *Chance, Love and Logic*, ed. by M. R. Cohen, International Library of Psychology, Philosophy and Scientific Method (London 1923), and "What Pragmatism Is" in *Monist*, vol. xv (1905) 161–81; James, William, *Pragmatism* (New York 1907), *The Will to Believe, and Other Essays* (New York 1897), *Varieties of Religious Experience* (New York 1902), and *A Pluralistic Universe* (New York 1909); Dewey, John, *Essays in Experimental Logic* (Chicago 1916) ch. xii, *Reconstruction in Philosophy* (New York 1920), *Human Nature and Conduct* (New York 1922), and *The School and Society* (rev. ed. Chicago 1915); Schiller, F. C. S., *Studies in Humanism* (London 1907), and *Logic for Use* (London 1929); *Creative Intelligence: Essays in the Pragmatic Attitude*, by John Dewey and others (New York 1917); Kallen, Horace M., *William James and Henri Bergson* (Chicago 1914), and *Individualism* (New York 1933); Armstrong, A. C., "The Evolution of Pragmatism" in *Journal of Philosophy, Psychology and Scientific Methods*, vol. v (1908) 645–50; Moore, A. W., *Pragmatism and Its Critics* (Chicago 1910); Berthelot, René, *Un romantisme utilitaire: étude sur le mouvement pragmatiste*, 3 vols. (Paris 1911–22); Leroux, Emmanuel, *Le pragmatisme américain et anglais* (Paris 1923); Elliott, W. Y., *The Pragmatic Revolt in Politics* (New York 1928); Follett, M. P., *The New State* (New York 1918) p. 258–319; Sabine, G. H., "The Pragmatic Approach to Politics" in *American Political Science Review*, vol. xxiv (1930) 865–85; Patten, S. N., "Pragmatism and Social Science" in his *Essays in Economic Theory*, ed. by R. G. Tugwell (New York 1924) ch. xv; *The Trend of Economics*, ed. by R. G. Tugwell (New York 1924) ch. xv; Rugg, Harold O., *Culture and Education in America* (New York 1931) pt. iii; Otto, M. C., *Things and Ideals* (New York 1924); Hook, Sidney, "A Pragmatic Critique of the Historico-Genetic Method," and Tufts, J. H., "Individualism and American Life" in *Essays in Honor of John Dewey* (New York 1929) p. 156–74 and 389–401.

PRATO, GIUSEPPE (1873–1928), Italian economist and historian. Prato belonged to the group of scholars trained in the rigid scientific atmosphere cultivated in the 1890's by Cognetti de Martiis in the institute of economics of Turin University. After some excursions in the problem of Italian emigration, which was much debated in Italy at the time, Prato turned to the study of economic history and soon gained a reputation as one of the foremost Italian economic historians. His numerous studies on the economic development of Piedmont, which constituted his chief interest, are masterpieces of scientific research. He did not subscribe to the materialistic interpretation of history, nor did he aim to reconstruct economics through history; he was simply an economist who studied economic history and achieved lasting results. Marcel Marion, in prefacing a volume in honor of Prato, ranked him with Fustel de Coulanges, Levasseur and Lavisse; only the limited knowledge abroad of the language in which he wrote set bounds to the fame to which he was entitled.

Prato was keenly interested in current economic problems; he wrote with prophetic insight on the need for the protection of labor, before the exclusion of foreign labor became common all over the world; he subjected to a critical analysis the problem of collective bar-

gaining and its economic implications; and by his attack on "municipal mercantilism" he was instrumental in the ultimate abolition of the petty customs barriers which until recently surrounded so many Italian cities.

LUIGI EINAUDI

Works: *Censimenti e popolazione in Piemonte nei secoli XVI, XVII e XVIII* (Rome 1906); *L'evoluzione agricola nel secolo XVIII e le cause economiche dei moti del 1793–97 in Piemonte* (Turin 1919); *Il problema del combustibile nel periodo pre-rivoluzionario come fattore della distribuzione topografica delle industrie* (Turin 1912); *Un capitolo della vita di G. Law* (Turin 1914); *Problemi monetarî e bancarî nei secoli XVII e XVIII*, Turin University, Laboratorio di Economia Politica, Documenti Finanziari, 1st ser., Illustrazioni storiche e Documenti, vol. iii (Turin 1916); *Fatti e dottrine economiche alla vigilia del 1848: l'associazione agraria subalpina e Cam. Cavour* (Turin 1920); *Risparmio e credito in Piemonte nell'avvento dell'economia moderna* (Turin 1927); *Il protezionismo operaio* (Turin 1910); *Sulle premesse economiche del contratto collettivo di lavoro* (Turin 1916); *Il Piemonte e gli effetti della guerra sulla sua vita economica e sociale*, Carnegie Endowment for International Peace, Division of Economics and History, Italian Series, no. 1 (Bari 1925); "Le dogane interne nel secolo XX; il mercantilismo municipale" in *Riforma sociale*, 3rd ser., vol. XX, supplement (Turin 1911).

Consult: *In onore e ricordo di Giuseppe Prato*, R. Istituto Superiore di Scienze Economiche e Commerciali (Turin 1931).

PRECIOUS STONES are minerals which because of their beauty of color, durability and rarity are valued for purposes of adornment. At present they include the diamond, the ruby, the sapphire, the emerald—often by extension the opal, notwithstanding its lack of hardness, and the pearl, although it is not mineral but organic. A vague term, semiprecious stones, covers alexandrite, garnet, jade (precious in China and Japan), quartz, spinel, topaz, zircon and many others. The diamond has to a marked degree all the qualifications of precious stones and it is generally acknowledged the most precious. Rarity is an extremely important factor; a fine pigeon's blood ruby is one of the most valuable gems because of its scarcity, while the garnet, which has beauty and durability but is relatively common, is not very highly valued. Glass was considered precious in China until the Chinese learned how to make it. Fashion has made gems valuable during certain periods and historical associations have sometimes lent value which would otherwise be absent. To this day the Chinese prefer jade and the pearl to the diamond; while the modern vogue of diamonds for engagement rings, particularly in the United States, has helped to maintain the demand for this stone.

Early man probably collected small stones peculiar in color or shape, which he strung into ornaments even before he wore clothing. These stones were also esteemed for their magical and medicinal powers. The tradition that the opal brings bad luck is one of the surviving remnants of such superstitions. In the ancient Greek world the amethyst was supposed to prevent drunkenness; from China to Rome the diamond was thought to dispel insanity; while pearls were one of the most prized among mediaeval medicines. But the chief use of gems has always been for jewelry. Tombs of Babylon, Egypt, Assyria and Persia have yielded ornaments of fine workmanship and many varieties of stones. A recently excavated Egyptian tomb revealed the body of a king on whose head was a massive silver crown incrusted with gems. The tools of the ancient goldsmiths were more effective on softer materials, such as amethyst, carnelian, lapis lazuli, turquoise and pearls. Many other stones have been found, particularly the Egyptian emerald. Incised cylinder seals, the forerunners of the signet ring, are the earliest known intaglios, dating at least from the fourth millennium B.C. Cameos (engravings in relief) date from the fourth century B.C. The breastplate of Aaron, described in *Exodus*, was composed of twelve stones, each engraved with the name of a tribe of Israel. As in all ancient accounts there is considerable doubt as to the identity of the stones here enumerated; it is only the comparatively modern science of mineralogy that has eliminated a perennial confusion of terms.

The sardonyx was the favorite stone of the ancients. Many other varieties of quartz and semiprecious stones were used, as well as the sapphire, emerald, ruby, diamond and pearl. In point of value Pliny ranked the diamond first, the pearl second, the emerald third, the opal fourth and the sardonyx fifth. India provided nearly all of the best stones, exported plentifully after Alexander's time; it had a complete monopoly of diamonds, while most of the pearls came also from India and the Persian Gulf. Minerals not actually Indian products—the lapis from Turkestan and the Egyptian emerald, for example—were so termed because they were obtained at Barygaza and other west coast Indian ports by Greek and Arab merchants. Northern European sources, now important, were practically unknown to the Romans. The

only gem material that Rome exported was the fine red Mediterranean coral, prized in India and shipped there in such quantities that it was becoming exhausted by Pliny's time. According to the latter, a bead of coral was as highly valued by an Indian gentleman as a pearl by a Roman lady. In late republican and imperial Rome precious stones were in high fashion; wealthy citizens and, later, emperors possessed fabulous collections. Precious stones were sometimes given as votive offerings to temples. Although their *adamas* was often the white sapphire, there is no doubt that the Romans had the true diamond. The Chinese also had the diamond, which they secured from India, using it chiefly in the shape of diamond points for mechanical work; "jade cutting knife" is one of their names for it.

The gem and jewelry trades were lacking in capitalistic methods; artisans worked to individual order, although the foreign trade in precious stones was carried on by large merchants. Syria and Alexandria were the great centers for the working of precious stones into jewelry, but in every great city a section was reserved for the shops and markets of the local artisans. The wheel gradually came to be employed in the engraving of gems. The utmost skill was required to achieve the beauty, delicacy and variety characteristic of the lapidary work of the ancient world. Gems were not only used in jewelry; cups, toilet articles, statuettes and other objects of art of high quality also were cut from gem material. In the late Roman Empire and the Middle Ages gem engraving declined along with most of the other arts, but it continued to flourish in Byzantium.

Some uses of precious stones were extended while others declined during the Middle Ages. Christianity frowned upon the luxury of jewelry, but rings were recommended as talismans. Signet cutting practically disappeared, specimens used being largely ancient. Crowns were set with precious stones; and the number and design were used to indicate rank in the coronets of nobles. Knights wore them to battle; even armor and weapons were jeweled. The guilds, always jealous of their honor, made strict rules to prevent deception in the use of stones; Parisian jewelers nevertheless were notorious for making imitation gems. Apprenticeship in the crafts of goldsmiths and jewelers was unusually prolonged, ten to twelve years being required in some cases. The best work, however, was done in the monasteries. Insignia of church prelates, covers for missals and other manuscripts, reliquaries and ornaments for the statues of saints were often adorned with the most precious stones. The treasures of the great abbeys equaled those of kings. Rosaries, most often of coral or carnelian, were sometimes of diamonds, rubies, sapphires or pearls.

The Renaissance emphasized the relationship between jewelry and costume, luxury of personal ornament reaching such heights that attempts were made to curb it by law. Spain set the fashion and New World discoveries raised the limits of extravagance. There was a revival of the lapidary's art. Many of the Renaissance artists gained their reputations as goldsmiths who were also gem cutters and gem setters. Stones were usually table cut, and diamonds were polished roughly with diamond dust. In the fifteenth century the jewelry trade of Amsterdam received an impetus with the influx of Jewish lapidaries from Portugal, the best artisans of the time; the position of the Netherlands in this craft has since remained unsurpassed.

While the desire for conspicuous personal adornment probably was the most important factor in the demand for gems, the vogue which loaded the clothes of men and women with thousands of pearls and diamonds was due in part to the fact that precious stones were a portable form of wealth which could easily be hoarded. This was one of the reasons which led the Jews to invest in diamonds. Often they were a girl's dowry held against times of misfortune. This hoarding of precious stones was especially characteristic of the Orient; Indian princes, who had a monopoly of the products of the mines and first choice of the pearls taken from eastern waters, were notorious for their treasures of precious stones. The value of these hoards may be indicated by the relative prices Benvenuto Cellini gave to the four precious stones, prices which approximate those of today: faultless one-carat rubies 800 gold scudi, emeralds 400, diamonds 100 and sapphires 10; the gold scudo was about equal in purchasing power to five gold dollars of the nineteenth century.

Improved methods of cutting and polishing led to changes in the art of the gem engraver and the jeweler. Where formerly settings had required imagination and creative design, during the seventeenth century they became merely the framework of the stones, which had a value of their own; the jeweler and goldsmith parted company. As the prejudices of bourgeois Calvin-

ism were worn down, jewelry came into more general use and imitations became a necessity, since not everyone could afford the genuine. At the same time jewels were flaunted primarily as tokens of wealth, often with complete disregard for artistic quality. Taste and workmanship declined until the renaissance of crafts in the latter half of the nineteenth century.

Until the seventeenth century India was still practically the only source of diamonds, although her output was declining. About 1725 came the discovery of diamonds in Brazil; adventurers sought precious stones as well as precious metals. The kings of Spain reserved for themselves one fifth of all gems found in their possessions. Until 1834 the mining of diamonds in Brazil was a state monopoly, employing considerable slave labor. Between 1721 and 1870 the Brazilian deposits were very productive and constituted Europe's source of supply; the present yield is comparatively small.

India no longer holds first place in the production of precious stones, but the best rubies still come from Burma. Good rubies are found also in Siam together with excellent sapphires; the latter are likewise mined in Ceylon. Other important sources for these stones are Afghanistan, Hindustan, China, the Ural Mountains, Queensland and North Carolina. The best emeralds come from mines in Muzo, Colombia; they are found also in Brazil (of the light green variety, however), in the Urals and occasionally in the United States (North Carolina). Other gem varieties of beryl, and other precious stones, are distributed widely over the world.

During the last few decades synthetic rubies and sapphires have been produced on a commercial basis, with no great effect on the prices of real stones. Thus far similar attempts to manufacture the diamond and emerald have resulted only in the formation of microscopic stones of no commercial value. Artificial pearls, first made in Paris about 1680, are now so perfect that they have undoubtedly affected the vogue for real pearls. The artificial culture of pearls, carried on for centuries in China, has been studied scientifically in Japan for fifty years. Mikimoto began his famous experiments in 1890, and pearls are now obtained from 60 percent of the oysters treated, 5 percent being marketable. The tissue from a living oyster is tied around a tiny seed pearl and inserted in another oyster, which is then left for seven years, during which time it deposits a secretion around the irritating foreign body, gradually forming a pearl. Because of the bitter opposition on the part of oriental pearl producers to the labeling of these culture pearls as genuine, they have had little effect on the prices in the pearl market. Culture pearls sell for approximately one fifth as much as similar natural pearls; the difference between them can be perceived only if they are cut in two.

The pearling center of the world has always been the Red Sea and particularly the Persian Gulf. The celebrity of India in connection with pearl fisheries rests upon the fact that Indian merchants furnish much of the capital and Indian divers the labor. Pearls from the Persian Gulf are the most famous, but they are obtained also from the South Sea Islands, the coasts of Lower California, China, Japan, India, Australia and the islands of the Caribbean. Fresh water pearls are widely distributed in Europe, the United States, Japan and China. Methods of diving are practically the same as those described by mediaeval travelers. With or without diving equipment the hazards are many, particularly the dreaded "bends" and the danger of sharks; the pearl diver seldom lives long.

During the eighteenth and the early nineteenth century the world output of diamonds was comparatively small, averaging $1,500,000 to $4,000,000 yearly; but with the exploitation of the South African mines the output rose to $20,000,000 in the 1890's and from $70,000,000 to $90,000,000 in the 1930's. The great diamond discovery was made in Hope Town, Cape Province, in 1867. Hundreds of prospectors staked out small claims and recovered the stones from the soft, yellow ground by washing. With deeper mining the process became more difficult and expensive, until the small owners gradually disposed of their holdings. Two dominant groups then emerged, and after a long drawn out competitive struggle a consolidation was effected in 1888; this was the De Beers Consolidated Mines, Ltd., organized largely through the efforts of Cecil Rhodes, who used the newly formed monopoly to promote his plans for empire building. For a time open pit mining was continued and the diamond bearing blue ground, known as kimberlite, was hoisted to the surface. When such methods were no longer feasible, underground mining by means of shafts and drifts was inaugurated. For many years the hard kimberlite was softened by a weathering process lasting four to eighteen months, but with the use of machinery it is now

possible to crush and wash it immediately with considerable saving. The remaining steps in the recovery of the diamond are jigging, sorting, cleaning and evaluating, all except the last done by machinery. The diamond mines depend upon native workers, who live under a compound system, which entails confinement in closed camps after working hours during limited periods of contract. This system insures the physical efficiency of the miners and prevents theft and the squandering of savings. Wages are low and all the skilled, better paid labor is white. Attempts have been made to check silicosis, a disease which is, however, more serious in the gold mines.

Although De Beers Consolidated dominated the industry, there were other great producing companies—Jagersfontein, the Premier and the Consolidated of South West Africa. In 1893 the Diamond Syndicate was formed; it has succeeded in controlling the supply, increasing prices in normal times and preventing complete collapse during depressions. In 1930 this syndicate set up the Diamond Corporation, Ltd., to take over the surplus diamonds. The Diamond Syndicate, however, no longer has a world monopoly of the output; in 1920 it supplied 70 percent of the total, in 1929 a bare 50 percent, the principal competitors being Angola, Belgian Congo, British Guiana and West Africa. The government of the Union of South Africa has been trying to capture the diamond cutting industry, but this industry is still centered for the most part in Belgium and Holland, the former forging ahead because of the diamond supply from the Belgian Congo. There is the usual tariff struggle to keep manufacturing near the old craft centers and markets. London is the diamond market of the world, while Paris is the chief market for pearls.

The United States is the major importer of precious and semiprecious stones; it takes the largest percentage of the world's output of diamonds. The American imports increased from an average of $42,637,000 in 1910–14 to $79,650,000 in 1929; diamond imports rose from $34,658,000 to $55,956,000 and pearl imports from $3,325,000 to $10,389,000. These precious stones are the core of a flourishing jewelry business; in 1929 there were in the United States 20,095 jewelry stores with sales of $536,950,000 (exclusive of jewelry sales in other stores). There were 1468 establishments manufacturing jewelry, employing 27,922 wage-workers and having an output valued at $181,387,000. A considerable amount of machinery is used both in lapidary work and in jewelry manufacture. An increasing proportion of the output of jewelry factories consists of cheap jewelry set with imitation stones, some of which is for sale even in five and ten-cent stores.

Imitations have limited the vogue of precious stones as means of conspicuously displaying wealth and thus attracting attention to success. The authenticated owner of a famous string of pearls may wear an indistinguishable imitation. To wear the genuine is to invite robbery, and to display apparently expensive stones without being known to possess any is considered bad taste in our pecuniary society. On the other hand, there are always people who wear and collect precious stones for their intrinsic beauty and historic interest.

MELVIN M. KNIGHT

See: ORNAMENT; FASHION; HOARDING; LUXURY.

Consult: Bauer, Max, *Edelsteinkunde* (3rd ed. by Karl Schlossmacher, Leipsic 1932), tr. from the 1st ed. by L. J. Spencer (London 1904); Kraus, E. H., and Holden, E. F., *Gems and Gem Materials* (2nd ed. New York 1931); Warmington, E. H., *The Commerce between the Roman Empire and India* (Cambridge, Eng. 1928) p. 235–60; King, C. W., *Antique Gems and Rings*, 2 vols. (London 1872); Middleton, J. H., *The Engraved Gems of Classical Times* (Cambridge, Eng. 1891); Kris, Ernst, *Meister und Meisterwerke der Steinschneidkunst in der italienischen Renaissance*, 2 vols. (Vienna 1929); Evans, Joan, *Magical Jewels of the Middle Ages and the Renaissance, Particularly in England* (Oxford 1922); Laufer, Berthold, *The Diamond: a Study in Chinese and Hellenistic Folk-lore*, Field Museum of Natural History, Anthropological series, vol. xv, no. 1 (Chicago 1915); Hendley, T. H., "Indian Jewellery" in *Journal of Indian Art*, vol. xii (1906–09); Smith, H. Clifford, *Jewellery* (London 1908); Prideaux, S. T., *An Historical Sketch of Bookbinding* (London 1893) Appendix II; Dakin, W. J., *Pearls* (Cambridge, Eng. 1913); Kunz, G. F., and Stevenson, C. H., *The Book of the Pearl* (New York 1908); Boutan, Louis, *La perle* (Paris 1925); Williams, G. F., *The Diamond Mines of South Africa*, 2 vols. (new ed. New York 1906); Walls, Robert R., "The Geography of the Diamond" in *Scottish Geographical Magazine*, vol. xlv (1929) 193–205; Ball, S. H., "The Diamond and the Diamond Industry" in Royal Canadian Institute, *Transactions*, vol. xviii (1931–32) 251–69; Humboldt-Dachroeden, Wilhelm von, *Die deutsche Diamantenpolitik* (Jena 1918); Kunz, G. F., *Gems and Precious Stones of North America* (2nd ed. New York 1892); Michel, Hermann, *Nachahmungen und Verfälschungen der Edelsteine und Perlen* (Graz 1926); Dieulafait, Louis, *Diamants et pierres précieuses* (Paris 1871), tr. by Fanchon Sanford (New York 1874).

PREEMPTION, RIGHT OF. *See* PUBLIC DOMAIN; HOMESTEAD.

PREHISTORY seeks to reveal and to analyze the processes which led up to the inventions and shaped the institutions whose development is studied in history; the written record begins in Egypt and Babylonia about 3000 B.C., in Greece about 700 B.C. and in England at 43 A.D. It likewise carries on the story of life as revealed by geology and palaeontology until that story merges into history.

Prehistory differs from history in the absence of contemporary written records. As a consequence it is excluded absolutely from access to the individual as a historical agent; its purview is at best restricted to the individuality of human groups, nations, peoples or races and to their reactions to economic and geographical conditions. Prehistory is distinguished from geology and the other natural sciences by the fact that it deals with the activities of rational beings, into whose motives an insight can be had which is impossible in the study of mollusks or molecules.

The materials utilized by the prehistorians are largely archaeological, relics—the movable objects like tools, weapons and ornaments—and monuments—the dwellings, tombs and rock carvings left by early man. The data of prehistoric archaeology may be supplemented and combined with a study of the skeletons of early men (physical anthropology), of words and place names (comparative philology and toponymy) and of beliefs and customs which are presumed to have survived from prehistoric times among backward and isolated groups (ethnography and folklore). Prehistory should be a synthesis of all these disciplines; but inasmuch as prehistoric archaeology has outstripped the kindred disciplines and an agreed synthesis seems rather remote, it often monopolizes the name prehistory.

As a historical discipline prehistory is concerned with processes and events occurring in time. The first task of the prehistorian is therefore to establish a chronological framework for his data. A relative chronology is provided in archaeology primarily by stratigraphy; the superimposed layers resulting from the continued occupation of a cave, for instance, will provide a sequence of distinctive tools or vessels in which the oldest come from the lowest levels. The familiar division into stone, bronze and iron ages is based logically on observations of this kind. Such divisions are valid, however, only over a limited area. An absolute chronology applicable to the entire world or large portions thereof may be obtained in the earlier phases of prehistory by reference to great climatic changes, the ice ages in high latitudes and pluvials in others. The earliest human remains have been correlated with these geological phenomena and thus related to one another in time by reference to the general framework offered by the succession of ice ages (*see* MAN). For later periods it is possible to establish connections between the preliterate barbarians and the more civilized peoples who kept written records, the Egyptians, Sumerians, Greeks and eventually the Romans in the Old World and the Mayas in the New. Such contacts make possible the establishment of chronologies in terms of calendar years or centuries.

Once chronology is determined, it is possible by studying the relics of a given period and area in relation to the environment and by constant reference to similar objects still made and used by backward peoples to give a fairly clear picture of the material culture and economic organization of the inhabitants; the prehistorian can state, for instance, the extent to which a group was dependent on trade and how far industry was specialized. Some fairly reliable inferences may also be drawn as to religious beliefs and social institutions. Archaeology thus discloses various stages in man's progress toward civilization, marked by increasing control over his physical environment. This control is effected by improvements in material culture—tools, weapons, dwellings and means of transport—in conjunction with consolidation of the social structure marked by a growth in the size of the groups, increased internal division of labor and extension and intensification of trade between groups.

The findings of prehistoric archaeology have radically altered the scale of historic values and have produced an enlargement of man's knowledge in time comparable to that in space following the discovery of America. It is now evident that the beginnings of human industry and institutions go back several hundred thousand years. Fire had been brought under control and the first primitive tools of stone had been manufactured near or even before the beginning of the Pleistocene period. During the first 200,000 years of what is termed the old stone age the sole means of livelihood attested is a parasitic gathering economy based on hunting, fishing, trapping and the collection of shellfish, wild roots and berries, conducted by small seminomadic units possessed of few standardized tools. In the later phases of the same age, after

about 50,000 B.C., favorably situated groups elaborated a variety of specialized tools and hunting weapons, including engines like the bow, and had a highly developed art presumably inspired by a system of magical ideas, while the economy remained purely parasitic. The new stone age, which began in the Orient about 6000 B.C., witnessed the initiation of food production through small scale agriculture (garden, or hoe, culture) among a few favored groups. Agriculture and stock breeding first made man to a large extent master of his own food supply and permitted an expansion of population, since each generation could bring fresh land under cultivation. The earliest farmers remained self-sufficing and often largely nomadic, but they developed new arts, such as spinning and weaving, and eventually discovered the process of smelting metal. The adoption of metal as an indispensable material for weapons destroyed the self-sufficiency of the group, which was generally obliged to import the raw material, and at the same time entailed a regular division of labor within it, since forging and casting would not be carried on as home industries combined with farming. Before 3000 B.C. the wheeled cart, brick building, the arch, systems of writing and numerical notation and a very nearly accurate solar calendar had all been discovered in the Orient. Attempts have been made to fill in details of the pictures supplied by archaeology from the beliefs, institutions and crafts of peoples still living on the same economic planes. Conclusions based on such analogies can be accepted, however, only with extreme caution.

The evolutionistic conceptions which have dominated prehistory have in practise always been modified by the historical concept of diffusion. Cultivation of the alluvial valleys of the Nile, the Euphrates and the Indus offered great rewards, but the cultivators were obliged to coordinate their forces on irrigation works and to import many vital raw materials. These conditions, which prevailed over the large areas supplied by the waters of a single river system, led to the aggregation of men into cities dependent on secondary industry and foreign trade as well as on farming. The demands of the urban communities for raw materials and their satisfaction, whether by peaceful trade or by economic imperialism, facilitated the diffusion of their discoveries and ideas in a manner comparable to the spread of ideas from the Atlantic coast into Asia and Africa during the nineteenth century. The advance through the Old World of intelligent metallurgy and of certain religious ideas symbolized in the dolmen can to some extent be understood through these lines of inquiry. Attempts to trace the process of diffusion from the Old World to the Americas have been less successful.

Historical interpretation of archaeological data is rendered more explicit by the concept of culture defined as a group of traits, such as specialized types of tools, vessels and ornaments, artistic styles and burial rites, regularly found together in a continuous area. A culture moves about in space and evolves in time; in its archaeological aspects it is the material side of a community of language, institutions and traditions. Prehistory can by a study of cultures trace the interactions of peoples, their migrations and conquests. Comparison of the distribution of a specific culture with that of place names of a given type has in several cases made possible the application of a linguistic name (Celts, for instance) to the authors of a given culture. On the other hand, it has not been possible to identify any culture with one of the larger linguistic families, such as Indo-European or Semitic, nor has it been possible to identify a culture with a distinct physical variety of man or race; racial mixture and interbreeding began so early, apparently in late palaeolithic times, that pure races are practically unknown.

A more ambitious version of the idea of a culture underlies the doctrine of culture cycles (*Kulturkreise*) propounded primarily by German and Austrian Catholic prehistorians. According to this hypothesis all cultures may be traced to the migrations and interactions of a small number of primary and secondary culture cycles, which can either be observed directly in a fairly pure state today among certain savages, as, for example, among the pygmies of Malaysia, or deduced from the distribution of associated groups of institutions and material devices. It is contended that the stone age archaeological cultures thus defined can then be equated with the cycles of the ethnographer and the religious ideas and social institutions distinctive of the latter be read into the former. Ethnographers are far from unanimous as to the legitimacy of the method and still less agreed about deductions based thereon, while the applications of the theory to the archaeological material still seem rather forced. In American prehistory the emphasis is often laid less on the historical questions, which have attracted most attention in the Old World, than on the adjustment of human

groups to their environment, and there has thus arisen the concept of a culture area which is spatial rather than temporal.

The systematic investigation of prehistoric remains in Europe goes back at least to the seventeenth century, but for a long time it was regarded merely as a means of illustrating the classical authors' accounts of the Britons, Germans and Druids. Prehistoric archaeology in Greece began about 1870 with the search by Schliemann for the cities described in Homer, and its method of approach was therefore classical and literary. The recognition in 1786 of the kinship between Sanskrit and Greek, German and Welsh, widened the scope of prehistory. After the work of Bopp, F. Max Müller and others had popularized the idea of an Aryan people and had suggested that their culture and religion as well as their speech might be reconstructed, the identification of the cradle of the Aryans and their culture became an objective of prehistoric archaeology. Similar lines of inquiry were followed in the study of other linguistic families, such as the Semitic and the Bantu. A more radical change was effected when in 1859 Boucher de Perthes convinced geologists that certain stones found with the bones of extinct animals in geological deposits near Abbeville were implements fashioned by man. Prehistoric archaeology was thereupon linked up with natural science and was obliged to adopt its rigorous methods and thus to emancipate itself from theological presuppositions. The concept of evolution enunciated by Darwin cemented the alliance. With the discovery beginning in 1848 of the fossilized remains of men specifically or generically different from *homo sapiens*, zoology also began to contribute to human prehistory. Other landmarks in the study of prehistory are the establishment on archaeological grounds by Thomsen in 1836 of the succession of stone, bronze and iron ages already deduced by the Roman poet Lucretius; the discovery of the prehistoric cultures in Egypt in 1895 by Petrie and de Morgan, of the painting of mammoths and other extinct beasts in the caves of Spain and France in 1895 and of the great Minoan civilization in Crete by Evans in 1900. Since the World War northern and southern Africa, Iraq and India have effectively been brought within the scope of scientific prehistory and a beginning has been made in China. The discovery of the Peking man in 1927 is one of the latest triumphs of prehistory.

Recent disclosures have shown that by 3000 B.C. India possessed an urban civilization of its own, a peer of the Egyptian and Babylonian, and that manufactured articles were being exchanged between India and Babylonia about that time. Yet in the same period the forerunners of the Nordic race were savages living on shellfish and game along the shores of the Baltic, and for two or three thousand years barbarism prevailed everywhere north of the Alps. On the other hand, Roman authors exaggerated the savagery of the northern peoples; the architectural skill displayed in the forts of Gaul and the brochs of Scotland and the fine taste of early Celtic and Germanic art are still admirable. Similarly the conquistadores grievously underestimated the pre-Columbian civilization of America. Archaeology has revealed that in addition to their highly developed material culture the Mayas possessed considerable astronomical knowledge, which they had applied to the establishment of an accurate calendar system. In South America also many of the important discoveries of the Old World, such as the combination of copper and tin to form bronze, had been reached independently.

V. GORDON CHILDE

See: ARCHAEOLOGY; ANTHROPOLOGY; MAN; DIFFUSIONISM; CULTURE; CULTURE AREAS; RECORDS, HISTORICAL; HISTORY AND HISTORIOGRAPHY; AGRICULTURE, section on PRIMITIVE AGRICULTURE.

Consult: Burkitt, M. C., *The Old Stone Age* (Cambridge, Eng. 1933); Childe, V. G., *The Bronze Age* (Cambridge, Eng. 1930), and *New Light on the Most Ancient East* (new ed. London 1934); Menghin, O., *Weltgeschichte der Steinzeit* (Vienna 1931); Forde, C. D., "Early Cultures of Atlantic Europe" in *American Anthropologist*, vol. xxxii (1930) 19–100; Wissler, Clark, *The American Indian* (rev. ed. New York 1922); Nordenskiöld, E., *The Copper and Bronze Ages in South America*, tr. from ms. by G. E. Fuhrken, Comparative Ethnographical Studies, vol. iv (Göteborg 1921); Spinden, H. J., *Ancient Civilizations of Mexico and Central America*, American Museum of Natural History, Handbook Series, no. 3 (2nd ed. New York 1922); Means, P. A., *Ancient Civilization of the Andes* (New York 1931).

PRENATAL CARE. *See* MATERNITY WELFARE.

PREPAREDNESS. *See* NATIONAL DEFENSE.

PREROGATIVE in its most general sense is the "power to act according to discretion for the public good without the prescription of the law and sometimes even against it" (Locke, *Of Civil Government*, bk. ii, sect. 160). This generalized conception, however, of prerogative as discretionary power has not become widely accepted,

for it was in contravention of the distinct legal connotation of the word, which was carefully guarded by English lawyers until the nineteenth century. Generally speaking, four periods may be distinguished in the evolution of the legal concept of prerogative: the feudal, the absolutist, the constitutional and the parliamentary.

The feudal concept of prerogative is essentially that of a congeries of rights of the king in his capacity as feudal overlord. These rights are primarily of a procedural variety, like the right not to be sued upon ordinary writ as tenant to lands but only by petition. A long list of such procedural privileges is given in Cowell's *Interpreter*. This notion of prerogative as procedural privilege is reminiscent of the original Latin word which was applied to the comitia which could vote first in the Roman assembly. The equivalent on the continent of these feudal privileges was the monarchical regalities (*jura regalia*). In accordance with the mediaeval notion of law as founded upon immemorial custom all such privileges were interpreted as existing according to the law of the land, but with the disintegration of the feudal order and the concomitant expansion of legislation there appeared a tendency to curtail these royal privileges by special enactment. The king and his advisers were bound to make efforts to resist such tendencies, and as a result of these endeavors there emerged the doctrine of sovereignty (*majestas, plenitudo potestatis*), as set forth, for example, by Staunford in his *Exposition of the King's Prerogative*. Staunford defined prerogative as "a privilege or preëminence that any person hath before another, which as it is tolerable in some, so is it most to be permitted and allowed in a prince or sovereign governor of a realm." To be sure, this trend was opposed, but cautiously, by writers like Sir Thomas Smith, who in his *De republica Anglorum* (bk. ii, ch. v) pointed out that of the five sovereign rights—legislation, war and foreign policy, taxation, appointment of officials and administration of justice—the king in England possessed only the second and fourth. Sir Thomas' discussion called attention to the way in which the notion of prerogative in this period tended to be confused by the royalists with that of sovereignty. This transformation became apparent to everyone through the writings of James I.

Nowhere is the new absolutist doctrine of prerogative stated with greater succinctness than in James' speech in the Star Chamber on June 20, 1616, in which he warned the judges against encroaching upon the prerogative of the crown. The king claimed that residuary discretionary power with which someone must be entrusted if the state is to survive in times of crisis. In order further to buttress his contentions and to forestall any misapprehensions James proceeded to make the very significant distinction between what he termed his private prerogative, regarding which he was willing to be subject to the law of the land, and the absolute prerogative of the crown, which he claimed was beyond all law. This distinction anticipates the later constitutional development in which the crown becomes the legal framework within which the cabinet exercises the king's discretionary powers. In a sense it anticipates also the distinction between political and constitutional issues characteristic of American constitutional law and, again, that between *l'acte de pure administration* and *l'acte du pouvoir discrétionnaire* in French administrative law, or, as Hauriou termed it, the distinction between *l'acte administratif* and *l'acte gouvernemental*.

The most vigorous objection to the absolutist doctrine of the prerogative was raised by Sir Edward Coke, who declared that "the King hath no prerogative, but that which the law of the land allows him" (12 Coke 76). By thus returning to the formula of the feudal period Coke raised once more the issue of the lawmaking power and initiated the constitutional doctrine. This doctrine did not reach fruition, however, until the parliaments of the English revolutionary period had explored the alternative of parliamentary prerogative. To be sure, under the Protectorate the word disappeared together with the king of whom it was reminiscent; but the ultimate discretionary power which absolutist theory had attached to it oscillated between Parliament and Cromwell, while the Restoration refused to face the issue squarely. After the Glorious Revolution, however, the doctrine of the separation of powers demanded a reconsideration of the issue and gave rise to the general theoretical doctrine of Locke, from which are derived the conceptions of the emergency power, the police power and the pardoning power in the United States. For here as elsewhere the American constitutional order is built upon the conceptions of Locke and his age, while the English constitutional system worked out a new concentration of powers in the hands of the parliamentary executive. This parliamentary executive of course claims the same discretionary powers as does the American chief executive; the essen-

tial difference lies in the fact that in the former case such a claim is not resisted by Parliament. The ancient conflict may be said to have arisen in another quarter, for the heated debate over the sphere of administrative law, as epitomized by writers like Robson and Lord Hewart, turns fundamentally upon the problem of discretionary powers. It is in this sense that the controversy over dictatorship in the United States and Great Britain may be considered a revival of the constitutional struggle of three hundred years ago. This time, however, the progressives are on the opposite side.

CARL JOACHIM FRIEDRICH

See: AUTHORITY; SOVEREIGNTY; MONARCHY; ABSOLUTISM; SEPARATION OF POWERS; LEGISLATIVE ASSEMBLIES, section on GREAT BRITAIN AND DOMINIONS; CABINET GOVERNMENT; ADMINISTRATIVE LAW.

Consult: Gneist, Rudolf von, *Englische Verfassungsgeschichte* (Berlin 1882), tr. by P. A. Ashworth, 2 vols. (2nd ed. London 1889) vol. ii, ch. xxix; McIlwain, C. H., *The High Court of Parliament and Its Supremacy* (New Haven 1910); *The Political Works of James I*, ed. by C. H. McIlwain, Harvard Political Classics, vol. i (Cambridge, Mass. 1918), especially p. xxxix–xliv and p. 332–33; Cowell, John, *The Interpreter* (Cambridge, Eng. 1607); Allen, John, *Inquiry into the Rise and Growth of the Royal Prerogative* (new ed. London 1849); Blackstone, William, *Commentaries on the Laws of England*, ed. by W. D. Lewis, 4 vols. (Philadelphia 1897) vol. i, p. 237–81 and vol. iv, p. 430–41; Klimowsky, Ernst, *Die englische Gewaltenteilungslehre bis zu Montesquieu* (Berlin 1927) pt. iv; Locke, John, *Essay concerning the True Original Extent and End of Civil Government* (London 1690) sect. ii, p. 159–68; Maitland, F. W., "The 'Praerogativa Regis'" in *English Historical Review*, vol. vi (1891) 367–72; Smith, Thomas, *De republica Anglorum* (London 1583) bk. ii, chs. iv–v; Staunford, William, *An Exposition of the Kinge's Prerogative* (London 1567); Robson, W. A., *Justice and Administrative Law* (London 1928); Hewart, Gordon H., *The New Despotism* (London 1929); Muir, Ramsay, *How Britain Is Governed* (2nd ed. London 1930); Dwight, T. W., "Harrington and His Influence upon American Political Institutions and Political Thought" in *Political Science Quarterly*, vol. ii (1887) 1–44; Coke, Edward, *Reports*, ed. by J. H. Thomas and J. F. Fraser, 6 vols. (London 1826) vol. vi, p. 299.

PRESCHOOL EDUCATION. Philosophers and educators from the time of Plato have insisted upon the importance of the earliest years in shaping the destiny of an individual. It was not, however, until modern times that society began to assume a large share of responsibility for the nurture and training of the child from birth to the conventional age of school entrance. This extension of community interest in the young child has resulted in the development of several distinct institutions for preschool education and a variety of methods of teaching.

The general attitude toward children in pre-Reformation days and during the Reformation period was repressive, by reason of the prevailing doctrine of original depravity, according to which the natural was virtually synonymous with the sinful. The only education considered necessary for children was moral and religious training. In the seventeenth century there arose within the Lutheran church the Pietist movement, the aim of which was to make religion less sterile and formal, more directly applicable to the problems of life. One of its leaders, August Hermann Francke, professor at the University of Halle, established a system of schools in which not only the children of the well to do but also poor children might obtain suitable education. In connection with this project he opened an orphan asylum where teachers of young children might be trained. Francke's work was far reaching in its effect: orphan asylums modeled on the one at Halle were founded in various European cities, and an interest was awakened in training people to work with little children. During this same period other religious groups motivated by a common philanthropic spirit opened charity schools in England and on the continent. While not especially preschool in character, these institutions often devoted considerable attention to the needs of young children.

At the beginning of the nineteenth century concern for the welfare of children found expression in the "infant schools," a by-product of the humanitarian impulse which sought to mitigate the social and economic disturbances accompanying the industrial revolution. The infant school was originated in England by Robert Owen on the theory that social injustice and all the ills of men could be eliminated if the right sort of universal education were begun in infancy. Accordingly in 1800 Owen organized an infant school at New Lanark, where children might be "rationally" trained from their second year onward. Discipline was to be positive and free from all harshness, and games and music were to be an important part of the curriculum. Owen's work was coincident with the period when socially minded people in England were much concerned about the prevailing neglect of the young children of the poor, and the idea of "educating" these boys and girls in socially useful habits as well as giving them shelter made a strong appeal. Unfortunately Owen's followers, especially Samuel Wilderspin, did not share

his idealistic views and the schools soon became formal and joyless. The movement, however, spread rapidly: in 1824 an Infant School Society was founded by Lord Brougham and James Mill, and in 1836 the Home and Colonial Infant School Society was established under the direction of Charles and Elizabeth Mayo. The latter society supported a model infant school and a training college for teachers based on the methods of the Swiss educator, Pestalozzi.

Jean Frédéric Oberlin was the first exponent of the infant school on the continent. Believing that a good education which began with habit training in babyhood was the best method of moral redemption, he established schools for young children which he called *écoles à tricoter*. His efforts inspired a number of philanthropic women to open schools for the children of working mothers in Paris and other French cities. Under the patronage of a socially minded lawyer named Cochin, these schools, known as *salles d'asile*, developed rapidly and in 1833 were made a part of the national school system of France. The name was finally changed to *écoles maternelles* in 1881, and as such they exist today, an example of a well organized state project for the education of children of preschool age.

Elsewhere in Europe the early nineteenth century saw a similar development of institutions for the care and training of young children. The *Bewahranstalten* of Germany and Holland stressed physical rather than educational care of the child. In Belgium *écoles gardiennes* were established, analogous in purpose to the French *salles d'asile*. In Italy Ferrante Aporti, a Catholic priest, drew up a plan for an infant school in Cremona, Lombardy; it was approved in 1829 by an imperial decree. In 1833, according to the records, 94 boys and 46 girls were educated gratis in the infant schools of Cremona.

While these social movements were under way, there were being developed definite theories of preschool education and a method of dealing with young children as individuals possessed of the right of self-expression. This new approach to the problem took into account the long neglected educational significance of the play impulse. The first theorist to concern himself in detail with the education of small children was John Amos Comenius, who early in the seventeenth century devoted much consideration to the training of the child from birth to the seventh year as a part of his comprehensive plan for education. In this period of life, he believed, were laid the foundations of all later education. He appreciated the value of play, declaring that " . . . whatever children delight to play with, provided that it be not harmful, they ought rather to be gratified than restrained from it." Although Comenius had little influence upon the educational practises of his day, his writings foreshadowed later educational theory.

The work of Jean Jacques Rousseau, proclaiming as it did the essential goodness of human nature in opposition to the orthodox doctrine of original depravity, was a distinct factor in changing the prevailing attitude toward childhood. The right of the individual to life and happiness for his own sake was once and for all asserted. Rousseau drew attention to the need for studying child nature and to the differences among children as individuals. His theories likewise bore fruit in the work of later educators.

Friedrich Fröbel, founder of the kindergarten, contributed to the development of preschool education a comprehensive theory, a definite method and an institution which was intended to give little children real education rather than merely shelter, physical care and routine habit training. The writings of Rousseau and Comenius and the example of Pestalozzi as well as his own observation of children and his mystical philosophy based upon German idealism were the sources of Fröbel's educational theory. This theory found expression in the school for young children which he opened in 1837 in Blankenburg, Thuringia, and to which he later gave the name of kindergarten. The purpose of education, according to Fröbel, was to help children attain an understanding of the "laws of unity and interdependence" which, he believed, govern the universe. Kindergarten games, "gifts" and occupations used in prescribed sequences were designed to make the children recognize these laws. The plan took into consideration the social development of the child through group plays, as well as individual growth. The reactionary Prussian government, mistakenly identifying Fröbel's teachings with those of his nephew, Karl Fröbel, who had taken an active part in the Revolution of 1848, for a time prohibited kindergartens. In 1873, however, the Deutscher Fröbelverband was founded in Germany, which subsequently became active in promoting kindergartens. But the kindergarten has never been recognized as part of the national school system of Germany and has existed, if at all, on a purely voluntary basis.

In the United States Fröbel had a marked

influence on preschool education. Although the kindergarten movement had previously been launched by Germans who emigrated to the middle west in the 1840's, it was largely through the efforts of Elizabeth Peabody that the first kindergarten for English speaking children in the United States was opened in Boston in 1860. As a member of the Concord School of Philosophy, Miss Peabody was especially interested in the metaphysical aspect of Fröbel's theory and gave it prominence in her kindergarten. W. T. Harris, late United States Commissioner of Education, also connected with the Concord School, was instrumental in having the kindergarten introduced into the public schools of St. Louis in 1873. After the kindergarten demonstration at the Centennial Exhibition in Philadelphia in 1876 the idea spread rapidly. In addition to private schools and churches, settlements and other welfare organizations began to include kindergartens in their educational programs. The first kindergartens adhered strictly to the procedure enjoined by Fröbel and reinterpreted by Miss Peabody and her friends. But in 1888 there arose a movement for a different sort of kindergarten teaching—one which should take into account the child's play purposes and which should be free from the artificial restrictions imposed by Fröbel's philosophical ideas. Beginning in Louisville, Kentucky, through the work of Anna Bryan and of Patty S. Hill, one of the graduates of her training school, this newer procedure won the support of William H. Burnham, G. Stanley Hall and John Dewey. The progressive kindergarten group was distinguished by its eagerness for all the help which psychologists, physicians and other child specialists could give to education.

Because of its early introduction into the public school systems, the position of the kindergarten has been strategic in influencing the general trend of the education of young children in the United States. Enrolment in kindergartens, public and private, increased from 31,227 in 1890 to 777,899 in 1929–30. Of the 1929–30 total, 723,443 were enrolled in public school kindergartens. There has been a decrease in the number of private kindergartens, because in many localities the public school took over the work after its usefulness had been demonstrated by private philanthropic effort. In 1886 Connecticut and Vermont passed the first legislation giving school authorities permission to open kindergartens. During the next few years many states adopted some form of kindergarten legislation, one of the most satisfactory being the California "mandatory-on-petition" law of 1913, according to which public education authorities must establish a kindergarten on the petition of the parents of twenty-five or more children of kindergarten age living within one mile of an elementary school. According to a report issued by the federal Office of Education, in 1931 40 states had some form of permissive or mandatory legislation for the establishment of kindergartens. In the remaining 8 states provision for children below the age of six is made possible under the general educational laws.

Although in England the kindergarten made its appearance as early as 1854, it has never become part of the school system because of the firmly intrenched position of the infant school. The latter in connection with its nursery classes for three and four-year olds has made use of certain of the methods and materials of Fröbel as well as of Maria Montessori. During the last quarter of a century criticism of the infant schools has been based chiefly on hygienic grounds. The first serious challenge came through a Consultative Committee of the Board of Education in their *Report . . . upon the School Attendance of Children below the Age of Five* [Cd. 4259 (1908)], which found infant schools unsuitable as regards both hygienic conditions and mental occupations. The committee felt, however, that many young children would be left "unsuitably minded" if they were not in school and recommended that nursery schools be provided for them. The first independent institution was established at Evelyn House in 1911, and it was moved in 1914 to a site given by the London County Council. The schools were avowedly planned to provide a better environment for toddlers than did the infant schools and also to bridge the gap between the time the child left the health supervision of the welfare agency which protected him during infancy and the time when he should have the benefit of school medical care. The work of Margaret McMillan and Grace Owen, pioneers in the nursery school movement, has been of enormous influence in England and led to the passage of the Fisher Act in 1918, by which nursery schools became a recognized part of the national school system. Because of inadequate funds, however, the act has had little practical effect. In 1932 there were in England 29 recognized nursery schools, with an aggregate enrolment of 1924 children. For the most part these schools are still designed to serve the under-

privileged groups. Bertrand Russell has been among the few to advocate nursery schools for children of the upper economic levels; a nursery school for her own and her friends' children has been established by Lady De La Warr at Fisher's Gate, Withyham.

On the continent there are few nursery schools as such, but other institutions for children under the age of six are numerous, because of recent developments in child hygiene and psychology which have laid increasing emphasis upon preschool education. In Paris in 1926 there were 1900 classes for children under six with an attendance of 39,000. By far the greater number of these children were enrolled in *écoles maternelles*, certain classes connected with the *lycées* serving the upper social groups. A few freely organized *jardins d'enfants* exist under the direction of social settlements. The education of young children has received careful attention from the authorities in Vienna, where kindergartens are a part of the municipal housing plan. In Italy Mussolini recognized the value of Maria Montessori's work by calling her to Milan to give a training course for teachers of young children. Although there is no provision for young children in the public schools of Germany, numerous private kindergartens exist, and the training of kindergarten teachers is regulated in nearly all of the states. In Soviet Russia preschool education is undertaken in connection with the crèche, or day nursery. The latter not only serves as an agency where children are cared for while their mothers are at work, but provides the groundwork for the development of physical and mental efficiency. Children are kept here until they are three years of age, when they enter the kindergarten. Both the crèche and the kindergarten are under government supervision and occupy an important place in the general educational system.

The nursery school in the United States has developed as the result of a widespread interest in child guidance and incidentally as a means of enabling professional women to arrange for suitable care for their children. It is in most cases an agency for research, experiment and demonstration in the fields of preschool and parent education, and for this reason it is often identified with child welfare institutes in colleges and universities. From the standpoint of preventive work in mental hygiene the nursery school is in a strategic position, in that it makes possible the early education of the child in desirable social attitudes and habits, and renders expert assistance to parents in studying their own children with a view to promoting wholesome family relationships. Nursery schools are invaluable for research in child development, since they offer opportunity for scientific observation of normal children, rather than of those who are referred to specialists because of some mental or physical deviation. Through its program for parent education the nursery school is an important factor in promoting early education in the home. The origin and purpose of nursery schools in the United States have determined the economic groups which these schools serve, the training of nursery school teachers and the character of nursery school procedure. In contrast with the English, the American nursery school served first the needs of the professional and economically favored groups and has only lately been extended to the underprivileged. Whereas the English nursery school teacher is prepared for her work on the undergraduate level, the American nursery school teacher receives much of her training as a graduate and is expected to be able to advise parents and otherwise to exert community leadership in child study and child welfare. Instead of formal kindergarten procedure there is a high degree of freedom in the American school, and an emphasis upon the guidance of children in their social relationships.

In 1931–32, 203 nursery schools were reported to the federal Office of Education, of which 13 are connected with public schools, 74 with colleges or universities and 73 with private schools, while 43 are maintained by philanthropic organizations. In contrast with the kindergarten, which customarily offers a half day program, nursery schools for the most part operate on a full day schedule and provide meals and sleeping facilities. Of 252 separately organized nursery school units, located in 202 institutions in 1932, 43.2 percent were in session $5\frac{1}{4}$ to 8 hours each day, while 9.5 percent were in session $8\frac{1}{4}$ to 12 hours.

Both in England and in the United States the nursery school, although still in a formative state, is exerting profound influence upon the general trend of preschool education. In England it is affecting the infant schools; in the United States it is shaping current practise in the kindergarten and in the elementary grades. There is in the United States a tendency toward the unification of the entire preschool program and toward the elimination of any gap in procedure between the different levels of nursery, kindergarten and primary education. Only through

such coordination can preschool educational institutions function as effective agencies in child care and development.

ILSE FOREST

See: CHILD; EDUCATION; PARENT EDUCATION; MENTAL HYGIENE; DAY NURSERY.

Consult: Vandewalker, N. C., *The Kindergarten in American Education* (New York 1908); Salmon, David, and Hindshaw, Winifred, *Infant Schools* (London 1904); McMillan, Margaret, *The Nursery School* (London 1919); *Nursery School Education*, ed. by Grace Owen (London 1920); Forest, Ilse, *Preschool Education* (New York 1927); Foster, J. C., and Mattson, M. L., *Nursery School Procedure* (New York 1929); Lochhead, Jewell, *The Education of Young Children in England*, Columbia University, Teachers College, Contributions to Education, no. 521 (New York 1932); Blatz, W. E., and Bott, H., *Parents and the Pre-School Child* (New York 1929); White House Conference on Child Health and Protection, Section III, Education and Training, Committee on the Infant and Preschool Child, *Nursery Education* (New York 1931); National Society for the Study of Education, *Preschool and Parental Education*, Twenty-eighth Yearbook (Bloomington, Ill. 1929); Davis, Mary Dabney, "Kindergarten-Primary Education," and "Nursery Schools, Their Development and Current Practices in the United States," United States, Office of Education, *Bulletin*, no. 30 (1930), and no. 9 (1932); Davis, M. D., and Keesecker, W. W., "State Legislation Relating to Kindergartens in Effect 1931," United States, Office of Education, *Pamphlet*, no. 30 (1932); Mudgett, Mildred D., *European Schools for Preschool Children* (Washington 1927); Furfey, P. H., "Pre-School Education in Three Countries" in *Catholic Educational Review*, vol. xxvi (1928) 385–90; Pinkevitch, A. P., *The New Education in the Soviet Republic*, tr. from Russian by Nucia Perlmutter (New York 1929) ch. v; *Taschenbuch für Kinder-gärtnerinnen und Hortnerinnen*, Deutsches Archiv für Jugendwohlfahrt, vol. iii (Berlin 1931).

PRESCOTT, WILLIAM HICKLING (1796–1859), American historian. Prescott was the first American historian who successfully combined learning, scholarship and literary brilliance, and the first to make a substantial contribution to European history. He was severely handicapped in his chosen career by partial blindness; but his ample means enabled him to overcome this disability so that he was in a position to employ readers and to bring to his library copies of documents and manuscripts from European archives. These formed the solid foundation for his historical works. Influenced in part by Washington Irving and George Ticknor, Prescott decided to explore the uncharted fields of Spanish history and in his first work, *A History of the Reign of Ferdinand and Isabella the Catholic* (3 vols., Boston 1838), and in his last, *A History of the Reign of Philip the Second, King of Spain* (3 vols., Boston 1855–58), he presented the political and military history of sixteenth century Spain with a thoroughness, discrimination and literary grace never before achieved. Although Prescott's substantial reputation rests largely upon these essays in Spanish history, his fame is more popularly associated with his epic *A History of the Conquest of Mexico* (3 vols., New York 1843), a literary tour de force which has enjoyed a lasting popularity, and his scarcely less brilliant *A History of the Conquest of Peru* (2 vols., New York 1847).

Although he was essentially a literary historian, Prescott's reliance upon source material, conscientious research and critical acumen established standards of scholarship which justify the claim that he was the first American scientific historian. Subsequent research has added materially to Prescott's story of the sixteenth century Spanish monarchy and also has altered the perspective, yet it has impaired neither the accuracy of his account nor the fairness of his judgments. While new discoveries in archaeology have proved that Prescott's reconstruction of the Aztec and Inca civilizations was highly romantic, this fault was due rather to lack of reliable source material than to poor judgment, and the essential soundness of the story of the conquests has not been challenged.

Prescott's defects as a historian lie not in method or in scholarship, but in a certain superficiality of mind and exclusiveness of approach. His history was narrative rather than analytical, descriptive rather than philosophical, and the brilliance of the coloring conceals a lack of depth. His concern was with politics, war and diplomacy rather than with social or economic institutions; his Spain was the Spain of the court and nobility and not of the common people. His point of view was essentially conservative, and his picture of Philip II contrasts sharply with that which Motley was painting at the same time. Despite these failings, however, Prescott's services to history and literature were of a very high order. His observance of the most rigid standards did much to raise the level of historical scholarship in the United States, and his conception of historical writing as a literary form went far to popularize the reading of history by Americans and to prepare the way for Motley and Parkman.

HENRY STEELE COMMAGER

Works: *Collected Works*, ed. by W. H. Munro, 22 vols. (Philadelphia 1904).

Consult: Ticknor, George, *Life of William Hickling*

Prescott (Boston 1864); Peck, Harry T., *William Hickling Prescott*, English Men of Letters series (New York 1905); Ogden, Rollo, *William Hickling Prescott*, American Men of Letters series (Boston 1904); Bassett, J. S., *The Middle Group of American Historians* (New York 1917) p. 211–23; Jameson, J. F., *The History of Historical Writing in America* (Boston 1891) p. 113–18; Parker, Theodore, "Prescott as an Historian," and "Prescott's Conquest of Mexico" in his *The American Scholar*, ed. by G. W. Cooke (Centenary ed. Boston 1907) chs. iv–v; Ferguson, J. de L., *American Literature in Spain*, Columbia University, Studies in English and Comparative Literature, no. 17 (New York 1916) p. 148–57; Romera-Navarro, M., *El hispanismo en Norte-América* (Madrid 1917) p. 27–42.

PRESCRIPTION, LEGAL. *See* LIMITATION OF ACTIONS.

PRESS. As the term is used here, the press means the establishment which undertakes to purvey news and opinion to the general public through regular periodical outpourings of the printing press. As related to publishing through association with the printing press, from which it is derived, the term is highly absorptive. It is sometimes used, particularly in the discussions of "freedom of the press," to indicate the whole range of expression in print. It is also employed frequently as a general designation for periodical publishing and publications. In this sense it is customary to refer by way of limitation of the general term to the medical press, the agricultural press, the legal press and so on. News, a term whose definition by reference to its manifestations in the press has generated a substantial literature without decisive results, is used here in the elemental sense of reports coming to the person receiving them as new information. The difference between news and opinion is the difference between objective reports of developments and the judgments passed upon them by the press in assuming the role of adviser to the general public. It is the distinction in formal design between the news dispatch, which merely records an event, and the editorial or leading article, which passes judgment upon it—a distinction which inevitably breaks down in actual practise. The undertaking to purvey news, with which the purveying of opinion is inextricably linked, gains in importance to the public in proportion to the range of significant developments which lie outside the realm of first hand experience.

At present this enterprise is unfolded through thousands of daily publications and tens of thousands of weekly publications. Published in hundreds of languages, they range in circulation from millions of copies per day to a few score copies per week or month, with attendant contrasts in the equipment and production organization brought into play. They are under the immediate control of persons of the most diverse social, cultural and political ideals, and their contents reflect these differences, as they also reflect great differences in the aspirations and interests of the publics to which they are addressed. They are shaped by governmental regulations varying greatly from one jurisdiction to another, as they are by contrasts in the economic organization under which they are produced and the economic resources available for their production. The press of the United States, for example, differs markedly from that of England and one of a great many reasons for the difference is geographical. The territorial bulk of the United States has thus far prevented the timely national circulation of a daily newspaper, as is feasible in England, and important divergences in the structure and performance of the press of the two countries flow from that fact. Likewise the press of France differs decidedly from that of England and the United States, one of the reasons being the historical fact that long sustained governmental regulation of the political content of the French press has served to enhance its interest in literature and the arts.

Nevertheless, in many respects the press is moving in the direction of institutional unity. The telegraph, whatever its limitations and advantages, tends, perhaps more than any other device, to fix the tempo of the news gathering process and hence, in important degree, the quality of its product. The press moreover is governed in its operations by the general dictates of a capitalistic economic organization. Even the Soviet press uses many of the same mechanical and editorial techniques employed in capitalist countries. Although there is perhaps a greater tendency to stress the institutional unity of the press to the point of gross inaccuracy than there is to emphasize the inevitable contrasts arising from linguistic, national and cultural barriers, there are always powerful factors promoting uniformity—forces such as those which enable American comic strip characters to cross the Pacific and to disport themselves in Japanese newspapers.

This tendency toward institutional unity emerges rather clearly from the study of the historical development of the press, which, while disclosing great variations of the types noted, reveals forces, such as those generated

by editorial and mechanical invention, discoveries in the art of profit making and ideas relative to freedom of the press which tend to shape the establishment as a whole. To trace the historical development fully it would be necessary to go far back of the introduction in Europe at about the middle of the fifteenth century of the device from which the name press is derived. The signaling arrangements used by primitive tribes are in some ways analogous to modern news services. The *Acta diurna* of the Roman Empire, an official publication in bulletin board form, which had its broadest development under Julius Caesar, was but for the absence of mechanical printing closely akin to the press of today. It contained news of crime, sports and sensational events along with official intelligence and propaganda and was extensively copied for dispatch to the provinces and reading at public gatherings. Following the collapse of the Roman Empire establishments bearing any close resemblance to the modern press seem to have disappeared from the western world, although there are evidences of the existence in China in the eighth century of something approximating a modern newspaper. In the sixteenth century, however, much the same methods used to circulate the *Acta diurna* were being employed systematically in Venice, where written news reports were regularly sent to appointed stations to be read aloud. Before the end of the century these reports were being printed, so that they came to qualify as early manifestations of the press. In the early seventeenth century the technique, preceded in direct line of development by regularly written news letters, which continued for some time to compete with printed news reports, had spread to a number of European countries.

In spite of crude mechanical facilities and the fact that literacy was still confined to a small part of the population, so that its products were in the luxury class, the advent of the press might not have been delayed for a century and a half after the introduction of printing had it not been for the fears of those in control of governments that it was dangerous to their authority. Thus when a *Weekely Newes* was launched in England in 1622 as the first contribution of the press in that country, it was restricted to the reporting of foreign news, presumably on the theory that news of developments far removed is relatively innocuous—a view, incidentally, which is not without current applications in the press. And although Cardinal Richelieu had a hand in founding what is generally regarded as the first French newspaper, the *Gazette* (afterward the *Gazette de France*), in 1631 and in using it to further his political designs, he granted its proprietors a monopoly of news dissemination in order to keep this process closely under his control. Forces were in the making, however, which would weaken the authority of government over the press in favor of its control by capitalism, which, when the press came generally upon the scene in Europe, was moving toward a dominant position in economic life. In England Parliament and the crown were poised for a series of political contests, in which the former was to prevail and with it a larger scope for the popular ideal of freedom of the press. In France Richelieu, succeeding in large measure in his designs to give the crown control of a unified nation, paved the way for revolutionary reactions which, while they did not secure freedom of the press for France, were to provide intellectual slogans and patterns to hasten its expansion in other countries. Thus in America Jefferson, inspired largely by the philosophers of the French Revolution, later declared, "were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter"; and, burning with zeal for a political ideal which embraced ". . . eternal hostility against every form of tyranny over the mind of man," he failed to see that under the scheme of economic organization which had "naturally" been adapted to the development of the press, freedom from governmental control would still leave it under important economic restraints.

If those who led the struggle for freedom of the press had considered that they were really fighting to have the function of reporting and interpreting news given over to establishments which must have private profit as their guiding star, it seems possible that their enthusiasm might have had some momentary lapses. Even Adam Smith, who in his *Wealth of Nations* argued so effectively for the public virtue of entrusting the direction of economic activity to private profit seekers operating under the restraints of competition and contract, made reservations about subjecting education, to which the work of the press bears certain resemblances, to this form of control. But the struggle for greater freedom of the press from governmental regulation during the eighteenth and nineteenth centuries was a contest governed at least out-

wardly by political ideals and not by economic considerations. Moreover it was waged for the most part on behalf of a small handicraft industry to which competing units could be added with relative ease by those who felt that the cause of truth was not being served by the existing establishments. In the United States, with fewer ancient prerogatives to block the way, the press entered the nineteenth century largely freed from governmental restraints except those imposed by the laws of libel and with guaranties of its freedom written into the national and state constitutions. In England the stamp tax, initially adopted in 1712 to facilitate governmental regulation of the contents of the press and to derive revenue, was finally eliminated in 1855; but not until the champions of freedom of the press had overcome wide opposition, including that of the proprietors of established journals, who preferred to pay the tax in order to avoid the competition of low priced publications which its abolition would encourage. That their judgment was sound is attested by the emergence of many penny papers immediately after the repeal. This was followed in 1861 by the removal of the import duty on paper, which eliminated the last of the major economic restraints on the English press. In France rigorous governmental dictation of the contents of the press persisting from the time of Richelieu served to stimulate the growth of an extensive clandestine press. This control was shattered by the revolution, which was accompanied by an avalanche of publications of enormous diversity of political opinion. Forceful regulation was restored, however, by the National Convention in 1793, which prescribed the death penalty for journalists urging restoration of the monarchy, and it was vigorously enforced by Napoleon, who said that the only news he wished printed was news so old that it was not worth printing. It was not until 1881 that a substantial and sustained degree of freedom was secured to the French press. Other European countries were participating in a general movement toward greater freedom when a new wave of suppression, attendant upon and following the World War, swept over them. The spending of the wave is nowhere in sight.

As the struggle to win independence from governmental restraints, pushed in England and the United States more successfully than in other countries, tended to shape the development of the press as a whole, so also did the devices and techniques invented for the exploitation of this freedom. As new editorial, mechanical and commercial practises were found successful, they were copied extensively and thus promoted uniformity of development. In England the first products of the press, patterned on continental predecessors, were "news books," publications in pamphlet form without fixed title—unadorned news items or bulletins. Exhortation and entertainment by means of the printed word were carried on through separate media. By the middle of the seventeenth century, however, the reporting and interpretation of news, often in the most scurrilous terms, had been merged in single publications. Early in the eighteenth century polemic writing in the press, as developed by Addison and Steele and by Swift, who is credited with having devised the abiding technique for the editorial or leading article, approached the status of a fine art and quickly found emulators in other countries. In America James Franklin, founder of the weekly *New-England Courant* in Boston in 1721, the fourth newspaper in the colonies, added to his news reports writings by members of the "Hell-Fire Club" on the pattern of the British essayists as well as letters and verse.

As the reporting of news was soon merged in single publications with interpretation and opinion, so too were undertakings to provide entertainment and cultural guidance apart from the flow of news. To cite but a few of many examples, in 1719 *Robinson Crusoe*, whose author, Daniel Defoe, is often described as the father of British journalism, was printed in serial form in a London newspaper, thus inaugurating what has become a standard feature of a large part of the press. A few years later a Pennsylvania newspaper publisher undertook to reproduce serially *Chambers's Dictionary of the Arts and Sciences* but discontinued it after a few months. In order to lighten the labor of perusing the products of the press illustration was introduced very early. The *Gazette of Antwerp*, established in 1619, contained a woodcut used for a number of years to illustrate various events; it was produced by a method which remained essentially unchanged for two and a half centuries. In the year 1643 a weekly, *Mercurius civicus*, regularly illustrated with woodcuts, was launched in England. Symbolic illustration as a means of reenforcing editorial opinion also appeared at a relatively early date, a famous example in America being Benjamin Franklin's drawing of a severed snake with the caption "Join or Die," which was widely circu-

lated in 1754 to strengthen an appeal for united action among the colonies.

In the exploitation of news by types, such as crime, politics, war and so on, virtually all the avenues had been explored by occasional printed publications before the advent of the press. Local news alone remained relatively unexploited until the nineteenth century. In the printed news publications of the sixteenth century in England, which antedate the press because they did not appear regularly, crime received much attention, as did reports of prodigies, witches and other sensations, and there were certain traces of sport news, such as reports of walking contests. In the seventeenth century the political strife in England led to an extensive development of political news. Also by the middle of the seventeenth century the use of the press as an advertising medium was well begun. In England the first advertisement in a regularly printed news book appeared in 1625; and twenty-five years later many of these publications were given over in considerable degree to advertising, which by the following century was providing a large part of the revenue of the press. The modern telegraphic news agency was anticipated in type of organization in Venice of the sixteenth century, and in the eighteenth century in France Madame Doublet applied the same general plan in the organization of her salon. She kept two books, one for news regarded as certain and the other for news of doubtful authenticity; these were at first available as a written news exchange for members of her salon and subsequently in printed sheets containing theater notices, book reviews, poems, satires and anecdotes. They continued to be circulated for about forty years, along with many publications of the same general type, in spite of more or less continuous governmental efforts to suppress them.

Although by the end of the eighteenth century most of the paths it was subsequently to follow had been opened up, the press was still industrially a handicraft undertaking, its economic stature limited by crude mechanical facilities as well as by a relatively small but rapidly expanding market for its wares. In 1814, however, the management of the London *Times*, which in a half century had risen to great prestige and power, applied steam to its printing operations, an event characterized by Charles and Mary Beard in their *Rise of American Civilization* as of greater importance than the surrender of Napoleon in the following year. This departure ushered in a mechanical revolution which made possible mass production, reduced press costs and brought a tremendous speeding up of the process. To provide a rapidly broadening basis for mass production of metropolitan journals the same mechanical upheavals in which the press shared so abundantly contributed to a great increase of population in the western world, attended by concentration in urban areas around batteries of machines whose mounting productivity stimulated a contest for markets accompanied by an enormous expansion of advertising. The upheaval was also marked by rising standards of living and an extension of social and political democracy which resulted in greater emphasis on popular education. To more than match the speed at which the press, by virtue of successive improvements in the art of high speed printing, was enabled to rush its products through the machines came the perfection of the telegraph and subsequently the telephone and the radio, making possible the transmission of news at lightning speed.

While the industrial foundations of the modern mass production popular press were laid in England, parts of its pattern were developed more rapidly elsewhere, to some extent because of the continuation of a stamp tax in England until 1855. A considerable portion of the die of the modern press was cast in the United States in 1833 when Benjamin Day, a printer, projected a small one-cent daily, the New York *Sun*, into a group of six-cent dailies concerned primarily with national political controversies, as most of the press had been since the founding of the republic, frequently under the impetus of direct or indirect subsidies from political factions. Day relied largely on a journalistic formula of long standing in certain reaches of the British press, that of emphasizing news of the police court and crime. By purveying news of this type designed to interest "mechanics," to whom the paper was specifically directed, Day gained within a few months a circulation larger than that of any of his six-cent contemporaries. Within four years he was circulating more than 30,000 copies per day of the *Sun*, which had been more than doubled in size, largely to accommodate advertisers; and arrangements were being made to apply steam power to the increased printing requirements. The success of the *Sun*, soon to be followed by the even greater success of James Gordon Bennett's New York *Morning Herald*, founded in 1835 on an investment of $500 and a journalistic platform prom-

ising to ". . . support no party—be the organ of no faction or *coterie*, and care nothing for any election, or any candidate from President down to Constable," demonstrated possibilities of both profit and power for publications designed for low price mass consumption; quickly exploited in other cities, such publications were to have a controlling place in the shaping of the modern press.

Between Bennett's spectacular rush to success and the next great sweep of popularization there was a transitional period in the development of the American press, commonly known as "personal journalism," when something of the editorial fervor of the earlier political press was combined with improved industrial devices. Perhaps its leading exponent was Horace Greeley, who, in contrast to Bennett's frankly opportunistic attitude toward the press, held that ". . . we cannot afford to reject unexamined any idea which proposes to improve the Moral, Intellectual or Social condition of mankind." Greeley's New York *Tribune*, founded in 1841 and reflecting its high moral purpose in refusing to print crime news and patent medicine advertisements, gained a large following and such power as a vehicle of opinion, particularly through a weekly edition reaching at times a circulation of over 200,000, that some historians have attributed the defeat of the Union forces at Bull Run to the fact that it was Greeley's opinion that the battle should be fought at the time it was fought. During this period of American personal journalism the editorial power of the press in England also was perhaps at its peak. The first number of the *Saturday Review*, a weekly founded in 1855, announced that its purpose was to undermine the influence of the London *Times*, remarking that "no apology is necessary for assuming that this country is ruled by the *Times*. We all know it. . . ."

While the Civil War, both in the struggle over slavery precipitating it and in the actual conflict itself, produced striking examples of the power of the press as an organ of opinion frankly professing this objective, it contributed to a relative waning of the importance of that type of journalism. Just before its close the century was to see another war, the Spanish American, which has sometimes been characterized as "personally conducted" by rival newspaper proprietors seeking sensational news; but the influence of the press was to be exercised primarily through what purported to be the news of the day rather than through an explicit expression of opinion. Although during the Civil War the populace was greatly interested in editorial judgments, the cataclysmic nature of the conflict aroused an even greater interest in the actual events. By this time moreover the telegraph had been developed sufficiently to provide a speedy flow of news. Following the example of the London *Times* during the Crimean War, special correspondents were sent to the battle fronts and their telegraphic reports were distributed through both individual publications and press associations formed for the common exploitation of telegraph facilities. For any except the wealthiest newspapers the cost of extended telegraphic reports was prohibitive; but by grouping several newspapers together, according to a general plan developed long before the advent of the telegraph, it was possible to reduce greatly the cost to the individual newspaper. The next step was the formation of press associations and agencies, organized both as cooperative ventures of the newspapers served and as private profit seeking corporations, to keep pace with the rapid territorial expansion of newspapers and the telegraphic resources. By 1860 there were a number of territorial press associations in the United States, which were later to be involved in a fierce struggle for supremacy.

Although in 1803 the proprietors of the New York *Evening Post* had advised their clientele that ". . . in fact, it is the advertiser who provides the paper for the subscriber," and advertising had gained steadily in importance as a contributor to the income of the press, in 1860 it still retained in form of presentation a relatively perfunctory role. This was due partly to the refusal of some newspaper proprietors to allow advertising a typographical scope which they feared might overshadow the news and editorial columns. Bennett, for example, long fought against allowing the column rules of his *Morning Herald* to be broken to accommodate large advertisements and against allowing them to be set in large type. This prompted his advertisers to resort to extraordinary expedients, such as repetition of the same sentence in small type set in single columns over an entire page. Toward the end of the century, however, these restraints were broken down to give broad scope to an expansively expressive technique of press advertising. For this the press of Paris seems to have been the pioneer vehicle, French department store advertisements set in very large type preceding by some years similar displays in the United States. Along with this change of typo-

graphical technique went a change in the content of advertisements; emphasis shifted to commercial news increasingly illustrated instead of the old standing notices of establishments. The new technique was applied to a rapidly growing volume of advertising occasioned in large measure by the rise of department stores. Toward the end of the century this contributed largely to another upheaval, which was to shape the development of the press elsewhere.

Industrially the period between the end of the Civil War and the close of the century was one of major discovery for the press. Perhaps the most important development was that of conversion of woodpulp into newsprint, which accounted largely for the fact that a dollar would buy about ten times the amount of this basic raw material in 1900 as in 1875. To this were added the linotype machine, making possible the high speed setting of type, devices to replace the venerable woodcut and to reproduce illustration rapidly and at relatively low cost for high speed printing, and constantly improved power driven presses, through which by the end of the century newsprint was running from rolls at express train speed and emerging, if desired, arrayed in colors, then to be picked up by automatic cutting and folding machines. These advances and many others in printing and closely related arts when applied to mass production made possible large reductions in the unit manufacturing costs of the press while enhancing the quality of manufacture. Under the peculiar economic dispensation controlling its development from the start—that of looking for its revenues jointly from its readers and advertisers—these reductions in manufacturing costs were reflected in part in a lowering of the price charged the reader and in elaboration and popularization to attract an even wider circulation, which could then be sold to advertisers.

At the turn of the century the process of elaboration and popularization reached spectacular heights in the competitive duel between Joseph Pulitzer and William Randolph Hearst. Pulitzer, previously successful as a St. Louis newspaper publisher, had acquired the nearly defunct New York *World* in 1883 and, after fixing a price of two cents for the daily morning edition and starting an evening edition at one cent in 1887, animated and expanded it with extensive illustrations, comic strips, large headlines, sensational news and many other features designed to attract a popular following. In 1895 Hearst, after testing various journalistic theories in San Francisco, acquired the New York *Morning Journal* and immediately challenged Pulitzer's position. In the resulting contest, which had as its stakes not only personal aggrandizement but also preeminence in command of advertising revenue, all the devices (including promotion of a war) which money could command to give mass appeal to a newspaper were brought into play on an unprecedented scale. In his Sunday edition Pulitzer had introduced a comic strip having as its principal character a "yellow kid" with appropriately typographical adornment. As a result the journalism which he first geared to modern machinery came to be known as yellow journalism and the term was and has remained one of opprobrium. In its setting, however, which embraced a public rapidly being augmented by the expansion of public education and by immigrants eager but linguistically ill equipped to learn of affairs in their newly adopted land, it was a logical development of a press subject to the dictates of a competitive business regime. Largely in response to these dictates a marked expansion of evening newspapers took place toward the end of the century, one of the principal reasons assigned being the accommodation of advertisers, who reasoned that publications purchased late in the day went into the home for leisurely perusal by housewives, who controlled the bulk of the family expenditure; while morning editions were often taken out of the house by men bound for the day's work. The same general line of reasoning accounted in considerable measure for the growth of highly illuminated and bulky Sunday editions, of which much of the material was printed far in advance of publication date and bore no relation to the flow of news, as it did also for an emphasis upon "features" calculated to attract women. This popularization of the press did not of course dominate all of its reaches. While Pulitzer and Hearst were striving to outdo each other, many publications were prospering under quite another type of direction. The nature of the economic setting of the press was such, however, that these two publishers exercised an influence far beyond the immediate range of their newspapers. Their most successful devices in securing circulation were imitated by their fellow craftsmen and multiplied further through competitive necessity. Thus Alfred Harmsworth, afterward Lord Northcliffe, who from meager beginnings had built a successful business of publishing cheap popular magazines in England, followed many

or the American formulae for popular journalism when he became proprietor of the London *Daily Mail* in 1896. In catapulting to great commercial success, much aided by the expansion of compulsory education in England after 1870, Northcliffe exercised an Americanizing influence upon a broad segment of the British press, as he was in turn largely to provide the pattern for pictorial tabloid journalism, which, copied in the United States a few decades later, set off another wave of popularization of the press. The same economic principles underlying the organization of telegraphic press associations were applied to the distribution of newspaper "features" with the result that circulation winning devices spread from one publication to another and served, along with uniform telegraphic dispatches for simultaneous use in many newspapers, to promote standardization of the output of the press. This standardization extended to many small country newspapers through the distribution of "patent insides"—news pages which had been fully printed by a central distributing agency to be inserted between pages gotten out by the local publisher.

In the gathering and distributing of telegraphic news in the United States the closing years of the nineteenth century witnessed a fierce struggle not only between rival agencies but also between rival types of organizations. In this contest the Western Associated Press triumphed. It is significant that its triumph was largely due to the success of its management in securing exclusive news exchange privileges with Reuter's, a British agency which had built up news channels widely from its foundation around 1850 as the pioneer in telegraphic news agency organization. Shortly after establishing its supremacy in the field of American telegraphic news handling the Western Associated Press, which had been incorporated in Illinois, was held by the Supreme Court of that state [Inter-Ocean Publishing Co. *v.* Associated Press, 184 Ill. 438 (1900)] to be an enterprise affected with a public interest and hence liable to furnish its reports to any newspaper willing to pay a reasonable price. This decision prompted the association to abandon its Illinois charter and to obtain one in New York state as a gentlemen's club, a form of organization which the present Associated Press still holds. From a number of territorial news gathering agencies remaining after the Associated Press had swept its principal rival from the field, the United Press was formed in 1907 as a private stock corporation and has since grown to be a formidable contender of the Associated Press, particularly in serving afternoon papers. Taking the lead in its formation, E. W. Scripps gave as one of his reasons a desire to forestall monopoly in the handling of telegraphic news, secured by the existence of only one agency of continental scope and the privileges held by members of the Associated Press to prevent the extension of its news services in the same competitive territory.

In 1878 Scripps had started as a pioneer in building a chain of newspapers with the founding of the Cleveland *Penny Press*, designed to appeal primarily to the laboring man; an opportunity to obtain press association service was vital to such an undertaking. Although Scripps had successfully launched his Cleveland paper on an investment of $10,000—and similar examples of shoe string financing of successful metropolitan newspapers could be found elsewhere—opportunities of this type became increasingly rare toward the end of the nineteenth century and proprietorship of the metropolitan press moved rapidly into the category of "big business." It had become necessary in order to engage in newspaper publishing not only to make a large investment in industrial equipment but also to be prepared to operate for a long period at a large loss pending payment of that share of the cost which established journals received from advertisers whom the newcomer must attract. By the end of the first decade of the present century the outlay required for the establishment of a metropolitan newspaper was commonly reckoned in millions of dollars. The increasing financial difficulty of establishing a daily newspaper is reflected in the statistical record of the press, which during the nineteenth century was one of rapid expansion in the number of establishments and their circulation. Between 1850 and 1900, while the number of daily newspaper publishing establishments, as classified by the United States Census Bureau, was increasing from 254 to 2226, the circulation of their publications was increasing from 758,454 to 15,102,156 per day. During the first decade of the present century the number of such establishments continued to mount, increasing from 2226 in 1900 to 2600 in 1910; but the rate of increase was much slower than that of the circulation of their products, which in the decade jumped from 15,102,156 to 24,211,977 per day. In the decade from 1910 to 1920 there was a decline from 2600 to 2441 in the number of daily newspaper establishments, while the total

circulation of such publications continued to rise to 33,028,630 per day, a ratio of about 1 to 3 between circulation of daily publications and the total population, where the ratio had been about 1 to 31 seventy years before. By 1930 the number of daily newspapers had decreased to 2293, but circulation had risen to 42,947,824.

The decline in the number of daily newspapers in the decade 1910 to 1920 was concentrated in the latter part of the period when in connection with the World War the American press underwent an upheaval which was elsewhere also to result in a vital reshaping of much of the press. At the outset of the war the American press was subjected to a considerable amount of economic strain in adapting itself to heavy expenditures for news and circulation, to which advertising revenue, governed by contract, could not be quickly adjusted. This resulted in an impetus to the consolidation movement, which was to gain marked headway a few years later. In other countries more directly in the theater of the war and more profoundly shaken by their participation, there were not only sweeping changes in the press during the conflict but drastic changes of a more abiding nature in the post-war period of social disturbance. Examples are afforded by the Russian press, which was changed from something approaching a capitalistic form of economic organization to a communistic set up, with an attendant shift from dictatorship by the czarist regime to that by the Communist party, and also by the Italian press with the advent of the Fascist dictatorship. In numerous other countries the press has undergone striking deprivations not only of freedom of expression, such as that effected by the complete regimentation of the German press by the National Socialist regime, but also of economic resources for reporting and interpreting news.

When early in 1933 Goebbels, minister of propaganda for the Nazi regime in Germany, in announcing rules to govern the conduct of the press said that it "must be the keyboard on which the government can play," he followed a general pattern effected in Italy a decade earlier under the leadership of Mussolini. The technique employed by Mussolini in assuring his government a completely "cooperative" press was in part that of making enrolment in a Fascist press syndicate a prerequisite to the right to do journalistic work and a certificate that the candidate was "well conducted politically" a prerequisite to enrolment. The granting and revoking of such certificates by appointees charged with the enforcement of rigorous rules against subversive news and comment bear out the conclusion of a former head of the press bureau of the Fascist government that "the press is absolutely controlled by Mussolini." In defense of his control of the press, which extends also to the export of news, Mussolini has remarked that "when there is no censorship of the press, the papers only publish what their paymasters, large scale industry and banks, want to have printed," a statement which may have peculiar force in Italy, because relatively few publications, of which it has fewer per capita than any other major nation, have prospered through the commercial channels followed by the press elsewhere, most of them being largely dependent upon support from patrons.

While in perfecting his dictatorship over the press Mussolini resorted on occasion to physical violence in dealing with publications in persistent opposition as well as to forced changes of ownership, he did not undertake a complete overhauling of the basic economic framework of the press but left most of it under a circumscribed private ownership. Thus his dictatorship in this field is for the most part merely an expansion of historical patterns, as is the case in Germany. In Russia, however, the dictatorship of the Communist party, growing out of the revolution of 1917, has eliminated private ownership of the press. "There are no privately owned newspapers in Russia," reported W. H. Chamberlin in 1930. "Every organ of the press is issued either by a Soviet, by a local or national Committee of the Communist party, by a trade-union, or by some other public institution or organization; and in every case the direction of the newspaper's policies by a responsible Communist is assured." This elimination of private ownership gives the Communist party a positive and constructive power in the shaping of the press that is not available to a dictatorship such as that in Germany or in Italy, which has undertaken primarily to hold private enterprise within limits considered safe to its interests. Revenue from advertising, which plays a small part in the Russian press, as well as revenue from circulation may be made incidental to the affirmative fulfilment of its purposes within the limits of the industrial equipment available. On this basis of operation there has been an enormous expansion of the press of the Soviet Union, to which rapid progress in the elimination of illiteracy has made an essential contribution. In 1932 there were in the Soviet Union, excluding

the factory and state farm papers, 2230 newspapers printed either every day, every 3 days or every 5 days in 83 national languages with a total circulation of approximately 33,000,000, about three fourths of it daily (*Soviet Union Review*, vol. x, 1932, p. 112–13); whereas in 1913, prior to the period of revolutionary change, there were 859 newspapers with a total circulation of about 2,500,000. In some parts of this greatly expanded press there is lively competition. The great Moscow dailies, *Pravda* and *Izvestia*, organs respectively of the Communist party and the Soviet government, which issue editions approaching 2,000,000 copies with simultaneous production in other cities, vie with each other for circulation; but such competition is on a plane of positive service to the purposes of the Communist regime, reenforced by the socialist form of organization which that regime has instituted and defends by the most rigorous methods. Thus the press in all its reaches, including a vast array of factory, collective and state farm and wall newspapers—the last, first devised as a means of circulating news in the Red Army barracks in 1920, have spread to all parts of Russia—is primarily a propaganda arm of the controlling party and, subject to the inevitable slips in dealing with an establishment which has expanded so rapidly, is shaped accordingly.

The press of other countries was also profoundly affected by the sweeping change precipitated by the World War. In all belligerent states there was rigid censorship. In France such censorship was extended even to weather reports, in so far as they dealt with the direction of the winds; and in the United States, where the press voluntarily imposed a large degree of censorship upon itself, it embraced almost all information which could be construed as bearing directly or indirectly on the war campaign. Although there were marked variations in the degree of submission to governmental dictation of press policies—a notable example of independence being Northcliffe's attack on Kitchener's direction of the British armies in France, which was largely instrumental in forcing his withdrawal—the continuance of such dictation inevitably dulled the sense of independence and critical capacity. The war expanded the market for the press by providing it with gripping news and a succession of patriotic "drives," which demonstrated the potentialities of "high pressure" advertising. It also paved the way for a post-war let down from high pitches of patriotic fervor into a trough of cynicism and materialism, which contributed to an intensification of the process of exploiting the press along "strictly business" lines.

In England the years between 1900 and 1914 had witnessed the passing of a large proportion of the individual newspaper proprietorships and their conversion into public corporations. In 1913 nine tenths of the leading daily and evening newspapers belonged to limited companies, many of them dealt with in stock market operations. But the British press was merely on the threshold of a rearrangement of control which in the post-war period would result in bringing the bulk of it under the sway of a handful of giant corporate amalgamations formed to exploit the profit possibilities of the press along mass lines both of newspaper production and of stock certificates to be sold to the public. The history of these press combines, which is frequently dated from 1922 when the Rothermere group was created to consolidate the extensive newspaper properties controlled by Lord Rothermere with most of those controlled by his brother, Lord Northcliffe, has much in common in corporate complexity and ramifications with the history of electric power holding companies in the United States. In the creation of these corporate groups, of which the Rothermere, Berry and Inveresk are the most imposing, there has been not only a switching of press properties between groups but also the creation of interlocking corporate relationships, such as that by which the Rothermere group acquired a 49 percent share of ownership in the rival Beaverbrook group. Encouraging the formation of these giant concerns, which control all but a fraction of the metropolitan newspaper circulation of England and the bulk of the entire circulation, was the significant fact that in the middle 1920's conditions were peculiarly propitious for profit making in popular newspaper publishing. In 1924 it was estimated authoritatively that advertising rates were 200 percent higher than a decade earlier, the volume of advertising was expanding, the price of newsprint—the largest single item of newspaper production costs—was going down and there was a responsive market for popular journals. There was thus an alluring field for corporate exploitation, which was extended by fierce competition between groups to expand circulation and hence the capacity to command advertising. In this contest the rival groups took to insuring readers against death and accident, following the example set by C. A

Pearson, a pioneer of the British popular press, who during an epidemic of influenza soaked an entire edition of his publications in eucalyptus in a successful effort to convince readers that by purchasing it they might secure immunity from the disease. Along with this competition for readers went a struggle to acquire more newspapers, which in 1927 and 1928 found the Berry and Rothermere groups in a terrific rush to capture newspapers in all parts of the country without reference to their party affiliations, once taken so seriously in England. When the Berry group forged ahead in the contest, the Rothermere group responded by launching plans to establish competitive newspapers in a number of cities; it was overtaken by the world economic depression, however, and abandoned these schemes in 1930. Two years later the Rothermere and Berry groups agreed to trade many provincial newspapers in consummating mergers which would virtually eliminate competition between them in this field. During the struggle for control the two groups together with the Inveresk group, which embarked upon its press proprietorship in search of "an assured market for the large output" of paper, had taken command of the greater part of the British press.

While the World War ushered in a somewhat less imposing rush to press consolidation in the United States than it did in England, the post-war period has witnessed a marked accentuation of the movement toward corporate consolidation both through local mergers and through the extension of territorial and national chains of newspapers. In 1931 there were 137 fewer morning, evening and Sunday newspapers printed in English for general circulation than there had been a decade earlier. This decline, which Sunday and morning newspapers shared to a greater extent than evening newspapers, was in large part accounted for by mergers, so that about 90 cities were reduced to but a single daily newspaper. At the close of 1929 about one sixth of the 1944 morning and evening newspapers, covering over a third of the total circulation, were in chains which also controlled almost one half of the Sunday circulation. Although chain newspaper development had begun about half a century before and chains of imposing size, such as those of Scripps and Hearst, had been established before the World War, a large part of the expansion came in the period, between the economic depression of 1920–21 and that beginning in 1929, when public offerings of subscriptions came to play a considerable role. By the end of 1931 there were 56 chains, the largest of these being the Scripps-Howard organization with 25 newspapers and the Hearst with 21 newspapers.

One of the most notable recent examples of local mergers and chain ownership was that by which the Scripps-Howard group acquired the New York *World*, discontinued its evening and Sunday editions and merged its morning edition with the New York *Telegram*, which it had previously acquired. In defending the sale against attack on the ground that its terms violated the will of Joseph Pulitzer attorneys advanced the post-war expansion of tabloid journalism in New York City as a primary cause of the inability of the publishers of the old *World* papers to carry on. If they were right, a matter which has been bitterly disputed, the *World*, which the will of Pulitzer had aimed to protect and preserve as a public institution, was the victim of new adaptations of much the same sort of journalism as that by which he had risen to power and fortune, later to conduct his established publication along more subdued lines. The term tabloid journalism relates to the size of publication as well as to the journalistic technique employed; and there are some American newspapers, tabloid in size, which are more carefully and conservatively edited than many standard size journals. In the post-war period, however, the term came to be associated primarily with a newspaper technique, unfolded through metropolitan publications printed in a relatively small format, which extended the basic formula of yellow journalism principally by the use of greatly improved facilities for photographic illustration designed for mass appeal. By the use of this technique, of which one of the most audacious manifestations was the cosmograph, or lightly labelled fake photograph, the circulation of tabloids was greatly expanded in New York City, the pioneer and most successful of them being founded in 1919. A decade later it had attained a daily circulation of approximately 1,500,000 and a Sunday circulation approaching 2,000,000, the largest in the United States.

In contrast to the contraction of independent newspaper proprietorships through consolidations and chain ownership, the circulation of newspapers in the United States continued to mount after the war, as did the total volume of advertising at rates far higher than those prevailing in pre-war times. During the decade 1921–31 the circulation of newspapers in English for general consumption increased from

28,432,000 to 38,761,000 and that of Sunday newspapers from 19,041,000 to 25,702,000. Since 1927 newspaper circulation has remained relatively constant. The volume of advertising reached a post-war peak in 1927, when it was almost twice that of 1914. It approached the peak and, according to some calculations, exceeded it slightly in 1929, when with somewhat higher rates it is estimated that newspapers received an advertising revenue of $900,000,000 together with approximately $325,000,000 from newspaper sales. The fact that the 1929 volume of advertising revenues, although far larger in dollars and purchasing power than a decade earlier, was divided among fewer newspapers may be explained partly by the desire of advertisers to limit the number of publications which they would have to employ to canvass a given market. But as a result the advertisers often found that they had unwittingly increased the bargaining power of the newspaper managements in adjusting advertising rates. Another factor was the mounting cost of production, which, while lagging far enough behind revenues to give firmly established publications large profits, left a narrow margin of safety for competitors less fortunately situated.

In accounting for the rapid growth of chain newspaper ownership it is customary to list rather indiscriminately the advantages of large scale production, such as economies in mass purchasing and selling and the possibility of spreading the costs of high priced and peculiarly skilful executive services and editorial features over a large number of units. While no careful studies of the subject have been made, these advantages have probably been overemphasized. The business manager of one of the largest American chains asserts that there are no important economies which his organization is able to effect that are not available to a well managed individually owned newspaper, and the structure of the newspaper producing industry in the United States lends credence to this assertion. For example, a supposed advantage of chain ownership is the capacity, noted by Lord Northcliffe in 1901 in predicting a great expansion of such control, to secure "a practical monopoly of all the best writers and news services of the whole world" (*North American Review*, vol. clxxii, 1901, p. 82). The organization of newspaper publishing is such, however, that its press associations and syndicates—subject to certain local monopoly restrictions—make available to all newspapers material comparable to that procured by chain ownership and in some cases at relatively lower prices. One great advantage nevertheless is that chain ownership permits a mobilization of financial resources and a spreading of financial risks not possible for the proprietorship of a single publication. Thus a newspaper dependent upon local financial support may be fatally crippled by an advertising boycott, where a chain newspaper has outside resources upon which to draw.

With an expanding market for its wares and a declining number of establishments the press of the United States continued during the post-war period to elaborate and increase the bulk of its product, depending more and more upon advertising revenue to defray the expense. In the period 1914 to 1927 the percentages of newspaper revenue from advertising, as indicated by the federal Census of Manufactures, rose from 64.9 percent to 74.1 percent, while that for periodicals rose from 52.9 percent to 63.4 percent. Of this process of elaboration, which consisted chiefly in the multiplication of previously devised techniques, one notable feature was the development of telegraphic news services, especially in the field of foreign news. In 1929 over 20,000,000 words of press material were received in the United States from transatlantic cable and radio stations (Willey, M. M., and Rice, S. A., *Communication Agencies and Social Life*, p. 171). This was approximately two and one half times the amount received in 1916. While much of this material was forwarded by special correspondents of individual newspapers, the bulk of it was handled by agencies and associations. The Associated Press, the United Press and the International News Service (Hearst) undertake to provide a complete telegraphic news report. There are also a considerable number of supplementary telegraphic news agencies, limiting themselves to particular kinds of news and special treatment of it.

The general press associations, without one of which a newspaper cannot compete successfully as a recorder of public events, differ in form of economic organization. The Associated Press, which in 1932 served 1293 morning, evening and Sunday papers, is a mutual and cooperative undertaking. The cost of its basic news service, to which an imposing array of supplementary photographic and feature services have recently been added, is assessed against the membership according to a formula in which the circulation of the publication is a dominant element. Membership in the Associated Press is

not available to all willing to pay the purchase price. Members have the right to protest the extension of the service in competitive territory, and a vote of four fifths of the entire membership is required to override such protest. These protest rights, coupled with a by-law requiring members to furnish news gathered by them exclusively to the Associated Press, have occasionally caused the association to be attacked as a monopoly. The development of imposing rivals to serve afternoon papers has diminished the importance of these monopolistic elements in the Associated Press, which, however, still occupies a dominant place in the morning newspaper field. The services of the United Press and the International News Service, organized as profit making organizations, are available to newspapers without restrictions beyond the price set and certain guaranties of responsibility in the use of the services. The United Press, predominantly for afternoon newspapers, serves approximately 900 newspapers in the United States and 350 in foreign countries, many of them in Latin America; the International News Service, which is joined with the Universal News Service, serves about 500 newspapers.

The treatment of the news by these press associations has tended toward uniformity. When the United Press entered the field as a vigorous rival of the Associated Press, it emphasized the "human interest" aspect that characterized the Scripps-McRae newspapers (later the Scripps-Howard), of which it was an offshoot. The Associated Press had been previously given largely to matter of fact reporting of the news. But under the pressure of competition the two associations began to take on certain similarities. Both of them have tended to stress increasingly "color" and human interest, although there has been at the same time a prodigious expansion of straight reporting, notably in the transmission of full texts of important public documents. A remarkable exploit of the latter type was the Associated Press' transmission by cable in 1924 of the complete text (about 40,000 words) of the Dawes committee report on German reparations. The transatlantic flow of news is facilitated by cable rates for press material, which have been lowered gradually from five dollars to five cents a word, while the far smaller volume of transpacific news is partially accounted for by very high cable rates. The types of news handled have drifted toward uniformity also, largely because the press association wires often meet in the same newspaper office, so that the rival associations can learn what news their competitors are carrying. This has led to a diminishing importance of "scoops," or exclusive news reports, which have been the inspiration of much newspaper romance.

In gathering the vastly expanded volume of foreign news the press associations depend both on their own reporters and on exchange arrangements with foreign press associations. When, as previously noted, the Associated Press won a clear ascendancy at the beginning of the century, it was due in large measure to its success in negotiating an exclusive news exchange contract with Reuter's agency. The United Press on entering the field as a competitor of the Associated Press attacked such arrangements on the ground that they allowed foreign press agencies, frequently under the control of their governments, to shape the foreign news purveyed to the American public. This argument, reenforced by the intensification of nationalism growing out of the World War, has contributed to an increasing reliance by American press associations on their own reporters, although there is still a large exchange, both formal and informal, particularly of routine and non-political news, between press associations organized along national lines. In 1932 the Associated Press reported exclusive news exchange contracts with agencies in 28 countries. The other press associations have alliances and exchange arrangements with foreign telegraphic news agencies. Unlike those of the United States, none of which has any official connection with the government, most of the European press associations are linked with their governments, sometimes through governmental ownership and regulation and sometimes through official and semi-official ties often cemented by subsidies of one type or another. The principal French telegraphic agency, Havas, enjoys a government subsidy and also administers the largest advertising agency in the country. Since, as stated by Pierre Denoyer, New York correspondent of the *Petit Parisien*, "to alienate Havas may mean for a newspaper the loss of practically all of its advertising revenue" (*Conference on the Press*, p. 132), the French government has a double leverage over telegraphic news.

In collecting domestic news for their wires, of which the Associated Press in 1932 leased approximately 225,000 miles for day and night services and the United Press 144,000 miles with supplementary telephone circuits, the press associations depend upon their own staffs and

the reportorial staffs of their member or client newspapers. At key news centers they maintain staffs whose members cover the news developments directly. At less important points they depend largely on the local newspapers with which they are affiliated for reports, which their representatives edit or rewrite to meet press association requirements. The associations maintain marvelously organized telegraphic systems made up of transcontinental trunk lines and territorial circuits, both fed from and feeding these lines, to handle news of more limited interest geographically. In the conduct of these wires, which bring all population centers of consequence into instant communication, news dispatches undergo a filtration process at control points calculated to give them proportions fitted to the desires of the newspapers served. Thus a dispatch may run to thousands of words around an eastern territorial circuit, to be cut to a few hundred for transmission along a main east-west trunk line, and end up in two lines or none at all on western territorial circuits. In this process, which is partly responsible for the injunction to "tell the whole story in the first paragraph," accuracy is stressed as a major requirement. In dealing with a complicated development, however, it is often extremely difficult to reconcile accuracy with a brief "lead" that attempts to tell the whole story. Also in so far as they depend upon the staffs of client newspapers for the first hand reporting, accuracy is not a matter immediately under the control of the press associations, a defect which extends to news received under exchange arrangements with foreign press associations or from staff correspondents abroad, who generally depend in large degree on the newspapers in their vicinity. In his study *The Ethics of Journalism* (New York 1924) Nelson A. Crawford observes that "except where a special bureau is maintained, the Associated Press paper in each town—practically always a politically conservative paper—is, by virtue of its membership, the Associated Press correspondent for that town." Thus to the extent that liberalism or conservatism affects accuracy in reporting, press association news may be shaped accordingly, although the diversity of points of view in the clientele of a large organization is an important safeguard of unbiased reporting.

What may be termed the theory of press procedure in the United States ignores the possibility that news may be affected materially by the point of view of the newspaper presenting it. This theory posits a sharp division between the news, the editorial and the advertising and business departments, a division which is reflected in actual press organization only in its metropolitan reaches. The job of the news department is presumed to be that of gathering and presenting news solely by reference to the interest of the readers. Passing judgment upon the news is, in formal design, the work of the editorial office expressing the institutional views of the publication, which are generally held to be identical with those of the "right thinking" elements of the public. The fact that the reporting and judging processes are associated with a much larger economic undertaking, that of selling services to advertisers, is held to have no bearing upon the viewpoint from which they are conducted or the division between them. The newspaper must depend for its success primarily on its readers, so the theory goes, and the fact that advertisers are willing to pay enough for space to permit the subscriber to buy his newspaper at less than the cost of the paper on which it is printed is viewed merely as a peculiar bit of public good fortune. If the readers are not equipped to impose directly the standards envisaged by the theory, competition, actual or potential, is presumed to insure adherence to them. On a small newspaper when the functions of reporting, passing judgment and business are combined in a single person he may at one moment bargain fiercely for a lower price for newsprint, be called upon a little later to report an appeal to check the mass conversion of forests into comic strips or at another time to comment editorially on a campaign for high protective tariff on woodpulp. But he is presumed to have his mind so compartmentalized that he can adjust it quickly from the calculus of private gain to that of the public welfare or to the attitude of an objective reporter.

This theory, in the extreme statement above, is peculiarly an American conception. In England it finds frequent expression in so far as it deals with the inevitability of public service by the press, although there is less emphasis on the distinction between news reporting and "editorializing" which governs in peculiar degree at least the formal design of press procedure in the United States. On the continent, however, there is generally much less insistence on this distinction and on the divorce of control of these processes from the interests of those immediately in charge of them. In Germany the press is perhaps preeminently a purveyor of opinion,

and the news gathering function is tempered accordingly. This remains true in spite of the fact that the post-war period has witnessed a process of consolidation along lines which resemble in corporate outline those followed in England and the United States. In this process the pursuit of profit has frequently been blended with and sometimes made subordinate to determined propagation of political doctrines. Thus the operations of the most imposing press amalgamation in Germany, the Hugenberg *Konzern*, have embraced a press syndicate to furnish to provincial newspapers without cost editorial material reflecting the nationalist political views of Hugenberg and his associates. In addition to newspapers and closely related enterprises, such as telegraphic news and feature services, the Hugenberg combination produces many periodicals and controls the largest continental motion picture producing establishment. Before the advent of the Nazi regime it was matched in scope by the Ullstein *Konzern*, which was much more sharply oriented in the direction of immediate profit making than of the propagation of political doctrines. But the German press, with newspapers which in 1926 represented some twenty-six shades of political opinion, some of them subsidized directly by party funds, has remained since its beginnings predominantly a press of opinion, enforced either by the government or by party affiliation.

The development of the French press has been marked by a cleavage between *journaux d'opinion* and *journaux d'information*, which the press of the United States undertakes to maintain by departmentalization of single publications. Influenced greatly by American practise, there has been a marked acceleration of news purveying in recent years. In general, however, news reporting as an objective undertaking remains subordinated not only to the propagation of political doctrine, which came to have a dominant role at the time of the French Revolution, but to the discussion of art and literature, to which the French newspapers have been peculiarly devoted. As the formal distinction between news and editorial comment is less labored by the French press, so too is there less emphasis upon its divorce from immediate commercial considerations. It has been the practise of some French newspaper proprietors to treat writing positions, particularly those dealing with finance, as concessions allowing the holders to sell their services to the highest bidder. There have been instances also of less frank but no less direct sale of editorial services, one of the most notorious being the secret subsidizing of a considerable number of newspapers by the Russian government immediately before the World War, which when disclosed caused no serious embarrassment to the French governmental officials involved. A relatively meager expansion of press advertising is held partly responsible for the fact that a considerable part of the French press does not have a distinguished reputation for aloofness from direct commerce in the sale of its influence, a suspicion which does not attach, however, to a number of important provincial journals. It also accounts in part for the relatively small size of the French newspapers, which generally run from four to six pages, as it does in some degree for the failure of the French press to participate to any appreciable extent in the widespread movement toward corporate consolidation. There has been some regional consolidation, and a number of the largest Parisian newspapers are governed by business agreements relating to such matters as advertising rates; but they are not under common ownership, and the French press continues on the whole to be a singularly individualized undertaking.

The degree to which the press of the United States validates in actual practise the theory of press procedure outlined above is a question about which generalization is hazardous. An imposing array of data could be mustered to indicate that the theory in its entirety bears little relation to actual press practise. Many examples may be found in any day's output of the press in which the much labored distinction between news and editorial comment is flagrantly ignored while ostensibly maintained. There have been frequent cases in which advertisers, contrary to theory, have successfully exercised direct decisive control over newspapers. And there have been cases in which check ups of press performance have led to the conclusion that neither the perspicacity of its consumers nor competition between press units has prevented distortion and inaccuracy in dealing with important developments. Thus representatives of the Commission of Inquiry of the Interchurch World Movement, which investigated the steel strike of 1919, reported that "it is inconceivable that the public which relied on the Pittsburgh newspapers could, by any human method of reading newspapers and allowing both for exaggeration due to bias and inaccuracy due to haste, have understood either the causes

of the steel strike or the significance of its incidents" (*Public Opinion and the Steel Strike*, New York 1921, p. 147). But to offset what can easily be made an impressive demonstration of the utter fatuity of the theory is the availability of an impressive array of data which may validate at least parts of it. In many instances, for example, newspapers endeavor most meticulously to give complete and impartial accounts of news developments which, so far as their institutional opinion is concerned, are most offensive to them. Under such circumstances it is safest to analyze the general conditions shaping the operations of the press which have a bearing on the possibility of validating the theory.

In undertaking to divorce news from opinion, with each appropriately labeled, the press of the United States sets up a standard so rigorous that few social scientists proceeding in the most deliberate manner would confidently assert their ability to live up to it. The metropolitan press operates at very high speed, especially in the afternoon newspaper field, which has expanded more rapidly in recent years than that of morning newspapers. Moving at this accelerated tempo the press is confronted by a vast range of material presenting no clear pattern of fact upon which it can proceed objectively. In reporting stock market quotations, election returns or baseball scores, where there is a clear cut and positive statement to be recorded, the press is able to operate surely and rapidly. In addition, however, there is a far wider range of developments where there is no such basis for objective procedure and where in the nature of the case reporting necessarily involves a process of discrimination in deciding the developments to be treated and the nature of their treatment. This difficulty, too obvious to need illustration, is enhanced by a propaganda industry, greatly expanded by governments, political parties and private enterprise as a result of the possibilities disclosed during the World War, which showers the press with an enormous volume of material; it is aggravated also by frequent resistance to the efforts of the press to get at the facts and, as will be indicated subsequently, by certain legal elements involved in the press undertaking. So far as the casual reader of the newspaper is concerned these difficulties are complicated by the compulsions of the technique of headline writing, developed initially as a form of salesmanship, which requires that what may be a long and involved account be summarized in a few lines, as well as by the practise of attempting to tell the whole story in the first sentence or paragraph.

The part of the press entrusted with this crucial process of discrimination has a minor place in the financial outlays of the establishment. While there are considerable variations in newspaper expenditures for news gathering and interpretation, these functions rarely account for more than 15 percent of the total expenditures of a metropolitan newspaper. The wages of those involved are relatively low, although they have risen somewhat in recent years. A committee of the American Association of Teachers of Journalism reported in 1926 that "it is unwise to encourage young men to expect a satisfactory economic return from an aptitude in journalism that is restricted to straight reporting, copy-reading, make-up, etc." That the young men still seek such work is due in part to the glamour about the profession of journalism as well as to the fact that standards imposed for straight reporting, although theoretically the crux of the press undertaking, frequently do not call for a high order of craftsmanship. The organization of the news gathering services also tends in a rather odd way to perpetuate this condition. By serving hundreds of newspapers simultaneously it is possible for press associations to provide news from distant places at a cost per word that is only a fraction of that for local news to be used by a single publication. Thus the local news gatherer, although protected by a peculiarly powerful demand for local news, is placed in competition with news gathered by associations for mass consumption. Since the press associations along their main lines generate a far larger volume of copy than even the largest newspaper can print, the bargaining position of the reporters engaged on the local news is considerably weakened.

In presenting the record of the day's events as well as in passing judgment upon it the major goal of a newspaper, unless it is operated as an eleemosynary institution, must be circulation, for upon its capacity to attract readers depend its advertising revenues. There have been cases where newspapers have been embarrassed by a plethora of circulation because of an inability either to get advertising or to adjust rates commensurate with the circulation; and some newspapers also have succeeded commercially with a circulation far below that of their competitors. But it still remains true that volume of circulation is the principal factor in gaining advertising and with it financial success. According to the

theory of press performance stated, the surest way to accomplish this end is to present the best rounded and most accurate account of the day's news and the best balanced judgments on them. This assumes, however, that the consumers of the products of the press have high standards in this regard, are capable of determining the degree to which they are being fulfilled and have power to give effect to their opinions if these standards are not being fulfilled.

Apart from those to be inferred from the results of publishing ventures there is a notable lack of information about the standards the reading public wishes to have maintained. Efforts to enlarge this body of information accurately by direct questioning are difficult because of a tendency on the part of those questioned to express a preference for the parts of the diverse content of a modern newspaper which they think it good taste to approve. Although their true preference may be for comic strips or news of sports, they are apt to record a fondness for the editorial page or for articles about the League of Nations. The record of press development discloses clearly enough, however, a large appetite for the lurid treatment of sensational events as well as trivial backstairs gossip, in which neither interest in accuracy nor balanced perspective has a part. There is some impressive evidence to suggest that this tendency is on the wane and to support the findings of Walter Lippmann that ". . . the objective, orderly, and comprehensive presentation of news is a far more successful type of journalism to-day than the dramatic, disorderly, episodic type." So long, however, as there is a press establishment to minister to the appetite for the lurid and gaudy, it not only is assured of a following but also tends to exert pressure upon its competitors to borrow its methods, even against their will, if they are to survive in the struggle for circulation. Here the established journal has a strong advantage created by the habit of reading it, but this impact of habit serves to vitiate rather than to strengthen the role attributed to reading standards by the theory of press procedure. In so far as readers have the standards imputed to them by the theory, they frequently lack the equipment to determine directly whether or not the press is living up to them. The developments dealt with by the metropolitan press are far removed from first hand knowledge of the majority of readers, often by seas and continents and frequently by virtue of the fact that they deal with highly specialized ranges of experience. If readers possessed of these standards find they are not being fulfilled, they discover in increasing degree that their capacity to "do something about it" is limited both by local press monopoly and by the fact that setting up a newspaper establishment is a formidable financial undertaking. The radio as a disseminator of news has potentialities as a competitive check on the products of the press; but they have not yet been realized on any large scale, for the radio broadcasting establishments depend primarily on the press for news except that generated by formal pronouncements, such as political addresses. Florence Kelley, a lifelong student of the ways of consumers, observed that "newspaper readers are interested in whatever news is set before them and they accept unthinkingly the standard of the newspaper maker as to what is news, and as to its relative importance" (*Yale Review*, vol. ix, 1920, p. 389).

There is a widespread belief on the part of readers that the press tempers its news and editorial policies to favor large advertisers. That advertising influences the viewpoint of the press has also been the contention of some of its proprietors, notably the late E. W. Scripps, who in an effort to free the press from what he regarded as an undesirable commercial dependence persistently sought to demonstrate the commercial feasibility of a newspaper carrying no advertising. He financed an experiment in Chicago with a newspaper carrying no advertisements, which gave promise of being commercially successful when a sharp increase in costs of production attendant on the World War helped to bring about its discontinuance. The type of control by advertisers most stressed in the past was that of direct dictation of the news and editorial content. While there have been numerous instances of such control, its importance has been exaggerated. The press as a whole takes little direct dictation from advertisers, and the success of such dictation tends to vary inversely with the financial strength of the publications involved. But advertising has none the less and perhaps even more deeply an influence upon news policy. The fact that the press derives the larger part of its income from advertising gives it a major stake in that form of salesmanship and tends to dampen its interest in expositions of the weaknesses of advertising or of the system of economic organization out of which it grows. The press is on all sides stimulated to create a setting, both material and emotional, conducive to the success of advertising effort. The development of advertising has also served

in large measure to impart to much of the metropolitan press the status of a large scale business and industrial enterprise which, with notable exceptions, tends to make it considerate of enterprise of this type.

This tendency is heightened by the framework of legal restraints under which the press of the United States operates as well as by the nature of its political setting. For example, the press is governed by the common law of libel, which holds it responsible both civilly and criminally for defamation of character. A successful action for libel, however, presents great difficulties for the plaintiff, as is illustrated by the fact that one of the most sensational of the post-war crop of tabloid newspapers reported that libel suits for approximately $7,000,000 of damages had been settled with an outlay of about $5000. Although liability for libel is difficult to enforce, it tends to make the press somewhat skittish in dealing critically with the affairs of private citizens and corporations, particularly if they are in a position to test their rights fully. At the same time, however, an element of "privilege" protects the press from prosecution for libel in reporting governmental affairs, as a zone of "fair comment" protects it in passing judgment on them. The scope of privilege and fair comment, like the nature of libel, is unfolded in a continuing series of judicial decisions which do not permit of accurate generalization. But, with the exception of the judicial process which the courts have broad powers to defend from what they construe to be obstruction by resort to contempt of court proceedings, it gives the press wide immunity from prosecution for libel in reporting and commenting on governmental performance. Thus the press is under an impetus, created by the legal framework within which it operates, to use its critical faculties more actively on details of government than in dealing with the affairs of a great industrial corporation which, although it may have attained a power far greater than that exercised by governmental units, still enjoys the status of a private enterprise.

This impetus does not prevent certain portions of the press, specializing in the sale of sensations, from exploiting extremely intimate details of the private affairs of persons incapable of effective resistance, sometimes because the exploitation may be merely offensive to the sensibilities and hence not within the technical scope of the libel laws, sometimes because of the difficulties in suit for libel previously noted and often because of the lack of financial means to prosecute. There has been consequently considerable agitation for laws to protect the "rights of privacy"; some slight statutory measures taken in this direction, principally in the field of advertising, have not served materially to check this type of exploitation.

Its legally privileged position in dealing with affairs of government, together with its command of resources for "reaching the public" on which popularly elected officials are largely dependent, has aided the American press in preserving a broad degree of freedom from statutory regulation and also the enjoyment of what amounts to a federal subsidy—of disputed proportions—in the form of postal service rendered without charge in some instances and at less than cost in others. Although the guaranties of freedom of the press, as set forth in the federal and state constitutions, permit a considerable amount of governmental regulation, there are few statutes dealing specifically with the press. When in 1926 the British Foreign Office, acting in response to widespread agitation for more effective regulation of newspapers and periodicals in the United Kingdom, published a survey of foreign press laws, it reported it could find none in Abyssinia, Argentina, Mexico, Venezuela and the United States. There is, however, some statutory law dealing with the press, principally by way of setting up moral standards, such as those embodied in a Connecticut statute, duplicated in substance in about a dozen states, which outlaws publications "devoted to . . . or principally made up of, criminal news, police reports or pictures and stories of deeds of bloodshed, lust or crime. . . ." There is also a considerable body of state law, such as that making it an offense to distribute advertisements of lotteries, which bears more directly on the press than that outlawing immoral publications and writings in general. Likewise the federal government, predicating its power largely on its proprietorship of the postal service, imposes certain regulations specifically on the press in addition to those of general application to all kinds of written material. Thus to enjoy second class mail privileges daily newspapers must file a sworn statement of circulation with the postmaster general twice a year in addition to the one of ownership which is required of all publications, with certain exceptions for those devoted to religious, fraternal, temperance and scientific matters. Incidental to the granting of second class mail privileges, which are not extended to publications designed

primarily for advertising, is a requirement that editorial and reading matter for which payment has been received be "plainly marked 'advertisement.'"

Initially granted on the theory that it would provide an essential stimulus to the press as an agency of popular enlightenment, the federal postal subsidy has become somewhat anachronistic in so far as it applies to the metropolitan press. But in sponsoring a recent proposal to let the president exercise the power of Congress to adjust postal rates, with a view to his undertaking to reduce or eliminate the subsidy, Representative Ragon of Arkansas remarked to his colleagues without any serious challenge, "We never had the intestinal fortitude in this House to stand up and adjust these postal rates" (*Congressional Record*, vol. lxxvii, pt. ii, 1933, p. 2025). The lack of intestinal fortitude required to deal ungraciously with the press has of course a bearing on the slight degree of control of the press by statute as well as on what is frequently the feeble exercise of power to protect governmental processes from interference, that of the courts to punish for contempt. Thus "trial by newspaper," or the prejudging of a case by the press prior to the actual trial, is extensively practised in the United States, not so much because the courts are without power to check it—as they do in some jurisdictions and often with hearty press cooperation—but frequently because they do not care to incur the disfavor of powerful press establishments. In England, where the legal framework controlling the press is similar to that in the United States, a determined judiciary has been successful in eliminating what the Wickersham Commission in the United States termed "this intolerable interference with the due course of justice."

In addition to the limited range of statute law dealing specifically with the press there is a larger body of federal and state law governing writings and communications in general. The postmaster general has, under a series of authorizations expanded over the past seventy years, the power to withhold from the mails, and to institute prosecution of the senders of, matter held to be "obscene, lewd or lascivious," that advocating "treason, insurrection or forcible resistance to any law of the United States" or that "of any character tending to incite arson, murder or assassination." Publications preaching radical political or economic doctrines have been subjected to the exercise of this power in a manner raising vital issues of freedom of the press. But it bears rather lightly on the main body of the press because of the latter's self-restraint in this regard. To govern its competitive relationships the press has recourse to the general trademark and copyright laws, and in recent years there has been some development in the United States and abroad in the direction of investing news with the attributes of property. A significant step was taken in 1918 when a majority of the United States Supreme Court [International News Service *v.* Associated Press, 248 U. S. 215 (1918)] affirmed an injunction restraining a rival of the Associated Press from appropriating its news dispatches from newspaper bulletin boards until their commercial value to the Associated Press and its members had passed. The laws of a few states also affect the competitive press relationships to some extent by conferring on reporters the right to withhold information as to news sources from public law enforcement and investigating bodies, although the primary design here, which has been embodied in an unsuccessful proposal for federal legislation, is to protect the public in the full flow of news rather than to control competition in its handling.

In contrast to the slight body of statute law dealing specifically with the press in the United States, that of many countries is governed by a detailed legal code prescribing not only its permissible content but occasionally the qualifications of editors and the economic relationships between employers and employees. In numerous countries editors must be native born and in some countries they must meet certain intellectual qualifications. The laws governing content are generally designed to protect the government against attack likely to bring it into peril, the individual against libel and the general public against publications "repugnant to good morals." Under the laws of Peru authors and publishers of the last named type of newspaper, if they cannot pay the fine imposed by the court, are subject to the novel penalty of being forced "to inter corpses in the cemetery" for a period of four months. In many countries there are also laws designed to protect individuals against inaccurate and misleading statements by requiring the press to print conspicuous corrections.

Concerning the problem of governmental control of the press, on which a mere recital of statutes can shed little light without tracing fully the measures of enforcement, there is at present an unprecedented array of laboratory material. In Soviet Russia the press is completely social-

ized, in Italy and Germany it is rigidly regimented by the government and in the United States and England private enterprise has broad scope. However, to select from this material a technique of press control which conserves the virtues of the various methods and eliminates their weaknesses is a formidable undertaking even as an academic exercise. The conduct of the press as a private business enterprise little checked by governmental regulation has along with its great elements of strength a large variety of weaknesses. In one direction there is the danger of excess in competition for public attention that leads to sensationalism and distorted perspective. In another, toward which the press has gravitated in recent years, lies the danger of private monopoly in purveying one of the most important of public services. But when control of the press is passed to the government in any considerable measure, new weaknesses arise to take the place of the old. In Soviet Russia, for example, the devotion of the press to matters of statecraft and economic well being and its freedom from the exploitation of the trivial and vulgarly sensational are of immense significance, but they are achievements won by a dictatorship exercising rigid control over the industrial and intellectual processes of the press. It would be a counsel of perfection to look toward a press which would retain the prodigious and marvelously equipped enterprise which is peculiarly a characteristic of the press of the United States, extending on occasion even to the manufacture of engaging events; the grace and succinctness of expression of much of the French press; an intellectual plane still maintained by some reaches of the British press; a freedom from the dictates imposed directly and indirectly by the pursuit of advertising revenues such as that enjoyed by the press of Soviet Russia; and if not a detachment from special interests, governmental or otherwise, at least a system of labeling which would give a broad validation to the theoretical distinction between news and opinion.

DEXTER MERRIAM KEEZER

See: JOURNALISM; PRINTING AND PUBLISHING; LITERATURE; COMMUNICATION; LITERACY AND ILLITERACY; PUBLIC OPINION; CRITICISM, SOCIAL; PROPAGANDA; PUBLICITY; ADVERTISING; FREEDOM OF SPEECH AND OF THE PRESS; CENSORSHIP; LIBEL AND SLANDER; COPYRIGHT; FOREIGN LANGUAGE PRESS.

Consult: FOR GENERAL ASPECTS: Bömer, Karl, *Bibliographisches Handbuch der Zeitungswissenschaft* (Leipsic 1929); Bücher, Karl, "Die Anonymität in den Zeitungen" in his *Die Entstehung der Volkswirtschaft*. 2 vols. (vol. i, 17th ed., Tübingen 1926; vol. ii, 8th ed., 1925) vol. ii, ch. ix, and *Gesammelte Aufsätze zur Zeitungskunde* (Tübingen 1926); Groth, Otto, *Die Zeitung; Ein System der Zeitungskunde*, 4 vols. (Mannheim 1928–30); Angell, Norman, *The Press and the Organisation of Society* (rev. ed. Cambridge, Eng. 1933); Weber, Max, "Geschäftsbericht" in Deutsche Gesellschaft für Soziologie, *Schriften*, ser. i, vol. i (1910) 39–62; Mohr, Martin, *Zeitungskunde und Zeitungswissenschaft* (Leipsic 1927); Löbl, Emil, *Kultur und Presse* (Leipsic 1903); Posse, Ernst, *Über Wesen und Aufgabe der Presse* (Tübingen 1917); Scott-James, R. A., *The Influence of the Press* (new ed. London 1914); Lauzanne, Stephane, *Sa majesté la presse* (Paris 1925); Sury d'Aspremont, Paul de, *La presse à travers les âges* (Paris 1929); Brunhuber, R., *Das moderne Zeitungswesen* (Leipsic 1907); Lippmann, W., *Public Opinion* (New York 1922); Bauer, Wilhelm, *Die öffentliche Meinung und ihre geschichtlichen Grundlagen* (Tübingen 1914); Dovifat, E., *Die Zeitungen*, Die deutsche Wirtschaft und ihre Führer, vol. iii (Gotha 1925); Carlé, W., *Weltanschauung und Presse* (Leipsic 1931); Park, R. E., "The Natural History of the Newspaper" in *American Journal of Sociology*, vol. xxix (1923) 273–89; Willey, Malcolm M., and Rice, Stuart A., *Communication Agencies and Social Life* (New York 1933); Salmon, L. M., *The Newspaper and the Historian* (New York 1923); Martin, Kingsley, "The Influence of the Press" in *Political Quarterly*, vol. i (1930) 157–78; Muenzner, G., *Öffentliche Meinung und Presse*, Sozialwissenschaftliche Abhandlungen, vol. vi (Karlsruhe 1928); Bourdon, Georges, and others, *Le journalisme d'aujourd'hui* (Paris 1931); Traub, Hans, *Zeitungswesen und Zeitungsleser* (Dessau 1928); Garr, Max, *Die wirtschaftlichen Grundlagen des modernen Zeitungswesens*, Wiener staatswissenschaftliche Studien, vol. x, pt. 3 (Vienna 1912); Everth, E., "Die Zeitung im Dienste der Öffentlichkeit" in *Archiv für Buchgewerbe und Gebrauchsgraphik*, vol. lxv, no. iv (1928) 1–30; Arendt, P., *Elektro-Weltnachrichtendienst und Presse*, Münster Universität, Institut für Wirtschafts- und Sozialwissenschaft, Zeitung-Seminar, Publications, no. 2 (Münster 1930); Morf, H. E., *Die Drahtberichterstattung im modernen Zeitungswesen* (Berne 1912); Eltzbacher, Paul, *Die Presse als Werkzeug der auswärtigen Politik* (Jena 1918); Hodges, Charles, *The Background of International Relations* (New York 1931) chs. xxii–xxiv; Boninger, A., *Die Presse und die internationale Verständigung* (Munich 1911); Douglass, P. F., and Bomer, Karl, "The Press as a Factor in International Relations" in American Academy of Political and Social Science, *Annals*, vol. clxii (1932) 241–72; Fay, S. B., "The Influence of the Pre-War Press in Europe" in Massachusetts Historical Society, *Proceedings*, vol. lxiv (1932) 113–42; Woodward, Julian L., *Foreign News in American Morning Newspapers*, Columbia University, Studies in History, Economics and Public Law, no. 332 (New York 1930); Wettstein, Oscar, *Über das Verhältnis zwischen Staat und Presse* (Zurich 1904); Buchhorn, J., *Politik und Presse* (Berlin 1920); Garr, Max, *Parlament und Presse*, Wiener staatswissenschaftliche Studien, vol. viii, pt. ii (Vienna 1908); Grosse, O., *Der Beamte und die Zeitung* (Jena 1927); Mehring, Franz, *Kapital und Presse* (Berlin 1891); Sinclair, Upton, *The Brass Check* (8th ed. Pasadena, Cal. 1920); Labour Research Department,

The Press, Studies in Labour and Capital, vol. ii (London 1922); Bernhard, L., *Der "Hugenberg-Konzern"; Psychologie und Technik einer Grossorganisation der Presse* (Berlin 1928); Chaloner, S. R., *Die britische Presse vom Standpunkt der Zeitungsindustrie, und ihrer Finanzierung*, Münster Universität, Institut für Wirtschafts- und Sozialwissenschaften, Zeitungs-Seminar, Publications, no. i (Münster 1929); Grass, Friedrich, *Die Liquidation des Stinnes-Konzerns und ihre Behandlung in der Presse* (Heidelberg 1928); Roth, Paul, *Die Programme der politischen Parteien und die politische Tagespresse in Deutschland* (Halle 1913); Kantorowicz, Ludwig, *Die sozialdemokratische Presse Deutschlands* (Tübingen 1922); Held, Adolf, *Die deutsche Arbeiterpresse der Gegenwart* (Leipsic 1873); Apitzsch, F., *Die deutsche Tagespresse unter dem Einfluss des Sozialistengesetzes*, Das Wesen der Zeitung, vol. i, pt. iii (Leipsic 1928); Rietschel, M., *Der Familienbesitz in der deutschen politischen Tagespresse*, Das Wesen der Zeitung, vol. i, pt. i (Leipsic 1928); Hellwig, W., *Unternehmungsformen der deutschen Tagespresse*, Das Wesen der Zeitung, vol. i, pt. iv (Leipsic 1929).

FOR HISTORY BY COUNTRIES: Shaaber, Matthias A., *Some Forerunners of the Newspaper in England, 1476–1622* (Philadelphia 1929); Williams, J. B., *A History of English Journalism to the Founding of the Gazette* (London 1908); Andrews, Alexander, *The History of British Journalism*, 2 vols. (London 1859); Morison, Stanley, *The English Newspaper* (Cambridge, Eng. 1932); Bleyer, Willard Grosvenor, *Main Currents in the History of American Journalism* (Boston 1927); Nevins, Allan, *The Evening Post; a Century of Journalism* (New York 1922); Rosewater, Victor, *History of Coöperative News-Gathering in the United States* (New York 1930); Gunther, John, "Funnelling the European News" in *Harper's Magazine*, vol. clx (1930) 635–47; Dibblee, G. B., *The Newspaper* (New York 1913); Given, John La Porte, *The Making of a Newspaper* (New York 1907); Beazell, William Preston, "Tomorrow's Newspaper" in *Atlantic Monthly*, vol. cxlvi (1930) 24–30; Bent, Silas, *Ballyhoo; The Voice of the Press* (New York 1927); Villard, O. G., *Some Newspapers and Newspaper-Men* (rev. ed. New York 1926), and *The Press Today* (New York 1930); Lippmann, Walter, "Two Revolutions in the American Press" in *Yale Review*, n.s., vol. xx (1931) 433–41; Bickel, K. A., *New Empires; the Newspaper and the Radio* (Philadelphia 1930); Princeton University, School of Public and International Affairs, *Conference on the Press* (Princeton 1931); Salomon, Ludwig, *Geschichte des deutschen Zeitungswesens*, 3 vols. (Oldenburg 1900–06); Wuttke, H., *Die deutschen Zeitschriften und die Entstehung der öffentlichen Meinung* (3rd ed. Leipsic 1875); Haas, Albert, *Das moderne Zeitungswesen in Deutschland*, Volkswirtschaftliche Zeitfragen, vol. xxxvi, pt. i (Berlin 1914); Bertkau, F., and Bömer, K., *Der wirtschaftliche Aufbau des deutschen Zeitungsgewerbes* (Berlin 1932); Latzarus, L., "Le journal moderne" in *Revue de Paris*, vol. i (1914) 188–210, 406–26; Hatin, L. E., *Histoire politique et littéraire de la presse en France*, 7 vols. (Paris 1859–61); Dresler, A., *Geschichte der italienischen Presse*, vol. i– (Munich 1931–); Botscharow, J., *Die Entwicklungswege der russischen Presse (1621–1928)* (Moscow 1928); Just, Arthur W., *Die Presse der Sowjetunion; Methoden diktatorischer Massenführung* (Berlin 1931); Meyer, K. H., *Die geistige Haltung Russlands und die Sowjetpresse*, Münster Universität, Institut für Wirtschafts- und Sozialwissenschaften, Zeitungs-Seminar, Publications, no. iii (Münster 1931); Chao, Thomas Ming-heng, *The Foreign Press in China* (Shanghai 1931); Wildes, H. E., *Social Currents in Japan, with Special Reference to the Press* (Chicago 1927).

FOR SPECIAL ASPECTS: Norton, W. B., *Church and Newspaper* (New York 1930); *Die Presse und der Katholik*, ed. by J. W. Naumann (Augsburg 1932); Salmon, Lucy Maynard, *The Newspaper and Authority* (New York 1923); Great Britain, Foreign Office, *The Press Laws of Foreign Countries*, ed. by M. Shearman and O. T. Raynor (1926); Hale, William G., *The Law of the Press* (St. Paul 1923); Pardey, Hans, *Das Recht der englischen Presse*, Hamburgische Universität, Seminar für Öffentliches Recht, Abhandlungen und Mitteilungen, no. 20 (Hamburg 1928); *Die Pressgesetze des Erdballs*, ed. by V. Bruns and K. Haentzschel, vols. i–x (Berlin 1928–31); Crawford, Nelson A., *The Ethics of Journalism* (New York 1924); Fox, W., *Printers, Press and Profits*, Labour Research Department publication (London 1933); Willey, M. M., *The Country Newspaper* (Chapel Hill, N. C. 1926).

PRESSURES, SOCIAL. The term social pressure, in the singular, is sometimes applied to the constraint of the social order on the organic or native impulses of man, which are variously represented as being inhibited or balked or "sublimated" or at least diverted, by the compulsion of the mores and the necessities of social organization, into new channels dissociated from the biological drives. This general point of view is common to various psychiatric schools and has inspired certain theories of the nature of society (see, for example, Burrow, Trigant, *The Social Basis of Consciousness*, New York 1927; and "Social Images versus Reality" in *Journal of Abnormal Psychology*, vol. xix, 1924–25, p. 230–35). Such modern theories are logically the successors of the social philosophies which opposed society to nature, prevalent from the time of the sophists and running through the social contract doctrine and other forms of individualism down to the current protests against the standardization of behavior and of individuality attributed to the machine age.

When used in the plural, however, the term has acquired a more specific sense. Beyond the range of direct authoritarian controls, effected through officials or other accredited social agents and expressive of established codes, there exist socially created constraints which emanate from less sanctioned or less responsible sources; informal and opportunistic in their operation, they fluctuate incessantly in intensity and direction. These constraints may be called social pressures.

A distinction may be drawn here between mass social pressures directed against minorities which do not conform to the demands of a dominating and emotionally charged popular movement and group social pressures emanating from particularist groups which seek to advance their interests through activities intended to restrain or divert the behavior of resistant elements. The former type would be exemplified by the unofficial coercions characteristic of the earlier stages of the Nazi campaign or by the ostracism of those who trade, intermarry or otherwise enter into relations with members of a group exposed to the hostile attitude of a dominant religious, racial, nationalist movement; the latter by the attempts of blocs or of business interests to induce favorable conditions by tactics which bring to bear at individual points the power of wealth, organization, power or position.

The distinguishing fact about social pressures is that they depend generally upon informal even if concerted tactics and that they operate directly against non-conforming individuals. One aspect of this fact is brought out in R. E. Park's comment: "The pressure group is not an army which seeks to win battles by frontal attacks on hostile positions; it is, rather, a body of sharp-shooters which picks off its enemies one by one." This statement, however, is more applicable to the second type of pressure group referred to above. Mass pressures do indeed operate at individual points but they also exercise a broad restraining influence on the opposing front. What characterizes both types is the informal, opportunistic, extralegal nature of the coercive tactics they employ. Social pressures are thus to be distinguished not only from authoritative controls but also from the regular processes of indoctrination and habituation to which the established mores of every group subject its members. They belong to an unstable condition of movement and of strife.

The relation of social pressures to authoritarian controls, on the one hand, and to the established mores of the society within which they are exercised, on the other, may assume a considerable variety of forms. Because of the element of coercion inherent in these pressures the former relation is of primary importance in determining both the varieties and the techniques of pressure tactics. Social pressures may be exerted by means which are legally permitted or by methods which the law forbids, or again not only the methods but also the objectives may be opposed by the law. There is a distinction, for example, between the pressures which employ certain techniques of "unfair" competition banned by the law and the pressures directed against the law itself or its administration, such as the relatively successful attempts to defeat or nullify the Volstead Act. For all types of pressure it is obvious that the attitude of governmental agencies is of vast significance. Even for the large category of social pressures which do not directly clash with the laws a generally favorable or unfavorable attitude on the part of authority is an important limiting or releasing factor. This is true not only because social pressures, being usually expansive, tend to reach or pass the margin where they may be interpreted as contravening the law but also because the activity of lawmaking may be turned, as in the case of the boycott, against the exercise of the social pressure.

The significance of governmental attitudes toward social pressures becomes more apparent when it is realized that the administration of legal justice is itself subject to the constant impact of social pressures. These may seek to extend or limit the interpretation or application of the law, as in the Scopes trial; they may demand severity or lenience outside of judicial or equitable considerations, as in indictments for certain types of sexual offense or in the trial of certain types of offenders, from Negroes to business magnates; they may even obstruct the regular machinery of jurisdiction, as evidenced by the popular antagonism which made German lawyers reluctant to defend the Communists accused of the burning of the Reichstag building or as expressed in the boycott of the lawyer who defended Sacco and Vanzetti. On a smaller scale social pressures operate to limit arrests or convictions for petty violations of the law or for infringements of outmoded laws, which thus fall into desuetude.

At one end of the scale of relations between social pressures and authoritarian controls is the situation in which the extralegal pressures proceed from the authorities themselves. This situation is frequent under so-called dictatorial governments, where the executive dominates the legislative and judicial powers. Under democratic conditions is found the intermediate situation, in which governments or officials cooperate actively with particular pressure groups; in adding, for example, extralegal to legal trade restrictions or in supporting campaigns to give preference to domestic products. Another aspect

of this situation is illustrated by the alliance of political authorities with militant religious groups, so evident throughout the history of religious persecution and still occurring in minor forms, as in the treatment meted out by the New York City officials to Mrs. Margaret Sanger in her campaign for birth control. At the other end of the scale belong those cases where the authorities actively resist the social pressures or where the pressures are directed against the authorities themselves. This can occur on a small scale, as in movements against individual officials, such as magistrates or judges, or on a large scale, as when mass pressure is directed against the prevailing system of authority. The latter is illustrated by nationalistic movements, such as that represented by the Indian swaraj or by the Irish "home rule" agitation; but it appears also in non-revolutionary forms, as when an unpopular tax proposal is withdrawn by a government under indications of public resentment or when an unpopular government, under the parliamentary system, resigns from office apart from any constitutional necessity.

The foregoing cases reveal more particularly a quality inherent in some degree in all social pressures—their dynamic relation to the existing social structure. Like Hobbes' liberty they appear in the "interstices of law." They impinge restlessly upon the law-established order, sometimes supplementing it, sometimes limiting it and occasionally undermining it or even seeking to overthrow it. The conservative function is seen in the drives made against the disturbers of tradition or the prophets of a new order. Social pressures are directed against them, whether they occupy pulpits or university chairs or, more rarely, seats on the judicial bench or whether they merely stand on soap boxes in the public parks. The limiting function is seen in the way in which legal liberties are curtailed by economic impacts, as when advertising interests intervene to effect the inclusion or exclusion of news in the press. The revolutionary function appears particularly in those social pressures which are generated or accentuated by wars and economic crises, ranging from concerted resistance to the payment of taxes or the collection of debts to the great historical upheavals which overturn states.

For the same reason social pressures are specially brought to bear wherever a social order is in the making or when, for whatever reason, it is not adequately protected by law. This situation occurs, for example, where an alien group, with prestige but without legal authority, exploits a "backward people." Again, in the absence of an authoritative international code pressure methods are resorted to in order to render effective the existing international mechanism of the League of Nations. These may operate as disguised or overt economic inducements or through the stimulation of public opinion in other countries, and if possible in the recalcitrant country, against the governmental policy detrimental to the functioning of the League. The barriers which political boundaries present to the permeation of opinion making influences set rather definite limits to the use of the latter method.

The relation of social pressures to the mores, the social as distinct from the legal codes, is also highly significant. Some of the cases cited above belong to situations where there is a clash between mores and laws. In such situations the mores, restrained in their operation, generate social pressures which bear on the authorities whose duty it is to administer or execute the laws. Normally, because of the diverse mores of groups bound within the same legal system, there is an unstable play of pressures and counter pressures. An illustration is offered by the history of the administration of the Volstead Act. More permanently the condition occurs in the struggle of economic groups which employ their various extralegal weapons for pressure purposes. In general it may be said that wherever groups are pitted against one another in any kind of struggle, whether they be class groups, race groups, religious or other cultural groups, there is resort to the techniques of social pressure.

When the mores rally strongly to the side of a pressure group and when at the same time the latter is able to control the governmental system, the tactics of pressure become irresistible. Such situations occur on a large scale when a people's sense of its own solidarity, thwarted or dammed up by historical vicissitudes and thus supercharged with emotion, breaks violently through the resistances to its expression. The mass social pressures thus generated are peculiarly domineering and oppressive with regard to non-conformities. There are then neither effective legal restraints upon them nor overt counter pressures which are found in more complicated situations. The Nazi outburst offers the most striking illustration of this type of pressure, although it is a distinctive feature of all "fascist" movements.

The term pressure group has recently come into use to signify any aggregate, organized or unorganized, which applies pressure tactics. This usage is serviceable if at the same time a distinction is drawn between an interest group and a pressure group. Even if it were true that all interest groups seek in some way or at some time to exercise social pressures, the distinction would be relevant. For the exercise of social pressure is not inherent in the concept of an interest group, say of a musical organization or a philatelic society, whereas it is the defining function of a pressure group. Social pressures, in a word, constitute a particular method of achieving results—one of the many methods which interest groups may adopt.

The tactics which are the essence of social pressures are intended not directly to change attitudes but to control the behavior of recalcitrant or non-conforming individuals. Thus, although propagandism may involve an element of social pressure, it is not necessarily a form of it. The attempt to convert another to one's faith by expounding its values may come within the order of propaganda but not of social pressure. Pressure involves more than persuasion: it implies some kind of external inducement to change or limit the activity of others, ranging from direct or indirect economic inducement to ostracism, intimidation and violence. In other words, it always acts by creating some tension in the individuals to whom it is addressed. If, as is frequently the case, it makes use of the symbols—the flag or the hearth or even the cross—dear to those whom it assaults, it does so in order to constrain or divert their actions, not to liberate them. It promises or threatens with a view to making others conform. This is true whatever the scale of the pressure, which may be as localized as the refusal of villagers to buy from a heterodox storekeeper or as far reaching as the march of the bonus army on Washington, of the unemployed on London or of the Fascists on Rome.

A pressure group is defined by its techniques, an interest group by its objectives. A pressure group as such has no internal function but is directed outward, to the overcoming of resistances. The concept of pressures is therefore of more limited significance for the interpretation of social systems than for that of interests. Interests may be opposed, but the relation of conflict is only one of the manifold relations they exhibit. Broader uniting interests may underlie narrower dividing ones. The theory of interests can therefore be applied to explain alike the solidarity and the equilibrium of a social system as well as the conflicts that exist within it; whereas the theory of pressures can be made an explanation only of the divisions, the dominances and the resistances within a society.

The limitations of the pressure theory are manifest in the work which more than any other attempts to interpret social arrangements as merely the adjustment of unstable pressures: Bentley's *Process of Government*. It is true that this study is ostensibly confined to the field of politics, which might seem specially favorable for the exposition of pressure operations, but the result is nevertheless unconvincing. In the first place, Bentley does not effectively distinguish pressures from interests, although he denies implicitly the operation of a general interest which modifies and limits the techniques of pressure. Consequently, in the second place, he assumes too readily that the agreements arrived at in the political arena represent the sheer diagonal of particularistic opposing pressures, a view which seems hardly compatible with the relative stability of the political system and the orderly development which it exhibits over long periods. The manner in which cooperative factors are linked with competitive and conflicting ones is lost sight of, so that pressure processes are assigned a larger and more constructive role than they can maintain.

In general the theory of the function of pressures in society still awaits development. The number of descriptive studies of particular types of pressure has increased in recent years. In the political field there are various works on lobbies and blocs; in other works the intensive employment of social pressures in times of war is documented; in the economic field studies have been made of the pressure tactics of public utility and other corporations, including the investigations by the Federal Trade Commission; much of the literature on strikes, lockouts and boycotts likewise illustrates the phenomena of economic pressures. Particular pressure groups in other fields, for example, the Ku Klux Klan, have also been described in some detail. It is incidently significant that while American writers have notoriously neglected the study of social classes, they have added considerably to the specific literature of social pressures. But there is lacking on the whole any effective analysis of the relation of social pressures to social conflicts; of their role in the building up and breaking down of social structures; of the

conditions under which they are most effective and of the various types of pressure which develop in different cultural situations; of their manipulation of the symbols and their attachment to the thought forms in or through which the mores of the various groups find expression.

The fact that the literature of social pressures is at once so descriptive and so recent is noteworthy, as is the fact that so large a portion of it is American. Pressure groups, as distinct from class groups, are characteristic of a heterogeneous and changeful society, offering special opportunities for the economic exploitation of new conditions and for the formation of unstable expansive groups not integrally related to the established order. Pressure techniques are facilitated also by the elaborate interdependence of a highly industrialized society and by the new means of communication and contact which modern invention has devised. When such conditions develop rapidly, foci of economic power emerge without preestablished status and outside of the authoritarian controls. Therefore, once the fact of their power comes to be realized and resisted, they inevitably resort to pressure tactics. The unorganized juxtaposition of diverse racial and national groups struggling for position and prestige dependent largely on their different facilities for the acquisition of wealth has been an additional factor. The extreme case of the dissociation of power from status is to be found in the organized "rackets" also characteristic of such a society, which are able to maintain themselves by pressures acting not merely on the groups they exploit but even, directly or indirectly, on the authorities whose duty it is to suppress their criminal activities.

The earlier, mostly European, writers on class conflict and the other more ancient forms of social struggle, such as those of racial or religious groups, did not envisage a situation of this kind. Hence the literature of social conflict throws little light on the actual operation of social pressures. It deals rather with the nature and development of opposing interests, the necessity and rationale of social struggle and the functions and results of conflict in general. It considers social conflict as analogous to military conflict, particularly as the broad clash of great organized collectivities on an economic or racial front. It treats rather sparingly the tactics of these struggles, much more their general strategy. But social pressures are concerned mainly with tactics. The pluralist as distinct from the Marxist point of view conceives of society as diversified into manifold and relatively autonomous organized groups. It offers therefore a more likely approach to the study of social pressures. But most of the writers of this school have so far been more interested in the larger questions of the trend toward a pluralistic social structure, of the relation of voluntary associations to the state and of the reconstruction of society based on the explicit recognition of group autonomies.

R. M. MACIVER

See: INTERESTS; GROUP; CLASS; PLURALISM; CLASS STRUGGLE; CONFLICT, SOCIAL; CONTROL, SOCIAL; SANCTION; COERCION; CONFORMITY; PUBLIC OPINION; PROPAGANDA; LOBBY; MACHINE, POLITICAL; BOYCOTT; PASSIVE RESISTANCE AND NON-COOPERATION; LAWLESSNESS; LAW ENFORCEMENT; OSTRACISM.

Consult: FOR GENERAL WORKS: Bentley, A. F., *The Process of Government: a Study of Social Pressures* (Chicago 1908); Catlin, G. E. G., *The Science and Method of Politics* (London 1927) pt. ii, ch. iii, and *A Study of the Principles of Politics* (London 1930) chs. v–vii; Gumplowicz, Ludwig, *Der Rassenkampf*, vol. iii of his *Ausgewählte Werke*, ed. by G. Salomon, 4 vols. (Innsbruck 1926–28); Kung Chuan Hsiao, *Political Pluralism* (London 1927); Munro, W. B., *The Invisible Government* (New York 1928); Simmel, Georg, *Soziologie* (3rd ed. Munich 1923) ch. iv; Treitschke, Heinrich von, *Politik*, 2 vols. (Leipsic 1897–98), tr. by B. Dugdale and T. de Bille (London 1916); Vierkandt, Alfred, *Machtverhältnis und Machtmoral*, Kantgesellschaft, Philosophische Vorträge, no. 13 (Berlin 1916), and *Gesellschaftslehre* (2nd rev. ed. Stuttgart 1928), especially ch. ii, sects. 23–25.

FOR SPECIAL STUDIES: Herring, E. P., *Group Representation before Congress*, Institute for Government Research, Studies in Administration, vol. xxii (Baltimore 1929); Childs, H. L., *Labor and Capital in National Politics* (Columbus, Ohio, 1930); Odegard, Peter H., *Pressure Politics: the Story of the Anti-Saloon League* (New York 1928); Lasswell, H. D., *Propaganda Technique in the World War* (New York 1927); Ponsonby, Arthur, *Falsehood in War-time* (London 1928); Reuter, E. B., *The American Race Problem* (New York 1927) chs. vii, xv, xvi; Lewinson, Paul, *Race, Class and Party* (New York 1932); Mecklin, J. M., *The Ku Klux Klan: a Study of the American Mind* (New York 1924); Feldman, Herman, *Racial Factors in American Industry* (New York 1931) chs. ii–v; Tugwell, R. G., *The Industrial Discipline* (New York 1933) ch. vi; Weber, Adolf, *Der Kampf zwischen Kapital und Arbeit* (5th ed. Tübingen 1930); Adamic, Louis, *Dynamite* (New York 1931); United States, Federal Trade Commission, *Utility Corporations, Reports*, nos. 1–42 (1928–32), and *Utility Corporations, Exhibits*, vols. i–vii (1929–30); Woolf, L. S., *Economic Imperialism* (London 1920), and *Imperialism and Civilization* (London 1928); United States, National Commission on Law Observance and Enforcement, *Report on the Enforcement of the Prohibition Laws* (1931), and *Report on Lawlessness in Law Enforcement* (1931); Hostetter, G. L., and Beesley, T. Q., *It's a Racket!* (Chicago 1929).

PREUSS, HUGO (1860–1925), German statesman and political theorist. In his juristic mode of thinking Preuss was a pupil of Gierke and Gneist, to whom he owed particularly his conception of the associational character of law and of self-government. His scientific works were devoted above all to communal administrative law and to the history of the forms of German town organization. He was active for many years in the municipal council of Berlin. Politically, standing upon the same ground as Theodor Barth and Friedrich Naumann, he had championed as a publicist the democratic development of the Bismarckian imperial constitution, and to this end he had elaborated a series of definite proposals. After the collapse of 1918, while he was professor of public law at the Berlin *Handelshochschule*, Friedrich Ebert summoned him to prepare as state secretary a democratic constitution. As minister of the interior Preuss was a member of the first German national cabinet, resigning, however, with the signing of the Treaty of Versailles. Nevertheless, as "national commissioner" he presided over the constitutional convention to its very end. In his draft of the constitution Preuss sought to combine a strong central power (a popularly elected president) with a parliamentary system, and hoped to overcome the antithesis of Empire-Prussia by depriving Prussia of its position of hegemony and its statehood and converting it into a number of large self-governing units. As a rational plan this was well conceived and rested upon the belief that democracy would strengthen the national feeling of collective unity and break the force of dynastic tradition. But Preuss was mistaken as to the particularism of the individual German states, which continued to manifest itself even after the abdication of the princes. As a consequence his draft of the constitution underwent substantial modification in the course of the deliberations of the Weimar National Assembly of 1919; the federalistic element remained stronger than he had intended. His goal was a pan-German national republic, and with this in view he proposed the colors Black-Red-Gold as the national flag in abrogation of the German-Austrian separation of 1866. The old symbol of the year 1848 could not, however, find spiritual acceptance after 1918. Preuss had consciously strengthened the position of the national president in order to counterbalance the divisions of the German parties; but he did not recognize clearly enough that the system of proportional representation went ill with the system of parliamentary majorities.

THEODOR HEUSS

Important works: *Gemeinde, Staat, Reich als Gebietskörperschaften* (Berlin 1889); *Das städtische Amtsrecht in Preussen* (Berlin 1902); *Die Entwicklung des deutschen Städtewesens* (Leipsic 1906); *Das deutsche Volk und die Politik* (Jena 1915); *Staat, Recht und Freiheit*, ed. by E. L. Preuss (Tübingen 1926); *Verfassungspolitische Entwicklungen in Deutschland und Westeuropa*, ed. by Hedwig Hintze (Berlin 1927); *Reich und Länder*, ed. by Gerhard Anschütz (Berlin 1928).

Consult: Schmoller, Gustav, *Walter Rathenau und Hugo Preuss* (Munich 1922); Feder, Ernst, *Hugo Preuss, ein Lebensbild* (Berlin 1926); Hintze, Hedwig, in *Justiz*, vol. ii (1926–27) 223–37; Heuss, Theodor, *Führer aus deutscher Not* (Berlin 1928) p. 67–95; Emerson, Rupert, *State and Sovereignty in Modern Germany* (New Haven 1928) chs. iv and vi; Schmitt, Carl, *Hugo Preuss, sein Staatsbegriff und seine Stellung in der deutschen Staatslehre*, Recht und Staat in Geschichte und Gegenwart, no. 72 (Tübingen 1930); Simons, Walter, *Hugo Preuss* (Berlin 1930).

PREVENTIVE MEDICINE. *See* MEDICINE; PUBLIC HEALTH.

PREYER, WILHELM THIERRY (1841–97), German physiologist and psychologist. Preyer was born near Manchester, England, and was educated in Germany. He began his career as an exploring scientist, making a trip to Iceland in 1860; then he became professor of physiology at the University of Jena. He was concerned in his physiological work with the problem of sleep as well as with investigations in the field of the sensations. The former led Preyer into the problem of hypnotism and in this way into the realm of the psychological. At this point biologic functions began to interest him from the psychological standpoint. He wanted to study their genesis before and after birth and thus came to make those observations in the field of child psychology which he presented in *Die Seele des Kindes*, a book which long remained standard in the field of child psychology. For a period of three years he made observations on his own son. Although such studies of children had repeatedly been made before Preyer, for example, by Tiedemann, no one had carried out the observations so systematically, so persistently, from so many different angles and with such carefully worked out detail. The book had extraordinary success and influence. Diaries of observations on children, patterned after Preyer's, were made first in Germany and America and then in all civilized countries, and numerous

groups were established for the systematic study of the development of the child.

Later Preyer concerned himself with the application of psychological methods to child education and so became a pioneer in the field of pedagogic psychology. His great merit, however, lies in the impetus which his work gave to modern child psychology.

CHARLOTTE BÜHLER

Important works: *Über die Grenzen der Tonwahrnehmung*, Physiologische Abhandlungen, vol. i (Jena 1876); *Über die Ursache des Schlafes* (Stuttgart 1877); *Die Entdeckung des Hypnotismus* (Berlin 1881); *Die Seele des Kindes* (Leipsic 1882; 8th ed. by K. L. Schaefer, 1912), tr. by H. W. Brown, 2 vols. (New York 1888–89); *Zur Psychologie des Schreibens* (Hamburg 1895).

Consult: Bühler, C., and Hetzer, H., "Zur Geschichte der Kinderpsychologie" in *Beiträge zur Problemgeschichte der Psychologie, Festschrift zu Karl Bühlers 50. Geburtstag* (Jena 1929); Giese, F., "Kinderpsychologie, Vorgeschichte" in *Handbuch der vergleichenden Psychologie*, ed. by G. Kafka, 3 vols. (Munich 1922) vol. i, p. 323–25; Stimpfl, J., "Stand der Kinderpsychologie in Europa und Amerika" in *Zeitschrift für pädagogische Psychologie*, vol. i (1899) 344–61.

PRICE. *See* PRICES.

PRICE, RICHARD (1723–91), British nonconformist minister and writer on politics and economics. The son of a dissenting minister with extreme Calvinistic views, Price reacted toward a more liberal and philosophical theology. In his earliest publication, *A Review of the Principal Questions and Difficulties in Morals* (London 1758, 3rd ed. 1787), he foreshadowed Kant in insisting on the irresolvability of the concept of right and wrong into pleasure or into a perception of the "moral sense," although unlike Kant he was willing to accept pleasure as an accompaniment of a right action. Price's great fame was to come from other and widely scattered fields. One of these was life insurance, which was then passing through a series of financial bubbles and crashes. In 1769 Price applied his excellent but long suppressed mathematical training in formulating his observations on the expectation of lives in a letter to Benjamin Franklin which was published in the *Philosophical Transactions* of the Royal Society of London (vol. lix, p. 89–125). This and a subsequent paper, *Observations on Reversionary Payments* (London 1771, 4th ed. 1783), provoked a reform in the organization of insurance companies, and Price himself was invited to reconstruct the Equitable Society, one of the sounder life insurance companies. After this he addressed an *Appeal to the Public on the Subject of the National Debt* (London 1771, new ed. 1774), in which he called attention to the dangerous practise of funding the debt by an increase of obligations. He insisted on the reestablishment of a sinking fund but magnified the virtues of that device on the theory that it could be combined with the compound interest principle to extinguish the public debt painlessly and in short order. He failed to realize that the principal as well as the accumulated interest and compound interest of the sinking fund is derived from taxation and that consequently the supposed gain to the taxpayer is purely illusory. The fallacy in Price's scheme was not noticed for a long time, and Price's pamphlet is supposed to have influenced Pitt to reestablish the sinking fund in 1786. It also won him an invitation from the American revolutionary government to take charge of its finances; the invitation was declined.

Like Priestley and other dissenters, Price had for a long time opposed England's repressive measures against the colonies. In 1776 he published his famous pamphlet *Observations on the Nature of Civil Liberty and the Justice and Policy of the War with America* (London 1776, 8th ed. 1778), which won the official approval of the City of London and played a considerable part in determining the revolutionists to declare for independence. A second pamphlet followed in 1777, and Price continued during the rest of the war to be the adviser and defender of the American cause. These pamphlets as well as the sermon preached in favor of the French Revolution on November 4, 1789, are important in the history of political theory for the revolutionary applications which they gave to the Whig principles of 1688. Price's sermon on the French Revolution called forth Burke's *Reflections* (1790), marking the beginning of the reaction against the "Lockian system," which in a hundred years had spread from England to America and had started the cataclysm in Europe.

BENJAMIN GINZBURG

Consult: Thomas, Roland, *Richard Price* (London 1924), containing detailed bibliography of Price's works p. 173–86; Stephen, Leslie, *History of English Thought in the Eighteenth Century*, 2 vols. (3rd ed. London 1902) vol. ii, p. 252–59; Laski, H. J., *Political Thought in England from Locke to Bentham* (London 1920) p. 197–99.

PRICE DISCRIMINATION. The perfect competitive market envisaged by the classical economic theorists tended to establish a certain

fixity, stability or uniformity of price relationships for every good upon two planes. One was the plane of time: the price relationships among different goods were conceived to be subject to only slight variations from period to period, in accordance with occasional changes in the conditions of production or the directions of consumption. This tendency toward the establishment of what came to be known as normal price relationships was for classical economists the more engrossing subject of inquiry, and the study of competitive market adjustments in this aspect consequently became the most familiar as well as the major part of economic theory. The second plane of uniformity which the ideal competitive market tended to evolve was spatial. At any given time in one market area there could be only a single price relationship of each good to any other good there offered in exchange, so long as competition held sway. This tendency involved the fixation not only of an identity of offering price among different sellers of the given good to the same (prospective) buyer but also of an identity of the offering price to different (prospective) buyers of the given good from the same seller. This is the substance of what has been denominated Say's law.

The study of the actual deviations from and the limitations upon these two fundamental tendencies toward fixed (or uniform) relationships in a perfect competitive market made up a large part of the work of economists of the later nineteenth and the early twentieth century, with the alleged tendency toward stability of price relationships in time continuing to receive the most attention, especially as embodied in business cycle theory. Examination of the deviations from and the limitations upon the single price tendency, or the tendency toward spatial uniformity, was not, however, entirely neglected.

Price uniformity in all parts of a trading area for a particular commodity has not always been regarded as a criterion of a good market, nor is it universally so regarded today. Where trading is sporadic, commodities are unstandardized and traders are unspecialized, even though a conventional medium of exchange may be used, bargaining tends to be the chief factor in price fixation. Higgling becomes in these circumstances a fine art. Throughout mediaeval times, from the days of the itinerant merchant to the period of the great fairs, a good market from the economic standpoint was one which afforded the parties to a transaction full scope for the exercise of their respective bargaining powers. Similar tactics still prevail in oriental bazaars. They are hardly less conspicuous in the purchase and sale of produce or livestock, other than the primary crop (if there is one), in agricultural regions. They are equally evident in real estate dealings everywhere, even in metropolitan centers, and in the employment of labor, especially for domestic service. That the discrepancies in the prices paid or obtained for substantially identical goods under such conditions offer occasion for chronic complaint is attested by the prevalence of persistent, if nebulous and more or less innocuous, conceptions of just price and of customary standards.

With the advance of commercialism, however, the standardization of goods, the growing dependence upon markets for the disposal of products and for source of provisionment, and the increasing frequency and volume of transactions, the way was paved for the emergence of a new idea of what constituted a good market. A fair price came to be regarded as one fixed by free competition in an open market. The "perfect market" of the classical economists was not an invention of a fertile imagination. It was only a belated rationalization of the common sense of a commercial community.

No sooner, however, had this ideal been explicitly formulated and legally sanctioned than vexatious hindrances to its realization began to appear. The machine technique with large scale production, heavy fixed capital investment, corporation finance, increased standardization of output, social stratification of consumers upon an income basis, and an unremitting pressure, on the one hand for technological advance, on the other for style distinction or novelty—these represent the basic features of the new industrial environment which were destined to play such havoc with the ideal tendency toward a single price. Their common characteristic is a tendency toward the depersonalization of trade and industrial relationships. Together they left slight place in the marketing process for the expression of personal tastes, the exercise of personal powers of suasion or the moderating influence of personal responsibility. Price discrimination in these circumstances was not to be explained in terms of the malevolence, chicanery or cupidity of traders on one side of the market or the other. Even if personal factors were not obliterated from price fixation, the chief source of deviations from the single price tendency, no less than of the forces which in theory sustained it, had to

be sought in the impersonal, objective, mechanistic background of the price making process.

The most common type of price discrimination in supposedly free competitive markets, perhaps the earliest type to develop and certainly the most persistent, is that among different sellers of substantially identical goods. In modern retail trade, especially outside the sphere of influence of the dwindling public markets, there is abundant opportunity for each merchant to exploit his customary patronage by setting market-plus prices upon some goods for which customers do not ordinarily shop around and strong inducement to attract new patronage by offering other goods at market-minus prices. The upshot is that in this field wide discrepancies in the prices of identical goods at the same time within clearly defined market areas are not at all infrequent. Doubtless this may be explainable in terms of the curtailment of free competition, yet the fact remains that these markets are as a rule legally and actually open to all upon the freest terms and that such discrepancies occur despite the absence of any sort of collusion. Moreover they are perhaps more common in large and active metropolitan trading centers than in sparsely settled rural areas.

In wholesale trade, especially since manufacturers have so generally taken over the wholesaling function, this type of price discrimination has become rampant. With the growth of large scale production and the inevitable concomitant of increasing standardization, the urge to "tie" customers to the product of a given manufacturer and thus give him an assured outlet for his mass output resulted first in the widespread identification of products by trademarks and brands. This was followed by more and more frenzied and devious efforts to differentiate the product of each manufacturer from that of his rivals. One outcome was fabulous expenditure for advertising. Another was price discrimination. For in the measure that particular producers were successful in their advertising campaigns they were in a position to do exactly as the retail merchants: exploit their goodwill by charging a slightly higher price than others were charging for substantially identical articles.

This constitutes price discrimination from the standpoint of consumers in the aggregate, notwithstanding the fact that the customers of each merchant or the consumers of the product of each manufacturer are all treated alike. The contention that it may all be explained in terms of the defectiveness of competition, while strictly accurate, leaves out of account the circumstance that no one has ever been able to point out a way in which, within the industrial environment shaped by the machine technique, it is possible at once to retain an open market, foster free competition and avoid discriminatory prices of this type.

The second major type of price discrimination is that among different customers of the same seller. This is ordinarily regarded as the more pernicious or the least defensible, inasmuch as it smacks of deliberate favoritism. That it rests upon subjective rather than objective factors is true only as compared with the first type of price discrimination. Nevertheless, it was undoubtedly upon this ground that it was generally viewed as more obnoxious and that its suppression became a major object of public policy. Accordingly too it has received more attention from economic analysts.

The policy of charging different prices to different customers, or prices disproportionate to the difference in the cost of the goods delivered or the service rendered, found its earliest and most flagrant expression upon a large scale in railroad rate making. It is not less significant that its subsequent history has been intimately associated with the rise of the public utilities, or local public service industries, and with the emergence and expansion of industrial monopolies or trusts. The practise of "charging what the traffic will bear" implies on the one hand a readiness to reduce prices (or rates) to minimum limits well below the net unit cost of a particular class of goods or services offered, if necessary to secure the patronage, and on the other to raise prices (or rates) to maximum limits well above the net unit cost of the goods or services, if feasible without loss of patronage. Where price making is subject to arbitrary decisions within such widely separated limits, the opportunity, indeed the certainty, of discrimination among different buyers is manifest. Whether such discrimination be upon a personal, a geographical, a commodity or some other basis, its existence can have no other significance than a response to the lure of monopoly (how else could the losses on some prices below net unit cost be recouped?) or the exploitation of a monopoly (how else could the extra gains from some prices substantially above net unit cost be obtained with impunity?).

The earliest statutes specifically prohibiting price discrimination of this type were directed against the railroads, but the courts had been

enforcing the same principle in the regulation of public callings generally from mediaeval times. The numerous novel ways, however, in which with the advent of the rail carrier such discrimination came to be employed, such as concealed rebates and through rates favoring terminal points at the expense of intermediate localities, seemed to demand special condemnation. Moreover the vast aggregation of capital which these enterprises represented not only was unprecedented and therefore ground for apprehension, but it plainly made them on the one hand susceptible to close alliance with certain shipping interests and on the other immune to the protests and ill will of other shipping interests not so allied. In the United States the Interstate Commerce Act of 1887 merely followed the precedent of the earlier legislation in the several granger states in taking as its point of departure the evils of rate discrimination. The administrative record of the commission in ensuing years bears witness at once to the elusiveness of the non-discriminatory ideal and to the determination of the public to tolerate no other. In the regulation of local public utilities it appears that rate discrimination did not play the same dominant role. It was rather the danger, indeed the experience, of generally exorbitant rates that prompted such regulation, although here too the rate structure was required to be free of discrimination and favoritism.

The regulation of price discrimination by so-called private enterprises in the broad fields of manufacture and trade has been tardy and slight; in other words, the recognition of the need for some alternative to free competition and caveat emptor as a safeguard against unequal treatment of consumers has been slow. In the United States, where there has occurred the most striking development of industrial monopolization in the form of the trust movement, it was not until 1914 with the passage of the Clayton Act that federal legislation against this practise was adopted. Its limited effectiveness has been due principally to judicial reluctance to depart from the rule that, in the absence of malicious motives, the owner of property may dispose of it upon such terms as he chooses. Its applicability is, however, gradually being extended.

These efforts to protect the public—buyers—from the evils of price discrimination have disclosed the stubborn nature of the practise and have led gradually to some recognition of the powerful economic factors which under certain conditions work toward a discriminatory price policy. These factors are prevalent in many industrial spheres far removed from that of railway transportation, in which their presence was first noted and analyzed. The most prominent is that of heavy fixed costs. It is not only or primarily that a large amount of capital is invested in a particular enterprise, for large is a purely relative term and so much might justly have been said, for example, of investment in a Venetian trading venture to the Levant in the fourteenth century. But modern industries employing the machine technique are characterized by heavy fixed costs in another sense. They require an irrevocable commitment of vast funds which cannot be and are not expected to be returned to their owners except piecemeal from continuous operation over a long period of years. Moreover not only is it impossible for such investments to be readily withdrawn, but as a rule they cannot readily be expanded in accordance with changes in market conditions, a fact which has more often been overlooked. Increased capacity cannot usually be given a coal mine shaft, a railroad right of way, an electrolytic copper refinery, a petroleum well or a blast furnace by piecemeal additions. None of them is incapable of duplication; but since, for one basic reason *inter alia*, surface area does not increase proportionately to increase of capacity of containers, it is much more economical to provide originally for units of large capacity relative to the contemplated initial requirements.

Business enterprises therefore find that as a substantial part of their total costs are inelastic, neither declining with a reduction of operations nor increasing with an expansion of operations, they have a strong inducement not to curtail output; they will try rather to augment it upon any terms whereby the old business retained or the new business secured contributes something, even if little, over and above the expenses for which it is directly responsible, to the meeting of these inelastic costs. Where there is a wide variety of potential uses for the output of the enterprise, as in the case of railway transportation services, the opportunity is greatest for an advantageous employment of the discriminatory price policy of charging what the traffic will bear. In few industries, however, is the demand for the product entirely homogeneous, and business men are continuously and assiduously experimenting to discover new divisions of their respective markets as a basis for formulating discriminatory price policies in the interest of

maximum utilization of capacity, maximum spreading out of fixed costs and maximum profits.

A second basic factor promoting price discrimination in many industries organized and operated along modern, mechanistic lines is that of joint costs. Wherever large scale operations predominate there is bound to be an accumulation of materials unutilizable for the major product. Under conditions of production upon a small scale it may be most economical to allow these secondary materials to go to waste. It is seldom so when the concentration of production decreases the cost of their assembly for an alternative use and increases the cost of their disposal unutilized. Moreover advances in technology, perhaps especially in connection with the development of chemical processes, are continually disclosing new ways for utilizing industrial materials. Finally, the advantages attendant upon the integration of successive processes in a given branch of industry have brought into technical and administrative conjunction the manufacture of numerous commodities which were once the output of entirely distinct trades. This integrative tendency has added greatly to the range of products produced under conditions which from the business, if not from the strictly technical, standpoint approximate the joint cost conditions so long recognized in and so well typified by the production of mutton and wool in sheep raising.

When this condition is linked with that of heavy fixed costs it creates a special susceptibility to price discrimination. The producer who has no means of gauging the unit cost of any product produced jointly with one or more others, and who is under a strong pressure to keep up and even expand his output, is easily induced to adopt the convenient policy of charging what the traffic will bear. Indeed he can follow no other policy. The buyers of some of these products will inescapably be required to absorb or indemnify the seller for a disproportionate share of the unallocable joint costs, in accordance partly with the degree of elasticity of the demand and partly with the degree of uncontrollability of the supply.

A third factor tending to encourage price discrimination is geographic dispersion of producers selling in a wide but common market. This factor is peculiarly applicable to industries turning out heavy or bulky products upon which transportation costs are relatively high. Prior to the development of railway transportation, when the markets for such products were perforce local and production was in any case upon a small scale, there was little opportunity for price discrimination in such industries. Under modern conditions, however, a few widely scattered centers of production supply what is essentially a national market, yet the geographical dispersion of particular producers among and around these centers may easily be, indeed actually is, such as to create special zones of relative immunity from outside competition in the vicinity, freightwise, of each plant. Each producer is thus tempted to take full advantage of his favored position in the area adjacent (freightwise) to his plant, which with more than ordinary justice might be termed his tributary market, and to achieve sales volume and therewith reduction of unit costs by quoting less and less remunerative prices to more and more remote customers. In this way each producer comes to be a confirmed poacher upon the market territory tributary to other producers. If the price structure is represented in a three-dimensional figure, the net realization prices of the producers, instead of forming a level plain as contemplated by the theory of free competition, make a hilly territory with the hilltops at the production centers and the valleys in between.

These conditions are most strikingly evident in the case of steel, lumber, cement, salt and sugar; but it is obvious that they are not confined to a narrow range of industries. Indeed so ubiquitous are they in modern industry generally that in the sphere of international trade they have latterly led to a practise of dumping (*q.v.*) on such a wide scale as to make this species of price discrimination hardly less notorious than that which first seriously challenged public attention, railroad rebating. Within domestic markets the unhindered pursuit of this type of discriminatory price policy is so full of jeopardy to the producers and so opprobrious to the consumers that persistent efforts have everywhere been made to limit and regularize (although not, be it noted, to eliminate) the discriminations. In the United States the most favored device to this end has been what has come to be known as the basing point price policy. The several scattered producers jointly agree to sell only upon a delivered price basis, which in each instance is so calculated as to include freight from a common basing point, arbitrarily selected, plus the base price of the producer (supposedly determined independently). A price structure so framed

retains glaring discriminations among the customers of each producer; but it does work to eradicate the individually arbitrary, unpredictable and marketwise demoralizing discriminations of particular producers upon successive sales, in short, to standardize the discriminations and thereby to forestall a general, cut-throat price war among the producers. From their standpoint this is its sufficient justification.

It should be clear that the extirpation of discriminatory price policies is not easily to be achieved or indeed altogether to be desired. The advantages to producers from discrimination under certain conditions are not outweighed or even balanced by the disadvantages to consumers. Nevertheless, the susceptibility to abuse of the practise is ever present, since its appearance is always associated with incipient or actual monopoly. The simple fact is that a genuine competitor cannot afford to discriminate, while a monopolist cannot afford not to discriminate. But it does not follow that genuine competition is everywhere feasible, let alone salutary. Nor is it to be conceded that monopolization without any curb upon the kind or degree of discrimination practised is socially beneficial simply because it may be the "natural" outgrowth of a wasteful competition. Increasingly the social attitude toward price discrimination, like that toward the profit seeking organization of industry from which it springs, is being determined by a matter of fact calculation of its specific effects in particular instances. But there appears also to be a growing realization that an adequate check upon the intolerable abuses to which it is in practise subject cannot be provided short of the institution of some integral counterbalance to the profit seeking motive in the organization of industry itself.

MYRON W. WATKINS

See: VALUE; PRICE; COST; CORRELATION; MARKET; MONOPOLY; OVERHEAD COSTS; LARGE SCALE PRODUCTION; UNFAIR COMPETITION; CUT-THROAT COMPETITION; ADVERTISING; RESALE PRICE MAINTENANCE; TRADEMARK; DUMPING; TRUSTS; RATE REGULATION; PRICE REGULATION; TRADE ASSOCIATIONS; STABILIZATION, ECONOMIC.

Consult: Clark, J. M., *Studies in the Economics of Overhead Costs* (Chicago 1923); Pigou, A. C., *Economics of Welfare* (4th ed. London 1932) chs. xvii–xviii; Fetter, Frank A., *Masquerade of Monopoly* (New York 1931); Ripley, W. Z., *Railroads: Rates and Regulation* (New York 1912) chs. vi–vii; Prouty, Charles A., *Railway Discriminations and Industrial Combinations*, American Academy of Political and Social Science, Publications, no. 266 (Philadelphia 1899); National Industrial Conference Board, *Public Regulation of Competitive Practices* (rev. ed. New York 1929) ch. iv; Seligman, E. R. A., and Love, R. A., *Price Cutting and Price Maintenance* (New York 1932); Viner, Jacob, *Dumping* (Chicago 1923); Brown, H. G., *Economic Science and the Common Welfare* (5th ed. Columbia, Mo. 1931).

PRICE REGULATION is the intervention of government in the formation of prices, ordinarily by legislative act, with a view to raising, lowering or stabilizing them. Whenever a government is the only or the principal supplier of goods or services, it regulates their price by virtue of its monopolistic position. Thus in all countries prices of the postal services are regulated directly through fixed rates. This form of direct price regulation is present also wherever governments operate monopolies either for taxation purposes, as in the case of tobacco, spirits and matches in many countries, or for some wider political or social objective, as in the case of railroads in others. Governmental fixing of maximum and minimum prices, for example, the controlled rents in Germany during the inflation period or the guaranteed wheat prices in England during the World War, also constitutes direct price regulation.

It might appear that private monopoly in its various forms also engages in price regulation; the diamond syndicate, for instance, fixes prices unilaterally by agreement among the several producers and dealers, steadying and regulating them by transforming them from competitive into monopoly prices. Such price arrangements among individuals or groups ought not, however, to be called regulation. For price regulation is essentially a form of price policy; indeed in a society based on exchange it is the most important aspect of economic policy and as such is exclusively a function of government. It is a political, not an economic act, although it is almost always economically motivated and without exception leads to economic consequences. Governments may delegate the function to private groups, as in the case of the so-called *Aussenhandelsstellen* organized by the German government during the inflation period to fix export prices in the various trades. Or they may entrust a private group with the administration of a monopoly, such as the clove monopoly exploited by the Dutch East India Company. Apart from such cases the fixing of a monopoly price by a private group should not be termed price regulation. Nor is government toleration regulation: government non-intervention in a monopolistic market is quite as negative as that

in a competitive market, although perhaps less justified. But when private groups succeed in getting a monopoly price on the home market as a result of government restrictions of imports or tariff or monetary policies, it may properly be said that indirect price regulation is taking place.

Indeed indirect is far more frequent than direct price regulation. Import and export duties, quotas, subsidies and premiums raise or lower prices by dosing the quantities admitted to the market, although the price of the protected commodity is not fixed. Sliding scale duties have been used to introduce greater fixity of price, as in the case of the English corn laws from 1814 to 1841, through variation of the duty in proportion to the price on the home market. Such earlier forms of tariff control were less effective in the establishment of absolute prices than the more recent devices of quota and import boards; but all such regulation is indirect and relative, its incidence on producers and consumers varying considerably.

Regulation has generally been concerned with the prices of particular commodities or at most of a series of connected or related services and commodities, such as bread and beer in mediaeval England. The object is essentially that of more favorable treatment or discrimination in relation to other price groups. Controlled prices of basic goods and services are automatically transmitted forward; thus rent control in Germany reduced housing costs to next to nothing, enabling employers to keep wages low and providing them with a kind of (dumping) premium for exports On the other hand, regulated prices of final consumers' goods are shifted backward; for example, wheat prices successfully raised by duties or government purchase are quickly reflected in inflated land values.

A general and equal regulation of all prices is meaningless: there is no object in fixing the price of wheat 10 percent above the market if the wheat growers' income is at the same time devaluated by 10 percent. The demand for general price regulation is equivalent to a demand for currency and credit manipulation: for inflation, deflation, reflation or stabilization. It implies regulation of the price level, not a general pro rata overhaul of all prices at the same time. General regulation of prices by some sort of price schedule has been attempted after an arbitrary diminution in the purchasing power of the monetary unit, in order to prevent this change from finding expression in prices. But in this case its object is the maintenance of a price structure in which the relative position of component prices toward each other is stabilized. Vice versa monetary changes, inflation or reflation, are advocated when a rise of all prices is desired. Experience has shown quite clearly that monetary changes do not affect all prices equally and at the same time. Fixed salaries and fixed charges do not fall or rise proportionally to the fluctuation of general commodity prices. Therefore the demand for general price regulation by monetary means is essentially a demand for preferential treatment, sometimes of fixed income (deflation), but in most cases of variable income (inflation). It implies the regulation of particular prices which tend to depart from the existing relation to other (stable) prices, although its avowed object is simply the stabilization of the purchasing power of money.

Price regulation by an external authority is inevitable when there is no market mechanism for the comparative valuation of exchangeable commodities. For this reason schedules setting forth the values of different goods in relation to each other appear very early in the history of mankind. There is a table of fixed prices in the old Celtic laws (the Brehon Laws) in which all values are set, calculated in relation to the standard commodity, the cumhal, or female slave.

Early economic systems are constantly threatened by scarcity and uncertainty and some form of emergency price regulation is frequently necessary to offset the effects of disequilibrium. Indirect price regulation was initiated by Joseph when he withdrew grain from immediate consumption, contracting supply in the years of plenty and spreading it over the lean years, a case of primitive "valorization" which succeeded because of an accurate forecast of coming events. Price regulation has more often been applied after a disturbance of the equilibrium of demand and supply either by physical scarcity, by monetary depreciation or by a combination of both. Thus the famous Edict of Diocletian (301 A.D.), which tabulates a series of maximum prices mainly for mass consumption goods and for wages, probably resulted from a depreciation of the copper currency, from which the legionaries in particular suffered severely. Physical scarcity of goods may also have been involved, for a rapidly depreciating currency has always caused a deficiency of goods. The edict represents one of the earliest experiments in fairly general price regulation, for it attempted to coordinate all important prices with each other as well as with a depreciated currency.

This most famous of the many efforts to restore the equilibrium between money and goods, not by abolishing the causes of the disturbance but by forbidding people to profit from their consequences, failed completely.

Similar decrees have been issued again and again when there has been danger of scarcity. After Alfonso x had debased the Spanish currency, he endeavored to counteract the effects of this policy by decreeing maximum prices for bread for the entire country (1256). And when the great influx of precious metals into Spain after the first quarter of the sixteenth century had led to rising prices all over the peninsula, there was resort not only to indirect methods, such as the forbidding of exports and attracting of imports, but also to the imposition of price maxima in an effort to combat poverty, scarcity and dearth.

Mediaeval economic activities were of a kind appropriate to a more or less stable society, in which fluctuations of prices were considered senseless as well as immoral and illegal. Consumers, who had to have stable living costs to match stable incomes, were protected by a policy of "guaranteed sufficiency" best expressed by the Spanish term *policía de los abastos*. Producers needed a fixed income that they might live according to the standards of their class and satisfy consumers' wants regularly by continued production. In a stable well balanced market a "just price" which guaranteed to both a stable income and a stable position could normally be agreed upon by the parties themselves; if they failed or could not be trusted, the state intervened by fixing a price which gave the necessary minimum to the producer and safeguarded the consumer by a maximum. Such enactments were successful whenever they expressed a true equilibrium. When they failed to do so they were circumvented. Thus the Spanish peasant was quite willing to sell wheat at the legal maximum as long as the purchaser compensated him by buying olives and wine, which were free from control, at proportionally enhanced prices.

The recurrence of scarcity or monetary disorder led to an application of mediaeval principles of defense whenever such dangers threatened, even after problems which had been local and municipal became national and universal. And in many cases administrative difficulties which had baffled a mediaeval town council could be overcome by a skilled bureaucracy. Thus when the Terror (1793–94) was disorganizing France by de[illegible]ying personal as well as monetary security, maximum prices were fixed to prevent famine; and the revolutionary government was strong enough to enforce the maximum price whenever buyer and seller met openly. It could not, however, make supply flow to the market; and the maximum price system, although supplemented by requisitions, soon had to be abandoned.

The World War, which ushered in a period of more or less extreme physical scarcity in most countries, accompanied and augmented by violent currency depreciation, led almost universally to far reaching experiments with price regulation. Such regulation was made possible in the first place because of the enhanced power of government, due to military control and military necessities, and the patriotic sentiments which made people willing to suffer control as well as privations. It was made necessary by the fact that reliance on the natural play of demand and supply was out of place when victory was the only objective. Before the imposition of controls, the ordinary satisfaction of economic wants and desires became a mere side issue and costs were of secondary importance provided goods were furnished; as a consequence prices rose rapidly. Control of some sort became inevitable as well as possible.

Many different methods and forms of price regulations were adopted in the various belligerent and neutral countries. Agreements between buyers and purchasers were concluded more or less compulsorily; central government buying was resorted to in order to prevent price raising in a market of terrified consumers. In many countries a cost-plus system was developed under which producers and retailers were allowed to augment prices above their material costs by certain legal margins. A number of governments guaranteed minimum prices in order to assure continued production, particularly in the case of foodstuffs. Maximum prices of necessary goods were fixed to protect consumers. As the war continued, rationing and purchase by coupon were used to supplement or as a substitute for price maxima. Sugar, butter, margarine, lard, meat, bacon and ham, jam, tea and cheese were at one time rationed in England; in Germany the list included bread and many other necessaries. Quantitative reduction of demand and guaranty of supply prevented frenzied competition, while requisitioning kept the producer from holding back.

These various systems of price control succeeded as long as physical necessities did not

press too hard and morale was good. Where hungry buyers and profiteering sellers combined to evade the law, the systems broke down and the well to do procured extra supplies above the maximum price. Since demand continued to exceed supply more and more as the war went on, the success of price regulation was bound to be incomplete; no system for distributing insufficient supplies backed by shrinking means of production can ever be successful. Broadly speaking, war experience indicated that direct price regulation by means of maxima and minima can work only if the prices fixed regulate the flow of goods in the quantities and in the directions needed.

After the Armistice a wartime economy continued in many countries, with inflation taking the place of physical scarcity. While in the United States a return to unregulated prices was effected almost immediately, in most countries price control was continued and in some cases intensified. Socialistic theory and bureaucratic war experience combined to make regulation attractive to many. But social dislocation made enforcement far more difficult, while the opening of frontiers and the flight from declining currencies presented new problems. Exchange control nowhere prevented flight of capital, but in a number of countries a system of guaranteeing a minimum price for the national currency was evolved.

Price control had not completely disappeared in 1929 when the world crisis made new regulation inevitable. During the previous decade the economic structure of most countries had become more rigid. Fixed costs and overcapitalization had increased, while collective bargaining diminished the elasticity of labor. Successful monopolistic industries and labor in sheltered trades refused to lower their prices. The result was an ever increasing impact on the prices of agriculture and of competitive industries. Half of the economic system remained fluid, but the other half became rigid, until the state was obliged to step in and attempt to restore equilibria. In Germany under Brüning monopoly prices were cut 10 percent by government decree, although some powerful groups were excepted; wages were reduced in the same ratio, and interest was cut by 25 percent. The argument was that labor would not accept a reduction in wages if bondholders were not subject to similar sacrifices, a political argument economically unsound. For in countries with high rates of interest there was no overproduction of loan capital corresponding to the glut of labor. But as political forces had had their share in the erection of the existing price structure, they could not be neglected when it broke down. In many countries interest was cut compulsorily either directly (as much as 22.5 percent in Australia) or indirectly by moratoria or by systematic currency depreciation. Minimum prices for the national currency were in most countries established successfully for the open market but were evaded, in many cases legitimately, by private clearings and "blocked" accounts. The emergency legislation inaugurated in the United States in 1933 represented a combination of general (monetary) price regulation with the establishment of minimum prices. The Federal Reserve Banks attempted to pump money into the market by buying government bonds on a large scale, while the government itself undertook an extensive public works program financed by borrowing. To counteract the resultant rise in stock market and commodity prices and to prevent them from outrunning wages and purchasing power an attempt was made to establish minimum prices for labor on a national scale, to contract labor supply by shortening hours and to raise purchasing power by the absorption of unemployed labor at stable wages. Increased costs of production were expected to be compensated for by increased output. Provision also was made for the fixing of industrial commodity prices, while agricultural prices were to be regulated by control of supply, the farmer agreeing to reduce production in return for a subsidy derived from a processing tax falling ultimately on the consumer.

Price regulation, however, has not always been of an emergency character. To economic liberalism governmental regulation of any kind was but clumsy interference with the complicated play of the economic forces of supply and demand. Liberalism's chief positive contribution to practical economics was the freeing of the markets on which prices were formed, by making land, labor and capital freely exchangeable. Had it succeeded in establishing a complete system of free competition among equals, there might have developed a price system which with absolutely no intervention would have satisfied the wants of all members of society better than any other system. But this liberalism failed to accomplish. Indirect price regulation was present throughout the nineteenth century, in the form of tariffs and later of social legislation. Thus although wages were left to be determined by

the play of supply and demand, restriction of working hours for women and children, in reducing the total labor supply, represented the beginning of indirect price regulation. Moreover government services to the public, the telegraph, for instance, were constantly being expanded; and as exclusive supplier of such services the government regulated their prices quite as directly as it regulated the salaries of civil servants. The prices of many public conveniences, like cabs and porters' services, had always been regulated by a price schedule in most European countries. Consumers were never quite unprotected. A maximum price for capital was maintained in the usury legislation of most countries long after the canonical injunctions against the taking of interest had fallen into oblivion.

The dangers of monopolies had been visualized and attempts made at their regulation long before the development of railroad transportation forced the issue to the front. Land monopoly had been attacked repeatedly, especially in countries like Ireland, where the agrarian crisis after 1879 finally led to the passage of the Irish Land Act of 1881 which created a tribunal with power to fix statutory rents for the majority of Irish tenants for a term of fifteen years. As agricultural prices continued to fall, new reductions became inevitable before the end of the statutory term. These periodical rent fixings, in many cases beneficial, led in others to wilful deterioration of the land. They did not destroy the monopoly price of land but ultimately shifted monopoly profits to the tenant, who finally became his own landlord.

The formation of monopoly prices was early attacked through legislation making monopolies illegal. Mediaeval statutes provided severe punishments for forestalling on the market; later, labor coalitions as well as combinations among manufacturers were strictly forbidden. The argument was that monopoly prices must be prohibited at all costs, since they not only give undue power to favorite groups and permit a discrimination in favor of privileged interests but also include an element of taxation levied by one citizen upon others. Early state constitutions in the United States (Maryland 1776, art. XXXIX) as well as later state legislation (Kansas 1889), following English common law precedent, made combinations in restraint of trade illegal. The federal antitrust act of 1890, the so-called Sherman Act, and the Clayton Act of 1914 extended such prohibitions to the entire union. Similar attempts at the suppression of monopoly have been made in other countries. As late as the end of November, 1923, a tribunal, the Kartellgericht, was created in Germany to regulate cartels, and it proceeded to declare some combination agreements illegal.

Monopolies have survived all attempts to abolish them and monopoly prices play an increasing part in modern economics. According to theory intelligent monopolists might be relied upon to keep prices so low as to extract from them the optimum profits. But since it cannot be assumed that all monopolists know the true theory of monopoly or that they always act according to it, the public is in need of protection. One form of such protection has been for the government itself to operate necessary or desirable monopolies, on the ground that the state can be trusted to treat all customers fairly and equally. A governmentally fixed monopoly price may indeed include a tax element; but there is no moral reason why the public authority should not levy taxes in this manner, while there is every reason why private citizens should not tax other citizens.

Nationalization of the railroads and municipal ownership of public utilities were resorted to in many countries in the late nineteenth and the early twentieth century. Where monopolies remained in private hands, price regulation became inevitable. It was ordinarily accomplished in one of two ways: government approval or disapproval of price schedules prepared by monopolists, or the fixing of prices by the government when granting a monopoly charter. In both cases such regulated prices were at first maximum prices; in practise they tended to be far higher than the rates actually charged. The need for greater flexibility and greater differentiation led in time to the appointment of special regulative commissions or tribunals. In the United Kingdom the Railways and Canal Commission was established in 1873, supplanted in 1921 by the Railway Rates Tribunal. In the United States administrative commissions were early set up by most of the states, and in 1887 the Interstate Commerce Commission was created by the federal government to prevent price discrimination, its powers being extended by subsequent legislation to make it in practise the rate fixing authority for the railroads.

Price regulation by such means is relatively easy in periods of economic stability, although even then it raises serious issues. When marked changes in the general level of prices are taking

place, the proper correlation between the price of the services and the value of the huge invested fixed capitals generally used as the basis for rate making presents grave problems to any administrative body. Price regulation must consider not only the immediate interests of the consumers and producers but those of the owners of the services as well. Partly for that reason and partly because some obvious standard was necessary, regulation has usually centered on the level of profits rather than of prices. Both the British Railways Act of 1921 and the United States Transportation Act of 1920 provided for the adjustment of prices and tariffs so as to yield a standard profit on the capital invested. Legal limitation of profits as a means for limiting prices has been tried also in other cases. Taxation of unearned increment from urban property has been widely advocated as a means of preventing speculative rises in value of real estate. In most countries banks of issue are limited as to profits, partly to induce them to keep discount rates low. During the World War the excess profits tax was utilized with the object of making profiteering useless. While some of these measures have been very successful from a fiscal point of view, their effect on price regulation has been less evident.

The forms of price regulation thus far discussed have been devised to defend consumers' interests. But price regulation is also being used on an ever increasing scale for the safeguarding of producers' claims to the maintenance of standards of living and (often inflated) capital values. One method is that of a guaranteed minimum price, high enough to cover the costs of the submarginal producer, maintained by a government monopoly which acts as purchaser and as distributor. Thus the Swiss government, for instance, in 1915 established a grain monopoly which bought all imported grain and paid to home growers world market prices plus certain increments fixed every year. A similar protection can be given by the taxing of foreign supplies at such rates as will enable the home producer to sell at a fixed remunerative price.

Direct methods for regulating the price of labor have long been used. Early English legislation, after the Black Death, regulated the price of labor in the interest of the employers. Minimum wage regulation in the interest of the laborer may be said to have begun in 1795, when the Berkshire magistrates' meeting at Speenhamland decided to supplement wages paid by the farmers to the poor by money allowances on a sliding scale regulated by the price of bread although the system, conceived originally to provide a living wage for the poor, developed into a premium to farmers and later to manufacturers for keeping wages low. The fixing of minimum wages by law began in Australia in 1896 and has since been adopted in more or less attenuated form in most western countries. The great development of collective bargaining in many countries after the World War led to joint monopolistic fixing of the price of labor by organized employers and employees, with the fixing of an "obligatory" compromise wage by the state in some countries when an agreement could not otherwise be reached.

Indirect price regulation in the interest of the producer has been very frequent. Most forms of protection fall into this category. By eliminating or discriminating against goods produced under more favorable conditions protected industries hope to contract supply; they usually fail, however, since protection stimulates production in the sheltered countries without diminishing it abroad. They therefore resort to monopoly to limit production or to restrict supply in the protected markets by dumping the surplus abroad. In collective bargaining labor has applied the same principle.

The usual contribution of governments to this type of price regulation takes the form of facilitating tariffs and quotas or labor legislation. When combines are made compulsory, as in the German potash industry, or when collective bargaining is universally enforced, as in Italy, governments have proceeded from toleration and aid to positive intervention. And when they buy up stocks with the taxpayers' money (cotton and wheat through the United States Farm Board) or finance the holding back of such stocks either by lending government money (Brazilian coffee loans) or by guaranteeing the banks to hold up prices (Canadian wheat pools), they are on the road to direct price regulation. If they do not guarantee a minimum price, they help to maintain one by curtailing supplies. There is a close analogy in the labor market: as long as unemployment benefits are paid by the unions themselves, the price of labor is still privately regulated; but when the taxpayers share the cost of unemployment benefits, thus helping to raise the price of labor by limiting its supply, an element of government regulation is present.

From suffering private monopoly governments have been forced to subsidize and ulti-

mately to organize it, whenever the maintenance of agreed prices was considered essential to safeguarding either the income of submarginal producers or the values of inflated capital or the continuation of production. Subsidies are not always paid in cash; they can take the form of taxing the home consumer by permitting and encouraging dumping or by limiting imports to quotas which are to be sold in the home market at monopoly prices (meat and bacon in England, steel in Germany). An even closer approach to direct price regulation occurs when governments take a hand in organizing private monopoly, either by making combinations compulsory or semicompulsory (German potash legislation, English agricultural produce quotas) or through more complicated methods.

Price regulation on a remunerative basis is apt to destroy itself by stimulating overproduction both abroad and at home. To avoid this it is necessary to restrict the production of new factories or plantations or resort to the physical destruction of superfluous stocks. For such purposes coercive legislation is essential, especially when international cooperation is needed. In German potash legislation the establishment of new concerns as well as the sinking of new shafts is prohibited, while existing enterprises are subject to compulsory quota reductions. Cuba has restricted the production of sugar and Brazil that of coffee. The United States is trying to induce farmers to restrict the cotton and wheat areas. Experiments with sugar, rubber, steel, oil, nitrate and other raw materials have shown that successful regulation in such cases depends on support from all producing countries, which is secured only with great difficulty. When restriction of future production proves inadequate to maintain a price, physical destruction of existing stocks may be necessary. In Germany superfluous shipping has been compulsorily "wrecked." After having valorized coffee successfully by the storing of surplus stocks through loans and by prohibiting the planting of trees (1902) the Brazilian government was confronted in 1929 with a huge surplus; an export tax of ten (later fifteen) gold shillings per bag was imposed, from the proceeds of which one million bags a month were bought and definitely withdrawn from the market by being burned.

It is relatively easy for an efficient government to insist on the observation of maximum and minimum prices in all dealings which come to its knowledge. On the other hand, evasion of the law is not difficult wherever transactions can be carried on clandestinely. Thus rent control was far more effective than most types of price regulation since houses can be neither hidden nor withdrawn from the market, although even here grave abuses developed in Germany during the inflation. The real problem in price regulation, however, is not the enforcement of maxima or minima but the accurate estimate of the influence of such regulations on supply and demand. While a maximum price which is too high is useless, a maximum price which is not considered remunerative leads inevitably to scarcity; if the goods are produced, they do not appear on the market but are either consumed or transformed by the producers or sold clandestinely, until government requisitions and perhaps compulsory cultivation of some sort become necessary. A minimum price which is too high will increase the evil which it is meant to obviate: it will stimulate overproduction and make necessary forced reductions of area under cultivation or destruction of stocks. A minimum price which is too low will greatly endanger production if consumers are not willing to exceed it. To be successful the legislator must strike what is really a "just price." But in a competitive system such a just price is unworkable: producers do not produce under identical cost conditions, and consumers have not the same purchasing power. It is indeed this fact and this alone which makes for price regulation, which aims always at the protection of the weak consumer and the safeguarding of inefficient producers. Therefore price regulation is bound to result in the creation of monopoly, under which submarginal producers can be protected while price policies can be subjected to supervision in the interest of the weak consumer.

It is not difficult to set prices for commodities produced under monopoly conditions and see to it that they are properly observed. It is most difficult to judge of the social effect of such regulation, so great and so complex is the repercussion of regulated prices both on other regulated prices and on competitive prices. Fixed prices may or may not serve the interests of those immediately concerned better than would non-regulated prices. To judge from the analogy of privately set monopoly prices it is quite possible that the benefit accruing to those enjoying regulated prices may be offset by damage to other interests. It is also possible that in a society in which all prices were regulated, the relative position of various types and groups of incomes

might not be more advantageous or socially desirable than in a non-regulated society.

MORITZ JULIUS BONN

See: PRICES; VALUE; PRICE DISCRIMINATION; JUST PRICE; PRICE STABILIZATION; STABILIZATION, ECONOMIC; RATE REGULATION; RENT REGULATION; VALORIZATION; PROTECTION; GOVERNMENT OWNERSHIP; MONOPOLIES, PUBLIC; SOCIALIZATION; WAR ECONOMICS; MINIMUM WAGE; MONOPOLY; TRUSTS; TRADE ASSOCIATIONS; RESALE PRICE MAINTENANCE; PROFITEERING; EXCESS PROFITS TAX; NATIONAL ECONOMIC PLANNING.

Consult: Stern, Ernst, *Der Höchstpreis* (Munich 1923); Robinson, Joan, *Economics of Imperfect Competition* (London 1933); Sonnet, Louis, *Utopies économiques* (Paris 1928); Pigou, A. C., *Economics of Welfare* (4th ed. London 1932) ch. xii; Alsberg, M., *Preistreibereistrafrecht* (7th ed. Leipsic 1922); Lehnich, Oswald, *Kartelle und Staat* (Berlin 1928); Lacy, Mary G., "Food Control during Forty-six Centuries" in *Scientific Monthly*, vol. xvi (1923) 623–37; Bücher, Karl, "Die diokletianische Taxordnung vom Jahre 301" in *Zeitschrift für die gesamte Staatswissenschaft*, vol. 1 (1894) 189–219; Davis, Andrew McF., "The Limitation of Prices in Massachusetts, 1776–1779" in Colonial Society of Massachusetts, *Publications*, vol. x (1907) 119–24; Dunbar, William H., "State Regulation of Prices and Rates" in *Quarterly Journal of Economics*, vol. ix (1894–95) 305–32; Clark, J. M., "Frontiers of Regulation and What Lies Beyond" and Wright, Chester W., "The Economics of Governmental Price Regulation," and discussion in *American Economic Review*, vol. ii (1912) supplement 3, p. 114–25, 126–31, and 132–42; United States, War Industries Board, *Government Control over Prices*, by P. W. Garrett, I. Lubin, and Stella Stewart (1920); Litman, Simon, *Prices and Price Control in Great Britain and the United States during the World War*, Carnegie Endowment for International Peace, Preliminary Economic Studies of the War, no. 19 (New York 1920); Surface, F. M., *The Stabilization of the Price of Wheat during the War and Its Effect upon the Returns to the Producer* (Washington 1925); Morse, Lewis K., "The Price-Fixing of Copper," and Taussig, F. W., "Price-Fixing as Seen by a Price-Fixer" in *Quarterly Journal of Economics*, vol. xxxiii (1918–19) 71–106, and 205–41; Beveridge, W. H., *British Food Control*, Carnegie Endowment for International Peace, Economic and Social History of the World War, British series (London 1928); Terhalle, F., *Freie oder gebundene Preisbildung?* (Jena 1920); United States, Bureau of Foreign and Domestic Commerce, "Price Regulation and Production Cost in Germany" by C. E. Herring, *Trade Information Bulletin*, no. 14 (1922); Beitz, W. E., "German Decree of December 8, 1931, Reducing Prices, Wages, etc." in *Monthly Labor Review*, vol. xxxiv (1932) 588–93; Fleischmann, Edgar, *Das Getreidemonopol in der Schweiz* (Zurich 1921); Wilkinson, H. L., *State Regulation of Prices in Australia* (Melbourne 1917); Sutch, W. B., *Price Fixing in New Zealand*, Columbia University, Studies in History, Economics and Public Law, no. 371 (New York 1932); Rowe, J. W. F., "Studies in the Artificial Control of the Raw Material Supplies," Royal Economic Society, *Memoranda*, nos. 23, 29, 34 (London 1930–32); Lynsky, Myer, "Agricultural Price-Supporting Measures in Latin America" in Pan American Union, *Bulletin*, vol. lxvii (1933) 567–90; United States, Bureau of Agricultural Economics, *Price Fixing by Governments 424 B.C.–1926 A.D., a Selected Bibliography*, compiled by M. G. Lacy, A. M. Hannay, and E. L. Day (1926).

PRICE STABILIZATION. The many theories of economic, monetary or price stabilization developed during the nineteenth and twentieth centuries may be grouped roughly into two forms of profit-share theories, descending respectively from Malthus and Rodbertus, and two forms of profit-margin theories, descending respectively from Thornton and Ricardo. The profit-share theories place the emphasis upon the share of the national money income going to the "dynamic" factor, profit (Schumpeter), and upon the resultant economic disequilibrium or stabilization. For the United States in 1925 this share was estimated by W. I. King to be 25 percent of the national income. The profit-margin, which is at the basis of the other group of theories, comprises the variable margins of profit and loss as compared with the gross sales income in individual establishments. If stated in averages for all manufacturing and mercantile corporations in the United States this margin has apparently ranged in recent years from an average loss of 1 or 2 percent on sales in years of falling prices (1921, 1924) to an average profit on sales as high as 6 percent in a year of rising prices (1919), the median of the averages for ten years being less than 3 percent (United States, Treasury Department, *Reports*, Commissioner of Internal Revenue on Income of Corporations).

It is noteworthy that the legislative measures adopted in the United States from March to June, 1933, placed in the hands of the president the means of making experimental tests of practically every type of price stabilization theory. The expansion of public works and reforestation included in the legislation and in presidential policy comes from Malthus, who advocated a large increase of "unproductive" expenditure by landlords and government during the similar period of falling prices after 1815. By this he meant the production of services not coming upon the money markets and therefore not depressing commodity prices, but restoring employment for the unemployed, maintaining wages and increasing the consumer demand for commodities. Ricardo, on the other hand, was advocating further depression of wages and re-

duction of taxes and government expenditure, in order to increase the margins for profit and thereby to enable employers to take up the unemployed on the lower level of prices.

Malthus set up his theory as a means of recovery from depression. K. J. Rodbertus in 1837 ("Die Forderungen der arbeitenden Klassen," reprinted in *Aus dem literarischen Nachlass*, ed. by Adolph Wagner and T. Kozak, 3 vols., Berlin 1878–85, vol. iii, p. 195–223) and J. A. Hobson in 1922 (*The Economics of Unemployment*, rev. ed. London 1931) put forward similar theories as indicating the cause of depression and falling prices. According to Rodbertus the landlords and capitalists absorb for savings and investment the increasing output of technological productivity and the laborers are therefore unable to buy back for consumption what they have produced. The resulting overproduction, unemployment and falling prices can be prevented only by government action in establishing a normal working day and readjusting it, as well as wages, from time to time so as to guarantee to workers a proportionate share in the increasing productivity of labor. Trade union philosophy of the nineteenth century largely adopted this theory while substituting labor organization for government control. The theory came to the fore again during the fall in prices after 1920. As formulated by William Trufant Foster and Waddill Catchings (*Money*, 3rd ed. Boston 1927) it pointed to a supposed lag in purchasing power of wage earners due to the operation of the credit system, as a result of which laborers are unable to purchase, at the time of production, the whole of what they are then producing. Although these share theories err in interpreting the cause of depressions and unemployment, they may well be valid as a partial statement of the problem of creating consumer demand after a prolonged depression has made employers, investors and bankers afraid to borrow and lend for future production, when only government can create demand by producing at a loss, as it does in time of war.

The Thornton sequence of profit-margin theories began after the suspension of specie payments by the Bank of England in 1797 with the publication of Henry Thornton's *An Inquiry into the Nature and Effects of the Paper Credit of Great Britain* (London 1802). They are forms of a central bank discount theory. Thornton said that the upward limit to the quantity of paper credit (banknotes) turned principally on a comparison of the rate of interest taken at the Bank of England with the current rate of mercantile profit. If the bank rate was below this margin for profit, merchants would increase their borrowings and the bank, no longer restricted by legal gold reserve requirements but judging its creation of bank credit only by the solvency of borrowers, would continue to expand its issues of paper money to meet the "legitimate" demands of solvent business on the rising level of prices. But if through a rise in the bank rate the quantity of circulating medium ceased to increase, then the extra profit would be at an end.

This theory reappeared about the time of the bank controversy of 1844 (especially in Tooke, T., and Newmarch, W., *A History of Prices*, 4 vols., London 1838–48; new ed. by T. E. Gregory, 6 vols., 1928); and at the close of the century Knut Wicksell in Sweden endeavored to tie the theory up with the whole process of increasing technological efficiency (*Geldzins und Güterpreise*, Jena 1898). He introduced a distinction between a natural rate and a market rate of interest. The natural rate turned on the concept, introduced by Jevons and Böhm-Bawerk, of a period of production such that in a non-monetary community, where only "real" capital is available and interest payments are made in physical goods at the end of the period, the rate of interest will represent the relative scarcity of this real capital, or real savings. But in a monetary community the banks, being able to create credit money in response to any demand for credit—except as restrained by legal reserve requirements—may supply money in greater or less amount than the amount of real savings, and therefore the market rate need not equal the natural rate. A rate below the natural rate will, following Thornton, tend toward increasing the quantity of money and raising prices; but a rate above the natural rate, by restricting borrowing, will tend toward restricting the quantity of money and credit, thereby reducing prices; while a market rate equal to the natural rate will tend toward stabilization of prices.

It is to be noted that this concept of a period of production, equivalent to the lengthening duration of Böhm-Bawerk's roundabout process, or the changing marginal productivity of real capital (adopted by the Austrian economists Mises and Hayek) is actually quite immeasurable for the guidance of business and bank policy. The nearest approach to its meas-

urement is in the concept already in vogue of a market instead of a natural rate of stock yield and bond yield or of new issues of stocks and bonds. These are anticipations, not of productivity but of profit-ability.

J.M.Keynes(*A Treatise on Money*, 2 vols., London 1930) has approached this market concept in his distinction between savings and investment. Investment is the profit seekers' expenditures for various forms of technological capital, which may proceed more rapidly or more slowly than monetary savings, depending on the current discount policy of the banks. Keynes' state of price equilibrium appears to occur when savings and investment are equal. R. G. Hawtrey (*The Art of Central Banking*, London 1932) has resolved these savings and investments into the "disparity between prices and costs," without differing greatly from Keynes as to the effect of changes in the bank rate. More explicitly than others, however, he has connected the bank rate with the "narrowness," or "sensitiveness," of the margins for profit. He has eliminated the production period and substituted an explanation of the interval as depending mainly on the state of producers' commitments, unfilled orders, inventories of stocks on hand and facilities for putting additional labor and capital to work. He has emphasized short term loans to carry inventories as the point where the banking system has most effective control; Keynes, on the other hand, has stressed long term loans to carry fixed capital. Hawtrey moreover has definitely connected the Malthusian sequence with the Thornton sequence of theories by directly relating contraction and expansion of consumers' (wage earners') income and outlay to the effect of the bank rate on the margins for profit.

The two historical sequences of theory—the margin for profit and the consumers' demand theories—have partial but unknown validity which might be tested experimentally in the application of a theory of multiple causation. This would include consideration of many other factors: international complications; selection of prices to be stabilized; the disruption of equilibrium by rising prices leading to further trade depression; confidence and fear; the validity of the public policy of counteracting a fall in prices arising from increasing efficiency; and similar problems.

The leverage depended upon by the Thornton sequence of profit-margin theories for practical control of price levels through changes in the rediscount rates of central banks lies in the sensitiveness of the profit-margin. For while interest charges appear to constitute only about 1 percent of the average cost of production, yet, if the margin for profit is 3 percent of gross sales, they are more nearly 33 percent of the profit-margin. The proponents of price stabilization after the World War converge toward this theory of the narrow margins for profit, while its pre-war proponents based their theoretical structure mainly on a quantity theory of money, including the bimetallic and paper money theories. The transition may be seen in the work of Irving Fisher. From 1911 to 1920 adherence to a quantity theory of money—including quantity of bank credit—descending from Ricardo, led Fisher to propose a plan for changing the weight of the gold dollar to counteract a fall or rise of the general price level. But in 1932 he took account of the interacting network of many causal factors influencing price stabilization policies, such as the magnitude of debts, debt liquidation, distress selling, fall in commodity prices, changes in net worth (bankruptcies), decrease in profits or increase in losses, reductions or increases in stock market speculation or in construction, output, trade or unemployment, pessimism and optimism, hoarding and like phenomena. Similar post-war approaches to theories of multiple causation, anticipated by Mitchell in 1913, are presented by Robertson, Keynes, Cassel, Mises, Hayek and others, all of them focusing more or less on the degree of sensitiveness of the profit-margins to all kinds of change throughout the whole capitalistic system.

It is significant, however, that in the period of disorganization after the World War certain countries, chiefly France, Italy and Belgium, following an intimation from the Genoa Conference of 1922, reduced the weights of their standard gold unit as much as 80 percent, when they were compelled by business distress to stop their policy of forcing a precipitate fall in prices in order to restore the pre-war gold standard. It was to this extent a "voluntary" price stabilization remedy, although not clearly based on a quantity theory of money. Similarly in the United States the legislation passed in the spring of 1933 authorized the president to reduce the weight of the dollar as much as 50 percent, at his discretion, and to introduce free coinage of silver at a ratio to be determined by him, if thereby he could bring about an international agreement on a new gold standard.

The shift from advocacy of policies based on

a quantity theory derived from Ricardo and Fisher to those based on a profit-margin theory derived from Thornton and Wicksell is evidenced in the legislative history of the Goldsborough bill in the United States. From 1922 a bill to carry out the original Fisher plan of stabilization was repeatedly introduced in Congress by Representative Goldsborough, but when in 1932 the measure finally passed the House—it was rejected in the Senate—it was amended to require merely that the Federal Reserve system should use its existing powers, especially the bank rediscount rate supplemented by open market operations, to stabilize the purchasing power of money, as proposed in another bill frequently introduced by Representative Strong.

Experimental tests of the Thornton-Wicksell sequence of profit-margin theories have been afforded by central bank policies in numerous countries since the World War. In 1919 in a period of world wide inflation of prices the Federal Reserve system, at that time in effect a world bank, maintained its discount rates much below the current commercial rates of interest; but in 1922–23 by open market sales of securities and raising of the bank rates the system impounded the incoming gold, prevented it from increasing domestic prices and led to a world maldistribution of gold. When England in September, 1931, and other countries later were "forced" to suspend gold payments, their central banks, exaggerating the Wicksell theory of the way to prevent inflation, raised the bank rates to 6 and 8 percent and even higher, at which rates business on its narrow margins of profit could not afford to borrow and expand. These countries did succeed in stabilizing prices at the existing levels, whereas in the United States gold prices continued to fall rapidly until the president "voluntarily" suspended gold payments in March, 1933. England and Sweden within a few months after raising the rates proceeded greatly to reduce them, but business confidence had broken down and the low rates did not call forth expansion of business or reduction of unemployment.

The first major move toward international concerted action, conforming to Wicksell's theory, came from the Genoa Conference of 1922. Influenced more directly by Gustav Cassel, agreement was there reached that it was fundamental to the economic stability of Europe that the nations take steps: to reduce expenditures instead of issuing paper money. to avoid wide fluctuations in the value of gold by concerted action of central banks and to return to a gold standard although not necessarily on the basis of pre-war weights. The second move in the international sphere was the creation of the Bank for International Settlements; the third was the suspension of gold payments by President Roosevelt and the subsequent legislative authorization of limited inflation of prices; a fourth was expected from the World Economic Conference opened in June, 1933, which, however, failed to reach any agreement.

Wicksell in his theory of price stabilization explicitly guarded against wars and the impounding of gold for war purposes; he could scarcely foresee the post-war impounding of gold by central banks which influenced the testing of his policies. The emphasis in most price stabilization theories has been upon the short credit cycles which move up and down across the long trends, up or down, of prices. An examination of these trends, however, shows them to be long term credit cycles, depending not only on gold or silver production or on technological progress but mainly on war financing, which creates demand by government and bank credit. The trend downward from 1815 to 1849 followed a twenty-five-year world war financed by England with paper credit. The trend downward from 1865 to 1897 followed the American Civil War and the release of American gold to Europe by substitution of government credit. The trend downward from 1920 after a war financed by credit may similarly be expected to continue perhaps to 1950, unless it be that through the new factors of central banks and international agreements among them, the recently announced policy in the United States, the prevention of further wars, the reduction of trade restrictions and similar eventualities a new era of world wide concerted action may halt the trend by the establishment of a more stable price level.

JOHN R. COMMONS

See: STABILIZATION, ECONOMIC; MONETARY STABILIZATION; MONEY; COMPENSATED DOLLAR; CENTRAL BANKING; PRICES; INDEX NUMBERS; BUSINESS CYCLES.

Consult: Lawrence, Joseph Stagg, *Stabilization of Prices* (New York 1928); Bellerby, J. R., *Monetary Stability* (London 1925); Lloyd, E. M. H., *Stabilization* (London 1923); Hawtrey, R. G., *Currency and Credit* (3rd ed. London 1928); Hansen, A. H., *Economic Stabilization in an Unbalanced World* (New York 1932) chs. xix–xx; Fisher, Irving, *Stabilizing the Dollar* (New York 1920); Pigou, A. C., *Industrial Fluctuations* (2nd ed. London 1929) pt. ii; Robertson, D. H.

Banking Policy and the Price Level (London 1926); Aftalion, Albert, *Monnaie et industrie* (Paris 1929) ch. iv; Walras, L., *Théorie de la monnaie* (Lausanne 1886), tr. into German with introduction by R. Kerschage and S. Raditz (Jena 1922); Cassel, Gustav, *Währungsstabilisierung als Weltproblem*, Weltwirtschaftliche Gesellschaft zu Münster, Schriften, no. 18 (Leipsic 1928); Mises, Ludwig von, *Geldwertstabilisierung und Konjunkturpolitik* (Jena 1928); Mises, Ludwig von, and Klein, Franz, *Die geldtheoretische und geldrechtliche Seite des Stabilisierungsproblems*, Verein für Sozialpolitik, Schriften, vol. clxiv, pt. ii (Munich 1923); Sprague, O. M. W., "Price Stabilization" in *American Economic Review*, vol. xix (1929) supplement, p. 61–68; Commons, John R., "The Stabilization of Prices and Business" in *American Economic Review*, vol. xv (1925) 43–52; Snyder, Carl, "The Stabilization of Gold: a Plan" in *American Economic Review*, vol. xiii (1923) 276–85; Ansiaux, Maurice, "La monnaie dirigée" in *Revue d'économie politique*, vol. xlii (1928) 1246–72; Pommery, Louis, "La crise de stabilisation" in *Revue économique internationale*, Année 18, vol. iv (1926) 252–83; Filippi, Jean, *La stabilisation des prix: l'expérience des États-Unis* (Paris 1929); United States, Congress, House of Representatives, Banking and Currency Committee, *Stabilization: Hearings on H. R. 7895*, 69th Cong., 1st sess., 2 vols. (1927), *Stabilization: Hearings on H. R. 11806* (*superseding H. R. 7895*), 70th Cong., 1st sess. (1928), and *Stabilization of Commodity Prices: Hearings on H. R. 10517*, 72nd Cong., 1st sess., 2 vols. (1932).

PRICES

THEORY
Price ..... *See* VALUE AND PRICE
The Price System ..... MYRON W. WATKINS
PRICE HISTORY ..... WILLARD L. THORP and GEORGE R. TAYLOR
PRICE STATISTICS ..... FREDERICK C. MILLS

THEORY. *Price.* *See* VALUE AND PRICE.

The Price System. The price system may be conceived as a device for limiting the use of resources and the consumption of goods, which have alternative applications, to those particular applications which are deemed to deserve precedence, and to the extent required by their inadequacy to fill completely the selected applications. In other words, prices are a means of directing and checking both production and consumption. In themselves these prices are simply the monetary values of goods and services. They may be determined by custom, by an arbitrary authority enjoying some broad social sanction, by higgling in each separate transaction, by a privileged monopolist either buyer or seller, or in an open market with free bargaining in full competition on both sides. But by whatever method prices may be fixed, their ultimate *raison d'être* is to be found in the advantages afforded by the division of labor which they presuppose and the progressive development of which is predicated upon means for facilitating and expediting exchanges. Wherever, whenever and to the extent that productive functions are specialized, productive processes are lengthened and consumption is rationalized, there inevitably emerge differences, incompatibilities and conflicts among individual aims and choices which impose the necessity for the institution of some recognized method of articulation. In a pecuniary society, where goods are produced at a monetary cost for sale in markets upon monetary terms to consumers who purchase with monetary means derived from the monetary rewards of productive activity, this coordinative function is served by the system of interrelated prices.

The regulative efficacy of prices in assigning specialized functions, distributing productive resources, providing for future requirements and diversifying consumptive activities is no doubt conditioned by the mode of price determination. What has to be accomplished is the enforcement of the negative checks upon and positive directions to productive and consumptive activities in such a manner as, at the minimum, to make the system of control tolerable and, at the optimum, to realize the prevalent disposition of the community. In certain circumstances a large measure of authority in price fixation, with enforced adherence to arbitrary and more or less inflexible price relationships, may alone suffice to insure a workable fit between productive inclinations and productive opportunities, between productive output and consumptive intake or between consumptive dispositions and consumptive opportunities. In other circumstances a large measure of freedom in the price adjustment process in the market, affording wide scope for the spontaneous expression of individual choices, may be quite compatible with, indeed better calculated to procure, an effective performance of this fitting function.

The price mechanism, it is clear, does not indefeasibly require autonomy. Indeed it has never enjoyed complete autonomy. For many ages price setting by sellers was not a discretionary act, was non-competitive; and so far as there was any volitional element in the process it came chiefly from the buyers' quite limited range of choice. The gradual evolution of legal forms and institutional patterns sanctioning a wide range of individual rights and a relatively free play for private interests may perhaps suggest that these were appropriate to the full development of a pecuniary economy. It is not difficult indeed to conceive this evolution as a function of the realization of the potential advantages from the spontaneous integration of specialized functions through an autonomous price system. But the assertion that freedom of contract and liberty of trade are essential concomitants of any price system is refuted alike by experience and by logic.

Moreover it is not inconceivable that the transformation of the economic organization of society from undifferentiated primitivism to specialized and integrated modernism might have been achieved by other methods altogether. For example, an economic autocracy might have accomplished a similar transformation by direct mandates in execution of a deliberately conceived policy. That historically it was rather the price mechanism in one form or another which provided the indispensable coordinating agency in this development must be accounted for primarily in terms of its superiority under the given evolutionary conditions. This superiority appears to have rested upon two distinct considerations. First, the employment of money as a conventional unit of reckoning values facilitated comparison and presumably therefore made choice more informed and accurate. The use of prices, or money values, as guides to the selection of occupations, the purchase of goods and generally in the organization of productive and consumptive activities has tended accordingly to sharpen economic judgment and to make choice more fruitful. Secondly, the market price system afforded a convenient means of enforcing those checks upon the use of resources which in any case are inescapable, but the incidence of which may be borne with greater equanimity in so far as it appears to be the handiwork of fate. The application of scarce means to specific ends unavoidably excludes to that extent their application to other ends. Frustration and denial are thus inexorable features of the economic process. But these deprivations seem to be less onerous when they are not enforced by the arbitrary will of some human authority. It is not to be inferred either that market prices are the automatic, spontaneous, utterly objective phenomena which they have occasionally been represented to be or that they are always humbly accepted as such. It is merely that in the course of a long history they appear to have generally functioned as a screen, tending, if not to hide from common men the harsh conditions of the economic struggle, at least to obscure their proximate cause in human decisions. Thus the market price system, which, with varying circumscription from time to time and from class to class, does leave some area of individual choice and some share of individual responsibility for the actual limitations upon the individual and group use of economic resources, came to establish its superiority over alternative devices for checking and reconciling conflicting human wants and ambitions, which might have been and indeed were tried.

The function of the price system was much less clearly defined and its effectiveness much more dubious in the early stages of the development of the market. It is not necessary to trace in detail the origins of price in primitive trade in order to observe that both in intertribal and in intratribal exchange the quid pro quo very commonly became conventional. Indeed so long as trade remained, as it did for many ages, embedded in a mass of ceremonial observances supercharged with magical significance, there was little room for bargaining. Moreover the extremely restricted variety of articles that figured in this formal gift giving lent itself to the establishment of fixed ratios of exchange. And the fact that a not inconsiderable part of the trade was in the nature of forced exchange contributed to the standardization of its terms after the manner of land rents, priestly fees and other forms of tribute. Under these circumstances the "price system" did not operate primarily to foster a flexible responsiveness between supply and demand. Rather it was a phase of an elaborate and complex system of social organization designed to preserve tradition and discourage experiment under conditions in which the margin of economic surplus was so narrow that group survival depended upon the rigorous repression of risk taking. Nevertheless, customary prices did serve, if somewhat awkwardly and sluggishly, the essential price function of limiting the use of resources to the more im-

portant of their manifold potential applications.

Out of this age long development of trading practises and custom fixed prices there gradually emerged, in classical antiquity and again toward the close of the Middle Ages, markets more secular, more diversified and more extensive in scope. Inevitably there appeared from time to time transactions in new types of goods and in goods from new sources, odd transactions in familiar goods and similar exigencies not contemplated by the customary price structure. And the concept of just price developed partly in response to the need for some extracommercial, non-occasional standard, an absolute formula for guidance in these situations. The ultimate components of a just price were the costs of maintenance of the requisite labor, then the chief factor in production, according to standards of living prescriptively determined for each productive class. So long as most goods were the direct products of a single class of artisans or at most of two or three crafts working in a settled sequence, it was not difficult to give the principle fairly effective application. But with the continued subdivision of industrial processes, the growing diversification of products and the steady expansion of markets the rule of customary prices supplemented by the nebulous principle of just price became less and less adequate.

Still there was no suggestion of relying upon an open market and free competition to fix prices; production and exchange were rigidly restricted by the conservative collective sense of communities still lacking a substantial surplus above the necessary means of subsistence. Rather, in response to the increasingly obvious deficiencies of the traditional price structure and of the mechanism of just price determination there developed piecemeal a system of regulated prices. The beginnings of this system are indistinct and came at different periods in different regions; nor was its course of development everywhere uniform. But in general the era of regulated prices may be stated to have begun with the establishment of the guilds and to have persisted, even if in a moribund condition, into the seventeenth and eighteenth centuries. The responsibility of regulation passed successively from merchant guilds to craft guilds, thence to local authorities and eventually to national governments, although the lines of demarcation are not altogether clear. The regulatory jurisdiction embraced chiefly manufacturing processes and included, in addition to the other elements, the prices of raw materials, labor and finished products.

The increasing rate of change in the scope and direction of trade relationships, in the technique of manufacture and in the diversification of merchandise following the era of exploration and discovery eventually made this system of regulated prices obsolete. It was a system designed for and peculiarly adapted to the requirements of a static society. A society founded upon status could not long resist the disturbing tendencies set in motion by the opening up of unbounded opportunities for enterprise. Moreover the acquisition of fabulous treasure from piracy and the despoliation of backward peoples overseas, added to the mounting product of the more prosaic but ultimately more significant cumulative advances in industrial efficiency, provided a hitherto unparalleled disposable surplus, which was the sine qua non for a social sanction of genuine private adventure in trade and industry. Finally the enormous additions to the European stock of precious metals from across the Atlantic so upset the long prevailing proportion between specie and exchangeable wealth that the maintenance of the traditional price structure became an insuperable task. The regulatory machinery was simply incapable of coping with these powerful forces making for price movements of unprecedented magnitude, frequency and variety. The downfall of the regulated price system marked the dissolution not simply of a moribund price mechanism but of an outgrown social and industrial order.

The circumstances of its lapsing indicated the nature of the price system which was destined to supersede it. As it had fallen into desuetude by virtue of its inflexibility, the succeeding price system was bound, above everything else, to provide for the maximum of flexibility. This it did by securing to everyone the utmost freedom to buy and sell. Such was the meaning of laissez faire. Of course this liberty of trade was not introduced suddenly everywhere; nor was it ever realized completely anywhere. By the end of the nineteenth century, however, it represented the dominant ideal of economic policy and the accredited aim of economic statesmanship virtually throughout Christendom. The "goods, wares and merchandise" of commerce were subject in their ebb and flow solely to the dictates of market price. Productive labor was set at one task and deprived of another by the imperious commands of market price; neither artists nor scientists escaped this encompassing

suzerainty. Consumers were offered this and denied that in accordance with the impersonal will of the market as expressed in prices. Investors no longer built mills and factories; they were permitted instead to contribute money funds in exchange for capital shares at a market price which responded to the realized and prospective margin between the market prices of costs and the market prices of products. In a word, everything had its price and the price was the criterion of its economic significance.

The theory which supported this prodigious spread of the price mechanism and the price mentality took for granted a passive or neutral role for money in the composition of the price structure. The exchange interrelationships of goods as expressed in prices were conceived to be basically the product of the interaction of real costs and real utility. While it was recognized that these primary forces were always mediated by individual judgments, the prevalent conception of the rationalistic, utilitarian nature of man justified the assumption that these individual judgments were simply the channels through which the ultimate real forces brought pressure to bear upon prices in the market. The processes of valuation thus abstracted and impersonalized provided an automatic adjustment, as nicely worked out by the marginal analysis, whereby the maximum product was realized at a minimum cost. The pervasive tendency toward equilibrium which issued from this automatic adjustment was admitted to be subject to friction and temporary disturbing influences, but these were readily traceable to perverse twists and anomalous obstructions in the channels of individual judgment or to fortuitous deviations in the course of nature. The theory exempted the price system itself from any share in the responsibility for the failure of a free market economy to realize at all times the maximum satisfaction of human wants. If in practise recurrent dislocations and occasional distress persisted, this was in spite of, not because of, the subservience of productive and consumptive activities to the regimen of prices.

As usual the first breaches in the massive authority of this autonomous price system came from the pressure of practical disillusionment rather than from the thrusts of theoretical inquiry. It was the harsh incidence of an exclusive reliance upon free competition in an open market that led to efforts to amend it and here and there to abandon it. As usual too concern for their interests as producers awakened certain classes to the shortcomings of the price system appreciably before a concern for their interests as consumers prompted other groups to challenge from a different angle this same economic orthodoxy. In neither case of course was the whole system of price making attacked. Men do not relinquish their faith in a fetish simply because it fails them in some specific quarter. So when working men found that reliance upon the prices set for their labor in an open competitive market was prejudicial to their advancement, they determined to bargain collectively and to sell their labor, not at market prices as mere commodities supposedly were sold, but at "fair" prices; that is, for as much as might be obtainable. Likewise when business men, who by and large had gained most from laissez faire, perceived that market prices for their products were not invariably profitable, they looked for a substitute in fair prices as determined by the sellers; elsewhere, e.g. in the employment of labor, they were quite content that market prices should rule. But collusive agreements did not provide the sole avenue of escape from the verdict of the market. For those who were fortunately situated in the newer industries the patent laws provided a convenient and effective means of blocking out competition, enabling fair prices to be set without fear of contest. A much larger number whose products were quite ordinary articles of commerce found it possible to identify their wares by trademarks or brands and by advertising to create for them a certain distinction, often specious; thereby prices might be set taking full account of the buyers' "education" in the peculiar merits of the advertiser's particular brand.

Finally consumers also became aware that prices were no longer the objective outcome of a multitude of spontaneous forces represented by the independent bids and offers of innumerable individuals operating in pursuit of competitive private interests. The situation did not at first present itself as a chronic disease of the market price system; it appeared rather as a malady peculiar to certain industries. Upon this diagnosis the remedy plainly called for was a specific to be administered ad hoc to each of the ailing as occasion required. Hence isolated treatment was provided for railroads, gas works, electrical plants, telephone systems and numerous lesser public utilities. The rest of the business community was warned to keep away from the afflicted. If other industries not subject to monopoly quarantine showed symptoms of the

same disease, they were placed upon the operating table to be dismembered.

Thus in various directions practical exigencies brought about a considerable departure from the rules of economic conduct prescribed by the market price regime. Resources were not allowed to flow without help or hindrance where prices dictated (trusts, public utility franchises, subsidies, tariffs); methods of production were not permitted to be chosen upon a basis solely of cost price considerations (factory legislation, pure food and drugs laws, health regulation); the distribution of income by the automatic processes of the market was interfered with (collective bargaining, corporate accounts manipulation, rate regulation, activities of trade associations and cartels). In these and other ways the price system was being amended, restricted and annulled in practise some time before its sanctions were questioned in theory.

When eventually theory did undertake to analyze the significance of these developments, the explanation most generally accepted ran in terms of monopolistic tendencies. Certain conditions of modern industrialism were believed to foster monopoly. The most important of these was the diminishing cost tendency in production, which in turn was conceived to spring from the growing importance of fixed costs and of joint costs in productive processes dominated by the machine technique. Some students found a large measure of responsibility also in the conjunction with such technical factors of the legal privileges associated with the pervasive reorganization of business in the corporate form. These accounted for no inconsiderable part of the advantages (diminishing cost) of increasing size and hence for the trend toward monopoly. In the light of these theories the tendency toward monopoly appeared to be inherent in the existing economic order; and since monopoly prices were regarded as arbitrary and the prices set by administrative agencies instituted for their regulation were no less arbitrary and even more inflexible, there was no escape from economic arteriosclerosis. There could be no doubt of the gravity of the consequences; for arbitrary and sterotyped prices have no place in an economic system of which change is the most essential characteristic and which depends for survival upon its capacity to insure constant adaptation to new conditions.

Later studies of monopoly price converged upon the conclusion that if it was not as arbitrary as had been at first supposed it was even more inflexible. In particular the analysis of actual price movements under monopoly, duopoly and monopolistic competition revealed an extraordinary resistance to price changes. Under the circumstances attention was hopefully directed to the gradual spread of monopoly throughout industry, which, it was expected, would solve the ever more vexatious problem of instability. It was suggested that if monopolistic producers in a nominally competitive era had achieved such power to fix prices and to control markets that they could practically ignore general business disturbances, the extension of the monopolistic tendency might furnish a key to the solution of the business cycle riddle. It was argued further that monopolists, even granting their exactions, were in a better position than a group of independent competitors making estimates at random to adjust productive capacity to potential sales volume at cost indemnifying prices and to provide against untoward changes in demand.

The march of events, however, unremittingly aggravated the burden of losses from wide sweeping price fluctuations, thus confounding not alone the theorists who placed the responsibility on the introduction of change resisting elements in the price structure but also those who sought to explain these evils as the consequence of the tardy or arrested development of centralized planning and control within each industry. For experience ever more plainly indicated that the evils of periodic price recession and trade depression were alike too great to be stemmed by arbitrary measures designed to stabilize particular industries or to fix specific prices, and too insidious to be assessed solely or even primarily to the comparatively sporadic and collateral transformations in the structure of competitive industry represented by the cartel and trust movements, public utility development, trade union organization and the like.

In the search for the disrupting force which was making the economical administration of industry under the price system increasingly difficult attention turned therefore to the one element common to all prices, the monetary factor. It had long been recognized and was generally accepted, after Hume at least, that the volume of money in circulation had a direct relation to the level of prices; yet the effort to trace any precise quantitative relationship between the two awaited not only an urgent practical motivation but also more adequate statistical records and a suitable statistical technique. Toward the close of the nineteenth

century the gradual development of all of these prerequisites combined to make feasible the formulation of a definite theory of the relationship between money and prices.

The exponents of the quantity theory professed to find a direct causal sequence between changes in the amount of the circulating medium and changes in the general level of prices. As every specific price is simply an expression of the terms upon which a certain amount of goods or services are exchanged against money or a money equivalent, it was reasoned that the price level in any period must be expressible as an average compounded of the total amount of means of payment used in the settlement of transactions during that period divided by the total volume of goods and services sold. It was further claimed that the division of an index of the average volume of cash and credit means of payment in circulation, multiplied by their velocity or turnover in a given period, by the index of the total volume of trade in that period gave a quotient representing the average change in the general price level relative to the base period. If this quotient corresponded to the actual change in a representative list of prices as measured directly by index numbers based upon market data, the computation was supposed to verify the quantity theory of money. This statistical "proof" is so self-evident that it proves nothing, nor does it clarify the origin or nature of the forces which cause the change.

Exponents of the quantity theory, however, supported their general contention also by propounding reasons independent of the alleged proof. The argument was that the total volume of trade, although it may respond within narrow limits to changes in the general level of prices, does not initiate such changes, but tends rather to arrest them by parallel movements. The average velocity of circulation of the available means of payment, being determined by habit, was regarded as a relatively constant factor. The ratio of credit money to cash money, the technical efficiency of banking remaining unchanged, was declared to be subject to variation only within comparatively narrow limits. Finally, it was contended with special emphasis that the price level itself was a passive factor, being simply a reflection of market conditions, i.e. of the ratio of the supply of goods and services to the supply of money instruments. Thus by a process of elimination the exponents of the quantity theory reached the conclusion that the general level of prices is determined by the quantity of commodity money in circulation. Fluctuations in this item were believed to be spontaneous and self-generating (gold discoveries, technical progress in ore concentration and the like), making it the independent variable solely responsible for general price movements. Whether valid or not in reference to long time changes in the level of prices, the theory offers no satisfactory explanation of the cyclical downward and upward swings of prices, since there is certainly no corresponding fluctuation in the supply of commodity money. Even if, in accordance with Kondratiev's thesis, it is granted that technological progress in goods production tending to reduce prices sets in motion exploration and research in gold production tending eventually to counteract this price depressing influence and vice versa, the oscillations in prices so induced could work out only over several decades, as Kondratiev himself admits.

Determined as they are to trace cyclical price instability to monetary factors, the quantity theorists commonly fall back upon the conceded variability of the ratio of cash money to credit money or, more specifically, of the ratio of bank reserves to bank deposits. They maintain that prosperity breeds an optimism which is reflected in easy credit, and that in any case a substantial surplus of loanable funds will have tended to accumulate in a preceding period of price recessions. For a time the absorption of this credit in expanding production may readily be effected without disturbing the price level, the volume of trade expanding *pari passu* with the volume of deposit currency. Eventually, however, it is argued, the increasing supply of credit outruns the capacity of the industrial machine to increase its output—since the elasticity of credit under modern banking methods surpasses by far the elasticity of production—whereupon the excess credit finds an outlet in speculation and advancing prices. This process continues until the overextension of the deposit reserve ratio approaches the preestablished legal limits or the limit of safety according to banking tradition Thereupon credit tightens, goods are dumped on the market, prices decline, collateral is impaired, loans are still further curtailed, and the same sequence of events is repeated until both credit and prices decline to an irreducible minimum. In this way the responsibility for the cyclical fluctuations of trade has been traced to cyclical fluctuations of prices, and the responsibility for these to the peculiar conditions shaping the credit policies of the banks.

The difficulty with this theory is that it involves an oversight of the distinction between production and trade. American writers especially, influenced no doubt by Irving Fisher's formulation of the equation of exchange, have been prone to neglect the confusion of a quantity element and a rate element in the ambiguous factor "volume of trade." If T be taken as a symbol for transactions rather than for trade, which it really must be if a single symbol is to represent the amount of work to be done by money, there is no apparent reason why the shifting of the direction of credit extensions from productive uses to speculative uses should affect the price level. Whether a borrower uses credit to forward the production and distribution of goods or in speculation, simply causing a given quantity of goods to turn over more times than it otherwise would, can make no conceivable difference from the standpoint of the preservation of a balance in the equation of exchange. The volume of trade in a given period may be increased just as well by passing the same quantity of goods through more hands as by passing more goods through the same hands; so long as the transactions that have to be settled increase *pari passu* with the means of settling transactions, no disturbance can result in the general average of prices. It remains to be shown therefore how increased speculation could cause an inflation of prices.

It is sometimes asserted, however, that the speculative use of credit results in accelerating its velocity of circulation; that, as compared with credit used to finance the time consuming operations of actual production and distribution, bank deposit currency employed in purely speculative purchases and sales circulates much more rapidly. Little is known as yet about the actual or comparative velocities of money and credit in the hands of various classes in the community, but even if this contention were valid it would scarcely yield a plausible explanation of cyclical change in the price level. For this amendment to the quantity theory, no less than its original variant, neglects the rate element in the volume of trade. Until some reason has been suggested for supposing that when bank deposit or other currency turns over more times in a given period it does not cause goods turnover to increase correspondingly, it is difficult to see why speculative credit is peculiarly efficacious in bringing about price changes. Some writers have gone even further, contending that a change in the velocity of circulation of means of payment must produce an equal and simultaneous change in the rate of turnover of goods.

In response to this theory there has developed a school which shifts the onus for short run variability from the quantity to the rate element. The velocity theorists, as this group may be called, hold that the cyclical changes in the velocity of circulation of money are not matched by corresponding changes in the rate of turnover of goods and hence cause price fluctuations. Various reasons are assigned for this divergence in the two rate factors. Thus the "parcels theory," commanding perhaps the largest number of adherents, maintains that during prosperity, with a tendency toward more and more diminutive scales of purchase and sale and proportionately greater frequency of transactions, the efficiency of a given volume of means of payment is increased, without there being necessarily any increase in either the volume or the rate of turnover of goods. Although the parcels theory may not be susceptible to logical attack, its practical validity rests upon the assumption that increasing prosperity involves an increasing *morcellement* of transactions. It is difficult to see concretely what is meant by parceling unless it is simply another term for the familiar trade phrase "hand to mouth buying." And if this be true, the theory makes no appreciable contribution to the explanation of cyclical price fluctuations, for common experience indicates that hand to mouth buying becomes less prevalent as prosperity grows and speculation becomes bolder.

Another form of the velocity theory, recently propounded, would account for an alleged growing discrepancy between the velocity of circulation of money and the rate of turnover of goods during the period of prosperity by an assumed increasing prevalence at such times of the transfer of goods without any corresponding transfer of money, either cash or credit. It sees in the increasing proportion of book and instalment debts to total trade as prosperity waxes an accumulation of "unfilled orders" for the "money trade," as it were. It is conceded that the transaction of trade upon mercantile and retail credit could lead to no disturbance in the equation of exchange affecting prices, if the amount of "money work" carried over into a given period by virtue of deferred settlement of transactions consummated in the preceding period were exactly counterbalanced by the amount of delayed money work carried over into the succeeding period. But the contention

precisely that this cancellation does not occur as prosperity advances, by reason of the increasing ease with which goods may be obtained upon a simple promise of deferred payment. There is thus built up a backlog of work for money to do, which cannot indefinitely be held in abeyance pending the time when money may be idle. Eventually those who buy on credit accumulate so large a volume of debts that some among them can no longer continue to maintain the demand by further purchases upon this basis; and others still less prudent find that deferred payments promised for a definite date cannot be met out of current income. They are constrained then by anxious creditors to shift their demand from goods to money. At first there may be some effort to get money exactly as they have been getting goods—upon simple promises to repay in the future, by substituting bank credits for book credits. But eventually the debtors are forced to convert goods or services back into money; this tends to increase the value of money and to diminish the value of commodities, thus accounting for the transition from prosperity to depression. While this book credit theory does not lack logic or plausibility, it can scarcely account for the full amplitude of the periodic price swings, particularly in view of the extent to which in recent times immediate settlement by cash or bank credit instruments has made headway in both wholesale and retail trade relative to charges upon open book account. And if the spread of instalment sales since the World War appears to be a tendency working in the opposite direction, it should not be overlooked that a large part of them is financed ultimately by bank credit. Precisely what share of responsibility for giving impulsion to cyclical movements is to be assessed against book and instalment credit it is impossible to ascertain, since sufficiently comprehensive statistical data are lacking.

The foregoing theories of general price instability trace price level changes in the last resort to the peculiarities of operation of an autonomous money and credit mechanism and neglect changes in trade relationships, in the supply and demand for various goods and services. It should be obvious, however, that, since any ratio may be disturbed by a change in either of its two terms, price, which is a ratio of the number of money units to the number of units of a particular good, may be altered just as effectively by a change in its goods term (denominator) as by a change in its money term (numerator); by inference the same holds true of a price level, which is simply an average of the specific price ratios in all exchanges of goods or services against money in a given period. There would seem to be no inherent reason therefore why only the money term of this ratio should be referred to for causes of changes in the price level. Moreover while the money term is subject only to quantitative variation, the change in the term representing goods may be either quantitative or qualitative. Certainly the forces affecting the readiness to purchase (bids) and the readiness to sell (offers) would be altered with a change in the quality of goods traded; and experience indicates that these qualitative changes in the goods and services sold are neither few nor insignificant. The same circumstance affects the price level ratio. The readiness of buyers to part with the available means of payment is conditioned no less by the qualitative aspect of the total offerings for sale than by their volume. Here, however, the interrelationships of the various kinds of goods and services offered for sale become the major consideration. In other words, the quality of the total productive output of industry is primarily a function of the right proportions of the different varieties of products offered for sale. If, to take a very simple example, the quantity of hose offered for sale is wholly out of line with the number of pairs of shoes put on the market, the output of industry is to that extent unbalanced and the price level, not simply the price of hose or shoes, will be affected accordingly. For as the supply of each commodity constitutes ultimately a part of the demand for all other commodities, an impairment of the purchasing power of the suppliers of a commodity through forces affecting its price adversely cannot fail to react unfavorably upon the demand for and upon the price of other products. It is this ultimate and indefeasible interdependence of all the price items making up the price structure which the mechanistic, quantitative theories of price movement are prone to overlook.

The important problem therefore is to determine the right proportions of the different varieties of products making up the total volume of offerings for sale, the standard whereby the various flows of supply may be held to be out of line. This is simply and solely the income distributing disposition of the community. In a free exchange society there can be no appeal from the complexion of demand—perhaps irrational, certainly never predictable—as it appears

in the market; it constitutes what might be termed, to adapt Hayek's phrase, the structure of consumption and saving. It is the capacity of entrepreneurs (or, in any alternative form of society, the directors of production) to match this distribution of demand in the structure of production which measures the "quality" of the aggregate industrial and commercial activities. In other words, the promptness and facility with which goods are exchanged against money and this money is again exchanged against goods, and thereby the price terms upon which these exchanges take place, are a function of the degree of correspondence between the composition of the total supply (volume of production) and the complexion of the aggregate demand.

In the essentials of this thesis there is nothing new. Numerous students have traced the periodic breakdown of prosperity and disorganization of markets to what amounts to misdirected production. Thus A. Spiethoff finds the underlying difficulty in the differential rate of gestation of instrumental goods and of direct consumption goods; Werner Sombart in the differential rhythm of organic and of inorganic processes of production; W. Stanley Jevons and H. L. Moore in meteorological periodicity, which affects agricultural production; Joseph Schumpeter in a lag in invention and discovery, whereby new products are in periodic deficiency. In these as in other explanations which might be cited the root of the evil is found in the development of "bad" relationships among different types of goods from which proceed price disturbances. Theories of this type stand diametrically opposed therefore to all varieties of the quantity theory, which, in whatever other respects they may differ, agree in considering price changes the cause and trade dislocations the effect.

Recently there have been distinct advances toward integrating these contrasting types of price theory. Starting from Knut Wicksell's distinction between the real rate of interest (which balances the demand for investment funds and the supply of savings) and its market rate, a distinction which in slightly varying forms has been emphasized also by Thorstein Veblen, Jean Lescure and Irving Fisher, economists have sought to establish a connection between the credit expansion characteristic of easy money periods and the direction given to production, which would furnish a logical explanation of the movement of prices. Particularly J. M. Keynes in England, Alvin Hansen in the United States and L. Mises and F. A. Hayek in Austria have been working upon this problem with significant results. Keynes, however, still under the spell of quantitative notions, tends to regard the spread between the rate of investment and the rate of saving as primarily a factor retarding or accelerating the outflow of bank credit and hence affecting the volume of purchasing power and the general level of prices. Hansen, on the other hand, while conceding that the emergence of a discrepancy between these rates is significant in stimulating or curtailing operations in capital goods industries and thus makes them especially susceptible to misdirection, circumspectly treats their resultant price variability as only one of many factors upsetting business calculations and producing an asymmetrical development of the industrial structure.

To the Austrians the fluctuations in the general average of prices arising from a change in the volume of bank credit are less significant than the disturbance in price relationships issuing from the changes in the directions in which bank credit flows. Thus when the rate of interest in the money market is held below the real, or equilibrium, rate, the increase in the proportion of total purchasing power assigned to producers' goods markets and the consequent tendency to make production more roundabout, not only extensively (by the addition of new stages to the productive process) but intensively at every stage, produce changes in the relative prices of various kinds of products and in the relative prices of the same product at different stages of production. It is these changes in relative prices and the misdirected efforts made to frustrate them or to facilitate and take advantage of them which cause stresses and strains in the industrial structure and lead to its recurrent collapse. If the supposed enhancement of the proportion of total purchasing power directed toward producers' goods were the result of increased savings and a decline in the real rate of interest, the borrowers might achieve a readjustment of the relative productive capacities and relative supplies of products in different lines which would approach a new equilibrium representing an approximate adaptation to the changed conditions in the intertemporal distribution of income. But when the enhanced proportion of purchasing power rests upon no more stable a basis than a fictitious redundancy of loanable funds, the chances of a prudent and yet prompt adaptation of the structure of production to the altered price relationships are remote. This is

more and more the case as the increasing command of the mechanical technique tends steadily to enlarge the relative importance of fixed or specific producers' goods to the more fluid forms of instrumental capital.

It may be conceded that the shifts in relative prices are of supreme importance, since they determine directly entrepreneurial decisions in regard to when, how and of what production shall be undertaken. It may be granted also that the significance of these shifts has been neglected by students seeking to formulate a dynamic theory of prices upon a mechanistic model by the use of quantitative methods ill adapted to the discriminative treatment of the multifarious factors involved in the qualitative complexion of the price structure. But it is far from certain that the shifts in relative prices are invariably initiated by the discrepancy between the real rate of interest and that prevailing in the money market. Thus at the beginning of a recovery there are other costs besides capital costs, e.g. labor costs, which are lower in the market than their equilibrium price, as Mitchell has emphasized. Nor has it been convincingly demonstrated that the price shifts always take the form of a general enhancement of the prices of producers' equipment relative to the prices of finished goods. Experience seems to confirm, as Schumpeter contends, that maladjustment is caused not by overexpansion in the production of producers' goods generally, but rather by the unbridled extension of construction in some one industry or comparatively few industries due to the discovery of some exceptionally advantageous new combination of factors or some new basis of appeal for consumer patronage. Moreover this entire thesis rests upon the insecure foundation of the Böhm-Bawerk theory of interest, which is assumed to determine immediately and unqualifiedly not only the prices of capital goods but also the nature of productive processes.

On the whole may it not fairly be concluded that the increasingly speculative (devoted to future ends) character of the industrial process, the persistently irresponsible management of the community's savings and of industry's working capital in the custodianship of the bankers and the cumulatively dynamic character of industrial technique as well as of consumptive taste combine to foredoom a spontaneously directed economic system, administered by reference to price gauges, to alternate spasms of unreckoning enterprise and stupors of bewildering disorganization? The modern industrial system might be compared to an orchestra with an ever changing personnel (enterprisers), veterans with familiar instruments continually being displaced by recruit musicians with novel contraptions of their own design, practising for a symphony of which the score is being continually altered as the playing proceeds, under the conductorship of several self-appointed maestri (bankers), each wielding his baton in accordance with his individual reading of the score. Occasionally the tempo is advanced concertedly but never evenly, and pandemonium follows every crescendo. Although the economic orchestra is provided with a score in the price system, its composition cannot be ascribed to infallible genius. Of course if simple melody upon familiar themes would suffice to meet the musical aspirations of the audience and a disciplined drill to satisfy the artistic ambitions of the players, there is no good reason why a single conductor should not be selected who, improvising as he went along, might dispense with a score altogether. But pending the realization of these conditions no promising way has yet been suggested for achieving an unbroken economic symphony out of the creative talents of a host of vain Apollos and defiant Pans, each with a baton in his instrument case.

MYRON W. WATKINS

See: MARKET; MONEY; ORGANIZATION, ECONOMIC; JUST PRICE; PRICE REGULATION; MONOPOLY; COMBINATIONS, INDUSTRIAL; GOVERNMENT REGULATION OF INDUSTRY; PUBLIC UTILITIES; BUSINESS CYCLES; BANKING, COMMERCIAL; MERCANTILE CREDIT; RETAIL CREDIT; INTEREST; SAVINGS; INVESTMENT; INVESTMENT BANKING; PRICE STABILIZATION; STABILIZATION, ECONOMIC; INTERNATIONAL TRADE.

PRICE HISTORY. Not much is known about the history of prices in the ancient world, because of both paucity of data, a difficulty which will never completely be overcome, and lack of trained attention to the subject, an obstacle which is rapidly disappearing.

In early ancient times prices were expressed in terms of weights of the money metals, most frequently copper, lead, gold or silver, and payments were made in rings, bricks or bars of standard weight. Coins first appeared about the seventh century B.C., but prices expressed in ancient coinage terms are difficult to interpret for it is frequently impossible to determine whether coins circulated at their bullion value (or bullion value plus cost of coinage) or at their face value.

In ancient Babylonia two price systems existed side by side, the relatively fixed and traditional temple prices and those of the open market. About 2572–2558 B.C., Manishtusu, son of Sargon, king of the dynasty of Akkad, fixed the price of grain at 300 *silas* (121 liters) for one shekel (8.42 grams of silver). This price seems to have ruled in the market with no great fluctuations for nearly three hundred years. Apparently this remarkable stability was promoted by the temple organization. By the Hammurabi period (about 2100–1758 B.C.) a price increase had resulted so that one shekel bought only 150 to 180 *silas* of grain, and in the second half of the eighteenth century B.C. one shekel bought only 90 *silas* of grain. Later, in the fourteenth and thirteenth centuries B.C., there was a general return to barter economy.

From this time down to 648 B.C., when Ashurbani-pal became king of Babylonia, no clear record exists. In emergencies prices for food were extremely high. At one time, during a famine in the eighth dynasty (990–955 B.C.), grain stood at 20 *silas* for a silver shekel. During the period of the Chaldean dynasty (625–538 B.C.) the price of grain was about what it had been in the Hammurabi period, 150 to 180 *silas* per silver shekel; the price of slaves was much higher than formerly and real wages also were apparently much improved. There is some evidence that later, in the period of Greek domination, price fluctuations in Babylonia followed roughly those in Hellenistic Levantine territories.

Fragmentary data indicate that prices in the Greek world moved upward from the time of Solon in the seventh century B.C. A gradual increase of about 50 percent probably occurred in the sixth century; between 480 B.C. and 404 B.C. the rise was possibly about 100 percent. By 330–320 B.C. the price level was about double that of the preceding century as a result of the tremendous treasure brought to Greece by Alexander's conquests, which had somewhat the same effect on the Hellenistic society that Spanish gold and silver from America had upon sixteenth century Europe. Trade was greatly stimulated and, at least for the more fortunately situated, a much higher standard of living was made possible. Especially in the great trading cities the contrast was heightened between the opulence of the few and the extreme poverty of the many. But as trade expanded and money was diffused throughout the greatly enlarged market, the price trend reversed itself. Prices declined strongly from near the end of the fourth to the middle of the third century. Subsequently, relative stability seems to have obtained until the Roman conquest.

For the early Roman era price data are few and almost impossible of interpretation; even for the empire knowledge of prices remains fragmentary and unsatisfactory. Careful investigations of Egyptian papyri now being conducted promise to throw much light on the picture, although difficulties with weights and measures and coinage changes still constitute a serious stumbling block. Prices in the Roman Empire during the first 180 years of the Christian era appear to have been fairly stable, with possibly a mild downward tendency. This situation obtained despite a progressive debasement of the coinage, which reached 25 percent by 180 A.D. Probably important factors in preventing a price advance were the virtual exhaustion of the rich mines of Laurium, an appreciable drain of the precious metals to the East and the introduction of the use of money into extensive new areas by the Roman conquests.

The troubled years at the end of the second century saw further debasement and sharply rising prices. In the third century, especially the latter half, the silver content of the currency was reduced rapidly and prices were inflated tremendously. Diocletian's price fixing edict of 301 was only one of many similar measures adopted by the emperors in futile attempts to stay the upward rush of prices in terms of a currency which repeated debasement was making increasingly worthless. Inflation continued in the fourth century and the coinage system broke down almost completely. Presently, at least for the territories of the western Mediterranean, there was a return to barter or payments in gold or silver by weight. Without doubt the soaring prices and chaotic currency conditions played a large part in the political unrest and disturbed economic and social conditions in the third and fourth centuries.

There is a wide gap in knowledge of prices after this period, and it is only from about 1200 that their course can once more be traced even in a very general way. Not only did a nonmonetary economy prevail for long periods and over wide stretches of western Europe, but even where money was used the scattered prices of which there are records have but little meaning. Transportation difficulties and dangers tended to keep market areas small. It was not until Venice, Genoa and Florence blossomed forth as

commercial cities that a clear cut money economy made its appearance.

Knowledge concerning prices in western Europe from 1200 to recent times has long been dependent upon elaborate compilations by such writers as Georges d'Avenel and Thorold Rogers. From the point of view of modern statistical technique these studies leave much to be desired. They have been modified and supplemented by recent works, especially those of Beveridge, Usher and Hamilton, so that it is now possible to trace with some assurance the general trend of prices in western Europe through the interesting period of the "price revolution." A really detailed and satisfactory history of prices either for Europe or for America cannot, however, be written until the elaborate investigations sponsored by the International Scientific Committee on Price History are completed.

From the middle of the twelfth century to about the last quarter of the fourteenth prices were generally advancing. Indeed Beveridge holds that this epoch may have seen one of the most violent upward movements in English experience. The upward trend was very strong for the first part of the period, then slackened. Thus English wheat prices rose mildly in the first quarter of the fourteenth century, declined in the second and rose again in the third to a point somewhat above that for the first quarter. According to d'Avenel's index for France prices rose gradually from 1200 to 1375; then there began a clearly definable downward trend in western Europe, persisting for about one hundred years. Prices in France fell about 50 percent and English wheat sold at the end of the period for one third to one half of what it had brought at the beginning. Students have accounted for this decline by pointing to the increasing use of money in western Europe, the falling off of European silver production because of technical difficulties, and the loss of precious metals to the East.

From the low point, about 1475, there began that tremendous upward swing known as the price revolution. For forty or fifty years the increase was moderate, then more rapid, until a peak was reached, at least for France and England, about the middle of the seventeenth century. The course of Alsatian prices for this period seems to have been roughly similar to that for France and England. The extent of the price change is indicated roughly by the fact that commodity price indices for both France and England rose approximately 200 percent, while wheat prices advanced roughly 300 percent in Saxony and even more in France and England. In Spain the general level of prices moved upward with remarkable rapidity during the sixteenth century, the increase amounting to nearly 500 percent and the highest point being reached near the end of the century. The Spanish advance during the sixteenth century was approximately twice as great as that which took place in England and France between 1475 and 1663, and the zenith for the Spanish upward movement was reached about fifty years earlier than for France and England. Of course all commodities were not equally affected: wheat rose much more rapidly than most other agricultural products, money wages went up slowly, while manufacturing and transportation costs—neither is taken sufficiently into account in the price indices for the period—were generally declining after 1500.

The price revolution has usually been ascribed to the great importations of treasure from the New World. Hamilton's studies for Spain, which give for the first time really satisfactory data on the amount of these imports, do indicate a very close relationship between the movement of gold and silver into Spain and the increase in the price level there. A time lag for the price rise in the nearby countries to the north is not unexpected, for it naturally took some time for the gold and silver to be drawn from Spain into western Europe. Moreover prices were carried to a relatively higher level in Spain than elsewhere, not only because of concentration of the precious metals there but also because of a general economic stagnation in that country and a considerable emigration from the peninsula.

The price rise of the sixteenth century has, however, usually been too exclusively attributed to the Spanish imports of gold and silver from the New World. No appreciable amount of treasure was brought in from America before 1500 and only relatively small amounts arrived during the first quarter of the sixteenth century. Yet, as has been seen, prices were moving upward in France and England as early as the final quarter of the previous century. Scholars are now inclined to stress the importance of new supplies from other sources. Between 1450 and 1545 rich new mines were opened in central Europe, gold mines flourished near Salzburg and silver mines in the Tirol, Bohemia and elsewhere. Moreover the Portuguese conquerors

in Africa brought back large quantities of gold, especially from Senegal and Sofala, before the Spanish had begun any considerable importation from America. It must be remembered also that credit transactions were already, at least in the chief commercial centers, beginning to supplement those in money. On the other hand, the growth of foreign commerce in the sixteenth century and the transition over wide areas from a system of feudal dues and self-sufficiency to a money economy made greatly increased supplies of money essential merely to sustain existing prices.

During the seventeenth century European mines gradually ceased production, world output of silver declined and gold production increased slightly. As population and trade were rising rapidly, it is not surprising to find that the upward surge of prices spent itself by about 1660. From this year until about 1745 the price trend in western Europe was mildly downward. Then followed, about 1746 to 1815, another period of advancing prices not only for western Europe but also for America. The secular price trend for wheat in England shows an increase between 1748 and 1814 of about 200 percent, which is probably fairly representative of the general movement of prices for the period. Studies for the United States, based largely on prices at New York, show a general price advance for the same period of about 160 percent. Investigations for other market areas suggest an even greater rise. Although population and industry grew rapidly, the price advance was apparently made possible by augmented production of the precious metals, rapid increase in the use of credit and paper money and the almost continual wars of the time.

Price studies, especially the older ones, typically had for their chief purpose an investigation of the trend of real wages. Recent investigations have thrown doubt on many of their conclusions. Not only are the difficulties of securing satisfactory information on wage payments great, but until recent times price data provided a very unsatisfactory measure of purchasing power because they were limited to quotations for only a small number of crude materials. It has not as a rule been possible to take account of payments for rent, services and finished goods at retail. Moreover too often generalizations have been made on the basis of a single isolated market area or wage rates in one locality have been compared with prices in another.

Recent investigations have, for instance, thrown considerable doubt upon the previously accepted theory that real wages rose greatly after the Black Death and that the fifteenth century was a golden age for English workers. During the price revolution money wages in France and England lagged far behind the rising prices as measured by the available indices, but much further investigation is necessary before satisfactory generalizations can be made concerning the effect on the conditions of the working class. Hamilton's investigations of the price revolution in Spain indicate that wages for landsmen lagged seriously behind the general price level while wages for seamen rose at about the same rate as prices. Finally, the trend of real wages in England during the eighteenth century has been the subject of marked disagreement. Rogers, followed by Marshall, the Webbs and others, has held that the position of the laborer improved greatly; but the Hammonds have found an increasing degradation in the workers' standard of living. Research in prices and wages by localities has led E. W. Gilboy to conclude that the condition of the laborer in the north of England improved in the course of the century but that Gloucestershire showed no advance and possibly a decline in real wages.

Immediately after the Napoleonic epoch prices fell sharply, and a gradual downward trend set in. This was interrupted for a period of from twenty to twenty-five years, in the fifth and sixth decades of the nineteenth century, when prices were strengthened temporarily. From 1814 to 1896 the general level of wholesale prices in England and the United States declined about 60 percent. If adjustment is made for the fact that both countries were off the gold standard in 1814, it may be estimated that gold prices in both countries fell by approximately 50 percent. During the temporary upward movement in the middle of the century wholesale price indices for Germany and England advanced 40 and 50 percent respectively (1847–50 to 1873–74). In the United States, where war and paper money issues played an important role, prices in currency advanced (1843–64) by 157 percent and prices in gold (1843–66) by 65 percent. After the mid-century rise prices resumed their downward movement. That the nadir of this movement was reached by 1895–97 is indicated by wholesale price indices which have been constructed for England, Germany, Belgium, France, Austria-Hungary, Italy, New Zealand and the United States. Wage and price

studies are sufficiently adequate to justify the belief that there was in industrialized countries a general advance in real wages during the nineteenth century. Warren and Pearson's investigations for the United States indicate that the purchasing power of wages in terms of wholesale commodity prices increased between 1840 and 1914 at a compound rate of 1.71 percent per year.

Production of the precious metals declined until about the middle of the century. With the opening of new sources in California (1848) and Australia (1851) the gold output of the world increased rapidly for a few years, as clearly reflected in the mid-century advance in prices, and then declined gradually until the last decade of the century. After 1870 silver production rose, but the widespread adoption of the gold standard at this time greatly reduced the influence of silver on prices in Europe and America. Credit came rapidly into widespread use during the nineteenth century, but the need for additional means of payment also expanded as industry and commerce made tremendous forward strides.

It is usually assumed that in the nineteenth century the great improvements in transportation did much to bring prices in local markets into closer harmony with national and international price movements. Preliminary studies indicate, however, that during the first half of the century wholesale commodity prices at Boston, Massachusetts, Charleston, South Carolina, and New Orleans, Louisiana, were already in close agreement and that there was no clear tendency for greater concurrence at the end of the period than at the beginning.

The downward movement in prices was clearly reversed in the last decade of the nineteenth century, and a steady upward trend continued until the World War. Various index numbers of wholesale prices, not comparable among themselves, moved as follows:

Country	Date of Turn	Percentage Increase to 1914
Canada	1897	48
France	1896	44
Germany	1896	42
Great Britain	1896	33
Italy	1897	21
Russia	1896	52*
United States	1896	50

* 1896 to 1912.

That this upward movement in prices, coinciding with the rapid development of gold production in South Africa, proved a stimulant to industrial development is clearly evidenced by the absence of any prolonged depression during the period. Instead of the long stretches of inactivity, often lasting three or four years, which had occurred in the middle of each of the three previous decades, there were sharp reactions, such as that of 1900 in Germany or that of 1907 throughout the world, with very rapid recovery in each case.

The World War had as its inevitable concomitant a rapid rise in prices. In some countries currency in circulation was greatly increased; in others the expansion was primarily in the banking system. The result was the same in both cases: prices more than doubled in half a dozen years. No past revolution in prices for which records exist was as sudden or as widespread. The price rise was evident first in the belligerent countries but quickly spread to neutral areas. In the United States the price advance was checked in the summer of 1917; prices rose sharply in 1919 and early 1920, when controls were abandoned and a speculative price boom developed. The extent of the price advance in 1920 as compared with the last pre-war year (1913 = 100) is shown by non-comparable wholesale price index numbers as follows:

Canada	244
France	509
Great Britain	307
India	201
Japan	259
Netherlands	292
New Zealand	207
Spain	221
Sweden	359
United States	221

Source: League of Nations, Economic Intelligence Service, *Statistical Year-Book of the League of Nations, 1930/31*, 1931. II.A.16 (Geneva 1931) p. 270–72.

The next few years were dominated by the individual currency policies of various countries, and not until the middle of the decade did any degree of order begin to appear. If prices are computed on a gold basis, there was evident a general decline in 1920 and 1921 and then upward or downward drifts as the prices in the various countries sought levels at which some degree of equilibrium could be maintained. By 1928 it appeared superficially that a degree of stability had been reached, but the separate national price levels were so varied that, even allowing for differences arising from the technical character of the indices and for the substantial differences in economic development, the discrepancies had not been cleared away

The situation is illustrated by the following list of gold indices (with a 1913 or 1914 base) of wholesale prices for 1928 (taken from League of Nations, *Course and Phases of the World Economic Depression*, Publications, 1931.ii.A.21, rev. ed. Geneva 1931, p. 90):

Australia	165
British India	163
Japan	159
Canada	151
Sweden	148
Switzerland	145
Spain	144
United Kingdom	140
Germany	140
United States	140
Italy	134
Austria	130
France	126
South Africa	120
Poland	120
Chile	119

These international differences were a legacy from the hectic days of paper currencies and inflation. The return to a balanced relationship was made difficult by price controls, credit policies and the unsettled character of the various international balances of payments.

Although prices were rising in some few countries during the later years in the decade, in most instances there set in a definite downward drift. This gentle decline turned into a rout in 1929. These price declines were one of the most important manifestations of the depression as well as one of its most significant causes. The character of the decline is indicated by the following wholesale price indices (1926 = 100).

COUNTRY	1929	1932
Australia	98	77
Austria	106	91
Canada	96	67
Denmark	92	72
France	90	62
Germany	102	72
India	95	61
Italy	74	50
Japan	93	67
Netherlands	98	54
Sweden	94	73
Switzerland	98	66
Union of South Africa	94	74
United Kingdom	92	66
United States	95	65

Source: Recomputed from data in League of Nations, Economic Intelligence Service *Statistical Year-Book 1932/33*. 933.ii.A.7 (Geneva 1933) p. 266–68.

In recent years there has been increasing realization that while changes in the level of prices matter for those with time contracts, especially debtors and creditors, business profits depend even more on the internal structure of prices. Price level movements inevitably result in changes in the elements within the price structure, certain prices being much more flexible than others. In its history of American prices during the war, the Price Section of the War Industries Board showed that as the war progressed there was increasing spread among the 1437 commodities studied. More elaborate later studies by Frederick C. Mills relating to price dispersion (the development of spread) and price displacement (the shifting of relative position) indicate that for the United States the internal price structure was very much upset by the war, but that by 1923 some degree of persistent order appears to have been established. This new equilibrium differed in one important respect from the pre-war status. Before the war the price of raw materials, especially of farm products, had been increasing steadily at a rate somewhat more rapid than that for manufactured goods. However, the expansion in production of raw materials during the war created a considerable discrepancy in the other direction. Although raw materials prices strengthened again from 1922 to 1929 while manufactured goods declined, a marked divergence still remained. This is indicated by the following wholesale price indices for the United States (computed from Mills, Frederick C., *Economic Tendencies in the United States*, p. 584):

	RAW MATERIALS	MANUFACTURED GOODS
1901	82	86
1913	100	100
1919	196	206
1922	133	155
1929	141	151

Of course it cannot be assumed that the pre-war relationship represents a "normal." The complication of new items, such as radios, the increased importance of the automobile and similar problems make any comparison somewhat dubious.

The gap between raw material and manufactured prices was again seriously widened by the decline which began in 1929. Raw material commodity prices began to fall heavily late in that year. In the case of many manufactured goods, where production could be controlled with relative ease, there was strong resistance to price reductions. But farm acreage was abandoned only slowly, if at all, and mines were not closed, with the result that production was not adjusted to the reduced demand, and prices fell

rapidly. The collapse was accentuated by the early resistance to readjustment which resulted from the various price control and valorization schemes, applying chiefly to raw materials, established during the post-war period. That the gap between raw material and manufactured goods prices became increasingly wide is indicated by the movements of the Bureau of Labor Statistics index of wholesale prices:

	Raw Materials	Finished Products
1929	97.5	94.5
1930	84.3	88.0
1931	65.6	77.0
1932	55.1	70.3

The preceding discussion of recent price history has been restricted entirely to the record of wholesale prices chiefly because of the relative adequacy of the data. This record has often been employed as indicative of the entire price structure, other elements being assumed to move in a markedly parallel or related manner. Students are now, however, clearly aware of the fact that wholesale prices are not necessarily typical of all prices or even of the "price level." The following indices (on a 1913 base), collected by F. C. Mills (in National Bureau of Economic Research, *News-Bulletin*, no. 42, New York 1931, p. 4), indicate the divergence among various elements during the outset of the depression:

	July 1929	October 1930	October 1931
Wholesale prices	140	118	98
Cost of living	172	164	149
Retail food prices	158	144	119
Prices received by farmer	140	106	68
Prices paid by farmer	155	144	126
Per capita earnings, manufacturing labor employed	228	212	182

If other items such as security prices and real estate values were added to the list, the divergence would be even greater.

Another significant feature in the post-war history of prices is the increasing tendency to restrict the market area to national boundaries. Not only did the various nations adopt differing currency and credit policies, but tariffs, quotas, exchange regulations and other forms of trade barriers were hastily erected. The abandonment of the gold standard by most countries under the strain of the depression permitted greater independent fluctuation of prices within the various countries. The result has been a segregation of domestic markets which has quite destroyed the international equilibrium of price levels. Since most countries are at present off the gold standard and at least one, the United States, is committed to an avowed policy of advancing prices to the 1926 level with stabilization at that point, it is impossible to discuss the future trend of prices.

Any prolonged downward trend of prices has serious social implications. It steadily increases the burden upon the debtor class, particularly the farmer. Even more important, it changes in considerable degree the pattern of the business cycle, as is indicated in the following table of the number of years of prosperity per year of depression (from Thorp, W. L., *Business Annals*, National Bureau of Economic Research, Publications, no. 8, New York 1926, p. 66):

England		United States	
1790–1815	1.0	1790–1815	2.6
1815–1849	0.9	1815–1849	0.8
1849–1873	3.3	1849–1865	2.9
1873–1896	0.4	1865–1896	0.9
1896–1920	2.7	1896–1920	3.1

In the three periods of rising prices prosperous years were at least three times as numerous, relative to depressed years, as during the two periods of falling prices. The reason for this is not difficult to understand. An underlying upward movement in prices is a persistent urge to recovery, but a declining trend is a continually discouraging factor in the history of business conditions.

Willard L. Thorp
George R. Taylor

See: Commerce; International Trade; Gold; Silver; Inflation and Deflation; Business Cycles; Wages; Cost of Living; Standards of living; Interest.

Price Statistics. Records of price changes provide information of central importance concerning the working of a modern business economy. This is true not only with reference to those general changes in the value of money which first engaged the attention of pioneer workers on index numbers of prices; it is equally true of the countless detailed shifts in market conditions which are reflected in variations of the prices of individual commodities and of commodity groups. The history of economic change, in the large and in detail, is written in price quotations.

But it is a history not easily read. The multiplicity of detail and the wide variations which characterize the prices of many types of commodities give these records a baffling com-

plexity which served until fairly recent times to discourage the collection of comprehensive price data. Not until a stimulus was given in the nineteenth century by the issues arising out of apparent changes in the value of gold were price quotations compiled in any systematic fashion. These first compilations—by Tooke and Newmarch and later by Jevons, Sauerbeck and Soetbeer—were relatively meager; only Soetbeer's sample included more than one hundred commodities. With the improvement of index number technique, the recognition of new problems to which price quotations are directly relevant, the evolution of organized markets and the general industrial and business development of the last half century, the recording of price quotations and the attempts at systematic collection and interpretation of such records have been given new stimulus. Today price reporting activities covering the chief markets of the world are carried on by commercial organizations, by news agencies and by numerous governmental departments. Although these records still fall short of the needs of economists, statistics of security and commodity prices represent today the most highly developed branch of current economic reporting. This movement has not only led to more comprehensive and accurate work in the gathering and use of current quotations but has also stimulated painstaking studies of early records by individual scholars and scientific bodies.

The first problem encountered in working with price statistics is concerned with the obtaining of unambiguous basic data. There are several reasons why unequivocal observations in the field of prices are hard to secure. To begin with, existing markets are imperfect. In the perfect market of the economic theorist, in which every buyer and seller is in possession of full knowledge regarding all relevant data and in which free competition obtains, a single price prevails at a given time for a given commodity. Such conditions are most nearly approximated in the highly organized markets for securities and for certain standard commodities. Price records from these markets accurately reflect trading conditions. The retail stores of a given city, on the other hand, do not constitute a single perfect market, and wide variation may be found from store to store in the prices of identical commodities. Again, the wholesale prices of a given commodity at a stated time often show wide regional differences within an area such as that of the United States, differences not explainable in terms of transportation costs. Under such conditions the representativeness of any single price quotation is open to question. Since such conditions are general today, the degree of representativeness of current price quotations is subject to considerable variation.

Some of the variation between individual prices for apparently the same commodity can be traced to differences in the grade or quality of the commodity or in the terms of sale, which may escape the attention of the compiler or analyst. The modern movement toward the standardization of commodities with respect to quality has enhanced the usefulness of price records through more precise definition of varying grades of the same commodity. But this movement has affected only the major staples. Substantial qualitative differences prevail among many commodities entering into trade today. Quoted prices which reflect these differences, without indicating the variations in quality which account for them, are obviously ambiguous. Since frequent changes of quality are especially pronounced among highly fabricated goods, many commodities of this type are necessarily excluded from the compilations on which current index numbers of prices are based, with the result that complete accuracy in the measurement of average price movements is impossible. The accuracy of price quotations is similarly impaired by variation in the terms of sale, such as discounts, length of period within which payment may be made and concessions of other types often used to modify a basic quoted price.

Price quotations for the same commodity may vary also because of differences in the character of the market in which the prices originate. Thus for some commodities it is important to distinguish between contract prices and open market prices. Iron and steel, for example, are sold to large buyers under term contracts and delivered at the contract price regardless of changes which may occur in open market quotations. When a large part of the actual sales are made at such contract prices, open market quotations may lose much of their significance. In the case of many more commodities it is essential to specify the stage of the marketing process to which stated transactions relate. In the collection of price statistics it is customary to recognize two broad commodity markets—wholesale and retail. While the latter term is reasonably well defined, the designation wholesale markets includes markets covering the en-

tire range of the marketing process from sale by the first producer to purchase by a retail agency. In the instance of a finished manufactured good therefore the "wholesale price" may relate to the manufacturer's price to a jobber or to a wholesaler (in many lines the two functions are not the same), the manufacturer's price to a retailer or the jobber's or wholesaler's price to a retailer. For an identical good these prices might all be different at a given time. To lump them all under the term wholesale price is to introduce into the record a serious element of uncertainty. A classification more accurate than that which merely distinguishes wholesale from retail is needed.

The basic series required in the study of price behavior is therefore the record of actual prices of a certain commodity in a definite market at stated periods of time. Even though averaging may be necessary later, it is desirable that the basic records include not averages of price quotations prevailing at different times or in different markets but simple observations relating to stated times and stated markets. In using such series it is assumed that trade terms are constant, that the parties to the transaction are unchanged, that the commodity has not varied in quality over the period covered and that the market represented is sufficiently homogeneous so that the quotations employed may be taken to represent prices recorded for the same commodity in other transactions in the same market. Deviations from these conditions should be defined explicitly.

For certain types of analysis price statistics derived from market quotations, however perfect, are insufficient, for they necessarily exclude records of the various components of the final selling price of a manufactured good, such as cost of materials and of labor per unit of finished product. In the United States measurements of this type have been derived indirectly from census records of the physical output of important manufacturing industries and parallel records of aggregate cost of materials, aggregate labor cost, aggregate overhead costs plus profits and aggregate value of manufactured products. Such records do not provide unequivocal measurements of changes in the prices of cost goods, since they are influenced by technical production coefficients; but the addition of measurements of this type to currently available price quotations enriches the materials available for the study of price movements.

Price series for individual commodities represent essentially a record of price change over more or less extended periods. The change is not even in time or uniform for the different commodities. To establish the character and moving forces of this change is one of the important tasks of the student of price behavior. The most obvious type of price change is that between specific dates. Movements of this kind are measured by price relatives on a constant or shifting base, which in combination furnish index numbers defining changes in average prices. These relatives show that the prices of individual commodities differ markedly in degree of variability. Precision has been given to this observation by the distinction of different kinds of variability and by the utilization of methods which make possible exact definition of the degree of variability. The simpler measures of variability are the ratio of the mean deviation to the average, which indicates the amplitude of change, and the ratio of the number of actual changes to the number of possible changes, which is a rough index of the frequency of change.

As with other time series it is customary in analyzing price series to distinguish between long time non-recurrent movements and shorter periodic fluctuations of the cyclical or seasonal type. In regard to long period trends it is to be observed that the results obtained when the movements of individual prices are studied in detail are not in accord with the naïve conception that commodity prices move in the mass in response to changes in the value of the monetary unit. Such study has shown wide diversity of secular movements, with certain commodities declining progressively in reference to the general trend of prices and other commodities showing a sustained advance. That the movement of commodity prices over time is thus radial and dispersive rather than concentrated and compact has an obvious bearing on the character of progressive change in the general economic structure. In connection with cyclical changes recent studies of prices have included in addition to the general measurement of cyclical variability an analysis of the timing, duration and amplitude of those swings in the prices of individual commodities which accompany cycles in general business. In this field in particular the movements of a general price index conceal many of the most significant features of the behavior of individual prices. Here again, although wide variation prevails, there are impressed upon varying movements clear evi

dences of uniformity involving repetition of patterns of revival and recession.

An important recent innovation in price analysis has been the development of refined methods of defining price and quantity relationships, and the building up of a body of statistics appropriate to the measurement of the sensitivity of prices to changes in physical quantities produced or consumed. The measure used in this connection is the coefficient of price flexibility originated by Henry L. Moore, the analogue on the price side of the coefficient of elasticity of demand. It is defined as the ratio of the relative change in price per unit of commodity to the corresponding relative change in quantity, when the relative changes are infinitesimal.

In the early use of price statistics the purpose was single and simple—to measure average price changes in order that variations in the general purchasing power of money might be defined. For this purpose actual price quotations or price relatives were combined into averages. At first the price index numbers included only a small number of items and the formula employed was that of a simple or weighted arithmetic mean; in the course of time, however, the number of components was considerably increased and the construction of the index greatly refined. In recent years the requirements placed upon the collection of price statistics have been expanded markedly; index numbers have been used to measure not simply changes in the general purchasing power of money but also changes in the average level of wholesale prices, in cost of living, in retail prices, in prices received by farmers, in prices paid by farmers, in prices of goods entering into international trade and in prices of a great many other types which are believed to possess characteristic modes of behavior or to be of exceptional economic interest. The more detailed study of the various sections of the price level has facilitated attempts to construct comprehensive index numbers designed to measure changes in the general level of prices. Thus Carl Snyder's index for the United States includes, in addition to wholesale commodity prices, retail prices, cost of living data, wages, security prices, transportation costs, realty values and farm prices as well as specially compiled indices of changes in the prices of equipment, machinery and hardware. In the main, however, work with price statistics today is directed toward the construction of index numbers of wholesale prices and of living costs for industrial workers. Such indices, compiled in most cases by official bodies, are now available for almost every country. Many of them appear currently, in a form convenient for reference and comparison, in the *Monthly Bulletin of Statistics* issued by the League of Nations; recent summaries of the methods used in their construction have appeared in the *Monthly Labor Review* (vol. xxxi, 1930, p. 852–68) and in the *International Labour Review* (vol. xxvii, 1933, p. 539–57).

A price index number, whether it relates to all prices or merely to those of a single commodity group, is a series of averages for price distributions at successive dates. As such it measures only the change in the general tendency of the distributions; it fails to reveal the changes in their internal structure and conceals whatever changes may have occurred in the reliability of the index number as a representative value. It is only within the last few years that attention has been centered upon these aspects of changing prices; previously the complex variations in the internal price structure, which are of vast economic significance, were apt to be regarded merely as troublesome obstacles to the calculation of trustworthy averages.

Despite the novelty of this type of research a number of interesting conclusions have been established, provisionally or finally. Thus it has been found that the system of prices as a whole, including prices in various markets for securities, commodities and services, is highly heterogeneous, composed of elements subject to the play of distinctive forces. This heterogeneity materially limits the utility of studies which treat the entire price system as a unit. Even for sections of the price system, frequency distributions of price relatives are of an erratic and unstable character; the precise conditions which give rise to the Gaussian distribution are seldom realized. Interdependence of causal factors affecting the movements of price relatives for different commodities is probably the most important of the elements of instability in such distributions. Type IV of Pearson's classification of frequency distributions predominates. There is some improvement in stability of distribution type and in the efficiency of orthodox descriptive measures when logarithms of price relatives are used in place of relatives in natural form, when weights are employed and when link relatives rather than fixed base relatives are combined. It is a notable fact that stability of type for distributions of fixed base price relatives may be re-

attained after extreme disturbances; that is, the form of order which is due to the play of sheer chance may emerge as conditions of stability are restored in the price system.

In reference to the dispersion of price relatives about the central value it has been found that the dispersion of fixed base relatives tends to increase progressively with the passage of time; over an extended period it becomes so great that index numbers lose much of their significance. Accordingly short period comparisons of price levels are more accurate than are comparisons covering long periods. For a given period of time the dispersion of price relatives tends to be greater the more violent the changes in the general level of prices. Dispersion therefore is a function not of direction of change but rather of degree of change in the price level. There is no definite evidence that measurements of dispersion make possible the forecasting of changes in the general price level.

The other characteristic of internal instability of price relations, price displacement (the degree of shifting in relative position which takes place with the passage of time), is also in part a function of changes in the general price level. The greater the violence of the change in the general level, the greater the degree of internal instability, as reflected in the dispersion of prices and in the shifts in relations among prices. Such internal instability, however, is present even under conditions of stability in the level of prices. Measurements based on American data during the period from 1893 to 1926 indicate that about 40 percent of the internal instability of wholesale prices could be attributed, on the assumption of a causal relation, to fluctuations in the level of wholesale prices; this figure would be distinctly higher during such extreme changes in the price level as occurred between 1929 and 1933.

Detailed statistical study of the price structure thus reveals a system marked by constant internal movement and by wide shifts in the relations among its component elements. There is evidence that over extended periods of time the play of market forces tends to establish internal stability, but over short periods and in general instability is a dominant feature of the prevailing price system. These facts preclude the acceptance of a concept of normal relationship among the prices of commodities and of commodity groups. There are ties, and strong ties, among elements of the price system, but historically these have always been subject to progressive change with modifications in industrial and distributive methods. In periods of stable growth price relations have changed at fairly regular rates; in periods of severe economic disturbance price relations have been violently altered. But always flux and change, not constancy of relationship, have been the ruling condition within the structure of prices.

FREDERICK C. MILLS

See: INDEX NUMBERS; COST OF LIVING; DEMAND, section on STATISTICAL DEMAND CURVES; FORECASTING, BUSINESS; TIME SERIES.

Consult: FOR THE PRICE SYSTEM: GENERAL DISCUSSIONS: Wieser, Friedrich von, *Theorie der gesellschaftlichen Wirtschaft*, Grundriss der Sozialökonomik, vol. i (Tübingen 1914), tr. by A. Ford Hinrichs as *Social Economics* (New York 1927) bk. ii, pt. ii; Marshall, Alfred, *Money, Credit and Commerce* (London 1923); Conrad, Otto, *Der Mechanismus der Verkehrswirtschaft* (Jena 1931); Leifmann, R., *Grundsätze der Volkswirtschaftslehre*, 2 vols. (2nd ed. Stuttgart 1920–22) vol. ii, pts. vi-viii, x; Roper, W. C., *The Problem of Pricing in a Socialist State* (Cambridge, Mass. 1931); Cooley, C. H., *Social Process* (New York 1918) pt. vi; Anderson, B. M., *The Value of Money* (New York 1917); Cannan, E., *Money* (6th ed. London 1929); Edie, L. D., *Money, Bank Credit and Prices* (New York 1928); Lavington, F., *The English Capital Market* (London 1921); Great Britain, Committee on Finance and Industry, *Report*, Cmd. 3897 (1931); Mitchell, W. C., *Business Cycles; the Problem and Its Setting* (New York 1927); Röpke, W., *Die Konjunktur* (Jena 1922); Wagemann, E., *Konjunkturlehre* (Berlin 1928), tr. by D. H. Blelloch as *Economic Rhythm* (New York 1930); Persons, Warren M., *Forecasting Business Cycles* (New York 1931); Wilken, F., *Der Kreislauf der Wirtschaft* (Jena 1928); Heinrich, W., *Grundlagen einer universalistischen Krisenlehre*, Deutsche Beiträge zur Wirtschafts- und Gesellschaftslehre, vol. v (Jena 1928); Zeuthen, F., *Den ökonomiske Fordeling* (Economic distribution) (Copenhagen 1928). THEORIES OF PRICE INSTABILITY: Burchardt, F., "Entwicklungsgeschichte der monetären Konjunkturtheorie" in *Weltwirtschaftliches Archiv*, vol. xxviii (1928) 77–143; Palyi, Melchior, "Ungelöste Fragen der Geldtheorie" in *Die Wirtschaftswissenschaft nach dem Kriege. Festgabe für Lujo Brentano*, 2 vols. (Munich 1925) vol. ii, p. 455–517; Aftalion, A., *Monnaie, prix et change* (Paris 1927) pt. ii; Michaelis, A., *Die Quantitätstheorie als Grundlage der Konjunkturforschung* (Jena 1929); Del Vecchio, Gustavo, *Grundlinien der Geldtheorie*, tr. from the Italian by Otto Weinberger, Beiträge zur ökonomischen Theorie, no. i (Tübingen 1930); Ohlin, B., "Ungelöste Probleme der gegenwärtigen Krisis" in *Weltwirtschaftliches Archiv*, vol. xxxvi (1932) 1–23; Verein für Sozialpolitik, "Konjunkturforschung und Konjunkturtheorie," and "Kredit und Konjunktur," *Schriften*, vol. clxxiii, pt. ii (Munich 1928), and vol. clxxv (Munich 1929) p. 275–392; League of Nations, Financial Committee, Gold Delegation, *Interim Report*, *Selected Documents*, *Second Interim Report*, and *Report*, Publications, 1930. II.26, 34, and 1931.II.A.2, 12 (Geneva 1930–31);

Gold and Monetary Stabilization, ed. by Quincy Wright (Chicago 1932); Kemmerer, E. W., *Money and Credit Instruments in Their Relation to General Prices* (New York 1907); Fisher, Irving, *The Purchasing Power of Money* (rev. ed. New York 1922), *The Money Illusion* (New York 1928), and *Booms and Depressions* (New York 1932); Cassel, Gustav, *Theoretische Sozialökonomie* (5th ed. Leipsic 1932), tr. from 5th German ed. by S. L. Barron, 2 vols. (London 1932) bk. iv, *The Crisis in the World's Monetary System* (2nd ed. Oxford 1932), and "The Rate of Interest, the Bank Rate and the Stabilization of Prices" in *Quarterly Journal of Economics*, vol. xlii (1927–28) 511–29; Kondratieff, N. D., "Die langen Wellen der Konjunktur" in *Archiv für Sozialwissenschaft und Sozialpolitik*, vol. lvi (1926) 573–609; Edie, L. D., *Capital, Money Market and Gold*, University of Chicago, Studies in Business Administration, vol. i, no. i (Chicago 1929); Warren, G. F., and Pearson, F. A., *Prices* (New York 1933); Moulton, H. G., "Commercial Banking and Capital Formation" in *Journal of Political Economy*, vol. xxvi (1918) 484–508, 638–63, 705–31, 849–81; Watkins, M. W., "Commercial Banking and Capital Formation" in *Journal of Political Economy*, vol. xxvii (1919) 578–605; Hahn, L. Albert, *Volkswirtschaftliche Theorie des Bankkredits* (3rd ed. Tübingen 1930); Behrens, W. G., *Das Geldschöpfungsproblem*, Sozialwissenschaftliche Bausteine, vol. i (Jena 1928); Mises, Ludwig von, *Geldwertstabilisierung und Konjunkturpolitik* (Jena 1928), and *Die Ursachen der Wirtschaftskrise*, Recht und Staat in Geschichte und Gegenwart, no. 82 (Tübingen 1931); Hawtrey, R. G., *Currency and Credit* (3rd ed. London 1928), and *Trade and Credit* (London 1928); Pigou, A. C., "The Monetary Theory of the Trade Cycle" in *Economic Journal*, vol. xxxix (1929) 183–94; Robertson, D. H., *Banking Policy and the Price Level* (3rd ed. London 1932), *Money* (new ed. London 1928), and "Theories of Banking Policy" in *Economica*, vol. viii (1928) 131–46; Pigou, A. C., "A Contribution to the Theory of Credit," and Hawtrey, R. G., "Mr. Robertson on Banking Policy" in *Economic Journal*, vol. xxxvi (1926) 215–27 and 417–33; Röpke, W., "Kredit und Konjunktur" in *Jahrbücher für Nationalökonomie und Statistik*, vol. cxxiv (1926) 243–55; Baracs, J., "Kredit und Konjunktur" in *Archiv für Sozialwissenschaft und Sozialpolitik*, vol. ix (1928) 568–97; Holtrop, M. W., *De omloopssnelheid van het geld* (The velocity of circulation of money) (Amsterdam 1928); Stucken, R., *Theorie der Konjunkturschwankungen* (Jena 1926); Somary, Felix, *Bankpolitik* (2nd ed. Tübingen 1930); Sokoloff, A., "Zwei Beiträge zur Theorie der Umlaufsgeschwindigkeit des Geldes" in *Archiv fur Sozialwissenschaft und Sozialpolitik*, vol. lvii (1927) 143–66, 627–56; Neisser, Hans, *Der Tauschwert des Geldes* (Jena 1928), and "Der Kreislauf des Geldes" in *Weltwirtschaftliches Archiv*, vol. xxxiii (1931) 365–408; Mickwitz, A. von, "Kassenhaltung und Preisniveau" in *Archiv für Sozialwissenschaft und Sozialpolitik*, vol. lxii (1929) 555–88; Bortkiewicz, L. von, "Das Wesen, die Grenzen, und die Wirkungen des Bankkredits" in *Weltwirtschaftliches Archiv*, vol. xvii (1921–22) 70–89, and "Die Ursachen einer potenzierten Wirkung des vermehrten Geldumlaufs auf das Preisniveau" in Verein für Sozialpolitik, *Schriften*, vol. clxx (Munich 1925) p. 256–74; Kuznets, Simon, "Monetary Business Cycle Theory in Germany" in *Journal of Political Economy*, vol. xxxviii (1930) 125–63; Davenport, H. J., "Velocities, Turnover and Prices" in *American Economic Review*, vol. xx (1930) 9–19; Lounsbury, R. H., "Velocity Concepts and Prices" in *Quarterly Journal of Economics*, vol. xlvi (1931–32) 34–67; King, W. I., "The Immediate Cause of the Business Cycle" in American Statistical Association, *Journal*, vol. xxvii (1932) supplement, p. 218–30; Lande, L., "Kapital und Kredit im Konjunkturzyklus" in *Archiv für Sozialwissenschaft und Sozialpolitik*, vol. lxviii (1932–33) 420–49; Wicksell, Knut, *Geldzins und Güterpreise* (Jena 1898), and *Föreläsningar i nationalekonomi*, 2 vols. (3rd ed. Lund 1928–29), German translation by M. Langfeldt (Jena 1913–22) vol. ii; Keynes, J. M., *A Treatise on Money*, 2 vols. (London 1930); Robertson, D. H., "Mr. Keynes' Theory of Money" and a rejoinder by Keynes in *Economic Journal*, vol. xli (1931) 395–423; Hayek, F. A., "Reflections on the Pure Theory of Money of Mr. J. M. Keynes" and a rejoinder by Keynes in *Economica*, vol. xi (1931) 270–95, 387–403, and vol. xii (1932) 22–44; Hawtrey, R. G., *The Art of Central Banking* (London 1932) ch. vi; Williams, J. H., "The Monetary Doctrines of J. M. Keynes" in *Quarterly Journal of Economics*, vol. xlv (1930–31) 547–87; Hayek, F. A., *Geldtheorie und Konjunkturtheorie* (Vienna 1929), tr. by N. Kaldor and H. M. Croome (London 1933), and *Prices and Production* (London 1931); Sraffa, P., "Dr. Hayek on Money and Capital" with a reply by Hayek in *Economic Journal*, vol. xlii (1932) 42–53, 237–51; Fetter, Frank A., "Interest Theory and Price Movements" in *American Economic Review*, vol. xvii (1927) supplement, p. 62–105; Liefmann, R., "Theorie des Sparens und der Kapitalbildung" in *Schmollers Jahrbuch*, vol. xxxvi (1912) 1565–1642; Egner, E., "Zur Lehre vom Zwangsparen" in *Zeitschrift für die gesamte Staatswissenschaft*, vol. lxxxiv (1928) 529–60; Monroe, A. E., "Investment and Saving" in *Quarterly Journal of Economics*, vol. xliii (1928–29) 567–603; Pigou, A. C., *Industrial Fluctuations* (2nd ed. London 1929), and *The Theory of Unemployment* (London 1933); Hansen, Alvin, *Business-Cycle Theory* (Boston 1927), and *Economic Stabilization in an Unbalanced World* (New York 1932); Kuznets, Simon, "Equilibrium Economics and Business Cycle Theory" in *Quarterly Journal of Economics*, vol. xliv (1929–30) 381–415, and "Random Events and Cyclical Oscillations" in American Statistical Association, *Journal*, vol. xxiv (1929) 258–75; Schumpeter, J., *Theorie der wirtschaftlichen Entwicklung* (2nd ed. Munich 1926), and "Die goldene Bremse an der Kreditmaschine" in *Die Kreditwirtschaft*, 2 vols. (Leipsic 1927) vol. i, p. 80–106; Lederer, Emil, "Konjunktur und Krisen" in *Grundriss der Sozialökonomik*, vol. iv, pt. i (Tübingen 1925) p. 354–413, and "Zur Morphologie der Krisen" in *Die Wirtschaftswissenschaft der Gegenwart*, vol. iv (Vienna 1928) p. 1–16; Vogel, E. H., "Die Theorie des volkswirtschaftlichen Entwicklungsprozesses und ihre Fortbildung durch eine evolutionäre Konjunkturtheorie" in *Jahrbücher für Nationalökonomie und Statistik*, vol. cxxviii (1928) 321–87, 481–518, 663–705, 838–61; Åkerman, J. H., *Ekonomiskt framåtskridande och ekonomiska kriser* (Stockholm 1931), tr. by E. Sprigge and C. Napier as *Economic Progress and Economic Crises* (London 1932).

FOR PRICE HISTORY: ANCIENT: Glotz, G., *Le travail dans la Grèce ancienne* (Paris 1920), tr. by M. R.

Dobie as *Ancient Greece at Work* (London 1926); Heichelheim, Fritz, "Zur Währungskrisis des römischen Imperiums im 3. Jahrhundert n. Chr." in *Klio*, vol. xxvi (1932) no. i, p. 96–113; Lutz, Henry F., "Price Fluctuations in Ancient Babylonia" in *Journal of Economic and Business History*, vol. iv (1931–32) 335–55; Robinson, David M., "A New Latin Edict from Pisidian Antioch" in American Philological Association, *Transactions and Proceedings*, vol. lv (1924) 5–20; Rostovtzeff, M. I., *The Social and Economic History of the Roman Empire* (Oxford 1926), and "Frumentum" in *Paulys Real-Encyclopädie der classischen Altertumswissenschaft*, ed. by G. Wissowa and W. Kroll, vol. vii (Stuttgart 1913) p. 126–87; Segrè, Angelo, *Circolazione monetaria e prezzi nel mondo antico* (Rome 1922); West, L. C., "The Cost of Living in Roman Egypt" in *Classical Philology*, vol. xi (1916) 293–314.

MEDIAEVAL AND MODERN: Avenel, G. d', *Histoire économique de la propriété, . . . et de tous les prix en général, depuis l'an 1200 jusqu'en l'an 1800*, 7 vols. (Paris 1894–1926); Rogers, J. E. T., *A History of Agriculture and Prices in England*, 7 vols. (Oxford 1866–1902); Tooke, Thomas, *A History of Prices and of the State of the Circulation, from 1793 to 1856*, 6 vols. (new ed. by T. E. Gregory, London 1928); Wiebe, Georg, *Zur Geschichte der Preisrevolution des XVI. und XVII. Jahrhunderts*, Staats- und socialwissenschaftliche Beiträge, vol. ii, pt. ii (Leipsic 1895); Beveridge, W. H., "The Yield and Price of Corn in the Middle Ages" in *Economic History*, vol. i (1927) 155–67; Sombart, Werner, *Der moderne Kapitalismus*, 3 vols. (6th ed. Munich 1924–27); Hamilton, Earl J., "American Treasure and Andalusian Prices, 1503–1660" in *Journal of Economic and Business History*, vol. i (1928–29) 1–35, "American Treasure and the Rise of Capitalism (1500–1700)" in *Economica*, vol. ix (1929) 338–57, and "Monetary Inflation in Castile, 1598–1660" in *Economic History*, vol. ii (1931) 177–212; Bonn, M. J., *Spaniens Niedergang während der Preisrevolution des 16. Jahrhunderts* (Stuttgart 1896); Usher, A. P., "The General Course of Wheat Prices in France: 1350–1788," and "Prices of Wheat and Commodity Price Indexes for England, 1259–1930" in *Review of Economic Statistics*, vol. xii (1930) 159–69, and vol. xiii (1931) 103–13; Gilboy, Elizabeth W., "Wages in Eighteenth-Century England" in *Journal of Economic and Business History*, vol. ii (1929–30) 603–29; Layton, Walter T., *An Introduction to the Study of Prices* (2nd ed. London 1920); Virlogeux, Maurice, *Quelques aspects de l'évolution des prix au siècle dernier et en notre temps* (Paris 1927); Verein für Sozialpolitik, *Der Einfluss der Golderzeugung auf die Preisbildung 1890–1913*, Schriften, vol. cxlix, pt. i (Munich 1928); Silberling, N. J., "British Prices and Business Cycles, 1799–1850" in *Review of Economic Statistics*, vol. v (1923) 223–62; Silverman, A. G., "Monthly Index Numbers of British Export and Import Prices, 1880–1913" in *Review of Economic Statistics*, vol. xii (1930) 139–48; United States, Bureau of Labor Statistics, "History of Wages in the United States from Colonial Times to 1928," *Bulletin*, no. 499 (1929); Smith, W. B., "Wholesale Commodity Prices in the United States, 1795–1824" in *Review of Economic Statistics*, vol. ix (1927) 171–83; Cole, Arthur H., "Wholesale Prices in the United States, 1825–1845," and "Wholesale Commodity Prices in the United States, 1843–62" in *Review of Economic Statistics*, vol. viii (1926) 69–84, and vol. xi (1929) 26–37; Mitchell, W. C., *A History of the Greenbacks* (Chicago 1903); Snider, J. L., "Wholesale Prices in the United States, 1866–1891" in *Review of Economic Statistics*, vol. vi (1924) 93–118; Warren, G. F., and Pearson, F. A., *Prices* (New York 1933); Taylor, G. R., "Wholesale Commodity Prices at Charleston, S. C., 1732–1791, and 1796–1861" in *Journal of Economic and Business History*, vol. iv (1931–32) 356–77, 848–76; Mills, F. C., "Price Movements and Related Industrial Changes" in Conference on Unemployment, *Recent Economic Changes in the United States*, 2 vols. (New York 1929) vol. ii, ch. ix, and *Economic Tendencies in the United States*, National Bureau of Economic Research, Publication, no. 21 (New York 1932).

FOR PRICE STATISTICS: Mills, Frederick C., *The Behavior of Prices*, National Bureau of Economic Research, Publication, no. 11 (New York 1927); Lehr, Julius, *Beiträge zur Statistik der Preise* (Frankfort 1885); Hamburger, L., *De veranderlijkheid van prijzen*, vols. i-ii, pt. i (The Hague 1929–); Moore, Henry L., "Elasticity of Demand and Flexibility of Prices" in American Statistical Association, *Journal*, vol. xviii (1922–23) 8–19; Schultz, Henry, *Statistical Laws of Demand and Supply* (Chicago 1928); Smith, Bradford B., "Forecasting the Acreage of Cotton" in American Statistical Association, *Journal*, vol. xx (1925) 31–47; March, Lucien, "Les modes de mesure du mouvement général des prix" in *Metron*, vol. i (1920–21) no. 4, p. 57–91; Flux, A. W., "The Measurement of Price Changes" with discussion in Royal Statistical Society, *Journal*, vol. lxxxiv (1921) 167–215; Persons, Warren M., and Coyle, E. S., "A Commodity Price Index of Business Cycles" in *Review of Economic Statistics*, vol. iii (1921) 353–70; Snyder, Carl, *Business Cycles and Business Measurements* (New York 1927), and "The Measure of the General Price Level" in *Review of Economic Statistics*, vol. x (1928) 40–52; International Institute of Agriculture, Statistics Bureau, *Index-Numbers of Prices of Agricultural Products and Other Price-Indices of Interest to the Farmer* (Rome 1930); Jewkes, John, "Report on the Existing Wage and Cost of Living Statistics" in *International Wage Comparisons*, Social Science Research Council, Bulletin, no. 22 (New York 1932) p. 141–262; London and Cambridge Economic Service, "Relative Changes in Price and Other Index-Numbers" by A. L. Bowley, *Special Memorandum*, no. 5 (London 1924); Crump, Norman, "The Interrelation and Distribution of Prices and Their Incidence upon Price Stabilization" with discussion, and Bowley, A. L., "The Influence on the Precision of Index-Numbers of Correlation between the Prices of Commodities" in Royal Statistical Society, *Journal*, vol. lxxxvii (1924) 167–219, and vol. lxxxix (1926) 300–19; Lange, Oskar, *Die Preisdispersion als Mittel zur statistischen Messung wirtschaftlicher Gleichgewichtsstörungen*, Frankfurter Gesellschaft für Konjunkturforschung, Veröffentlichungen, n.s., no. 4 (Leipsic 1932); Woytinsky, W., "Die Preisbewegung der Jahre 1901–1912 und 1925–1930" in *Weltwirtschaftliches Archiv*, vol. xxxiv (1931) 491–524; United States, Department of Agriculture, "Geography of Wheat Prices" by L. B. Zapoleon, *Department Bulletin*, no. 594 (1918). See also the bibliography following INDEX NUMBERS.

PRICHARD, JAMES COWLES (1786–1848), English physician and anthropologist. Prichard's parents were Quakers and, although he later joined the Church of England, his early training in the religion of his parents had a profound effect on his life and thought. In his youth and while practising medicine he lived in Bristol, where he was in touch with men from diverse races, a circumstance which originated and stimulated his interest in anthropology. His main thesis was that there were significant resemblances between man and the other animals and that the different human races are all varieties of a single species. He contended that man possessed an aptitude for physical modification under environmental influence and that mankind was originally dark skinned, white skin being produced through the influence of civilization. He was also keenly interested in the then infant science of Egyptology and preceded Pictet in the conclusion which is now a commonplace that the Celtic languages are part of the Indo-European group.

Prichard had a large medical practise and took a special interest in mental diseases. His theory that there was a moral insanity which might be independent of any impairment of the intellectual functions had wide influence, especially in the field of jurisprudence. In 1845 he became a commissioner in lunacy in London. At the time of his death he was president of the Ethnological Society.

L. H. DUDLEY BUXTON

Important works: *Researches into the Physical History of Mankind* (London 1813; 3rd ed., 5 vols., 1836–47); *The Natural History of Man* (London 1843; 4th ed. by Edwin Morris, 2 vols., 1855); *A Treatise on Diseases of the Nervous System* (London 1822); *A Treatise on Insanity* (London 1835).

Consult: Hodgkin, Thomas, in Ethnological Society of London, *Journal*, vol. ii (1850) 182–207; Symonds, J. A., "On the Life, Writings and Character of the Late James Cowles Prichard, M.D., F.R.S., Etc., Etc." in his *Miscellanies*, ed. by his son, J. A. Symonds (London 1871) p. 116–44; Tuke, D. H., *Prichard and Symonds* (London 1891).

PRIESTHOOD. The institution of priesthood may be said to have arisen from the widespread tendency to attribute to certain individuals inherent powers which distinguish them from their surroundings. Such a conception of the priest takes for granted a primitive faith in the existence of a force which, in the words of Codrington, "acts in all kinds of ways for good and evil and which it is of the greatest advantage to possess or control." Thus the priest is above all else the agent of mana. But while this basic notion of priesthood originated in the most primitive cultures, it may be traced more or less clearly through the entire history of religion. The Chinese *saikong*, for instance, who officiates at sacrificial and exorcistic ceremonies, is believed to be so strongly imbued with *yang*, or male power, that he must be carried to the altar lest he neutralize this power by contact with the female principle, which is inherent in the earth; and the candidate for the priesthood of Diana at Aricia on Lake Nemi had to give evidence of his superior powers by combat with the retiring incumbent of the office. Even among certain modern peoples it is customary on Palm Sunday for one priest to touch another with the twig of a tree symbolizing the staff of life and supposedly imparting strength. Since, as this last usage clearly reveals, the power of the priest may be looked upon as a force which may be transferred or acquired, it is possible to distinguish two major types of priesthood. In one case the special powers are regarded as an innate and natural endowment: a class to which belong all priestly castes in which the principle of heredity prevails. In the other case the eminence of the priest derives rather from some external potency—a touch of the hand, anointing or administration of an intoxicating potion.

As a general rule physical fitness is a prerequisite for the priesthood; there exist, for instance, Babylonian texts which enumerate the infirmities debarring candidates. On the other hand, a physical abnormality, by arousing an impression of the extraordinary, may at times be interpreted as a sign of mana. Thus among the Ojibway Indians deformed creatures were appointed to priestly offices, as were pygmies and albinos among the Kongo tribes. The age requirements for entering the priesthood have varied from early youth—the Roman vestal virgins assumed office at the early age of six or ten and in Japan maidens of ten or twelve served as priestesses—to maturity. Still more important than bodily requirements, however, are the psychic. Especially illuminating in this connection is the etymological resemblance between the Hebraic word for priest (*kôhēn*), and the Arabic word for seer (*kâhin*). By virtue of his clairvoyant powers the visionary meets the qualifications for the priesthood; in Egypt the term prophet remained a designation of the priest.

The integrity of the cult can be preserved only if the natural aptitudes of the potential

priest are supplemented by an appropriate course of training. So difficult is the transition from the profane to the sacred that it usually cannot be accomplished at a single stride but must be prefaced by systematic cultivation of a variety of acts of self-sacrifice, ascetic practises and hygienic ceremonies as well as by the study of sacred texts. Moreover the final bestowal of priesthood is often deferred until the completion of a formal novitiate.

Certain permanent tabus are also associated with the holy state of priesthood, giving added evidence of the basic importance of the mana idea, which conceptually may be considered identical with tabu. Thus among the Maori should a priest while drinking allow water to drip between his fingers, the spot would become tabu and remain so for a length of time varying according to the quantity of water spilled; and should any one follow the priest, he also would fall under the tabu. "Among the Ibo people about Awka, in Southern Nigeria," as Frazer records, "the priest of the Earth has to observe many taboos, for example, he may not see a corpse, and if he meets one on the road he must hide his eyes with his wristlet" (Frazer, J. G., *Golden Bough*, pt. vii, 3rd ed. London 1913, vol. i, p 4). The Old Testament forbids the priest to have anything to do with a corpse except in case of the death of his close relatives, and similar rules are prescribed at the Asclepieion of Kos. Among the widely prevalent tabus associated with food a typical example is furnished by the Egyptian priesthood, who were forbidden to taste fish and even to look upon beans. Bede reports that Anglo-Saxon priests were not allowed to bear arms or to ride except upon a mare, and it was a sign that Christianity had prevailed over paganism when the newly converted high priest sprang upon the stallion of the king and, armed with sword and lance, proceeded to destroy the temple idols and enclosures.

The precept of celibacy, a common form of tabu, grew up doubtless in connection with the concept of mana, the presumption being that intercourse with the weaker sex might involve a diminution of mana. Von Martius reports that "a tribe on the Rio Negro enjoined celibacy upon their shamans because they believed that medicine would prove ineffectual if administered by a married man. And in modern times the medicine men of an Algonquin tribe of the Hudson River displayed such severity in a celibate existence, that they refused to partake of food prepared by a married woman." Mingled with such ideas is the notion that sexual intercourse may contaminate the cult. But while requirements of priestly celibacy have frequently recurred—indeed even eunuch priests have been found in some regions, particularly in Asia Minor—such restrictions have been far from universal. The Shin Shu priests of Japan were permitted to marry; and in Taoist China and even in ancient Greece the practise was not uncommon. It was only gradually and as the result of bitter contest that celibacy became an established precept in the Roman Catholic church. Originally merely a matter of ecclesiastical discipline, it did not become fixed as an article of faith until the Counter-Reformation.

Throughout the course of religious development there has been a gradual but continuous tendency toward placing the major emphasis on tabus operating in the spiritual and moral spheres. Thus the *Reorganization* of Julian the Apostate (Epistle 89.b) states that "priests ought to keep themselves pure not only from impure or shameful acts, but also from uttering words and hearing speeches of that character . . . let no one who has been consecrated read either Archilochos or Hipponax or anyone else who writes such poems as theirs" (*Works*, tr. by W. C. Wright, Loeb Classical Library, vol. ii, p. 325). In time the tabu came to assume the form of the categorical imperative and faith and prayer to determine fitness for the priesthood.

The power possessed by the priest may be approached either from the supernatural or from the natural point of view, since the religious process itself is essentially a reciprocal interplay between the human and the divine. In general the function of the priest consists in intercession between god and man. The priest of Ishtar, who spoke in the first person in the name of the god, and the ministrant of the Osiris ritual, who assumed the role of Horus, the beloved son of Osiris, illustrate the fact that from one point of view the priest is the representative of the god before man and from another the representative of man, presenting man's gifts and desires before the god. Either view confirms the premise that the distinctive attribute of the priest is the possession of unlimited force. As representative of the god, he transfers to the world the fulness of power which characterizes the superhuman; and the supernatural, in so far as it represents force, must be approached by force from the human side, lest man be destroyed by the im-

pact. This reasoning becomes clearly apparent in the Kaffir religion, which prohibits an invalid from executing his own sacrifices and requires that he seek the mediation of a priest. Not merely in order to guarantee his own safety in the face of the superhuman, however, must the priest be in full vigor, but primarily in order to assure the efficacy of the offering at which he officiates and to exert the maximum influence upon the divinity—perhaps even to bring the latter under his power.

Only in the light of such general observations can the specific historical functions of the priesthood be understood. Because of his endowment with mana there devolves upon the priest the entire range of tasks associated with the sphere of magic and no clear cut line can be drawn between priest, magician and medicine man. Whenever an evil is to be averted, a malady is to be healed, rain and fertility are to be solicited, an enemy is to be expelled or annihilated, the people turn to the incumbent of mana, hoping that by manipulation or by the utterance of a word he will achieve the desired end. The primitive priest is both conjurer and exorcist and the powers against which he arrays himself may be either impersonal forces or personal spirits and demons. He may act on behalf either of an individual or of the surrounding community, but it is to be observed that the larger and more closely integrated the social unit of which he is the representative, the more clearly defined are the spheres of his duties. He becomes increasingly differentiated from the magician, who conducts his magical practises on his own responsibility and incurs the growing contempt of the priest. Gradually, as the priesthood grows richer in experience and better versed in procedures and techniques, its ceremonial rules tend to crystallize. Its success now depends upon the precise utterance of the correct name or word and upon the punctilious performance of the proper ceremonies and sacrifices. In cases where the evil which he must mitigate is thought to be the result of some shortcoming on the part of the victim, the priest must devise an appropriate form of atonement, and in the process there is developed a special type of expiatory priest.

The priest whose distinctive talents lie in the psychic realm is charged chiefly with prophetic functions; looking to the future and to the portents which announce it, he is equipped primarily to chart future policies and at the same time to offer a reasoned analysis of the immediate situation. Where his mantic talents show signs of flagging, he may have at his disposal various formalized instruments for the transmission of supernatural knowledge: thus he becomes the administrator of the sacred lots, the guardian of the sibylline writings or the mouthpiece of the divine oracle.

Wherever the supernatural is conceived of in personal terms, it devolves upon the priest to become the guardian of the dwelling place of the deity, supervising the affairs of the holy temple and keeping the holy fire aflame on the altar. In many religious cults, particularly in ancient Egypt and in Hinduism, the priest was called upon to devote much of his time to attendance upon the image of the patron deity. As a result sacrifices, singing, music and dancing were all supervised by the temple priest. In order that ceremonial holidays might recur at the proper intervals, some form of accurate calendar had to be developed, and as a result, particularly among the Babylonians and the Chinese, the priests began to plot time from the stars. As community revenues and treasures began to accumulate in the temple, the priest became also the banker.

The intimate connection of religion and law in the early stages of social development, and more particularly the function which the temple fulfilled as community court, rendered the priest a lawyer, pronouncing legal judgments and passing upon the public and private contracts which were entered into in the presence of the temple deity. With the introduction of a fixed system of writing he became historiographer and author of sacred legal codes, guardian of the temple archives and editor, if not composer, of the various prayers and songs connected with the cult. As theologian it was essential for him to bring order and system into the amorphous conglomeration of deities which crowded the primitive pantheon. In the gradual theological transition from confused multiplicity to an all embracing unity—from the countless to the nine, to the three and finally to the one—the priest played, not unnaturally, a dominant role. In order to establish some continuity of tradition which would preserve for posterity the progress made by a single generation, he became an educator. The catechistic form of dialogue which was first developed is illustrated in early Germanic poems, such as *Vafthruthnismál* and *Alvismál*, as well as in the religious texts used in the temple schools of Babylon. Thus the progress of knowledge and science in its manifold aspects during the earlier stages of cultural

development must be credited in large measure to the priestly caste, which sought to bring greater understanding and order into the cult of the temple deity.

The actual historical beginnings of the priesthood cannot be reconstructed with any degree of scientific assurance. Undoubtedly the first priest was a member of the primitive community who happened to give palpable evidence that he possessed the charismatic gift of mana by displaying some form of supernatural power in the presence of the assembled community. But since the regular recurrence of communion with the supernatural necessitated repeated activity rather than sporadic inspiration, the exercise of priestly functions became a special calling or profession. As the possession of the awe inspiring gift of mana came to set off a particular person as an object of special veneration, he tended to become identified with the leader of the primitive group. If it be assumed that the family was the most important unit in the earliest type of group organization, the paterfamilias or the eldest in the family may be considered as the first to have exercised the priestly function. In China and Indonesia and among the Egyptians, the Babylonians and the Indo-Germanic races, the head or the oldest living member of the family was entrusted with numerous priestly functions, particularly the conduct of the sacrificial rites. Although such an arrangement was most natural among those groups which practised ancestor worship and the cult of the dead, it prevailed also under those types of early religion where there was no question of an immediate and necessary connection between the head or eldest member of the family and the object of worship. In this latter, essentially derivative, form of priesthood the priest became merely the representative or agent of the primitive group.

The original group expanded, and the single family developed into a network of families or families united to form larger associations. A sociological unit, the tribe, appeared; at first it was based on community of blood, but by gradually absorbing alien elements blood kinship gave way to a broader integrating principle based on community of social and economic interests. In this process of sociological development, which paralleled the economic transition from the collecting and hunting stages to the agricultural and the pastoral, the functions of the priest became more numerous and specialized. Since primitive agriculture, like the earlier collecting, was carried on in the main by women, woman came to enjoy a certain economic status, which was reflected in the religious sphere by an increase in the number of goddesses in the tribal pantheon. Although there are numerous instances from Egyptian, Greek and Germanic sources to indicate that the cult of a goddess was frequently carried on by a priest and that of a god by a priestess, it may be assumed that in general an increase in the number of goddesses implied a corresponding increase in the number of priestesses. With the introduction of the pastoral culture, however, and the resulting emphasis on masculine virtues, the number of male deities increased and there was a corresponding rise in the number of male priests. At the same time the accredited priest of the tribe became the chieftain and there resulted a merging of functions which was to exert an enduring influence on later developments.

The question as to whether the priestly or the chiefly elements in this new office were the more important becomes increasingly difficult to answer the further one goes back into cultural history, especially into those periods when there is no genuine distinction between the temporal and the spiritual phases of community life. Since the power of mana operated in all spheres, a thoroughly artificial point of view is represented in the attempt of the Vedic *Śatapatha-Brâhmana* to draw a line of demarcation between the priestly and the princely sphere by designating Varuna as the representative of the prince and Mithras as representative of the priest and by putting into the mouth of the former the following invitation: "Turn thou unto me that we may unite: I will place thee foremost. Sped by thee, I will do deeds!" (tr. by J. Eggeling, The Sacred Books of the East, vol. xxvi, iv, 1, 4).

When in the natural course of cultural development the tribal chieftain became king or emperor, there began a merging of royal and priestly functions and prerogatives, which may be traced almost uninterruptedly throughout the subsequent centuries. Again and again the king either performed the work of the priest or at least assumed responsibility for seeing that it was performed. Among the Maori of New Zealand the priest kings, known as the *ariki*, constitute the uppermost social layer, and it is they alone who know the sacred tribal chants. In China the offering of the great sacrifice to the heavens was so exclusively the privilege of the emperor that the expression "to sacrifice to

Shang-ti" came to mean "to usurp the power of the Emperor." Similarly in Japan the emperor is the Son of Heaven and as such the highest priest. In Babylon the kings were called "the priests of Anu," the god of heaven, and often the calendar year was calculated from the date when a king was inducted as high priest of Anu or of the moon god Sin. The favorite title of the kings of Assyria was Priest of the God Ashur. In the ancient empire of Egypt the provincial prince ordinarily served as the head priest of the local deity; the priest king Melchizedek illustrates the same merging of functions among the Israelites. It is significant in this connection that the designation for the oldest mythical kings of Persia is *purohita*, which was the name for the household priests attending the kings of India. Further evidence of the original identification of priest and king is to be found in the palace chapels unearthed on the island of Crete. On the other hand, the tendency of the priest to arrogate to himself royal prestige and prerogative is reflected in the Roman term *rex sacrorum* and even in the terminology of the later Roman Catholic church, where according to the *Pontificale romanum* the bishop consecrates the newly installed exorcists as *spirituales imperatores*.

It is clear that with the proliferation of priestly functions on the one side and the progressive increase in the temporal responsibilities of the chieftain or king on the other, the ruler was unable to fulfil his religious duties single handed but had to relegate them to certain specified orders within the expanding community. One of the earliest examples of this development is to be found in the house priest, or *purohita*, of India, appointed by the king and maintained in a relationship which was regarded as akin to marriage. This relationship provoked a tendency, repeatedly manifested during the later history of religious development, for such a specially appointed priestly caste to acquire independent status and to expand its prerogatives and privileges at the expense of the chieftain or the king. The claims of the priest as against the king are voiced in the *Rigveda* (IV: 50, 8) and still more strikingly in the ancient Indian political handbook, *Arthaśāstra* of Kautilya, wherein the king is advised to heed the Brahman, "as a student his teacher, a son his father, and a servant his master" (tr. by R. Shamasastry, 3rd ed. Mysore 1929, p. 1). In China the emperor, on a sacrificial holiday, was surrounded by numerous priestly ministers, each of whom was in charge of some particular office. To be sure, the bureaucratic character of the Chinese priesthood was so rigidly maintained that a priestly caste in the narrow sense of the term never appeared, and in this respect the development in China was in direct contrast to that in India.

Viewed from another angle, the Indian priesthood reveals striking differences from the Roman, which became an integral part of the public life of the state, with *sacerdotes publici*, whether *pontifices* or Salii in charge of the *sacra publica*. The Roman priests known as Salii are especially interesting in that they indicate the process whereby the priesthood in Rome grew out of tribal cult, which was gradually expanded to include priests from other tribes who became assimilated into a new and less restricted *sodalitas*. This transition from tribal priesthood to priestly *sodalitas* is illustrated also by the priests known as Luperci, who did, however, preserve the older tribal designations such as *Luperci fabiani* and *Luperci quinctiales*, or priests of the Fabian gens and the Quintian gens.

Such an elaborate priestly organization was unknown in Greece. "Each man is his own priest," declared Isocrates. As Greek cult was in the main an affair of the tribes, the particular tribal priests remained separated, never forming a unified priestly caste. The absence of such a caste, which would have striven to impose uniform dogma, was no doubt primarily responsible for the flexibility and freedom of Greek thought, as compared, for example, with the priestly cultures of the Orient, particularly in Egypt and Babylonia. In Egypt it was the most intimate and trusted servants of the king who were appointed to the leading priestly offices. In the Middle Kingdom at least there was also a lay priesthood, where individuals, in the interests of their own spiritual welfare, assumed priestly functions. But in the new kingdom the priesthood had become so completely professionalized and ambitious that it constituted eventually a serious threat to the power of the state.

In Babylon even in the most remote period a rigidly exclusive priestly caste had already come into being. Having secured a monopoly of all magical lore and practise, the priests exerted a powerful influence on state affairs, in striking contrast to the situation in Assyria, where the king himself exercised a rigid control over the priesthood. In Israel during the period before the Babylonian Captivity the priests were invariably royal officials, so that a dynastic upheaval inevitably involved a turnover in the

personnel of the priestly caste. It was not until the period after the exile that a theocratic community came into being, in which the priesthood was elevated to a position of dominance. Although the *athravans* in Persia did not actually constitute a priestly caste, priestly activity was monopolized by a few families and restricted almost entirely to an institutionalized priesthood. At a very early date in Japan a number of the ceremonial functions which had originally been performed by the emperor were transferred to members of the Nakatomi family, closely related by blood to the emperor. The Shinto priests, however, have never developed into a caste clearly cut off from lay priests. The Germanic tribes were equally far from developing a separate priestly caste. On the other hand, the tremendous influence of the Druids in the political, legal and educational spheres can be explained only by the high degree of organization and exclusiveness which the priesthood had attained among the Celtic peoples.

In considering the economic position of the priest it is essential to determine whether his revenues were of a private or of a public nature. When an individual consulted the priest regarding the future or when, as, for example, in Persia, he visited the priest for purification or medicinal treatment, a small direct payment was the conventional recompense. When the priest performed sacrifices he was usually entitled to keep a portion of the sacrifice for his own uses, even though it were no more than the hide of the sacrificial animal. The custom still prevails in Christian quarters of giving a certain portion of the barbecue or other holiday banquet to the priest. In time, however, custom became fixed in the form of statutory law, which sought primarily to regulate the public payment of the priest. The Old Testament laws, for example, in *Leviticus* VII: 28–34 or in *I Samuel* II: 12–17, are illuminating from this point of view. It was also a not infrequent practise, as in the "towns of the Levites," to pay the priests with land; elsewhere, particularly in Egypt, the priest derived his livelihood mainly from the rich returns from temple goods. His income could also be supplied by regularly established taxes, such as tithes and first fruits, or by a formal salary, as in the case of the priest of Athene Nike in Athens, who was paid fifty drachmas a year. The Egyptian priest was guaranteed a prescribed amount of bread, beeves, geese and wine. In addition there was frequently incidental income of various kinds, as when the Japanese priest sold portions of the holy shrine as amulets. Often priests enjoyed special economic privileges, such as exemption from taxation and military service, although at an earlier stage the priest, by reason of his supposedly magical powers, had been of inestimable aid in time of war. In Egypt, at least in the Greek period, it was not unprofitable to belong to the priestly retinue of a large temple. In the Indian *Vedas* the mercenary spirit of the Brahmans is a recurring theme, as, for example, in the myth about the cunning of the priest in getting possession of the cow. The Danish-Norwegian priest became transformed in the course of time into the sacrificial temple owner of Iceland. Yet the poor priest has likewise been a familiar type. Under certain conditions, as prescribed, for instance, in *Deuteronomy* XVIII: 1–8, he was forbidden to own land and he became an object of charity, as was the Levite of the Old Testament. Apuleius (*The Golden Ass*, Loeb Classical Library, ch. viii, p. 27–30) drew a striking picture of the mendicant priest of the Syrian goddess. Eventually, in the name of religion, the priest came to place his chief trust in a reward beyond the grave.

During the early period of the Christian church (*see* RELIGIOUS INSTITUTIONS, section on ROMAN CATHOLIC CHURCH) the revenues of the clergy were derived from the possession of property, which was bound up with its offices, as well as from fees and tithes; in the modern period, primarily as a result of the secularization of church goods, a fixed stipend, derived in the main from ecclesiastical taxes and supplied if need be by state contributions, became more and more firmly established. Under modern capitalistic conditions, the tendency has become progressively more pronounced for the clergy to organize itself into a professional group and to adopt the methods and rhetoric of the other professional groups.

In general it may be said that the priesthood represents the conservative element in religion: a fact which is not to be explained, however, solely on the grounds of priestly self-interest and self-seeking. As supervisor of traditional ceremonial and cult and as defender of existing regulations, the priest has been inevitably an agent of continuity and therefore the antithesis of the prophet. This basically conservative outlook of the priest has not, however, precluded the possibility of extensive changes within the priesthood, which have been brought about in the main through the process of compromise. Particularly noteworthy is the transformation

whereby a number of purely magic and mantic celebrations, all of a predeistic nature, have gradually been replaced by the official cult of a single god, as, for instance, when the Salii were brought together in worship of Mars or when all the mantic practises of Babylonia were concentrated on Ea. At an openly deistic stage, for example, in Babel, sacrifice supersedes soothsaying. And when vestigial customs take on a new significance through allegory, symbolic explanation or aetiological legend, such metamorphosis should generally be credited to the priest. As theologian it has devolved upon the priest even to the present day to reconcile the traditional body of dogma with new intellectual theories and data, in order that the interest of the cult which he represents may not become antiquated. Nor should it be forgotten that repeatedly the priesthood as the sole bearer of culture and learning in all spheres of a developing science has opened the way to a broadening of general knowledge.

Above all, however, there have been certain basic transformations in the composition and stratification of the priesthood itself. The emergence of a centralized cult created friction between the priests of the central deity and the priests of the various local deities, perhaps between the urban and the rural priesthood, as in the case of the Deuteronomic reform described in *II Kings* XXIII: 4–25 and *Ezekiel* XLIV: 10–31. There were also many instances in the ancient world, notably among the Semites, of cases where the priests of a particular tribe were themselves members of another tribe which had been victorious in warfare and had imposed its alien cult on the vanquished. With the penetration of new alien cults further antagonisms were engendered, as, for example, in Ptolemaic and post-Ptolemaic Egypt between the hierarchic organization of the Egyptian priesthood and the virtually anarchic autonomy of the Greek priests.

Hierarchic organization in general has been forwarded by the ever more common tendency of the priesthood to break up into classes as a natural result of the continued specialization of function within the organization. An inevitable corollary of this tendency toward class stratification within the priesthood has been rivalry and competition between the different groups. The active resentment of the lower orders against the upper is illustrated most clearly by the claims of the singers and keepers of the portals in postexilic Judaea to a status of equality with the Levites.

In its broader outlines the history of the priesthood reveals a striking tendency toward democratization. Although in the earlier stages of cultural evolution the priest was intimately identified with the chieftain and the king and the priestly office was monopolized by patrician families, as, for example, among the Japanese, the Romans and the Germans, the discriminations against plebeian candidates for the priesthood were gradually relaxed. Thus in Rome the *lex ogulnia* of 300 B.C. reserved five of the nine places in the colleges of the *pontifices* and *augures* for the plebs, while the vestal virgins, who originally could be recruited only from the ranks of patrician maidens, came gradually to be drawn from plebeian families and under the empire even from the freed slave population. The greatest stimulus to this democratic tendency was the concept of the universal priesthood as advocated by the early Christian apostles and as revived at a much later date by Luther; this concept has prevailed in all types of individualistic mysticism as well as in Pietism and certain of the sectarian movements (*see* SECTS). In contrast the Catholic church, since the time of Cyprian, has decreed that each church community must center around a formally ordained priestly office (*see* RELIGIOUS INSTITUTIONS, section on ROMAN CATHOLIC CHURCH).

The gradual transition to a more democratic organization of the priesthood was accompanied by an increasingly marked tendency to secularism and secularization of function, a tendency which has repeatedly manifested itself in the evolution of religion. The priest, who at the outset was the sole guardian of the written word, was at once jurist, medical authority, mathematician, astronomer, historian, philologist, natural scientist, technologist, artist and political theorist. As more and more of these functions came to be taken over by specialized lay groups within the community, the prestige of the priestly caste inevitably suffered. The popularization of writing and printing was a particularly powerful agent in breaking the monopoly of the priest. As society rapidly became more and more secularistic and progressive the priest came to be regarded with disfavor, if not with contempt, as a pillar of reaction blocking the path to intellectual and scientific advancement (*see* SECULARISM). The mounting economic power of the secularistic groups caused a still further intensification of the offensive against the vested interests represented by the priesthood. In eighteenth century Europe, for example, the

champions of the third estate, in their struggles against the economic and social privileges of the first estate, reviled the priest as the deliberate, calculating purveyor of superstition and deception. In the attempt to hold its own against the mounting forces of anticlericalism the priesthood proceeded to reorganize and to consolidate the various agencies charged with the more strictly ceremonial and ministerial functions which it had managed to preserve. Like other social groups in the modern capitalistic system the clergy, Catholic as well as Protestant, developed a professional organization, with professional administrative boards, professional periodicals and bulletins and professional ethics and practises.

ALFRED BERTHOLET

See: RELIGIOUS INSTITUTIONS; RELIGION; BUDDHISM; BRAHMANISM AND HINDUISM; JUDAISM; CHRISTIANITY; MONASTICISM; CLUNIAC MOVEMENT; DOMINICAN FRIARS; FRANCISCAN MOVEMENT; JESUITS; PAPACY; REFORMATION; PROTESTANTISM; SECTS; ASTROLOGY; CALENDAR; CONFESSION; DIVINATION; CLASS; ARISTOCRACY; AUTHORITY; OCCUPATIONS; CELIBACY; ASCETICISM.

Consult: Chantepie de la Saussaye, P. D., *Lehrbuch der Religionsgeschichte*, 2 vols. (4th ed. by A. Bertholet and E. Lehmann, Tübingen 1925), vol. i tr. by B. S. Colyer-Fergusson as *Manual of the Science of Religion* (London 1891) ch. xxi; Bertholet, Alfred, and others, "Priestertum" in *Die Religion in Geschichte und Gegenwart*, vol. iv (2nd ed. by H. Gunkel and L. Ischarnack, Tübingen 1930) cols. 1481–95; "Celibacy" and "Priest, Priesthood" in Hastings' *Encyclopaedia of Religion and Ethics*, vol. iii (Edinburgh 1911) p. 271–77, and vol. x (Edinburgh 1919) p. 278–336; Lippert, Julius, *Allgemeine Geschichte des Priesterthums*, 2 vols. (Berlin 1883–84); Horneffer, August, *Der Priester, seine Vergangenheit und seine Zukunft*, 2 vols. (Jena 1912); Otto, W. G. A., *Priester und Tempel im hellenistischen Agypten*, 2 vols. (Leipsic 1905–08); Darwin, R. C., *Die Entwicklung des Priestertums und der Priesterreiche* (Leipsic 1929); Frazer, J. G., *The Golden Bough*, 12 vols. (3rd ed. London 1907–15) vols. i–ii, v–vi, xi.

PRIESTLEY, JOSEPH (1733–1804), British nonconformist minister and chemist. Priestley, voluminous writer of theological and metaphysical tracts and discoverer of oxygen and other gases in chemistry, was one of the group which widened the political doctrines of Locke and the Revolution of 1688 into the philosophy of the American and French revolutions. He was the son of a Yorkshire clothier and was educated for the ministry and successively held posts in nonconformist pulpits and in the Warrington Academy maintained by the dissenters. In 1772 the earl of Shelburne, famous as the protector of Bentham, Price and others, appointed Priestley his librarian and literary companion and in 1780 retired him on a pension. In 1791 on the occasion of a dinner organized by the Constitutional Society of Birmingham to celebrate the anniversary of the fall of the Bastille an antirevolutionary mob attacked Priestley's house, destroyed his books and scientific apparatus and for three days wreaked vengeance on the sympathizers with the French Revolution. In 1794 Priestley emigrated to the United States, where he was welcomed both for his political views and for his scientific attainments.

Priestley's nonconformist background, with its lack of authoritative theological doctrine and its political resentment against the Test acts, helps to explain his shifting and somewhat paradoxical theological doctrines as well as his bold stand for political liberty. Educated as a Calvinist, he became a philosophic materialist, pleading for the existence of God on the basis of the argument from design and for the immortality of the soul on the basis of revelation. In his political theory, systematically expressed in his *Essay on . . . the Nature of Political, Civil and Religious Liberty* (London 1768, 2nd ed. 1771) and implicit in his pamphlets on the American situation and the French Revolution, he followed the Whig tradition of Locke but with a pointed contemporary emphasis which made it an instrument of revolutionary change. Accepting the natural rights and social contract doctrines, he insisted that in surrendering natural liberty the members of society obtained in return political liberty—the right to aspire to office and to control the government of the community—and civil liberty, representing that portion of natural liberty not necessary for government and thus reverting to the citizen under a civil form. No state is good unless both political and civil liberty are at their maximum. Priestley justified both types of liberty not only on abstract grounds of natural justice but also on the concrete principle of the "good and happiness of the members, that is the majority of the members of any state." It was on reading these words that the formula of utilitarianism flashed across Bentham's mind, and Priestley is thus a link between the "metaphysical" and utilitarian schools of political theory, which sought substantially the same political objectives although on diametrically opposite philosophic bases. The utilitarian emphasis of Priestley may be explained by his participation in the currents of natural science; perhaps the same explanation will account for his insistence on the idea of

progress, which in the eighteenth century was suggested not by the state of social affairs but by the triumphant march of scientific thought.

BENJAMIN GINZBURG

Works: The political works are included in *Theological and Miscellaneous Works*, ed. by J. T. Rutt, 25 vols. (London 1817–31); they are listed with dates of various editions in the bibliography to the article on Priestley by P. J. Hartog in the *Dictionary of National Biography*, vol. xlvi (London 1896) p. 357–76.

Consult: Rutt, J. T., *Life and Correspondence of Joseph Priestley*, 2 vols. (London 1831–32); Holt, Anne, *A Life of Joseph Priestley* (London 1931); Stephen, Leslie, *History of English Thought in the Eighteenth Century*, 2 vols. (3rd ed. London 1902) vol. ii, p. 252–56; Laski, H. J., *Political Thought in England from Locke to Bentham* (London 1920) p. 190–97; Halévy, Élie, *La formation du radicalisme philosophique*, 3 vols. (Paris 1901–04), tr. by Mary Morris (London 1928) p. 126–30.

PRIMARIES, POLITICAL. Broadly speaking, a primary election is a polling of the members of a particular party in order to select or to initiate the process of selecting the party's nominees for elective offices. Primary elections are indirect if the party members select delegates to nominating conventions, as in the United States throughout the greater part of the nineteenth century, and direct if the party members make the nominations themselves. The indirect primaries have been considered in connection with the convention system, of which they form an integral part (*see* CONVENTION, POLITICAL); the present discussion is confined largely to the direct primary. Although pre-election balloting is not unknown in other countries, the general use of this practise is peculiar to the United States.

Demand for elimination of the evils of the convention system was part of the movement for control of the party processes which reached its height in the United States before the World War. Nominating conventions, instituted by the parties as reform measures, became unrepresentative and subject to "boss" control and were first regulated and later almost eliminated. Early laws concerned the selection of delegates and were optional in form and limited in scope. After 1890 mandatory regulation of a sweeping character transformed the primary into an election conducted by public officers at public expense. So swift was the march of opinion, however, that direct nominations were demanded almost before these regulations were tested. Mandatory, direct primaries applying to all state wide offices date from the Wisconsin law of 1903. The movement spread with such rapidity that by 1917 all but four states had adopted primary laws. Thirty-two of these were mandatory, covered congressional and state offices and surrounded the primary with the safeguards of the general election. The remaining twelve were optional, covered certain state wide offices only or were rudimentary in the sense that the primary was conducted largely by party authorities, under party rules and at party expense. The non-partisan primary, in which voters without regard to party affiliation choose the candidates who are to stand in the final election, gained favor for local and judicial nominations, where division on the existing national party lines was found absurd. Except for this and the survival of the convention for presidential nominations, direct partisan primaries had become by 1917 the dominant form of nomination.

Similar in purpose and fundamentals, direct primaries vary widely in detail. Dates range from April to September, with more than two thirds favoring fall primaries. Names appear upon the ballot as a result of declarations of candidacy by persons seeking nomination or petitions signed by a certain number of eligible voters. Determination of qualifications for voting in the primary is a difficult problem. In the open primary the voter receives the ballots of all parties, either on separate strips or on a single large ballot with a separate column for each party, and decides his party affiliation in the privacy of the voting booth; in the closed form some test of affiliation is applied. The open primary assures secrecy of the ballot but makes possible control by those who are not bona fide members. The trend is strongly toward closed primaries, and only two states now retain the open form. In a number of others the primary is closed in form only, the sole requirement being that the voter ask publicly for the ballot of his party. In most states he must meet some test before he is permitted to vote. Either a test is established by law which the voter must swear he can meet, if challenged, or the voter is required to enrol as a member of his party before the primary and may participate only in the primary of that party. The trend is strongly toward enrolment. Plurality nominations are the rule; but in some states, many of them in the south where nomination is equivalent to election, preferential voting and the "run-off," or second, primary have been instituted to prevent minority nominations. Voters have shown little interest in second choices and preferential voting

survives only in Maryland. Run-off primaries have proved more satisfactory and are used in nine states. The expenditures of candidates in primaries fall within the scope of the corrupt practises acts of the states having such enactments, and seven other states have regulations applying exclusively to primaries.

The power of the states to regulate nominations has been upheld by the courts in sweeping terms. The theory that parties are voluntary associations has given way to the doctrine that they are governmental agencies subject to legal control. This power clearly extends to congressional nominations as well as to nominations for state and local offices. Only the presidency lies outside this control, and here the states may regulate the choice of delegates to national conventions. The jurisdiction of Congress is neither so broad nor so clear. Its control of the election of members of Congress is undisputed, but its power over national conventions and the nomination of members of Congress is questionable. In Newberry *v.* United States [256 U. S. 232 (1921)] a closely divided court left in doubt the fundamental question of the power of Congress over primaries, and it has not been clarified by subsequent decisions. In the meantime Congress has accepted a limited view of its power, the Federal Corrupt Practices Act of 1925 making no attempt to regulate primary expenditures of candidates for senator or representative.

Since the World War the direct primary has been the subject of vigorous attack and has been abandoned for some or all state wide nominations in three states. One other state, Idaho, eliminated it in 1919 only to restore it again in 1931. Certainly the direct primary has not fulfilled the prophecies of its enthusiastic advocates or its bitterest opponents. There has been no revolution in the type of candidate, and machine control has not been eliminated; participation has often been disappointing; and expenditure of large sums, particularly in senatorial primaries, has occasioned concern. Critics urge that lack of deliberation is a fatal weakness in the system and that it destroys party responsibility. Since real party responsibility has never existed in the United States, this cannot fairly be charged to the primary. Those raising this argument apparently mean that it has destroyed leadership, stimulated blocs and opened the way to dictation of nominations by non-party members. Supporters of the direct primary point out that it would be difficult to prove that it has produced "worse" candidates, that it places a weapon in the hands of the rank and file which has been used with telling effect against corrupt leadership, that participation in decisive contests is gratifyingly high and that limited financial resources have not excluded men like Brookhart of Iowa and Norris of Nebraska. They ask if real deliberation existed under the convention system, if there has not been leadership under the La Follettes in Wisconsin and Hiram Johnson in California and if the "gold bugs" and "silver bugs" of the 1890's were not blocs. They point out that the primary can be closed in fact as well as name and emphasize its importance to women and in one-party states. A strong point in favor of the direct primary is the difficulty of finding a decent and workable substitute. Few would suggest the elimination of all legal control of the nominating process. A regulated convention presents most of the hazards of the direct primary and some others. One alternative which is advocated vigorously is the institution of pre-primary conferences or conventions. In 1932 Massachusetts enacted an initiative measure providing for pre-primary conventions empowered to propose slates of candidates whose names will appear upon the primary ballot as endorsed by those bodies. Whether this will supply leadership and responsibility without sacrificing real control remains to be seen. Although Colorado, Minnesota and South Dakota have used various forms of pre-primary conventions, these have been too different in type, or in operation too short a time, to throw much light upon the probable operation of the Massachusetts statute. Serious students suggest that a really effective nominating system in the United States waits upon fundamental changes, such as the development of responsible government, and cannot be achieved by mere alterations in the mechanism itself.

Some states have extended the idea of direct nominations to the national conventions by providing direct election of delegates, instruction as to the popular preference for president or both. Beginning in Wisconsin in 1905 the movement spread rapidly, and in 1912 optional or mandatory laws were in effect in fifteen states. By 1916 nine states were added to the list. The laws which have been in operation vary widely in detail and particularly in the manner and the extent of control of the action of the delegates. Since 1916 the movement has lost ground, seven states having repealed their laws. The explanation lies partly in technical defects and

partly in the fact that it is impossible for presidential primary states to control the action of the convention as long as the balance of power lies in the hands of delegates not so controlled. The logical solution would be national regulation; but satisfactory legislation is difficult to frame, its constitutionality is doubtful and there is little evidence of popular demand for such action.

The closest parallel to the American primary is found in the "preselection" ballot of the Australian Labour party (*see* LABOR PARTIES, section on BRITISH DOMINIONS). The party candidates in each locality are selected by the party members in that locality from those who offer themselves for the preselection process. Prospective candidates, on entering the preselection contest, must promise, among other things, not to oppose in the final election the candidate chosen by the preselection ballot.

LOUISE OVERACKER

See: NOMINATIONS, POLITICAL; CONVENTION, POLITICAL; CAUCUS; PARTIES, POLITICAL; MACHINE, POLITICAL; ELECTIONS; CORRUPT PRACTISES ACTS.

Consult: Merriam, C. E., and Overacker, Louise, *Primary Elections* (rev. ed. Chicago 1928); Sait, E. M., *American Parties and Elections* (New York 1927) p. 377–449; Overacker, Louise, Notes on primary legislation in *American Political Science Review*, vol. xxii (1928) 353–61, vol. xxiv (1930) 370–80, and vol. xxvi (1932) 294–300; Boots, R. S., *The Direct Primary in New Jersey* (New York 1917); Weeks, O. Douglas, "The Texas Direct Primary System" in *Southwestern Social Science Quarterly*, vol. xiii (1932–33) 95–120; Hughes, Charles E., "The Fate of the Direct Primary" in *National Municipal Review*, vol. x (1921) 23–31; Merriam, C. E., "The Direct Primary," Overacker, Louise, "Direct Primary versus Convention System," and Rocca, Helen M., "The Direct Primary Again" in *American Federationist*, vol. xxxiv (1927) 155–64, 541–45, 801–06; Horwill, H. W., "The Price of Party Regulation" in *Independent*, vol. cxiii (1924) 387–89; Hall, A. B., "The Direct Primary and Party Responsibility in Wisconsin" in American Academy of Political and Social Science, *Annals*, vol. cvi (1923) 40–54; McKee, Oliver, Jr., "The Direct Primary, a Failure and a Threat" in *Atlantic Monthly*, vol. cxlviii (1931) 185–93; Wooddy, C. H., *The Chicago Primary of 1926* (Chicago 1926); Overacker, Louise, *The Presidential Primary* (New York 1926); Hancock, W. K., *Australia* (London 1931) p. 207–08

PRIMITIVE ECONOMICS. *See* SOCIAL ORGANIZATION; ORGANIZATION, ECONOMIC.

PRIMITIVE LAW. *See* LAW, section on PRIMITIVE LAW.

PRIMITIVISM. The word primitive, from the post-Augustan Latin *primitivus*, which merely intensified the meaning of *primus*, acquired its modern connotation in the preromantic seventeenth century along with an entire group of new or renovated English words expressive of new trends in social thought and aesthetic feeling. The added emphasis might be ascribed initially to John Evelyn, who in 1685 praised the Church of England as "of all the Christian professions on the earth, the most primitive, apostolical and excellent"; he elsewhere speaks of "a maiden of primitive life, who has for many years refus'd marriage," thus placing on what had been virtually an indifferent numeral, with its obvious implication of simplicity, uncouthness and even inferiority, the stress of a qualitative superiority. It is likely, however, that such use of the word was already becoming frequent at the time, both in England and on the continent, where Bossuet, exalting *la grandeur primitive et essentielle* of God, employs it in a similar sense. In connection with art, especially painting, the adjective was apparently not current in colloquial English before 1892, and the noun primitivism dates only from the close of the nineteenth century. It was applied chiefly by Irving Babbitt and the American "humanists" as a comprehensive rubric under which any romantic requirements of spontaneity and natural inspiration might be summed up and censured. As a slogan for the defense of traditional beauty, on the other hand, it was officially adopted in opposition to futurism by a literary school in Toulouse, France, which flourished briefly in 1911. It may indeed be suggested that the noun emerged or at least expanded as an antonym of the Italian *futurismo*.

Broadly defined, primitivism is the cult and proposed imitation of the past. More properly, it is the glorification of an earlier stage in the history of a culture—a period either beyond recall or partially restorable or present in some contemporary form as in the case of childhood or the folk mind or savage innocence. This earlier stage is supposed, in contrast to the sophistication and weakness of later ages and periods, to have preserved or still to preserve the secret of an uncorrupted, vigorous, genuine expression of life.

However recent the word, no strain of thought is older. The ancient world, gentile and Jewish, eastern and western, scarcely knew a conception of history not founded primarily on the decline from some primitive perfection and happiness to a sorry decadence, with the more or less dreamy hope of a revival in some messianic future or philosophic utopia. The Biblical his

tory of mankind starts with the loss of Paradise; but the *Iliad* as well, in its very first episode (bk. I: 259–68), compares Agamemnon and Achilles unfavorably with the heroes of Nestor's vanished youth, although a warrior like Hector was still able to accomplish feats impossible to men "such as mortals now are" in the time of the poet (bk. XII: 449). This retrogressive movement of history away from a better age was almost constantly accepted by poets and thinkers more advanced than Homer; and even when the golden age, instead of being placed at the very origins of the race, was moved forward to a definite historic period, this was not the result of a consciousness of greatness in the age itself but rather of a sense of humility in the later generations, which acknowledged the past glory when it had come to appear, in comparison with their own surroundings, somehow primitive. In this light may be understood the primitivistic basis of much of the thinking in the whole course of the history of ideas: the grandeur of the Homeric age made an impression on all classical antiquity; the Attic simplicity and majesty of fifth century art and literature were the ideals to which Aristotle and Alexandrian and Roman critics reverted; the prophets and the psalmist turned to the patriarchal society of primitive Judaism for inspiration; Aristophanes looked back to the spiritual health and the intellectual balance of the Athens of Miltiades, opposing the standards he found there to the degenerate politicians, sophists and aesthetes as he depicted them in the *Knights* and the *Clouds*; Plato, going back still farther, took the simple and self-sufficient original agrarian state as a basis for his far reaching yet reactionary social thought. In Rome, in the later republic and empire, the frugal strength of the early republic was regarded with increasing veneration as luxury, ambition, mercantile corruption and familial disintegration increased. It became the bulwark of the conservatism of men like Cato, Scipio the Elder and the antiquarian Varro, who attempted by their glorification of the primitive Roman cultivator to check the swift pace of social change. The contrast it offered between the self-sufficiency of the early independent farmer and the dispossession of the small farmers in the later republic formed a basis for the revolts of the Gracchi. It inspired the disquietude which Cicero felt for the commonwealth; and, active throughout the civil strife, it was finally embodied in Livy's lofty conception of early Roman glory, which has been subscribed to by subsequent historians. Even before the coming of the Christian story, which in the freedom of a rural and pastoral idyll made Christ the symbol of the imminent kingdom of God, the revolution of Augustus was interpreted by Augustus himself and by his poets as a restoration, a checking of the otherwise fatal decadence which pushes each generation farther along the course mapped by Horace in the strophe *aetas parentum peior avis*—a resurrection, agricultural and bucolic, of the kingdom of old Saturn (*saturnia regna*), most strikingly believed and piously sung by Vergil.

In the predominantly religious Orient primitivism either bears a relation to any cult of the dead or ancestor worship or is crystallized in general in the theologic myths of the Eden type; in the more social and political Occident it has generally been summarized in the legend of the golden age. A superior state of human life, sometime in the past or somewhere in the unknown, is already more or less dimly adumbrated in Homeric poetry; Hesiod traces quite definitely a downward march from the golden age (in which there is neither toil nor care nor infirmity), through the silver, bronze and heroic, to the iron age (in which there is no surcease from labor and sorrow). From this point on, economic progress, particularly in metallurgy and shipping, is held to be accompanied by moral deterioration—a view traditionally supported, with a few exceptions, not only by poets but by philosophers, as, for example, the stoics. Among the exceptions must be noted the perplexity of Aeschylus poised between the conservative rule of Zeus and the inventions of Prometheus, some judgments of Plato and Cicero, to whom technical achievement was morally neutral, and, above all, the progressive Epicureans and their poet Lucretius. The golden age, when "nymphs and shepherds danced," cherished more and more by the Alexandrian and Roman imagination, developed by Ovid and related to the myth of the flood, was bound increasingly to become something of a fad; and even in antiquity it had occasionally that sensuous and languorous polish to which many a pastoral poem or eclogue or operatic drama in the Renaissance and after was to owe much of its empty glamour. At a higher level, a conclusive representation of Arcadia, the supposed country of happy primitivism, may be read in Goethe's *Faust* (II: 3).

Another element in primitivism besides the distant in time is the distant in place. Not in the

familiar south nor in the Orient, where despotism and corruption were prevalent, but in the unattainable far west and north did the ancient world allow itself to imagine lands and islands of purity and contentment. Such were the Ogygia and Scheria of Homer, the Thules and Hyperboreas and Elysiums, the Islands of the Blest or of the Hesperides: seats of happy mortals or immortals. When the Roman conquerors opened some of the gates of the unknown, this wholly wishful imaginative stream flowed into a channel of greater reality; and the half known Germans—with their seclusion and their tribal freedom protected by inviolable rivers and forests, with their virtue and self-restraint equal to that of the early Romans, their equality and bravery and truth, their noble love for woman and song, their fair skins and blue eyes—provided more or less substantial material for the idealization of the barbarian which has since been ineradicable. It reached its classic height in Tacitus' *Germania* and its most picturesque form in the Byzantine embassy to the camp of Attila, when the historian Priscus, meeting a Greek apostate dressed and behaving like a Scythian, listens, not assenting but curiously complacent, to his lengthy comparison between the simplicity and loyalty of the Huns and the corruption of the Roman Empire.

The magnitude of the catastrophe involved in the fall of the Roman Empire and the vastness of the tradition which was thereby left to be rediscovered made of the Renaissance a unique phenomenon in primitivism. For in a broad sense the whole movement was primitivistic. It embodied a dogmatic appeal to a perished age. By its success in realms beyond the merely archaeologic and stylistic, and by the fanatic fervor which drove even the Roman populace to the spot where an antique maiden supposed to be of a purer and more handsome race had been unearthed, it gave sanction and support to the innumerable subsequent movements calling for a return to some period in the past. The primitivism of the Reformation lay in the demand it made for a return to the primitive Christian church and its evangelical authenticity. Again and again in the history of religious sects the intention of a primitivist restoration appears in the creeds. The word itself is met in Primitive Methodism.

But where the roots are known, it is scarcely useful, and in the present case scarcely possible, to enumerate the branches. Almost no modern revolution, political, social or moral, has lacked symbols in history or prehistory; almost constantly in the struggle of parties each one has opposed to the adversary an older and more venerable model. In England during the struggle between king and Parliament the cult of primitive Britonism which strengthened the Tudors and Stuarts was opposed by the cult of primitive Saxonism invoked by the parliamentary forces; a similar contrast is found in the political struggles on the continent. In France in the struggle between the monarchy and the aristocracy the cult of Roman imperial administration confronted the thesis of primitive Germanic liberties. The Anglophile Montesquieu, echoing the Puritan and Miltonic apostrophes to primitive Anglo-Saxon freedom, traced French no less than English institutions ultimately to the Germanic forests of Tacitus. The primitivism of Montesquieu, given a more democratic emphasis by certain of his contemporaries, opened the way for the rival cults of the Frankish and the Germanic which existed alongside the more widely prevalent Greco-Roman archaeology during the French Revolution, as well as for the invocation of the *âme gauloise* by the democrats and historians of the nineteenth century. The Germans themselves, on the other hand, seeking the highest embodiment of their nation's past glory and under the spell of the legitimist and anti-Napoleonic Restoration, shifted their model from the tribal Teutonic innocence to the Holy Empire in the Middle (not at all dark) Ages, where the mediaevalism of the Schlegels and of Novalis had found artistic genius and depth of belief, discovering in Christendom the ideal unity of Europe.

Since primitivism can be put to such pragmatic uses in nationalistic movements and in the warfare of classes, the period or historical episode toward which any given movement will direct its primitivistic thought may be located, by deduction, from the inherent character of the movement. French literary monarchism finds a thrill in the crusades. Italian Fascism, which is in this connection a late offspring of the Italian Renaissance, looks back to the Roman Empire; its stress, it will be noted, is not on the glory of the Roman republic but, largely in consequence of German historiography, on Caesarism. Thus also Kemalism lays stress on the purity of Turkish stock and Hitlerism on Aryan purity. Socialism and communism, although Marx and Engels made something of the theory of a "primitive tribal society, holding land in common ownership," dismissed early the sug-

gestions of primitivism and turned their energies into reconstruction for the future rather than longing for the past. As a rule also democracies throughout the nineteenth century did not include primitivism in their political doctrine.

To go backward, as a real or illusive short cut for going forward, led in the field of spiritual and artistic experience to cyclical adventures. The evangelical fondness for children and the feeble (whence also the sacredness of the idiot, heralded by Goethe and Wordsworth long before Dostoevsky), the growing pantheistic and scientific feeling for nature, enhanced by the attractive vistas revealed by explorers and travelers in elemental, uncultured worlds, gave expression to the eulogies of primitive life and of the noble savage or of the uncorrupted Chinese or of the harmless American native; and they resulted in the elevation of the naïve and childlike, even of the childish, to the pinnacle of the human faculties, especially in poetry and art. This idea of poetry as sheer spontaneity, broached by Vico, swept all the romantic generations: Homer, the early Greeks, the German and Gaelic bards, Shakespeare, were children; the folk mind was richer and fuller than any savant's brain. Herder, Hölderlin, the young Goethe, Schiller, are among the originators of this trend. In art, under a new spell already evoked in Wackenroder, the mature classics and the standards of the Renaissance were superseded by the pious and candid masters, called, in the strict acceptance of the word, Italian primitives. Toward a similar achievement the whole of Ruskin's life was directed, not merely his momentary but momentous alliance with the pre-Raphaelites. It was the forerunner of the successive vogues of archaism, of Egyptian, far eastern and Negro art, of the Malayan pilgrimage of Gauguin and of the Sunday painting of a *douanier* Rousseau. In the wider field of philosophic conceptions of life there is, from the social and individual primitivism of Jean-Jacques Rousseau to Nietzsche's blond beast, if not a single step at least a single leap, as also from the dream of a brief return to the idea of the "eternal return." Freud, in a similar manner although with opposite aim, found hidden away in the psychic life the primitive, or unconscious, in ceaseless strife against the censure of civilization and law.

The place which in the fabulous geography of the ancients belonged to the hidden north and to the western islands has shifted in modern times to the New World shores of Prévost and Chateaubriand, to the oceanic solitudes of Defoe and Bernardin de Saint-Pierre, to India, Japan, Africa and, more recently, to the Wild West and to the sweet South Sea Islands—Samoa, Tahiti, Marquesas and Bali, the "last paradise." There have arisen new mythologies and cosmogonies, if not encouraged at least unchecked by the upheaval and drift of modern science. In this atmosphere anthropology has flourished, with its search for essential human nature and the uncorrupted primitive cultures. The most impressive of all such new myths has been that of Atlantis, which about 1882 took form around some pages of Plato (*Timaios* and *Kritias*) and then steadily grew: an Anywhere and a Nowhere, a land of innocence and also of mysterious wisdom, where, as with the Greeks, Latins, Celts and Teutons, who in a kind of antiquarian poetry tried to trace the genealogy and origin of their tribes, men may be deemed to seek a common fatherland of happiness.

Psychologically the foundation of any primitivism lies in the individual's regret for his vanished youth and in the praise that the elders, seeking to bolster their prestige, bestow on "the good old days." This may account also for the precedence usually accorded in such conceptions to the pastoral and agricultural ages, when the paternal authority was strongest. To this may be added what psychoanalysis calls the mother complex, the fundamental longing for origins. Historically it might seem admissible that men attained somewhere, at some time in the past, a long moment of quiet and self-content, oblivious of the past and careless of the future, lying "in green pastures, beside still waters." This may have been true in pastoral, agricultural, peaceful societies, between the late neolithic and bronze ages. In philosophic terms the primitive contains the ultimate, the *proton* and the *teleion*; the seed is in itself fulfilment. In terms of its social effectiveness primitivism, regardless of its permanent drawbacks, can probably function as a temporary integrating force in periods of change and disintegration.

G. ANT. BORGESE

See: TRADITIONALISM; ROMANTICISM; CONSERVATISM; NATURALISM; DECADENCE; PROGRESS; UTOPIAS; RENAISSANCE; LITERATURE; ART; MYTH.

Consult: Pareto, Vilfredo, *Trattato di sociologia generale*, 3 vols. (2nd ed. Florence 1923); Spengler, Oswald, *Der Untergang des Abendlandes*, 2 vols. (rev. ed. Munich 1922–23), tr. by C. F. Atkinson as *The Decline of the West* (New York 1926–28); Petrie, W. M. Flinders, *The Revolutions of Civilizations* (New York 1911); Michels, Roberto, *Der Patriotismus: Pro-*

legomena zu seiner soziologischen Analyse (Munich 1929) pt. i; Babbitt, Irving, *Rousseau and Romanticism* (Boston 1919), and *On Being Creative* (Boston 1932); Fairchild, H. N., *The Romantic Quest* (New York 1931); Pöhlmann, Robert, *Geschichte der sozialen Frage und des Sozialismus in der antiken Welt*, 2 vols. (3rd ed. by F. Oertel, Munich 1925); Croiset, Maurice, *Aristophanes et les partis à Athènes* (Paris 1906), tr. by James Loeb (London 1909); Bisinger, Josef, *Der Agrarstaat in Platons Gesetzen* (Leipsic 1925); Bessmertny, Alexander, *Das Atlantisrätsel* (Leipsic 1932); Bloch, Gustave, *La république romaine* (Paris 1913) bk. ii, ch. i; Grenier, A., *Le génie romain dans la religion, la pensée et l'art* (Paris 1925), tr. by M. R. Dobie, History of Civilization series (London 1926) pt. ii, ch. ii, and pt. iii, ch. ii; D'Alton, J. F., *Roman Literary Theory and Criticism* (London 1931); Chadwick, H. M. and N. K., *The Growth of Literature* (Cambridge, Mass. 1932); Varga, L., "Das Schlagwort vom finsteren Mittelalter" in Vienna Universität, Seminar für Wirtschafts- und Kulturgeschichte, *Veröffentlichungen* (Vienna 1932) no. viii; Salomon, G., *Das Mittelalter als Ideal in der Romantik* (Munich 1922); Strich, Fritz, "Renaissance und Reformation" in his *Dichtung und Zivilisation* (Munich 1928) p. 25–57; Venturi, Lionello, *Il gusto dei primitivi* (Bologna 1926); Atkinson, Geoffrey, *The Extraordinary Voyage in French Literature before 1700 to 1720* (New York 1920), and *Les relations de voyages du XVIIe siècle et l'évolution des idées* (Paris 1925); Chinard, Gilbert, *L'exotisme américain dans la littérature française au XVIe siècle* (Paris 1911), and *L'Amérique et le rêve exotique dans la littérature française au XVIIe et au XVIIIe siècle* (Paris 1913); Bissell, Benjamin H., *The American Indian in English Literature of the Eighteenth Century*, Yale Studies in English, vol. lxviii (New Haven 1925); Fairchild, Hoxie N., *The Noble Savage: a Study in Romantic Naturalism* (New York 1928); Brinkley, R. F., *Arthurian Legend in the Seventeenth Century*, Johns Hopkins Monographs in Literary History, vol. iii (Baltimore 1932); Meinecke, F., "Montesquieu, Boulainvilliers, Dubos" in *Historische Zeitschrift*, vol. cxlv (1931) 53–68; Hölzle, E., *Die Idee der altgermanischen Freiheit vor Montesquieu*, Historische Zeitschrift, Beiheft, no. 5 (Munich 1925); Carcassone, E., *Montesquieu et le problème de la constitution française au XVIIIe siècle* (Paris 1927); Becker, Carl L., *The Heavenly City of the Eighteenth-Century Philosophers* (New Haven 1932); Tinker, C. B., *Nature's Simple Plan* (Princeton 1922); Ruskin, John, *Pre-Raphaelitism* (New York 1851); Chevrillon, André, *La pensée de Ruskin* (Paris 1909); Tolstoy, Leo, *Chto takoe iskusstvo?* (Moscow 1898), tr. by Aylmer Maude as *What is Art?* (London 1898).

PRIMOGENITURE. Legally and socially the concept of primogeniture centers around two distinct nuclei: one the preference given to the eldest born, male and in some cases female, of the children succeeding to the rights of their father, mother or parents; the other the particular objective which has thereby been sought in the more modern developments of both government and private property, namely, the prevention of a division, by family succession, of public or private rights in the soil or other important economic objects. The factor of preference may be rooted in or accompanied by primitive religious or mystical conceptions attaching to the idea of first fruits and their special value generally or of the first born as transmitter of the life of a family and as invested with the right and the duty, as in India or China, to offer sacrifices to the spirits or to worship the memory of his ancestors. But even these mystical conceptions acquire considerable realism from the natural preference accorded to age in the simple situations of human life, whether in blood relationship or in other social groups. The first born in this respect is only a subcategory in a general tendency to patriarchal organization; such organization is of course strongest in primitive society but obtains to some degree even in the most complicated and mechanized structures of modern political and economic life. On the other hand, even the marked emphasis on human equality which characterizes rationalist or democratic thinking would not exclude acknowledgment of the added strength given to the preference of the eldest in all cases where it may serve the unity of social force and will as against the exaggerated disintegration which threatens to weaken or destroy them.

The concept of primogeniture thus affords a prominent instance of the cyclical rather than the linear progress of important social institutions, by virtue of the manifold and changing ends they may come to fulfil. The two ends served by primogeniture have been separated as often as they have been united, and frequently the more primitive stage has been the separating force and the more developed and rationalized stage the unifying. In the monarchical set up of the Germanic tribes of the early Middle Ages succession to the throne depended not upon primogeniture but upon the choice of the fittest or in other respects most distinguished of the members of a dynasty. In the much more powerful and arbitrary monarchies of the ancient East succession was determined by primogeniture precisely for this reason. The necessity of preserving a mediaeval peasant holding intact for generations was often satisfied by the rule, enforced conventionally or by the will of landlords, of the so-called minorat (also called borough English and ultimogeniture), whereby undivided succession was reserved to the youngest son or daughter; behind this custom, it may be surmised, was the expectation that the older children would succeed in gaining their own

livelihood during the lifetime of the father. On the large scale aristocratic estates undivided succession has been upheld principally by the device of primogeniture. It is thus clear that, far from being invariably a primitive institution destroyed by the movement toward more equalitarian arrangements, the combination of undivided inheritance with the privileges of the first born has frequently been a later development conditioned by the growing importance and complication of the objects to be attained.

There are three principal aspects of primogeniture which have occupied the minds of political thinkers and social critics. It has furnished the classical method of succession in the modern European monarchy, thus providing its adversaries with an added reason for attacking what they believed to be an irrational and fortuitous method of transmitting power. In the wake of this modern monarchy it has served the great landholding families of Europe, first of the highest aristocracy and then also of minor ranks, in preserving their social position through the undivided inheritance of their lands and consequently has been attacked by the liberal opposition to artificial social and economic monopoly. Finally, it has been a hotly debated point in the field of peasant proprietorship, especially in Germany, where the Roman and French ideas of the free division of real property, whether intestate or by testament, came into conflict with the older systems of "closed" inheritance.

These three chief applications of the same device, on three different levels of social stratification, developed historically in relation to each other but by no means in the same direction. On the three levels of feudal society—king, lords and tenants—the evolution of primogeniture was neither parallel nor always dictated by identical interests.

Feudal tenures in their early development were offices or tenancies at will. The interests of the feudal lord, first in the knight tenure which was the basis of military service and afterward in the other free tenures, demanded the undivided continuance of the estates and their succession through primogeniture, both to insure the fulfilment of the feudal services and to prevent the feudal tenures from taking on the character of property. The tenants, however, tried to assist this transformation of tenure into property by wilful divisions of the inheritance. In their own capacity as feudal tenants to the king the lords and commoners in England who made and upheld the statute *De donis conditionalibus* of 1285 used the entailing of fiefs and estates to their heirs, mostly by primogeniture, to combat any individual tendencies among them to alienate or encumber the land and also to preclude the possibility of forfeiture to the crown for political offenses. The influence of primogeniture and indivisible succession on one level of society could be employed to injure as well as to benefit the interests of the other social levels. A powerful monarchy, operating on the basis of primogeniture, allied itself according to circumstances with the privileged aristocracy or with the rest of the nation against the aristocracy. In their turn the nobility and gentry, who had secured their own property by the statute of 1285, could afford to allow, by the statute *Quia emptores* of 1290, free sale of their tenants' lands, provided the purchaser became their new direct tenant; and, as Stubbs has indicated, the villein too profited by the new rule because "he was no longer in dread of the multiplication of middle men placed between himself and the chief lord, each trying to prove himself entitled to a share in the produce of the land and the profit of the villein's labour; whilst in the court rolls which recorded the fact of his villenage he knew he had the title-deeds of his little estate, and that the custom of the manor fettered the arbitrary will of the lord."

The use of primogeniture to enforce the indivisibility or to prevent the division of the land, viewed as the basis of certain economic and social positions, seems to spring from two different sources. One has been the importance of such positions to society at large or at least to groups wider than those immediately interested in them. Thus monarchical primogeniture turned out to be a fundamental source of centralized governmental power and a check to the dynastic struggles for the throne. Primogeniture for great private estates served as a prop not only for the aristocracy but also for the stability of the social and economic order generally. The worst period of feudalism in the southern Italian latifundia was the nineteenth century, when under the rule of the Napoleonic law of succession the great landowning families became, as it were, landholding joint stock companies engaged in purely financial exploitation through farmers and subfarmers, whereas previously the rule of primogeniture had required the owner to fulfil at least to some extent the position of a responsible landlord. Finally, the question of the annihilation of a substantial peasant farming class through the abolition of

legal or voluntary undivided inheritance and the consequent diminution of the size of the peasant holding loomed large as a social problem toward the end of the nineteenth and the beginning of the twentieth century on the European continent and especially in Germany. The predominance of economic liberalism, as, for example, in the German Civil Code, enhanced for a time the arguments against peasant primogeniture arising from considerations of individual justice as well as of economic progress; but the new *Erbhofrecht* introduced by the advent to power of the German National Socialists in 1933 marks a departure in its recognition of the predominance of the social over the individualist viewpoint.

Primogeniture has become strengthened also through the threat of excessive subdivision of public and private rights in the soil. Here too it is noteworthy that the development of an industrial and money economy, while promoting individualist opposition to primogeniture, served also as a compensation for many of the unfavorable consequences of the system. Monarchical primogeniture, despite its clear advantages for political government, could hardly have prevented the disintegration of territories into ever smaller fractions if money economy had not furnished the means of providing for younger children by appanage, just as officials had come to be remunerated in money instead of land. The plea traditionally advanced for the English law of entail—that it aided capitalism by forcing younger sons into trade—is perhaps biased to the extent that under other conditions primogeniture in landed estates failed to lead to the same result; but at the same time primogeniture has been undeniably bound up everywhere with the progress of capitalist and credit methods, although one of its chief aims used to be, while privileging the first born, to prevent him from encumbering the estate by credit transactions during his lifetime. Similarly the healthy functioning of all laws and customs of primogeniture for peasant farms must depend to a large extent upon the possibility that younger children will find means of livelihood other than those afforded simply by intermarriage or by dependent labor on the farm; that is, upon the possibility either of colonization or of increasing absorption within industry.

The attack on primogeniture was most fierce under the influence of the liberal individualism and the rationalist egalitarianism of the eighteenth and nineteenth centuries; these democratic strains were aided, in the sphere of economic organization, by the rise to dominance of movable capital. In France the revolutionary legislation carried even further the historical tendency toward the parceling out of the land into the *morcellement*, or small holding, although Napoleon was not slow to perceive the political importance of using the majorat to build up a landholding aristocracy loyal to himself. In the United States the Jeffersonian influence was distinctly unfavorable to primogeniture; where partible succession had not become customary, primogeniture was abolished by state legislation before the end of the eighteenth century. In England the struggle over primogeniture did not reach a decisive conclusion until the land legislation of 1925; throughout the nineteenth century the liberals seeking reforms in the law of real property concentrated their attack on primogeniture, and an elaborate array of argument was built up on each side. But behind the feudal and reactionary traits which were the target of liberalism and individualism there can now be discerned those which have repeatedly made primogeniture an appropriate combination of the individualistic idea of property in land and the social idea of the responsibilities of this property toward collective groups, from the state down to the family. The dissolution of fideicommissum provided for by the Weimar constitution and by most of the constitutions of the individual German states has led to the formation of voluntary associations of families for the joint administration of their formerly undivided estates and also special legal provision for the upkeep of larger tracts of undivided property where its division would harm the public interest; as, for example, in the administration of forests, vineyards, diked lands and the like. And the reform of the English land law in 1925, while breaking up the old law of entail for testamentary as well as for intestate succession, has extended the right of voluntary entail even to personal property.

CARL BRINKMANN

See: SUCCESSION, LAWS OF; INHERITANCE; LAND TENURE; LANDED ESTATES; ARISTOCRACY; NOBILITY; CAPITALISM; PROPERTY; SOCIAL ORGANIZATION; FEUDALISM; ENTAIL; SMALL HOLDINGS.

Consult: Cecil, Evelyn, *Primogeniture* (London 1895); Maine, H. J. S., *Ancient Law*, ed. by Frederick Pollock (new ed. London 1930) ch. vii, and Note N, and *Lectures on the Early History of Institutions* (7th ed. London 1897) lecture vii; Kirsch, Rafael, *Der Erstgeborene nach mosaisch-talmudischem Recht* (Frankfort 1901); Pollock, Frederick, and Maitland, F. W., *The History of English Law before the Time of Edward I*, 2 vols. (2nd ed. Cambridge, Eng. 1899) vol. ii, bk. ii.

ch. vi, sect. 2; Maitland, F. W., "The Law of Real Property" in his *Collected Papers*, ed. by H. A. L. Fisher, 3 vols. (Cambridge, Eng. 1911) vol. i, p. 162–201; Kenny, C. S., *The History of the Law of Primogeniture in England* (Cambridge, Eng. 1878); Brodrick, G. C., "The Law and Custom of Primogeniture" in *Cobden Club Essays, Second Series* (London 1872) p. 57–116; Elton, Charles I., *Origins of English History* (London 1882) ch. viii; Smith, Adam, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 2 vols. (5th ed. by Edwin Cannan, London 1930) vol. i, bk. iii, ch. ii; Holdsworth, W. S., *An Historical Introduction to the Land Law* (Oxford 1927) p. 81–82, 231, 305, 315; Miaskowski, August von, *Das Erbrecht und die Grundeigenthumsvertheilung im Deutschen Reiche*, Verein für Sozialpolitik, Schriften, nos. 20, 25, 2 vols. (Leipsic 1882–84); Meyer, Herbert, "Die Anfänge des Familienfideikommisses in Deutschland" in *Festgabe für Rudolph Sohm* (Munich 1914) p. 225–72; Kübler, Ernst, *Die Auflösung der Fideikommisse und der Waldschutz* (Berlin 1929); Holstein, Günther, *Fideikommissenauflösung und Reichsverfassung* (Berlin 1930); *Die Vererbung des ländlichen Grundbesitzes in der Nachkriegszeit*, ed. by Max Sering and C. von Dietze, Verein für Sozialpolitik, Schriften, vol. clxxviii, 3 vols. (Munich 1930); L'Hommedé, Edmond, "La question des majorats" in *Revue des études historiques*, vol. xc (1924) 45–70; Morris, Richard B., *Studies in the History of American Law*, Columbia University, Studies in History, Economics and Public Law, no. 316 (New York 1930) ch. ii, and "Primogeniture and Entailed Estates in America" in *Columbia Law Review*, vol. xxvii (1927) 24–51.

PRINCE, MORTON (1854–1929), American psychiatrist. Prince taught at Tufts College and at Harvard University and had wide repute as a practising physician. He occupies a distinguished place as a pioneer in the introduction of psychological concepts and techniques into the study of functional nervous disorders. His formulation was catholic; he recognized the neurological basis of the typical psychoneuroses—hysteria, neurasthenia, psychasthenia, psychopathic personalities; these temperamental trends to response inherent in the nervous system he called neurograms. The form and development of the symptoms of psychoneuroses he held to be derived from the total psychic life of the patient, especially from his subconscious. Prince's pivotal concepts were dissociation and the subconscious. He contended that integration, the normal condition of the personality, takes place on several levels; that there are degrees of coherence in even the most consistent personality; and that some persons are peculiarly disposed to marked dissociation. While adopting James' term "fringe" to characterize the supporting mechanisms in the conscious stream, he further postulated a coconscious which may develop a parallel, alternating, rival yet well organized system of urges, expressions, competencies and controls; and an unconscious which may become submerged and detached even to the point of complete amnesia.

The clue to Prince's psychotherapy was in the restoration of lapsed segments of ideas and experience to a new synthesis involving a deep integration process. He relied upon hypnosis as an instrument of exploration. In common with Freud he recognized emotional conflict as the motive source; but his psychiatric experience failed to confirm the set orders of complexes, their infantile origin or their saturated sexual tone. Prince likewise regarded Freud's unconscious as a false derivation and rejected the transfer technique completely, holding that the surgeon reconstructing a dismembered psyche should be as objective as an orthopaedist. Prince's influence in psychiatry has been considerable, although his theories have been questioned to such an extent that even the conflicting personalities which he described have been regarded as products of the psychiatrist's own suggestion. In 1906 Prince founded the *Journal of Abnormal and Social Psychology*, which he edited until his death.

JOSEPH JASTROW

Important works: *The Dissociation of a Personality* (New York 1906, 2nd ed. 1908); *The Unconscious* (New York 1914, 2nd ed. 1921); *Clinical and Experimental Studies in Personality* (Cambridge, Mass. 1929).

Consult: Taylor, W. S., *Morton Prince and Abnormal Psychology* (New York 1928); Monks, G. H., in *Harvard Graduates Magazine*, vol. xxxviii (1929) 185–93.

PRINCE-SMITH, JOHN (1809–74), German free trader. Prince-Smith was born in England but in 1830 removed to Germany, where he was engaged as teacher of languages at the *Gymnasium* in Elbing. Early in his career he began to take a keen interest in current economic and political problems and in 1846 settled in Berlin, where he devoted himself entirely to publicistic activity. From 1861 to 1866 he was a member of the Prussian Diet and in 1871–73 was elected to the Reichstag.

Prince-Smith was the leading spokesman of the Manchester school in Germany. His views lacked originality and represented mainly a forceful reassertion of Bastiat's principle of complete harmony between the interests of the individual and those of society and of Bastiat's conviction that unqualified freedom of enterprise in internal and foreign trade serves the best interests of all classes of people. Influenced

also by Carey's optimistic outlook on economic development, he rejected the law of diminishing returns from land, the Ricardian concept of rent and the Malthusian law of population. He opposed all forms of social legislation and held that mass poverty, which he believed is due to the disproportion between the wage fund and the supply of labor, can be remedied only by furthering the process of capital accumulation, thereby increasing the funds available for wage payments. His admission of an excess of employable but unemployed population over available funds implies a considerable concession to the Malthusian theory, which he had rejected, since he thus affirms the existence of the very problem which can be explained only by the Malthusian doctrine or by that of Karl Marx. Prince-Smith was most indefatigable in propagating the gospel of free trade. He was responsible for the formation of numerous free trade societies and in 1858 he founded with Schulze-Delitzsch and others the Kongress Deutscher Volkswirte, the rallying point of German free traders. He was the co-editor of the *Vierteljahrsschrift für Volkswirtschaft, Politik und Kulturgeschichte.*

SIEGFRIED BUDGE

Works: *Gesammelte Schriften*, 3 vols. (Berlin 1877–80).

Consult: Becker, Julius, *Das deutsche Manchestertum* (Karlsruhe 1907) ch. iii.

PRINCIPAL AND AGENT. *See* AGENCY.

PRINS, ADOLPHE (1845–1919), Belgian criminologist and publicist. Prins was professor of penal law and procedure at the University of Brussels from 1879 to 1919, and from 1883 to 1917 he held the post of inspector general of prisons. He exercised great influence upon the criminal legislation of Belgium. He was one of those responsible for the organization of children's courts and the enactment of the law of 1912 for the protection of childhood. With van Hamel and Liszt, Prins founded in 1889 the important Union Internationale de Droit Pénal.

For many years Prins was one of the undisputed leaders of the movement for penal law reform in Belgium. An opponent of the traditional theories of the classical school and particularly of the principle of repression, he did not, however, accept all the ideas of the Italian school of criminal anthropology. He rejected especially the theory of the born criminal, emphasizing rather the social causes of criminality. He classified delinquents into three major groups: the occasional delinquent, who commits the infraction under the pressure of external circumstances; the habitual delinquent, whose personality is the principal cause; and the abnormal delinquent, the criminal who acts under the influence of a more or less serious mental defect but who is not actually demented. Prins believed that punishment should be individualized to make possible the adequate treatment of the various classes of delinquents.

As a publicist Prins wrote several critical studies of democracy in which he argued that political organization as it grew out of the French Revolution had culminated in an excessive individualism. Set against the omnipotent and centralizing state was a welter of individuals, all free and equal but in actual fact manipulated by political parties and groups. In order to realize democracy society must be organized along the lines of the mediaeval state. It is true that interest groups form spontaneously; but by according these groups representation and a degree of participation the state can become truly organic.

FERNAND COLLIN

Important works: *De l'appel dans l'organisation judiciaire répressive* (Brussels 1875); *La démocratie et le régime parlementaire* (Brussels 1884); *Criminalité et répression* (Brussels 1886); *L'organisation de la liberté et le devoir social* (Brussels 1895); *Science pénale et droit positif* (Brussels 1899); *De l'esprit du gouvernement démocratique*, Instituts Solvay, Travaux de l'Institut de Sociologie, Études sociales, no. 2 (Brussels 1905); *La défense sociale et les transformations du droit pénal*, Instituts Solvay, Travaux de l'Institut de Sociologie, Actualités sociales, no. 15 (Brussels 1910).

Consult: Vauthier, Maurice, in Académie Royale des Sciences, des Lettres et des Beaux Arts de Belgique, *Annuaire*, vol. lxxxviii (Brussels 1922) p. 33–74.

PRINTING AND PUBLISHING. Documentation by writing facilitated more effective communication of knowledge and its cumulative transmission. Printing greatly enhanced this achievement, significant for the development of culture, by making possible the economical multiplication of texts on a large scale, thus permitting an expansion of the range of influence of published works. The full possibilities of printing as an agency in the dissemination of knowledge and propaganda were not immediately grasped either in China, where printing first developed, or in Europe. It was conceived of primarily as an efficacious manner of avoiding errors in transcription, which were inevitable even in the work of the most skilful scribes, and thus as a device for standardizing texts. Its

effects as a revolutionary ferment among the masses, augmenting their power of participation in intellectual and political life, were in most countries not anticipated. Printing cannot be regarded as in itself the force which disrupted the authoritarianism of the Middle Ages in Europe; the bulk of the books which the printing presses produced during their first fifty years were mediaeval classics, tracts on theology and liturgy, texts of Roman law and the scientific works of the twelfth century. Furthermore the prices of books were in the beginning prohibitive for any but the wealthy ruling classes. The times were propitious, however, for a wider use of printing; economic, social, political and religious changes were hastening the collapse of feudalism and stimulating the intellectual renaissance, in which printing came to play a significant role. It was when the leaders of the Reformation availed themselves of the printing press to extend the influence of their doctrines among groups previously apathetic to the abuses of the church, by printing cheap books and pamphlets with propagandistic intent, that printing became a menace to existing authority.

Large scale book publishing existed prior to the development of printing. In ancient Alexandria under the Ptolemies staffs of trained scribes prepared for sale large editions of the classics and skilled slaves manned the book publishing industry at Rome, which was controlled by strict censorship under some of the emperors. In the Middle Ages manuscripts were prepared in monastic scriptoria by organized corps of copyists, whose work in particular monasteries can be identified through localized styles or schools of calligraphy and by distinctive decorations, initials, borders and illuminations. As the production of books became more elaborate during the twelfth and thirteenth centuries, the work became departmentalized and specialized skills of lay illuminators and rubricators became differentiated from those of the calligraphers. In Paris during the fourteenth century production and sale of books were carefully controlled by the university authorities primarily to prevent expression of heretical opinion. Comparable control prevailed at the Italian and English universities, while in German cities, such as Cologne, publishing was under ecclesiastical jurisdiction.

Printing flourished in China long before its appearance in Europe. Seals had already been cut for impressions in ancient Babylonia and Egypt and textiles had been printed probably first in India. The earliest extant wooden block for printing on paper is a Buddhist Sanskrit charm written in Chinese characters in 770; the advanced technique of the oldest surviving printed book, which dates from 868, indicates that it is the product of a long development. Large scale printing of the Confucian classics under Fêng Tao by scholars organized into a national academy was a potent factor in stimulating the renaissance of the Sung dynasty, during which thrived both public and private printing of secular as well as religious works. The quantity and scope of printed literature increased after the conquest of China in the thirteenth century by the Mongols, who published the ancient Chinese classics in their own language as well as in the original.

Movable type made of earthenware was invented in China between 1041 and 1049; the casting of tin into type followed shortly after and by 1314 a typesetting machine using wooden type was being employed. During the following century the type mold and metal type were invented in China and were used extensively in Korea a half century before the invention of printing in Europe. Alphabetic type and the printing press, however, were European innovations. In the Far East, because of the non-alphabetic character of the script, printing from metal type demanded large capital and was therefore carried on almost exclusively by governments; for private and commercial purposes block printing was more practical. Type printing, which had practically ceased by the nineteenth century, when it was reintroduced from the West, has as yet made little progress except for large presses in metropolitan centers. Block printing is now being replaced in the smaller printing offices, not by type but by lithography.

The diffusion of the Chinese invention of printing into Europe has not yet been traced with certainty as has the introduction of paper, upon which the success of printing depends. Block printing in its passage westward spread by way of Turkestan, where Turfan was a great Buddhist printing center in the thirteenth and fourteenth centuries; in this period Egypt also printed from blocks. Paper money, first printed in China in the tenth century, was issued at Tabriz, Persia, in 1294 in Chinese and Arabic and was brought to the attention of Europeans by Marco Polo and later by other European travelers. The accurate description of Chinese block printing in Arabic and Persian by Rashid-eddin about 1307 makes probable the hypothe-

sis, although no documentary evidence has been found to substantiate the claim, that the block printing which began in Europe at the end of the fourteenth century and which developed in Italy, Germany and Holland had its origins in the Far East. No reliable evidence of any nature has been uncovered to prove that the typography of China or Korea influenced that of Europe.

The diffusion of block printing westward was checked by the refusal of the Islamic world to adopt the innovation. The antagonism of Moslems to printing persisted, especially in reference to the publication of the Koran, which has never been printed in any Islamic country except by lithography. Islamic calligraphers, however, developed high skill, and excellent artistic texts were produced on a large scale in the scriptoria of Cordova and other important cultural centers. When in 1727 permission was given for the erection of a printing press in Constantinople with the proviso that the Koran should not be printed, the publication of the first book aroused such opposition that printing was practically abandoned in Islam for about a century. In India, where the sacred hymns of the *Veda* were memorized and transmitted orally, the Brahman caste successfully resisted the introduction of printing until late in the sixteenth century, when the first printing press was set up at Goa by the Portuguese.

Although printing may have been invented at Haarlem (by an unknown prototypographer usually identified as Coster) prior to Gutenberg's epoch making work in the second quarter of the fifteenth century in Mainz, Germany was the first European country in which the printed book became a rival of the manuscript; and it was the Germans who were responsible for the diffusion of printing over Europe. Six towns produced nearly two thirds of the output of the German presses up to the end of the fifteenth century, the German output being about one third of the 30,000 incunabula of all Europe. Three of these were university towns which published in Latin: Leipsic did not specialize; Cologne was a center for printing works primarily in theology; and Basel, at its zenith at the time of Erasmus, was known for the printing of humanistic works. Nuremberg printed books in Latin mainly for export to the north and east; Augsburg, in the vernacular for the enlightened burgher; and Strasbourg, in both the vernacular and Latin. When printed books and pamphlets became the medium through which the religious controversies were waged during the Reformation, Wittenberg, the home of Luther and Melanchthon, became the chief printing center. It remained preeminent to the end of the sixteenth century; then Frankfort took the lead until after the Thirty Years' War in the seventeenth century, when it was gradually superseded by the book fair at Leipsic. As early as 1496 the archbishop of Mainz set severe penalties for the printing, publishing, buying and selling of books translated from the Greek or Latin or any other language before the written translation had been approved by a committee of the faculty of the University of Mainz. Regulation of the organization of the printing trade and the production and distribution of published works became general in the sixteenth century. In Leipsic printers were forbidden to print Protestant literature for about two decades; in 1527 the printer Hans Hergot was beheaded there for publishing a prohibited pamphlet. Both Nuremberg and Augsburg were headquarters of clandestine presses evading ecclesiastical control. During this period the printers were organized in corporations or guilds, which existed until the nineteenth century.

Brought to Italy by Germans about 1464, printing played an important role in the Renaissance. Rome, Florence, Bologna, Milan and especially Venice became centers of book commerce in ancient literature; by the end of the century 73 Italian cities had presses which had produced over 4100 editions primarily in the classics. Gothic forms of printing had been used by the early German publishers; but as the center of printing shifted to Italy, types were influenced by the dominating interest of the calligraphers in an aesthetic based on ancient patterns. The Gothic letter was superseded by the Roman through the work of the brothers da Spira and of Jenson. These pioneer printers did not invent new letter forms but standardized and adapted the existing humanist miniscule, a survival of the old Carolinian miniscule, to the needs of type founding and printing. They sought faithfully to reproduce by mechanical processes the work of the humanist Italian calligraphers, but in spite of the excellence of their work the bibliophiles of Florence regarded it as so inferior to the manuscript productions as to be unworthy of inclusion in their libraries. Modern book publishing methods may be said to date from 1501 when Aldo Manuzio introduced books of small format. It took nearly a century, however, before printed books could shake off the influence of the manuscript and

develop their own traditions. It was this slow transition from the manuscript to the book which mitigated the opposition of the calligraphers to printing, for they were employed for many years to supplement the work of the printing press in initialing and illuminating the texts.

In the early years of the sixteenth century Italy's primacy was lost to France, where printing had been brought by traveling German craftsmen, who first used Italian type but later returned to Gothic. The Estiennes, de Colines and Tory introduced into France the innovations of Aldus and cheapened the cost of the Greek and Latin classics to create a wider reading public and make printing more profitable. Garamond in Paris, Froben in Basel, de Tournes in Lyons and later Plantin in Antwerp attained eminence as printers, the last named not only as a craftsman but as a publisher. The modern type faces of Grandjean, printer to Louis XIV, were copied by French type founders, especially by Fournier, with sufficient variation to escape the royal decree against counterfeiting the new type. The type created by Didot was widely used in France until the French Revolution, when the types of Baskerville of Birmingham copied by Bodoni of Parma were popularized and the old face with its ornaments and decorations was abandoned. English printing, which had been begun in 1477 by Caxton, did not display high technical craftsmanship until the eighteenth century, in the work of Caslon and Baskerville. There then followed throughout the world a period during which there was a decline in craftsmanship in the printing industry, which was dominated by commercial publishers concerned with profits rather than with aesthetic standards. It was primarily the work of the Kelmscott Press, founded by William Morris, which led throughout Europe to a return to types designed after those of the early printers and which resulted in a marked improvement in the appearance of the printed book. The arts and crafts movement to improve printing initiated by Morris, whose romanticism reflected the interest in mediaevalism stimulated by the Oxford movement, has succeeded by virtue of the example set by its product rather than through its philosophy. Its glorification of the handicraft system at the expense of machine production has been largely abandoned with the recognition that machine methods can produce works of high artistic merit and are far more adaptable to the large scale production which must be carried on if books are to be more than collectors' items. Although recent printing styles continue to be retrospective, especially in the United States, many experiments are being made with new type faces and new techniques.

In France the regulations pertaining to the scribe and his manuscript, whereby the University of Paris had been given the right to license and control production and sales, were in 1474 made applicable to the printer and his book. The rules which governed the relation between master printer, journeymen and apprentices, their tasks and privileges were derived from the ancient Corporation du Livre. When the government intervened in the struggle between master printers and journeymen over requisite qualifications, number of apprentices and working conditions and wages, which had led to a series of strikes in Lyons and Paris in the period 1539–72, it extended its control over the industry and the powers of granting the privilege to publish passed from the university to the state. In 1618 a code of corporate regulations was approved by royal edict and the Communauté des Imprimeurs, Libraires et Relieurs was established in Paris; later its jurisdiction was extended throughout France and it prevailed until abolished by the revolution. Because they were not recognized as belonging to any special trade, type founders were not admitted to the corporation, nor could they become members of the association of printers and publishers, the Confrérie de Saint-Jean l'Évangéliste. When royal typographical workshops were set up in 1640 and 1670, the sale of new and secondhand typographical material was regulated to curb the publication of political pamphlets by clandestine printing offices. After the revolution the copyright law of 1793 abrogated existing privileges and the printing of books and pamphlets increased greatly. Under the First Empire printers were again limited and controlled by a licensing system, which was enforced with modifications until the establishment of the republic in 1870.

Printing in the Netherlands in the sixteenth century was concerned largely with the publication of reformed Bibles and of controversial books and pamphlets for and against the Reformation mostly for export to Denmark, Spain, Portugal and England. In an attempt to prevent the spread of Lutheranism Charles V and Philip II sought to regulate the industry by drastic edicts; the printers van Liesvelt and van Berghen were beheaded and others were banished, imprisoned or fined. In the seventeenth and eighteenth centuries Dutch and Belgian printers

produced for the French market typographical counterfeits as a means of evading French governmental control; works by Rousseau, Boileau, Molière, La Fontaine, Voltaire and others were published on a large scale.

It is estimated that from 1476 to 1535 two thirds of all printers, binders and stationers in England were aliens who were encouraged to settle there by the privileges granted them in 1484. There followed persistent manifestations of ill feeling against foreign craftsmen, sometimes leading to sanguinary conflict; in 1534 privileges involving free trade in books were finally annulled. The ensuing monopoly of book publishing by the Stationers' Company, which although dating from 1403 did not obtain its charter until 1557, led to the practise of pirating by unlicensed printers. In 1586 an order of the Star Chamber restricted the number of presses, confined them to London and Oxford and Cambridge universities and placed them under the control of the ecclesiastical commissioners; the ruling was made more drastic in 1637. Following the abolition of the Star Chamber by the Long Parliament there was a short period of unlicensed printing of books and pamphlets which, after a remonstrance of the Stationers' Company, an ordinance of 1643 sought to prevent. It was as an attack upon this reactionary ordinance that Milton's *Areopagitica* was written. After the Restoration the newly established royal office of Surveyor of the Imprimery and Printing Presses, which took over the administrative powers of the Stationers' Company, again reduced the number of printing presses and drastically reenforced the clauses of the Star Chamber decrees. In 1693 the licensing act lapsed, leaving literary property without any statutory protection until the passage of the Copyright Act under Queen Anne in 1709, which gave the author definite property rights and power to bargain with the booksellers. Printing in the New England colonies, introduced first in Cambridge in 1639, reflected the conditions in the mother country; licensing was maintained until about 1720.

During the late eighteenth and the nineteenth century the demand for books rose throughout the western world as a consequence of the social and economic effects of the industrial revolution and particularly as an aspect of the changing status of the middle class. In England the monopoly of a few publishers in the book trade was broken and reprints of the popular classics appeared. Censorship through licensing ceased throughout Europe except in war periods. The introduction of the power press and the machine manufacture of paper decreased production costs and made possible a vast increase in quantity production, which was further augmented by the technological changes in the last decades of the nineteenth century and the beginning of the twentieth. With the introduction of machinery came the disintegration of the guilds. Books circulated more widely through circulating libraries and new trade channels and by means of the sale of publishers' remainders and secondhand books. Patronage as a means of financing the publication of books gradually declined and payment of authors by royalty became the general practise.

The United States, England, Germany and the Soviet Union are now the most important countries in printing and publishing. The printing industry in the United States in 1929 paid one twentieth of all manufacturing wages and ranked seventh in the total value added by manufacture. Book and job printing made up 31 percent of the total value of the output, while newspaper and periodical printing comprised 56 percent; 41 percent of all workers were employed and 40 percent of all wages were paid in book and job printing, 33.1 percent and 40 percent respectively in newspaper and periodical printing (Table I).

Commercial printing is centered in New York City, which produces 24 percent of the output, and in Chicago, which manufactures 16 per cent; the remaining 60 percent is widely diffused. no other city printing more than 4 percent of the total and only 12 as much as 1 percent. Because of the many small units producing for local consumption the number of establishments in publishing and printing and allied industries exceeds that of any other industry in the United States; in 1929 these totaled 27,522, a decline of 6225 as compared with 1919. The major portion of the production, however, is concentrated in a few large plants in book and job printing and in the newspaper and periodical branches of the industry (Table II).

According to United States corporation income tax returns the net income of printing and publishing corporations increased from $97,477,000 for 8429 corporations reporting in 1921 to $223,080,000 for 11,170 corporations in 1929 (Table III). In the latter year the total gross sales reported were $2,639,700,000 and the total net profit minus taxes was $218,800,000; 10,069 corporations reported a total net capital invest-

TABLE I

PRINTING, PUBLISHING AND ALLIED INDUSTRIES, UNITED STATES, 1899–1929*

DIVISION AND YEAR	NUMBER OF ESTABLISHMENTS	WAGE EARNERS	WAGES PAID (IN $1000)	VALUE ADDED BY MANUFACTURE (IN $1000)	HORSE POWER CAPACITY†
Book and job: 1899	6,934	68,445	33,804	86,044	36,982
1909	10,735	109,608	66,928	175,240	98,297
1919	13,108	123,408	141,851	387,808	131,544
1929	12,712	150,649	251,577	739,907	211,448
Newspaper and periodical: 1899	15,305	96,604	50,333	172,769	66,482
1909	18,871	108,672	74,402	308,731	173,889
1919	17,362	120,381	144,348	623,768	194,074
1929	11,524	129,660	253,399	1,346,561	332,184
Music: 1899	87	778	375	1,823	206
1909	178	738	439	4,590	365
1919	160	899	927	12,468	634
1929	124	810	1,314	13,698	956
Allied industries‡: 1919	3,117	57,246	64,872	153,049	52,984
1929	3,162	76,869	130,081	303,489	104,853

* Includes only establishments with annual product in excess of $5000.
† Of prime movers and of electric motors driven by purchased energy.
‡ Includes bookbinding and block book making, engravers' materials, engraving, lithographing, photo-engraving, printing materials, stereotyping and electrotyping and type founding.
Source: United States, Bureau of the Census, Fifteenth Census of the United States, *Manufactures; 1929*, vol. ii (1933) p. 575–78.

TABLE II

DISTRIBUTION OF PRINTING AND PUBLISHING ESTABLISHMENTS BY SIZE, UNITED STATES, 1929

VALUE OF PRODUCT	ESTABLISHMENTS		WAGE EARNERS		ANNUAL PRODUCTION	
	BOOK AND JOB	NEWSPAPER AND PERIODICAL	BOOK AND JOB	NEWSPAPER AND PERIODICAL	BOOK AND JOB	NEWSPAPER AND PERIODICAL
	PERCENTAGE DISTRIBUTION					
$ 5,000–$ 19,999	47.2	55.2	8.1	10.6	6.4	4.1
20,000– 99,999	37.6	29.9	23.4	13.7	20.8	9.7
100,000– 499,999	12.6	10.3	31.7	17.6	32.3	15.0
500,000– 999,999	1.5	2.2	13.5	10.6	13.1	10.3
1,000,000–4,999,999	1.0	1.9	17.9	23.7	23.5	25.2
5,000,000 and over	*	0.5	5.4	23.8	3.9	35.7
	ABSOLUTE FIGURES					
Total	12,712	11,524	150,649	129,660	$1,006,657,000	$1,738,299,000

*Less than 0.1 percent.
Source: Adapted from United States, Bureau of the Census, Fifteenth Census of the United States, *Abstract* (1933) p. 788–89.

TABLE III

NET INCOME OF CORPORATIONS IN PRINTING AND PUBLISHING INDUSTRY, UNITED STATES, 1921–29

YEAR	NUMBER OF CORPORATIONS REPORTING	NET INCOME* (IN $1000)
1921	8,429	97,477
1922	8,710	161,696
1923	9,223	142,320
1924	9,618	147,517
1925	9,920	161,404
1926	10,545	172,501
1927	10,363	163,688
1928	10,773	209,546
1929	11,170	223,080

* These figures represent the difference between net income (less non-taxable items) reported by corporations for income tax purposes and loss for corporations which reported net losses.
Source: Adapted from United States, Bureau of Foreign and Domestic Commerce, *Statistical Abstract of the United States 1932* (1932) p. 193.

ment of $2,113,000,000. A comparative analysis of the 1925 corporation income tax returns of the leading industries in the United States indicated that the printing and publishing industry ranked second in the percentage of corporations showing a profit, which totaled 65.7 percent, and also second in terms of the percentage of gross profits on sales, which totaled 28 percent; the percentage of successful firms reporting profits of $10,000 or more in that year was 70.3 percent.

Within the last fifty years the new machinery which has been introduced into the composing room, the pressroom and the bindery has revolutionized the industry. The linotype and related machines practically supplanted straight

matter typesetting by hand between 1886 and 1903. Although the linotype operator sets about four times as rapidly as does the hand operator, there appears to have been relatively slight immediate displacement of labor both in the United States and in Europe, because the technical character of the linotype required for its most successful operation the skill of the superseded handicraftsman and also because the market for printing was expanding. Composition by monotype and preparation of the form by photographic processes largely eliminate type composition and thus are affecting employment.

Cylinder presses were first installed in the pressrooms of the United States in 1882, modern rotary presses in 1890 and automatic press feeding attachments in 1899. By 1913 less than 4 percent of platen and cylinder presses used in commercial printing in the United States were mechanically fed; by 1921 the proportion had mounted to 66 percent. The installation of automatic feeding attachments and self-feeding job and small cylinder presses has continued rapidly; in 1929, 44,000 out of 64,000 presses sold were automatically fed. The effects of this mechanization are revealed in the United States census statistics, which show that while value added by manufacture in book and job printing rose more than 760 percent from 1899 to 1929, only 120.1 percent more workers were employed. In newspaper and periodical printing the results are even more striking; the value added by manufacture increased 679.4 percent between 1899 and 1929, while the number of workers increased only 34.2 percent (Table 1). The productivity of labor per man hour in newspaper printing increased 264 percent from 1896 to 1926. In 53 commercial printing plants studied in New York City, while there was a 7.9 percent increase in employment of skilled pressmen in 1929 as compared with 1924, there was 5.7 percent net displacement of unskilled or semiskilled press assistants; although the relative number of men employed increased slightly on the old models, it declined on the new ones. The bindery has likewise been mechanized by the installation of automatic processes for folding, gathering and covering books and magazines.

Modern printing machinery led to the departmentalization of the printing industry, which in turn resulted in the specialization of craft unions in the United States. The International Typographical Union, which took permanent form through a combination of local organizations in 1852 and which later affiliated with the American Federation of Labor, included compositors and pressroom workers. The pressmen had broken away from the compositors by 1889 and had founded their own international organization, the International Printing Pressmen, which in 1896 expanded to include the press feeders and became the International Printing Pressmen and Assistants' Union. Technological changes have not affected the membership of the unions adversely; in New York, where between 1913 and 1929 hand feeding was reduced from 75 percent to 15 percent of all press feeding, the membership of the press feeders', or assistants', locals remained practically stationary and membership of the highly skilled pressmen actually rose 33 percent. The recognition, however, that the mechanical inventions are displacing the assistants while bringing more work to the skilled pressmen has intensified the traditional conflict between these two groups. The competition between them largely over apprenticeship practise dates back to the beginnings of printing, and overt manifestations of it have appeared in practically every country in which printing has flourished. It has repeatedly been the practise of master printers to attempt to undercut the wages and working standards of the journeymen by employing "two-thirders" or "half-way journeymen," who have not fulfilled their apprenticeship. The apprenticeship problem has been aggravated in most countries by the problem of absorption of the learners who become journeymen; the latter have sought to restrict their number to the minimum. The linotype practically solved the problem of oversupply among the compositors by making apprentices less profitable for the employers. But in the pressroom more manual feeders than skilled pressmen are still necessary to operate the presses and the avenues of promotion are consequently clogged. In New York City a man must serve five years as an assistant in order to be eligible for selection as an apprentice, and in order to become a journeyman pressman he must serve four additional years as an apprentice. In 1929 there were but 140 apprentice pressmen in the assistants' union of over 2500 members; only 5 percent of the members could anticipate becoming pressmen in four years and most of them had no prospects of such advance. There is a conflict of interest therefore between the feeders and the pressmen, which appears in all negotiations between the employers and the unions.

The leading trade association in the commercial and periodical branches of the printing indus-

try is the United Typothetae of America, which comprises 3500 large firms in the United States and Canada, representing more than half of the total volume of production. It was formed in 1887 by the union of several local employers' organizations to combat the demand of the press-room workers for a 9-hour day. Although it regards as its main functions the development of standard trade practises and the control of prices, it has repeatedly served as the representative of the master printers in negotiations with employees over working conditions, a function usually performed by local organizations of closed shop employers, such as the Printers' League in New York City and the Franklin Association in Chicago.

In New York City, where 85 percent of book and job printing production is in closed shops, wages are higher, the work week is shorter and the complement of men required to run the presses larger than in Chicago, where only 40 percent of the production is in closed shops and union organization is weak because of the open shop opposition of the employers. In Chicago in 1924 non-union shops were paying their cylinder pressmen $48 and the assistants $40 for a 48-hour week, while in the New York union shops the scale for cylinder pressmen was $53 and for assistants $42.50 for a 44-hour week. In 1929 the Chicago non-union scales had remained the same, while the New York union rates had been raised to $56 for cylinder pressmen and $45.50 for assistants; and the wages of Chicago union compositors, who controlled 75 to 80 percent of production, increased with a shorter work week. Federal census reports indicate that although wages in New York are higher, the industry there derives greater value output per man at a lower unit wage cost than in Chicago. Wage scales have been drastically reduced since the economic crisis which began in 1929, and unemployment and part time employment have further lowered the income of the workers. In the spring of 1932 approximately 20 percent of the pressmen and press assistants in New York City were receiving unemployment benefits from their unions and only about 2100 out of 3500 pressmen members of the union were averaging as much as 3 days' work a week.

Although a few large publishing houses in the United States have their own printing plants, the majority contract for the printing of their publications with outside firms. The number of books manufactured in 1931 according to the United States Census of Manufactures totaled 154,235,000, which represented a decrease of 34.5 percent as compared with 1929. Textbooks for school use made up by far the largest category, ranging from 65,000,000 to about 84,000,000 in the last three biennial censuses; the three other major classifications were fiction, juvenile and religion and philosophy, in the order named. The number of pamphlets manufactured in 1931 totaled 215,300,000, compared with about 200,000,000 in 1929 and 251,000,000 in 1927. Between 1925 and 1930, 10 percent of the 172 to 217 publishing houses in the United States issued yearly 48 to 50 percent of the titles and 10 leading houses published 33 to 37 percent of the titles. In 1930–31 approximately 48 percent of total trade sales of books were through general bookstores, 29 percent through department stores, 7 percent through circulating libraries, 5 percent through drug stores and 11 percent through other outlets. Three leading wholesalers did 24.1 percent of the total book business; 25 largest accounts, not including wholesalers, 25.14 percent. Retail book outlets are concentrated in the larger communities. In 1931–32, 27.6 percent of the total number of bookstores listed by the National Association of Book Publishers were located in 41 cities with over 200,000 inhabitants, while two thirds of all the counties of the United States and nearly one half of the urban communities with a population between 5000 and 100,000 are without book outlets, leaving 32 percent of the total population of the United States without direct access to a bookstore. Direct mail selling has been carried on successfully by certain companies, but there are few organized direct mail departments in trade book publishing houses and as a method of book distribution of general trade books it has not proved satisfactory. Controversies as to whether rental libraries—a large percentage of which have been established by wholesalers—and book clubs cut off retail sales through bookstores have agitated the trade; in the United States such libraries appear not to have had the substantial influence attributed to them in England. In 1929, 2720 bookstores showed net sales of $116,371,021. The average profit of booksellers reported in that year was 2 percent; good stores are estimated to have yielded 5.5 percent and at least one half of the bookstores showed losses.

There are many cultural bases for the present chaotic condition of the book trade in the United States, among them the book illiteracy of the American middle class, which may be ascribed

in part to a faulty educational system and in part to the commercial preoccupation of that class; the stress and strain of industrial life upon workers, which gives them insufficient leisure and equanimity to devote to the reading of books; and the increasing appeal and availability of competing diversions, such as the radio and the cinema. The book industry, producing as it does under competitive conditions for the realization of immediate profits rather than as an educational agency with a planned program, has failed to take advantage even of its existing markets. The findings of the economic survey undertaken by the National Association of Book Publishers in 1930–31 characterized the industry as very disorganized, with management methods anarchic, wastes high and methods for promoting reading and book buying utterly inadequate.

In the United Kingdom census figures in 1930 showed 2493 printing establishments, other than newspaper and periodical, employing about 163,000 wage earners, whose output had a value added to manufacture of £36,000,000. The influence of new machinery on production is indicated by the increase in the net output per wage earner from £88 in 1907 to £222 in 1930. In the 600 establishments printing newspapers and periodicals employing a total of about 69,000 wage earners, whose products had a value added to manufacture of £35,600,000, the average net output per wage earner increased from £190 in 1907 to £518 in 1930. The average weekly rates of wages of hand compositors and jobbing workers increased from £1.15.8 in 1914 to £4.13.3 in 1920 and then declined to £3.13.10 in 1930. Unemployment statistics reported to the League of Nations indicate that 11.1 percent of 284,770 insured workers in the printing industry were unemployed in March, 1933. A total of 165,000 workers belong to craft unions affiliated with the National Printing and Kindred Trades Federation, the leading unions of which are the National Union of Printing, Bookbinding and Paper Workers, with a membership of 70,000, and the Typographical Association with 31,000 members.

Book production increased markedly in Germany during the nineteenth century and the beginning of the twentieth, but declined with the economic crisis following the World War from a total of 28,000 in 1913 to 24,000 in 1931. The number of printing plants, which had grown from 2253 in 1873 to more than 5000 in 1897 and over 8600 in 1913, declined to about 8200 in 1924. The number of insured workers employed in printing increased from 80,000 in 1893 to 186,000 in 1913 and then declined to 166,000 in 1924 and further in 1933 to 138,000; of these 37.3 percent were totally unemployed and 18.2 percent only partially employed in March of that year. Although there are many small units, the industry is highly concentrated: large plants employing over 50 persons, although comprising 8.1 percent of the printing plants in 1924, employed 60.6 percent of the wage earners; the medium sized plants, which constituted 25 percent of the plants, employed 27 percent of the wage earners; and the small units, although making up 66.9 percent of the plants, employed only 12.4 percent. Before the liquidation of such unions by the Nazis the German workers were organized into the Verband der Deutschen Buchdrucker, which in 1924 had a membership of about 60,000. The employers negotiated agreements on working conditions with the union through the Deutscher Buchdruckerverein, which had 5000 members in 1919. Book distribution in all its phases, including price control, has been under the supervision of the Börsenverein der Deutschen Buchhändler, which includes nearly every publisher and bookseller in Germany and which has served as a model for the organization of the book trade of other European countries and especially of Norway and Sweden.

The post-revolutionary cultural changes in the Soviet Union have led to an increase in printing and publishing comparable to that following the rise of the middle class in the eighteenth and nineteenth centuries but unprecedented in extent. The proletariat and peasantry are participating actively in cultural life and consequently the size of the market for books, periodicals and newspapers has multiplied. The publishing houses in the U.S.S.R. have issued over 376,000 book titles in the past fifteen years; in 1931 they published about 54,000 new titles in over 830,000,000 copies; about one third of the titles and one fourth of the annual aggregate circulation are published in 83 languages of the national minority peoples. All state publishing concerns were coordinated in 1931 in the Book and Magazine Publishing Combine (Ogiz), whose books are distributed through agencies connected with Knigacenter. The workers are organized into the Printers Trade Union, which in 1932 included 34,000 members of all crafts in one industrial organization; an additional 6000 workers on factory newspapers belong to the

industrial unions of their factories. Production of books, pamphlets, periodicals and newspapers is continuing to mount as illiteracy, very high in czarist Russia, is being wiped out; its more rapid acceleration has been retarded only by the acute paper shortage.

R. L. DUFFUS

See: PRESS; WRITING; LANGUAGE; COMMUNICATION; LITERACY AND ILLITERACY; LITERATURE; THEATER; FOREIGN LANGUAGE PRESS; PROPAGANDA; FREEDOM OF SPEECH AND OF THE PRESS; CENSORSHIP; COPYRIGHT; RENAISSANCE; REFORMATION; HUMANISM.

Consult: Kenyon, F. G., *Books and Readers in Ancient Greece and Rome* (Oxford 1932); Schubart, Wilhelm, *Das Buch bei den Griechen und Römern*, Handbücher der staatlicher Museen zu Berlin, vol. xii (2nd ed. Berlin 1921); Carter, T. F., *The Invention of Printing in China and Its Spread Westward* (rev. ed. by D. C. McMurtrie, New York 1931); Laufer, Berthold, *Paper and Printing in Ancient China* (Chicago 1931); Putnam, G. H., *Books and Their Makers during the Middle Ages*, 2 vols. (New York 1896–97); *Printing: a Short History of the Art*, ed. by R. A. Peddie (London 1927); *Handbuch der Bibliothekswissenschaft*, ed. by Fritz Milkau, vol. i– (Leipsic 1931–); Olbrich, Wilhelm, *Einführung in die Verlagskunde* (Leipsic 1932); Börsenverein der deutschen Buchhändler, Historische Kommission, *Geschichte des deutschen Buchhandels*, 4 vols. (Leipsic 1886–1913); Bogeng, G. A. E., *Geschichte der Buchdruckerkunst*, vol. i– (Dresden 1930–); Barwick, G. F., "The Laws Regulating Printing and Publishing in France" in Bibliographical Society, *Transactions*, vol. xiv, 1915–17 (1919) 69–107; Renard, Georges F., *Les travailleurs du livre et du journal*, 3 vols. (Paris 1925–26); Prostov, E. V., "Origins of Russian Printing" in *Library Quarterly*, vol. i (1931) 255–77; Mumby, F. A., *Publishing and Bookselling* (London 1930); London Stationers' Company, *A Transcript of the Registers . . . 1554–1640*, ed. by Edward Arber, 5 vols. (p.p. London 1875–77); Gillett, C. R., *Burned Books*, 2 vols. (New York 1932); Collins, A. S., *Authorship in the Days of Johnson* (London 1927), and *The Profession of Letters* (London 1928); The Times, *Printing in the Twentieth Century* (London 1930); Wroth, L. C., *The Colonial Printer* (New York 1931); Updike, D. B., *Printing Types*, 2 vols. (Cambridge, Mass. 1922); Morison, Stanley, *Four Centuries of Fine Printing* (London 1924), and *Modern Fine Printing* (London 1925); Barnett, G. E., "The Introduction of the Linotype" in his *Chapters on Machinery and Labor* (Cambridge, Mass. 1926) ch. i, and "The Printers," American Economic Association, *Quarterly*, 3rd ser., vol. x, no. 3 (Cambridge, Mass. 1909); Baker, E. F., *Displacement of Men by Machines* (New York 1933); United States, Bureau of Labor Statistics, "Productivity of Labor in Newspaper Printing" by Swen Kjaer, and "History of Wages in the United States from Colonial Times to 1923," *Bulletin*, no. 475 (1929), and no. 499 (1929) 118–23, 336–62, 489–520; United States, Bureau of Labor, "A Documentary History of the Early Organizations of Printers" by Ethelbert Stewart, *Bulletin*, no. 61 (1905) 857–1033; Powell, L. M., *The History of the United Typothetae of America* (Chicago 1926); Brown, E. C., *Book and Job Printing in Chicago*, University of Chicago, Social Science Research Committee, Social Science Studies, no. 21 (Chicago 1931); Craig, D. R., *The Economic Condition of the Printing Industry in New York City* (New York 1925); Frederick, J. G., "A Balance Sheet of American Business" in *Harvard Business Review*, vol. vi (1927–28) 152–59; Duffus, R. L., *Books; Their Place in a Democracy* (Boston 1930); Cheney, O. H., *Economic Survey of the Book Industry, 1930–31* (New York 1931); Webb, Sidney, "The Printed Word in Soviet Russia" in *Current History*, vol. xxxvii (1932–33) 697–704; Freeman, Joseph, *The Soviet Worker* (New York 1932) ch. xi; Lehmann-Haupt, Hellmut, *Fifty Books about Bookmaking* (New York 1933); *Gutenberg Jahrbuch*, published in Mainz since 1926.

PRISON DISCIPLINE. *See* PENAL INSTITUTIONS.

PRISON LABOR. It has been customary in most civilizations for the state to utilize, directly or indirectly, the labor of convicted offenders. The motive has been mainly, although not exclusively, one of economy or profit. Generally speaking, there has never been much dispute over the fact that a long period of idle detention not only is costly to the state but involves physical and mental degeneration for the prisoner. Such objections as have been raised within the last century have been based upon the condition and nature of the work involved and its effect on free industry, rather than upon a denial of the value of work as a necessary element in a sane penological program. The type of work chosen and the conditions under which prisoners have labored not only have varied with the incidence of the motive of state economy but have been much influenced by existing economic and social institutions and concepts. Thus labor may be introduced as a punitive factor in addition to detention, as a mitigating factor in punishment or as part of the program for the social and economic rehabilitation of the prisoners. So long as the religious and social attitude prevailed that responsibility for his crime lay solely with the offender, the profit seeking motive of the state found no check in social forces. This attitude also led at various times, when opportunities for profitable utilization of convict labor did not exist, to the adoption of unproductive types of labor purely punitive in purpose. The emphasis on rehabilitation is a development of the comparatively recent humanitarian movement and has but faintly influenced prison administration up to the present time, since its coincidence with a rapidly developing industrial society has heightened the profit possibilities in prison labor.

In the civilizations of antiquity, and in fact up to the twelfth century A.D., the institution of slavery afforded a convenient method for disposing of captives of war or offenders against the civil and military law and provided a conveniently large army of forced labor. In many primitive societies as well as in semicolonial countries and the backward regions of modern industrial countries enslavement of convicts survives, either as unmitigated slavery or as peonage or some other form of forced labor. After the abolition of formal slavery in Europe the ranks of the convicts were still looked to as furnishing the supply for those tasks, such as labor in the galleys of ships, for which free labor could not be as easily or as cheaply recruited. In the period of the commercial revolution Queen Elizabeth of England is reported to have appointed a commission to arrange that criminals be sent to the galleys, and the authorities of seventeenth century French courts were asked not to mutilate or kill convicted offenders as the galley needed them to fill out their crews. It was the development of sailing ships rather than reform in penological methods which led to the dying out of the institution of convict galley labor. The state then began to utilize convict labor in the rather broad programs of public works and road building begun in the eighteenth century. This practise is still common in many countries. France kept the former galley slaves for a time on hulks and in barracks, using the able bodied for work about the harbors, building docks and the like. This was done in England too; the docks constructed at Chatham and the land reclamation program of Dartmoor owed much to the utilization of convict labor. In the shift from maritime to land occupations, however, the need of adequate housing raised new problems of economy for the state. To meet this housing problem as well as to help supply the labor needed in its colonies England like Spain resorted in the beginning of the seventeenth century to the method of penal transportation. Until the War of Independence the American colonies absorbed much convict labor. Thereafter between 1787 and 1867 thousands of English convicts were shipped to the largely vacant lands of Australia, but this method of relieving the problem presented by the overflowing population of the English prisons was put to an end by the protests of free labor in Australia. During the first part of the nineteenth century England also resorted in the case of some offenders to the introduction of the treadwheel and the crank, horrible devices, wholly unproductive, which were used only to make prison life unbearable.

The development of industrialism in the late eighteenth and in the nineteenth century vitally affected prison as well as free labor. On the one hand, economic changes increased the numbers of dependents in public institutions, not only in almshouses and workhouses but, under the severe penal code of the time, in prisons as well; on the other hand, there came an increased demand for cheap labor. As a result both in Europe and in the United States during the nineteenth century a method for hiring out prison labor known as the contract system came into vogue. Under this system the state, although it retained physical control of the prisoners, hired them out at so much per head to private contractors, for manufacture within the prison walls of products which were then thrown on the open market. This system was profitable for the prison authorities, on whom no demand was made for economic efficiency, and to the contractors, who under the spur of the profit incentive introduced efficient methods of production and, in comparison with free industry, enjoyed the advantage of cheap labor over whose conditions of work there were no restrictions. The contract system of prison labor was not always confined to goods for the open market but was often used by private entrepreneurs who had received contracts for government construction. In the nineteenth century under this system of contract labor cruelty to prisoners, wastefulness from the point of view of vocational training, profiteering by state and by private interests, were rampant. The rise in Europe of a strong labor movement, whose objection to competition with labor producing under such circumstances was supported by entrepreneurs in free industry, and the development of a humanitarian spirit which called attention to the abuses of the contract system resulted in its rapid abolition in most countries of Europe. Free industry also demanded the abolition of all systems of production for the open market, including the "state account" method, since state controlled production which eliminates the profit of the contractor is even more of a menace than prison labor, from the point of view of cut-throat competition. Except in Belgium, France, Germany and Italy, European prison labor is now almost entirely confined to production for the needs of the prisoners themselves and of the state and its institutions and subdivisions. The restriction

on prison made goods in the open market has in recent years taken on international scope, and in Europe the importation of such goods is prohibited in all but the above mentioned countries.

With these restrictions effected on the products of prison labor, increasing attention and priority have been given by prison authorities in several European countries to the problem of vocational and social rehabilitation and to the classification of prisoners for work on the basis of mental and physical capability. The substitution of agricultural for manufacturing and construction occupations has been stressed. In the Scandinavian countries and more recently in Italy there has been a development of the penal farm, where the prisoners, who are carefully selected, are allowed a high degree of freedom. There is gradually being built up a special code for prison labor with respect to hours and wages; in practically all countries except England the prisoner receives a wage. In Italy and the Soviet Union he has a legal right to wages and can resort to the courts for their collection; in Poland, Germany and France he has a legal right to amounts accredited to him. In several European countries and in three states in the United States (New Hampshire, Maryland and Wisconsin) the prisoner also has a right to compensation for occupational injuries sustained while at work. Detailed provisions are often made for disposal of wages credited to the account of the prisoner, to be paid to him or to his dependents on release.

Perhaps the most unusual experiment in prison labor at present is being made in the Soviet Union. The concept of labor as compulsory for all able bodied persons is of course extended to convict labor as well. For all but political prisoners and "class enemies," who are still subject to the czarist method of penal transportation and its hardships, and certain isolated types of criminals there are two methods of labor: the first providing labor reformatories and penal colonies where emphasis is placed on vocational training; the second involving no element of detention whatever, beyond working hours, with the worker paid the same wage as free labor, less 25 percent to the penal authorities for maintenance and other costs. In order to avoid arbitrary rulings by individual prison authorities the Commissariat of Labor fixes wages. In fact the same labor code obtains for prison labor as for free labor. Prisoners are entitled to membership in trade unions and are encouraged through "socialist competition" to attain efficiency. Although in one trade at least, that of brickmaking, 50 percent of the production is by convict labor, there is apparently no conflict with free labor. Account must be taken, however, of the existence of state ownership and centralized authority and of the fact that, in contrast to other countries, there is a shortage rather than a surplus of labor in the Soviet Union. These factors eliminate many of the difficult problems affecting prison labor in other countries.

The problem is perhaps most complicated in the United States. This is due in part to its large penal population, to the variation in the penal code and in labor legislation from state to state and even within state boundaries and to the great differences between states in the form and degree of social and economic development; in the southern states racial differences add another complicating factor. The system of production for the open market is more widespread in the United States than in Europe, but the contract system has declined to a large extent. In 1867, when Wines and Dwight made their study, the contract system prevailed in all but three prisons in the United States, whereas in 1928 it was illegal in seventeen out of forty-eight state institutions and in all federal prisons. Where contract labor is legal, legislation curtailing hours or providing that goods be marked "prison made" restricts the market for its products. Public control of prison labor was the rule in thirty-three states in 1923, as contrasted with four in 1885. The proportion of prison manufactured goods to the total volume of manufactured goods in the United States declined from 0.54 percent in 1886 to 0.15 percent in 1923. This comparatively insignificant proportion, however, does not take account of the fact that in certain branches, notably in the manufacture of work shirts and iron hollow ware, prison products hold a strong if not predominant position. The weakness of organized labor in these branches may account for the persistence of the prison products. The disposal of prison goods within a limited area often causes a serious local condition. The manning of coal mines by convict labor and, in southern states, the frequent use of convicts as strike breakers were eliminated with the rising strength of unionism in the first part of the twentieth century. The decline of production for the open market has been largely due to the efforts of organized free labor and of manufacturers in free industry who have advocated the restriction of prison labor to state use.

This would of course permit not only the manufacture of prison clothing, machinery and food but also the erection of buildings for state institutions, state printing and the like. Even in this field, however, the powerful building and printing trade unions have raised objections. Through the enactment of the Hawes-Cooper Act of 1929, to go into effect in 1934, the pressure of free industry has also secured federal control over the products which enter interstate commerce. This act gives each individual state the same power to control within its borders the marketing of goods produced in other areas which it chooses to exercise over goods produced in its own penal and correctional institutions. If sustained this legislation will tend to bring about an extension of the state use system. Six states (Illinois, Maine, Pennsylvania, Massachusetts, New Jersey and New York) have already passed legislation supplementary to this federal law. Federal legislation (Tariff Act of 1930) barring the importation of foreign products based on prison or forced labor has also been enacted.

According to an estimate of ninety-eight state and federal prisons made in 1927–28, only 18 percent of the prison labor productively employed was for state use; 20 percent was labor under the contract system; 29 percent was on goods produced for the open market under the state account system; 14 percent was on public works and ways; and the balance was either state managed or unclassified. These percentages varied by regions: thus of contract labor for state institutions 10 percent was in the east, 6 percent in the west, 22 percent in the midwest and 26 percent in the south; state use varied from 63 percent in the east to less than 1 percent in the south; of prison labor for public works and ways 1 percent was in the east, 3 percent in the midwest and 28 percent in the south.

It has been pointed out that in protecting its own interests free industry may be seriously hampering the rehabilitation program, which of necessity involves productive labor for prisoners. According to figures for 1929 only 58 percent of the 117,443 prisoners in state and federal prisons are productively employed. Of the balance 29 percent are engaged in institutional work, 11 percent are not working and 2 percent are unaccounted for. This percentage of productively employed has been steadily decreasing from about 73.5 percent in 1885, and it does not reveal the actual extent of idleness because it disregards overmanning of machines, short hours and staggering of work jobs, particularly in the institutions of the northern states. The percentage varies for regions: in the midwest 53 percent are productively employed, in the west 52 percent and in the east 45 percent. The southern states show 78 percent productively employed; but this high percentage, with its subsequent low maintenance costs, is secured at a terrible price to society and to the individual prisoner.

Granted the evil effects of idleness, figures of productive employment are no indication of the soundness of prison labor systems unless they are more concerned than they have been in the past with the welfare of the prisoners. Moreover even from the point of view of profitability, which according to one student has been the principal concern of prison administrators in the United States, these systems are open to considerable criticism. A careful accounting survey of prisons which have shown an apparent profit would disclose the fact that the cost of building maintenance and other items had not been taken into consideration. Certain difficulties are of course inherent in any system of prison labor. Few existing local jails were built with any thought of working prisoners; and unless the inmates are worked on roads, as they are in the south, they will probably be idle until the jails are supplanted by industrial farm institutions. Unsuitable plant construction also hinders work in some state prisons and penitentiaries. Many officials in charge of the labor of prisoners are appointed on a political basis rather than because of their capacities. Finally, under the best of conditions the state as employer can classify and train its workers only within the very marked mental and physical limitations of the prison inmates and with reference to certain disciplinary problems which the private employer need not encounter.

Thus from the point of view of the prisoner and of society as a whole most of the systems of prison labor in the United States are unsatisfactory. Wastefulness in methods of production, because of antiquated techniques or machinery not used in private industry, and training in branches which are not open to the prisoners after release (such as shirt making, in which men prisoners are employed although it is predominantly a woman's trade in free industry) are especially characteristic of non-contract systems. From the point of view of the prisoner the chain gang systems under direct public control, which still obtain in certain southern states, are no improvement over contract systems. Not only is the work in most prison industries and con-

vict occupations unproductive, vocationally useless or conducted under inhumane conditions, but in the vast majority of cases no provision is made for payment to the prisoner so that after release his chances for rehabilitation may be somewhat enhanced. In the ninety-eight state and federal institutions studied only 46 percent of the prisoners productively employed received some sort of wage; in the institutions of ten states workers received no compensation at all; and payment was reported by local institutions in only six states and the District of Columbia. The abuses which arise from rearrest for vagrancy of released prisoners discharged penniless from southern road camps have resulted in a condition which amounts to peonage. Indignation of the public and of organized labor rightfully aroused over these conditions in recent years has, however, overlooked the very serious effects which too drastic and sudden restrictions on production for the open market may impose on prison administrators and on prisoners in the form of idleness and unproductive labor. It has been suggested that one effect which the operation of the Hawes-Cooper Act may have will be the development of penal farm colonies mainly for state use. In the United States the penal farm colony is at present largely restricted to the southern states, where commercial crops are cultivated and where training, housing and general reformatory conditions are not to be compared with the model farm colonies of the Scandinavian countries. In the wide discussion of the problem which has followed recent legislation and agitation it has been made clear that any program of prison labor must attempt to balance the needs of the prisoners for productive work, the financial problems of the state and prison authorities, the legitimate interests of free labor and free industry and the interests of society as a whole. The experience of other countries suggests that considerable progress can be made along these lines.

LOUIS N. ROBINSON

See: PUNISHMENT; IMPRISONMENT; PENAL INSTITUTIONS; CRIMINOLOGY; HUMANITARIANISM; FORCED LABOR; TRANSPORTATION OF CRIMINALS.

Consult: Ives, George C., *A History of Penal Methods* (London 1914); Great Britain, Foreign Office, *Reports from Her Majesty's Representatives in Certain Foreign Countries on Prison Labour*, Cmd. 7550 (1894); "Prison Labor, I—II" in *International Labour Review*, vol. xxv (1932) 311–31, 499–524; Ruggles-Brise, E., *The English Prison System* (London 1921) ch. xii; Wutzdorff, Edgar, "Die Arbeit der Gefangenen" in *Deutsches Gefängniswesen*, ed. by E. Bumke (Berlin 1928) p. 178–97; Franke, Hilde, *Die Gefangenenarbeit unter besonderer Berücksichtigung ihrer volkswirtschaftlichen Bedeutung* (Chemnitz 1926); Gillin, John L., "The Prison System" in *New Russia*, ed. by Jerome Davis (New York 1933) ch. xiii; "Prisons of Tomorrow," American Academy of Political and Social Science, *Annals*, vol. clvii (1931), especially Gill, H. B., "The Prison Labor Problem," p. 83–101; Robinson, L. N., *Should Prisoners Work?* (Philadelphia 1931), with bibliography p. 313–41; Wilson, Walter, *Forced Labor in the United States* (New York 1933) chs. ii–v; National Commission of Law Observance and Enforcement, "Labor and Industry" in its *Report on Penal Institutions, Probation and Parole*, Report no. ix (Washington 1931) p. 80–110; United States, Department of Commerce, Advisory Committee on Prison Industries, *Prison Industries*, Domestic Commerce series, no. 27 (1929); United States, Congress, House of Representatives, Committee on Labor, *Prison-made Merchandise: Hearings*, 70th Cong., 1st sess. (1928); United States, Congress, Senate, Committee on Interstate Commerce, *Convict Labor: Hearings*, 70th Cong., 1st sess. (1928); Mohler, H. C., "Convict Labor Policies" in American Institute of Criminal Law and Criminology, *Journal*, vol. xv (1924) 530–97; "Prison Labor in the United States, 1932" in *Monthly Labor Review*, vol. xxxvii (1933) 1–24.

PRISON REFORM. *See* PENAL INSTITUTIONS.

PRISONERS OF WAR. Only in comparatively recent times has any degree of humane treatment been meted out to prisoners of war. In the Greek and Roman civilizations, as in primitive societies, wars of extermination were fought in which no prisoners were taken. According to Tacitus, Germanicus urged the Roman legions to exterminate their enemies. In addition the more humane policy of ransoming or of exchanging prisoners was often applied. Grotius refers to the ransoming of prisoners among the Greeks; while the Treaty of Nicias of 421 B.C. provided for exchange. In his history of Rome Livy refers to conventions for exchange during the Punic Wars. The normal fate of prisoners among the Romans, however, was slavery.

A great step forward occurred when self-interest prompted captors to enslave prisoners rather than kill them. This practise finally became so general that, according to Grotius (*De jure belli ac pacis*, bk. iii, ch. vii), the early law of nations recognized it and gave captors the power of life and death over them. During the later Middle Ages, partly through the influence of the early church, ransom was substituted for the sale of prisoners. Isolated cases of enslavement occurred, however, and prisoners were also frequently treated as criminals.

When armies consisted of feudal levies, captives were considered the property of the captor,

who was entitled to the ransom price. Gradually prisoners of importance were taken over by the sovereigns and liberated by ransom at a scale of prices which became rather definitely fixed by custom. With the establishment of modern armies all prisoners were regarded as belonging to the sovereign, and during the seventeenth century they were ransomed at prices fixed by cartels at the commencement of the war or during its continuance. The last such cartel seems to have been that between England and France in 1780.

As the ransoming of prisoners became obsolete, its place was taken by the practise of exchange. Prisoners might be exchanged either during the continuance of a war or after its termination. The necessity, however, of applying the principle of equality has led to many difficulties in the exchange of prisoners. The agreement for exchange made in 1777 between General George Washington and Sir William Howe resulted in controversy. Negotiations for exchange were entered into in 1810 between England and France but without success. From the American Civil War to the World War there was no exchange of prisoners on any considerable scale before the termination of hostilities.

Another practise has been the parole of prisoners of war. Its history is rather obscure. Isolated instances of parole may be traced in ancient times. A German writer has attempted to show that it was a general Germanic practise. At any rate it became fairly well established in the eighteenth century. Since parole may sometimes be more advantageous to the captor than to the captive, a prisoner of war is under no obligation to accept it. Indeed the acceptance of parole has been forbidden at times by the municipal law of various countries.

The modern view of the proper treatment of prisoners of war was established during the eighteenth century, chiefly through the influence of Montesquieu and Rousseau, and given currency by the classic treatise of Vattel. Montesquieu, attacking the right of captors to kill prisoners (*Esprit des lois*, bk. xv, ch. ii), said: "War gives no other right over prisoners than to disable them from doing any further harm by securing their persons." Rousseau completed the theoretical foundation for the modern view when he declared: "War is . . . a relation between state and state in which individuals are enemies only accidentally" and can be killed only "while they are bearing arms; but as soon as they lay them down and surrender . . . they become once more merely men whose life no one has any right to take" (*Contrat social*, bk. i, ch. iv).

The first practical application of the modern view that prisoners were to be treated humanely is found in the Treaty of Amity and Commerce of 1785 between the United States and Prussia. The French National Assembly decreed in May, 1792, that prisoners were under the protection of the nation and later that no money would be accepted for captives, indicating that exchange should be on a basis of liberty and equality. Theory, however, was in advance of practise, for during the wars from 1793 to 1815 treatment of prisoners reflected standards of earlier days.

During the nineteenth century the modern view gained acceptance. It was supported in 1842 by Daniel Webster as secretary of state; and it received official recognition in the first attempt made in 1863 by Francis Lieber, at the request of President Lincoln, to systematize international rules of land warfare. The American Civil War tested these rules; and although the policy outlined by both sides for the treatment of prisoners was humane, the actual practise left much to be desired. Likewise in the Franco-Prussian War treatment of prisoners was not in accordance with modern theory, because of popular bitterness on both sides.

The laws and customs regarding prisoners of war were finally codified at the First Hague Conference of 1899 and accepted by practically all the nations. They were changed somewhat at the Second Hague Conference of 1907 but only the former convention became legally binding. According to the Hague rules (arts. 4–20) prisoners were declared to be in the power of the government instead of the captor; they were to be humanely treated; they might be interned in a town, fortress or camp but could be confined only as an indispensable measure of safety. They might be employed under reasonable conditions in work having no direct military connection. Except where there were special agreements, the government was to maintain them, providing food, quarters and clothing of a standard equal to that of its own troops. Certain duties were imposed upon prisoners; they were expected, for example, to give their true name and rank when captured. It was stipulated that no prisoner who escaped should be punished upon subsequent recapture. The parole of prisoners was regulated but not the exchange. Moreover countries holding prisoners of war were required to establish information bureaus to answer inquiries concerning them. It was also

for the first time made the duty of belligerents to grant facilities to relief societies desirous of aiding their prisoners of war.

These rules were scrupulously respected during the Russo-Japanese War, but in the World War, although they were binding on all the belligerents, the numbers of prisoners involved made it much more difficult to abide by them fully. By August, 1916, the Central Powers held 2,678,000 prisoners, the Allies 1,695,000. The difficulty was increased by the policy of some of the belligerents of interning the entire alien enemy population.

At first the belligerents created bureaus of information concerning prisoners, as prescribed by the Hague rules. The regulations governing the treatment of prisoners also indicated an intention to respect these rules. Officers and men were separated, and the preferential treatment of the former seems to have been satisfactory on both sides. Provision of food, clothing and shelter seems also to have been reasonably satisfactory in France and Great Britain, and in Germany early in the war; later some German camps became overcrowded, improperly heated and unsanitary. Epidemics broke out, and under pressure of the economic blockade rations were reduced until prisoners became dependent largely upon food sent from home. Prisoners were set to work by both sides at various kinds of labor receiving only a few cents a day, and the Allies charged Germany with violating the Hague rules in using prisoners in industries having a military connection.

Accusations of inhumane treatment on both sides led to a revival of the old practise of adopting reprisals against prisoners. England segregated and punished German submarine crews, and Germany sent some British officers to a reprisal camp. France reduced the meat and bread ration of German prisoners in reprisal for a similar reduction by Germany. The latter also at various times sent French prisoners to reprisal camps for alleged maltreatment of German prisoners by France. Reprisals, however, usually consisted only in reduction of rations, deprivation of privileges or more disagreeable work.

Nevertheless, the World War gave rise to some promising new developments in the treatment of prisoners. By agreement the belligerents allowed representatives of neutral governments to inspect their prison camps and also by agreement interned the sick and wounded in neutral countries. In March, 1918, Switzerland was caring for 26,000 prisoners under this plan. Numerous other agreements were made between the belligerents for the exchange of various classes of prisoners.

The demobilization of the millions still held at the close of the war was especially difficult because of the disorganized state of Europe. Article 10 of the Armistice Agreement required the defeated nations to release the prisoners of the Allied and Associated Powers. These were quickly repatriated. The latter powers retained prisoners of the Central Powers until the peace treaties were signed.

More difficult was the handling of 250,000 Russian prisoners released by Germany, most of whom were barred from Russia, and of an equal number of the forces of the Central Powers captured by Russia. The collapse of the governmental system in Russia made it impossible to repatriate or adequately to care for these men, thousands of whom died from disease and exposure. The Red Cross, both the national organizations and the International Committee, which throughout the war rendered invaluable aid in tending prisoners, took up the cause of these men.

In February, 1920, the Supreme Council of the Peace Conference referred the problem to the League of Nations. The Council appointed Fridtjof Nansen of Norway to supervise the repatriation work. By September, 1922, when his task was completed, Nansen, with the cooperation of the International Red Cross and other relief agencies and of the interested governments, had repatriated to and from Russia 400,000 prisoners.

Since 1918 the cause of prisoners of war has received the attention of the International Red Cross, which at its tenth conference in 1921 adopted a proposed code to improve their treatment. The most important step, however, was taken at Geneva in 1929, when forty-seven nations signed a new convention to protect future prisoners; this became effective June 19, 1931. Based upon the experience of the World War, it is more detailed than the Hague regulations; its provisions extend not only to land but to naval and air forces, while a particularly great advance is marked by its prohibition of reprisals.

E. G. TRIMBLE

See: WARFARE; ATROCITIES; ENEMY ALIEN; ASYLUM; NEUTRALITY; WORLD WAR.

Consult: Payrat, Armand du, *Le prisonnier de guerre dans la guerre continentale* (Paris 1910); Fooks, H. C., *Prisoners of War* (Federalsburg, Md. 1924); Werner,

Georges, "Les prisonniers de guerre" in Académie de Droit International, *Recueil des cours* (1928) pt. i, p. 1–107; Knorr, Wilhelm, *Das Ehrenwort Kriegsgefangener in seiner rechtsgeschichtlichen Entwicklung*, Untersuchungen zur deutschen Staats- und Rechtsgeschichte, no. cxxvii (Breslau 1916); Spaight, J. M., *War Rights on Land* (London 1911) ch. x. Of the general works on international law, the best to consult as to prisoners of war are: Hall, W. E., *A Treatise on International Law* (8th ed. by A. P. Higgins, Oxford 1924) sects. 132–34; Oppenheim, L. F. L., *International Law*, 2 vols. (4th ed. by A. D. McNair, London 1926–28) vol. ii, sects. 125–32, with full bibliography. For the treatment of prisoners during the World War: Garner, J. W., *International Law and the World War*, 2 vols. (London 1920) vol. ii, chs. xxi–xxii. For the difficulties of demobilizing prisoners after the World War, see articles in *Revue internationale de la Croix-rouge*, vol. i (1919) 137–44, vol. ii (1920) 245–49, 689–95, 895–941, 1025–30. For the convention of 1929: Rasmussen, Gustave, *Code des prisonniers de guerre* (Copenhagen 1931); Plassmann, Clemens, "Das neue internationale Kriegsgefangenen-Recht" in *Zeitschrift fur Völkerrecht*, vol. xv (1930) 410–45; Cresson, W. P., "A New Convention regarding Prisoners of War," and Garner, J. W., "Recent Convention for the Regulation of War" in *American Journal of International Law*, vol. xxiv (1930) 148–51, and vol. xxvi (1932) 807–11.

PRISONS. *See* PENAL INSTITUTIONS.

PRIVATEERING. A privateer was a vessel which, although privately owned and operated, was commissioned by a belligerent government to attack and seize enemy shipping. It was distinguished from a regular warship by its private control and from a pirate by its official license. It was often difficult, however, to draw absolute distinctions between warships, privateers and pirates, particularly in the centuries before the rise of national navies.

Licensed privateering dates back at least to the thirteenth century, when it appeared in two separate forms. In 1295 the English lieutenant of Gascony gave a Bayonne merchant authority to "mark, retain and appropriate" Portuguese property to the value of £700 in compensation for his loss of a ship and goods at Portuguese hands. This practise of licensed private reprisal gradually passed into abeyance with the rise of maritime police power, but its name survived in the letters of marque and reprisal, as privateering commissions were called. The more persistent form of privateering was in existence even earlier. Thus in 1243 during hostilities with France Henry III of England had granted licenses to two of his subjects "to annoy our enemies by sea or land, wheresoever they are able, so that they share with us half of all their gain." This annoying of enemies became the great function of privateering.

In the later Middle Ages, before regular national navies were developed, an armed sea force could be recruited only from private sources. The Cinque Ports were leaders in this activity; frequently, however, they lapsed into virtual piracy, plundering neutrals as well as enemy ships and harrying the channel in peace as well as in war. Privateering remained extremely irregular until the latter part of the seventeenth century. Drake, Hawkins and the other Elizabethan "sea dogs," like the contemporary Dutch "sea beggars," had semi-official sanction, although the Spaniards considered them pirates. Some of the French and English filibusters, or buccaneers, on the Spanish Main had commissions from colonial governors, while the Barbary corsairs in their chronic war on Christian commerce were licensed by their governments.

The great period of regulated privateering practically coincided with the "Second Hundred Years' War," as the six Anglo-French conflicts between 1689 and 1815 have been called. The privateers became auxiliaries to or substitutes for the regular navies which were then developing and devoted themselves to the *guerre de course* or commerce destroying. Since the English had both the best navy and the richest commerce, they had to resort to privateering to a lesser extent than did the French and, later, the Americans. The activity of the French began with the crushing defeat of their high fleet at La Hogue in 1692. Jean Bart, Duguay-Trouin and the other French corsairs are said to have made 4200 prizes before peace was signed at Ryswick in 1697. France continued to prey upon commerce with considerable success down to the time of Surcouf in the Napoleonic period. By that time the Americans had also begun to attack British commerce. From minimum figures based on actual records it seems that some 1150 American privateers took about 600 prizes during the American Revolution, while some 500 American privateers took about 1350 prizes during the War of 1812. During these wars there were numerous British privateers, from Liverpool in particular, but their work was overshadowed by that of the royal navy.

The strategic importance of privateering is disputed by historians. It is claimed that England was more than once brought to terms by the inroads on her commerce. Others argue that regular cruisers under governmental control, even if fewer in number, were much more

effective. The navy ordinarily received little cooperation from the privateers, which were designed rather to run away from anything which did not offer reasonable prospects of easy capture. In squadrons, such as that commanded by Jean Bart, they might have constituted an effective naval force; but ordinarily they hunted alone or in pairs, dodging unprofitable contests with enemy warships. They might annoy the enemy, but they could seldom if ever secure such command of the seas as to permit freedom of movement for their compatriots. "It is not the taking of individual ships or convoys, be they few or many, that strikes down the money power of a nation," wrote Mahan, "it is the possession of that overbearing power on the sea which drives the enemy's flag from it, or allows it to appear only as a fugitive" (*The Influence of Sea Power upon History*, Boston 1890, p. 138). Such power, Mahan adds, could be exercised only by great navies. Like modern submarine warfare, however, privateering at least offered the weaker contestant a chance to injure the enemy at relatively small cost. On the other hand, it affected recruiting for the regular army and navy by luring thousands with its superior possibilities of safety, freedom and profit, so that France finally limited the number of sailors who might engage in such activity.

From the economic standpoint the gains from privateering were tempting but dubious. In England a part had gone to the lord high admiral and the warden of the Cinque Ports, but an act of 1708 (6 Anne, c. 13) not only gave the entire prize money to the owners, officers and crew of the privateer but added a bounty. France and the United States later granted similarly favorable terms. Yet privateering remained essentially a lottery. An occasional lucky corsair might sell his prizes for two or three millions, but hundreds of others drew blanks, while many more barely made expenses. It is said that of the more than 500 American privateers in the War of 1812 over 200 never took a prize and relatively few made any substantial profit.

As early as the fourteenth century efforts were made to control privateering. It was required that prizes should be condemned in the admiralty courts, which had become established in both England and France. The licensing generally had to be in the name of the sovereign, although blank commissions were frequently entrusted to distant subordinates, who did not always use adequate discretion. The long prevalence of semipiracy indicates the early ineffectiveness of official control. The indiscriminate plundering of neutrals by privateers often led their governments into embarrassing situations, and finally most of the maritime nations required the posting of a bond for good behavior before they would grant letters of marque. By treaty as well as by municipal law neutral subjects were sometimes forbidden to accept privateering commissions from belligerent powers. As early as 1675 a convention prohibiting the employment of privateers was signed between Sweden and the United Provinces, and this was followed by a similar convention between the United States and Prussia in 1785. There were also various customary rules of international law regulating the right of visit and search by privateers. During the period from 1689 to 1815 most of the British, American and French privateers apparently behaved fairly well, but occasionally the inherent lawlessness of the system resulted in glaring excesses.

By the middle of the nineteenth century a marked reaction against privateering was evident. The agitation against the seizure of private property at sea, the evident strategic and economic shortcomings of the system, the changes in naval architecture which further differentiated warship from merchantman and the excesses of the ill controlled privateers in the Greek and South American wars of independence all accelerated the movement. When the question of a general maritime code came up for discussion at the close of the Crimean War in 1856, the British demanded the abolition of privateering as compensation for abandoning some of their old claims against neutral rights. The abolition of privateering was the first of the four points of the Declaration of Paris (*q.v.*), which received the adherence of nearly all maritime states except Spain, Mexico and the United States. Secretary of State Marcy proposed an amendment excepting all private property from capture at sea, but this was unacceptable to other powers. At the outbreak of the Civil War England ignored the offer of the North to adhere to the Declaration. Jefferson Davis issued a number of letters of marque to the last privateers in the world's history. These vessels, not to be confused with the *Alabama*, the *Florida* and other members of the Confederate navy, made a few captures but were rendered ineffectual by the northern blockade, and some of the privateersmen were tried for piracy in the north. In 1870 Prussia organized a volunteer fleet; but this, like the Russian experiment in

1878, was under governmental control, as have been the auxiliary cruisers used since then by various powers. These converted merchantmen, the modern counterparts of the privateer, have many of its advantages without most of its faults.

ROBERT G. ALBION

See: PRIZE; MERCHANTMEN, STATUS OF; ARMED MERCHANTMEN; DECLARATION OF PARIS; SHIPPING; PIRACY; MARITIME LAW; REPRISALS.

Consult: Stark, F. R., *The Abolition of Privateering and the Declaration of Paris*, Columbia University, Studies in History, Economics and Public Law, vol. viii, no. 3 (New York 1897); La Mache, C., *La guerre de course* (Paris 1901); Brongniart, H., *Les corsaires et la guerre maritime* (Paris 1904); Twiss, Travers, *The Law of Nations Considered as Independent Political Communities*, 2 vols. (2nd ed. Oxford 1875) vol. ii, ch. x; Williams, G., *History of the Liverpool Privateers* (London 1897); Snider, C. H. J., *Under the Red Jack* (London 1928); Johnson, W. Branch, *Wolves of the Channel* (London 1931); Kendall, W. C., *Private Men-of-War* (London 1931); Coggeshall, G., *History of the American Privateers* (3rd ed. New York 1861); Maclay, E. S., *A History of American Privateers* (New York 1899); Statham, E. P., *Privateers and Privateering* (London 1910); *Privateering and Piracy in the Colonial Period*, ed. by J. F. Jameson (New York 1923); Chapin, Howard M., *Privateering in King George's War 1739–1748* (Providence 1928), and *Privateer Ships and Sailors* (Toulon 1926); Allen, Gardner Weld, *Massachusetts Privateers of the Revolution*, Massachusetts Historical Society, Collections, vol. lxxvii (Cambridge, Mass. 1927); Robinson, W. M., *The Confederate Privateers* (New Haven 1928); Norman, C. B., *The Corsairs of France* (London 1887); Ducéré, Édouard, *Les corsaires basques et bayonnais sous la République et l'Empire* (Paris 1898), and *Les corsaires sous l'ancien régime* (Bayonne 1895); Douin, G., *La Méditerranée de 1803 à 1805* (Paris 1917); Malo, Henri, *Les corsaires dunkerquois et Jean Bart*, 2 vols. (Paris 1912–13), *Les derniers corsaires; Dunkerque (1715–1815)* (Paris 1925), and *La grande guerre des corsaires; Dunkerque (1702–1715)* (Paris 1925); Savignon, André, *Saint Malo nid de corsaires* (Paris 1931); Mahan, A. T., *The Influence of Sea Power upon History, 1660–1783* (Boston 1890).

PRIVILEGE, PARLIAMENTARY. *See* IMMUNITY, POLITICAL.

PRIZE. Prize law is that part of international law which concerns the capture of private property by a belligerent at sea during war. A ship or cargo is said to be "good prize" when it has been lawfully captured by a belligerent. Prize law for five centuries has involved proceedings in a prize court and has thus been subject to more judicial development than most branches of international law. The operation of prize law involves three stages: capture of a vessel at sea, bringing the vessel into port and proceedings by the captor for condemnation in a prize court. The first stage is as old as history but the second two have been added only in modern times. Although prize courts have existed since at least the fourteenth century, their proper functioning depends upon a measure of state control and the existence of state regulated naval forces, which are not to be found until much later. Piracy and privateering were barely distinguishable for a long period, and the result of a capture of a ship at sea was usually plunder for the benefit of the captors.

The impetus toward establishing the second two stages of prize law came from the desire of sovereigns to share in the profits of prizes and to avoid the complaints and demands for damages, which became frequent as early as the opening of the fourteenth century. Edward III of England was bombarded with such complaints from Flemings, Normans, Bretons, Frenchmen, Spaniards, Portuguese, Catalans and Genoese and felt compelled to pay many of the claimants out of his own pocket. It seems to have been this situation which brought the Court of the Admiral into existence in England about the middle of the fourteenth century, although there were no separate sessions of the Admiralty in prize cases until three hundred years later. It was also during the fourteenth century that the admiral in France was given concurrent jurisdiction in prize cases; his jurisdiction became exclusive by 1500. As early as the fifteenth century prize court procedure, substantially along the lines of its later development, had already been evolved. The emphasis was upon safeguarding the prize from spoliation in order to avoid international claims and to preserve the droits of the king and the admiral. The problem of adjudication was at first quite simple, involving merely the determination whether the property belonged to an enemy and should therefore be condemned, or whether it belonged to a friend or ally and should therefore be released. The complicated rules for the protection of neutral rights developed later (*see* NEUTRALITY). By the seventeenth century this procedure was formulated elaborately in national regulations and in international treaties. It became and has remained customary to allocate a share of the proceeds of the prize or prize money to the officers and crew of the capturing vessel. Japan, however, abolished this practise in its own navy.

The first stage in the application of prize law involves the capture at sea, which rests upon the

belligerent right of visit and search. Traditionally this was merely the examination of the ship's papers and the questioning of those on board. A gunshot summoned the vessel to stop. The visiting vessel was to stay just within gun range, sending a small boat with an officer and two or three men aboard the visited vessel. If the papers were in order and no cause for suspicion appeared the vessel was allowed to proceed. Otherwise it was conducted into a belligerent port or sent in under a prize crew. In the Napoleonic wars and the World War England required all neutral vessels bound for European ports to touch at an English port for examination. One of the excuses for this practise during the World War was the difficulty under modern conditions of examining cargoes at sea. This explanation had no historical justification since the traditional rules strictly forbade any breaking of bulk at sea. In modern times it is agreed that in certain cases prizes may be sent temporarily into neutral ports (Hague convention XIII of 1907, arts. 21–23). Since the nineteenth century at least there has developed a practise of destroying prizes when captured subject to the removal of the ship's papers, passengers and crew. Prize court proceedings are then held on the basis of the ship's papers. With regard to enemy merchant vessels, title to which passes to the captor upon the capture, this practise is not open to objection. With regard to neutral prizes it causes much difficulty. German practise during the World War in sinking merchant vessels by submarines, which were usually unable either to bring the vessel into port or to furnish a prize crew, aroused much controversy, largely, however, because of failure to provide in all cases for the safety of the persons on board. Another exception to the duty of the captor to bring a prize into port is furnished by the practise of exacting a bill of ransom secured by an officer of the captured vessel, who is held as hostage. This was common in the sixteenth and seventeenth centuries but has been forbidden by statute in Great Britain since 1782 and has rarely been used in recent times (see Senior, W., "Ransom Bills" in *Law Quarterly Review*, vol. xxxiv, 1918, p. 49–62).

After the vessel is brought into port, it will be proceeded against for condemnation by the prize court. Prize courts may be established only in belligerent, not in neutral countries. Neutral and even enemy claimants of ship or cargo are usually represented before the court by counsel. From the earliest times it has been usual to examine the officers and crew of both the captured and capturing vessel upon standing interrogatories with a view to eliciting all possible information regarding the voyage of the captured vessel, its ownership and the ownership and destination of its cargo and the circumstances of the capture. Traditionally the rule was that the vessel must be condemned "out of her own mouth"; that is, solely upon the evidence of the papers and the testimony of those on board. The burden of proof was therefore upon the captor. Under the ancient British practise the prize court could call upon the claimants for further proof in case of suspicious circumstances, inadequate ship's papers and for similar reasons. From an early date, however, both the English and French prize courts indulged in certain presumptions, regarding enemy destination and the like, which had the effect of shifting the burden of proof on to the claimants. The Declaration of London (*q.v.*) admitted the propriety of certain presumptions, but these were so extended during the World War that it became practically impossible for a neutral claimant to secure the release of his ship or cargo. The British prize courts argued largely from statistics regarding importations into the European neutral countries. Both the British and German prize courts imposed on the neutral claimant the frequently impossible task of proving the ultimate consumer of his goods, even though they had meanwhile passed through a process of manufacture in the neutral country of immediate destination. If the prize court condemns the vessel, the title of the former owner is divested and a purchaser obtains title good against all the world. If the court finds there is no cause for condemnation, the vessel is released. If in addition it holds that there was no probable cause for the capture, damages and costs will be awarded to the neutral claimant.

Prize courts are supposed to apply international law but are nevertheless in all countries creatures of national law and bound thereby. In the seventeenth, the eighteenth and the early nineteenth century the British Prize Court enjoyed a well merited reputation for impartiality. Sir William Scott (later Lord Stowell) is the best known figure, although his predecessor in the seventeenth century, Sir Leoline Jenkins, is also outstanding. Justice Story in the United States has also had wide influence. In Great Britain, the United States and Portugal certain of the ordinary law courts are vested with jurisdiction to hear prize cases both in first

instance and on appeal. In most other countries, at least of Europe and Asia, special tribunals are constituted for prize courts of first instance. Generally they are composed of jurists and representatives of the executive departments and mercantile interests. In many countries the appellate prize courts have a larger proportion of jurists. In Belgium, France, Italy and Siam appeals lie to one of the ordinary higher courts.

As early as the seventeenth century there were numerous cases in which prize cases were referred to international tribunals, usually a board of commissioners composed of an equal number of persons from both of the two states concerned. A similar procedure was followed with notable success under article 7 of the Jay Treaty of 1794 between the United States and Great Britain. The British-American claims commission established under the Treaty of Washington of 1871 reviewed a number of prize cases which had been decided by the Supreme Court of the United States and reached different conclusions in six of them. Realizing that prize courts may at times be unable to decide in accordance with international law because of controlling national laws or decrees, and still more because of national divergences of opinion regarding such international rules as those relating to contraband, the states represented at the Second Hague Peace Conference of 1907 adopted a draft convention for the establishment of an international prize court. This court would have had jurisdiction to examine cases previously decided by national prize courts. The jurisdiction of the international court could have been invoked by a neutral government, by one of its citizens or by a citizen of a belligerent state. In order to secure agreement upon the law to be administered by the international court the British government summoned a conference in London in 1908. There was little disposition to accept the *International Prize Court Convention* until such agreement had been reached. The conference drew up in 1909 an elaborate code or compilation, since known as the Declaration of London. Because of opposition in the British Parliament the convention embodying these rules was never ratified. As a result the *International Prize Court Convention* failed to receive the necessary ratifications, and the court has never come into existence. The need for such a tribunal was abundantly demonstrated during the World War.

PHILIP C. JESSUP

See: MARITIME LAW; PRIVATEERING; BLOCKADE; CONTRABAND OF WAR; MERCHANTMEN, STATUS OF; NEUTRALITY; DECLARATION OF LONDON; DECLARATION OF PARIS; HAGUE CONFERENCES.

Consult: Roscoe, E. S., *A History of the English Prize Court* (London 1924); Dumas, Auguste, *Étude sur le jugement des prises maritimes en France jusqu'à la suppression de l'office d'amiral (1667)* (Paris 1908); Deák, Francis, and Jessup, P. C., "Prize Law Procedure at Sea—Its Early Development" in *Tulane Law Review*, vol. vii (1932–33) 488–528; Story, Joseph, *Notes on the Principles and Practise of Prize Courts*, ed. by F. T. Pratt (London 1854); Rothery, H. C., *Prize Droits* (rev. ed. by E. S. Roscoe, London 1915); Holland, T. E., *A Manual of Naval Prize Law* (London 1888); Feron, Georges, *Des tribunaux de prises* (Paris 1896); Schramm, Georg, *Das Prisenrecht in seiner neuesten Gestalt* (Berlin 1913); Verzijl, J. H. W., *Le droit des prises de la grande guerre* (Leyden 1924); Garner, J. W., *Prize Law during the World War* (New York 1927); Gregory, C. N., "The Proposed International Prize Court and Some of Its Difficulties" in *American Journal of International Law*, vol. ii (1908) 458–75.

PROBABILITY. The theory of probability began in the seventeenth century as a method for calculating chances in gambling games. In the course of the centuries it has developed into a science which sets mathematically far reaching problems, requires philosophic formulations and counterformulations and exercises an increasing influence upon physics, biology and, last but not least, the social sciences.

Blaise Pascal (1623–62) and Pierre de Fermat (1601–65) were the first to investigate the problem of the division of stakes in games of chance. Huygens worked out problems of a similar nature. The Dutch stadholder Jan de Witt and the English astronomer Halley made applications to social statistics, and Halley published the first mortality tables. The new science first attained a high peak in the famous *Ars coniectandi* of Jacob Bernoulli (1654–1705). This work in addition to giving the classical definition of mathematical probability presented a fundamental special case of the "law of large numbers." It also directed attention to social statistical applications.

During the eighteenth century great minds like de Moivre, Daniel Bernoulli, d'Alembert, Euler, Lagrange, Thomas Bayes, Laplace and Gauss occupied themselves more or less intensively with the new science. Thomas Bayes provided in 1763 the highly original conception of a division rule, known as Bayes' rule. Finally, Pierre Simon de Laplace produced a unified and masterly treatment of the whole subject in his *Théorie analytique des probabilités* (1812). This work contained, besides other mathematical developments, the most important of the theorems

on limit values in probability calculation; it also formulated more precisely the bearing of probability theory on mathematics, physics and the natural sciences, statistics, philosophy and sociology.

With the death of Laplace the high peak of development was passed. Despite important individual contributions (Poisson's theorem of large numbers, Gauss' theory of errors) the period which followed was one in which classical probability lost touch with empirical and scientific problems and as a result became more or less mummified. Countercurrents soon made their appearance. Side by side with mathematical theory, which made further progress, particularly in France and Russia, there developed a theory of statistics; this arose out of the needs for applications of probability, particularly in such important social fields as the handling of statistical records, the study of population and the theory of insurance. It was founded on the labors of Quetelet (1869) and Lexis (1875) and was developed by the psychologist Fechner as a theory of random samples as well as by the astronomers Thiele and Bruns and by the biologists Galton and Pearson. In England and Scandinavia particularly, but also in other countries, there developed the idea and profession of the "actuary"; that is to say, of a statistician trained in economics and mathematics and expert in population and insurance theory. The classical formulation of the probability concept continued to be used, without anyone being able to ground it in reality. In an effort to make explicit the logical basis underlying the concrete applications R. von Mises at length succeeded in establishing a new formulation for the calculation of probability, which was not only consistent in itself but which at the same time provided a mathematical and empirical theory of statistical phenomena in the physical and social sciences.

Foundations and Fundamental Operations. Bernoulli and Laplace defined the probability of an event as the quotient of the number of cases favorable to the event divided by the total number of cases that are "equally possible." A number of difficulties are involved in this definition. First, the "equal possibility" definition contains a *petitio principii*, inasmuch as different "degrees of possibility" cannot be distinguished from one another. Moreover the term "equally possible" means nothing more than "equally probable," so that at best one has merely reduced the general concept of probability to the special but still unclarified concept of equal probability. Second, oftentimes it is impossible to find equally possible cases; for a loaded die it is meaningless to talk of six equally probable faces, but none the less there exists a definite probability for the throw of, say, a 6. Almost all the probabilities dealt with in social statistics, for example, the probabilities of death and survival, are of this type. If the probability of death is set in a certain context at the figure 0.0088, it does not mean that there are a priori 1000 equally possible cases of which 8.8 are favorable to the event of death or 10,000 with 88 favorable! It is much more true to say that in such a situation an "empirical" or "statistical" or "a posteriori" probability is usually introduced ad hoc, and the theorems developed on the basis of the classical definition are simply taken over. A third difficulty is that the conception of an a priori fixed and equal probability does not stand up under a close epistemological criticism.

The fundamental ideas of the empirical theory of probability (the frequency theory) may be stated as follows: (1) There is only one probability concept, regardless of whether it is to be applied, with greater or lesser approximation, to games of chance, to social statistics or to biological and physical phenomena; the object of probability theory is the mass occurrence, the statistical phenomenon. (2) Probability is a number measuring relative frequency and is arrived at in the following way: in a mass phenomenon, that is to say, a definite and precisely formulated grouping in which individual events repeat themselves (for example, the group formed by the repeated or n-time throws of a good or even loaded die) we watch out for a certain distinguishing characteristic and note each time that it appears. This characteristic may be whether a 6 is thrown or not; in the case of the life terms of a large number (n) of 30-year old men the distinguishing characteristic is the fact whether death occurs before the thirty-first birthday or not. If the characteristic appears in an observed series n_1 times, then the fraction $\frac{n_1}{n}$ is called the relative frequency of the characteristic within that series. Now it is a fact of experience that in such statistical phenomena the fractions $\frac{n_1}{n}$, when n is allowed to increase indefinitely, approach closer and closer to one another. This was first fully demonstrated by Poisson in the introduction of his work of 1837. It may therefore be set up as a postulate that the series of

the numbers $\frac{n_1}{n}$ converges, when n is increased, upon a definite limit. To this a second postulate must be added, to the effect that this limit value should remain unchanged when we deal, instead of with the whole series, with the sequence represented by an arbitrarily chosen sampling. Thus in a game of dice it may be decided to count only every second throw or in the establishment of mortality probability to consider only those men whose numbers on their insurance policies are primes. In making this sample selection no use must be made of course of the observed characteristic itself or for that matter of any other property of the individual phenomenon. This second postulate serves to characterize the irregularity and randomness of the mass phenomena with which statistics is concerned. A mass phenomenon that satisfies both postulates is called a collective, and the $\lim_{n\to\infty} \frac{n_1}{n} = p$ is the probability of the appearance of an observed characteristic within the collective. This explanation applies of course to the simplest case, that of a one-dimensional alternative, but it may be extended to more complex cases. The important point to be emphasized is that a statement of probability is significant only in reference to a defined collective; it is meaningless without a repeatable process and is certainly inapplicable to a single individual. (3) The aggregate of probability values within a collective is called its distribution. In the alternative considered above there were only two possible values for the characteristic (yes or no, 0 or 1); in general the characteristic, and correspondingly the probability, may have: (a) a finite or infinite number of discrete values or (b) a continuously varying value. By introducing multidimensional manifolds for the characteristic we may thus arrive at a general distribution concept under which are subsumed as special cases (a) arithmetical and (b) geometrical probabilities. Collectives and the distributions within them are the primary facts, the starting points in every probability problem. The task in every probability calculation is to develop from the given collectives, with the help of certain "operations," new collectives with new distributions.

These essential operations correspond to the addition, multiplication and division of probabilities under the classical probability theory, now to be explained. The simplest of these operations. "sampling," already explained in connection with the second postulate, results in a new collective with the same distribution as the original collective. Another operation is that of "mixture." Suppose the original collective is that represented by the throwing of a single die, with characteristics $x_1, \ldots x_6$ (the six numbers on the faces). It is required to find the probability, w', of throwing an even number. From the definitions given above the answer is as follows: $w' = w_2 + w_4 + w_6$. Thus from the original collective a new collective is formed with the same elements but with a new characteristic, x' (even number), which represents the amalgamation of several of the old characteristics. The usual inexact rendering of this "Rule of the Probability of Either Or" leads to paradoxes, since one does not watch out—and without the clear idea of a collective one cannot watch out—that only probabilities within the same collective are to be added together. A very special form of mixture brings us back to the classical definition of probability. If one considers the special case of an original collective with precisely n different characteristics possessing equal probabilities, $w = \frac{1}{n}$, then one may take a number m of the characteristic to form a single characteristic in a new collective and thus arrive at the probability for the new characteristic, $w' = w + w + \ldots + w = \frac{1}{n} \cdot m$, a result which may be denoted as the quotient of m, the cases favorable to the new characteristic, divided by the total, n, of all possible cases. This, it should be noted, is an exactly demonstrable theorem but scarcely a definition.

"Combination" is still a third operation, creating out of two original collectives a new collective. Suppose, for example, that the original collectives are represented by two games with a single die each, and the final collective has for its element a single throw of both dice and for characteristic the count on the face of both dice. It can be demonstrated that in such a combination—at least when we are dealing with so-called independent probabilities—we must multiply together the original probabilities in order to get the probability for the characteristic in the combination. The detailed establishment of this principle and its limitations depend on such questions as to when the combination of series elements from two collectives leads to a new collective and when it does not.

The fourth operation is "division," which

may be illustrated as follows: in a game with a single die and with probabilities $w_1, \ldots w_6$, a throw has given an even number; we want to know what is the probability, w'_2, that this number should be a 2. The equation set up is then $w'_2 = \frac{w_2}{w_2+w_4+w_6}$. (For the sake of clarity w_2 is used to denote the "a priori" probability of a 2 and w'_2 the "a posteriori" probability for the same throw.) Here the new group of characteristics represents a certain portion of the original characteristics, and likewise the elements of the derived collective comprise only a part of the elements of the old collective.

It is evident that without precise notions like collective, characteristic and the like these operations cannot be accurately explained. The rules of calculation corresponding to these operations are indeed included in the famous ten principles of Laplace in the opening pages of his *Essai philosophique*, but there they are scarcely demonstrated—they are merely introduced by means of examples, and thus the way is left open for all sorts of difficulties.

THE FUNDAMENTAL PRINCIPLES. In the center of probability theory we find certain classical problems, which are as interesting mathematically as they are important practically in the applications of probability. These problems, or rather groups of problems, link together the names of Bernoulli and Bayes and stand in a dual or complementary relationship to one another. In the Bernoulli problem one starts with an urn containing black and white balls or tablets labeled 0 and 1. Let the probability of drawing a 0 be called p and that of drawing a 1 be $q = 1-p$; n drawings are made and after each drawing the tablet is put back, so that the probabilities p, q are restored. It is required to determine the probability, $w_n(x)$, of getting in n drawings precisely x ones and $n-x$ zeros, or, in short, the probability of drawing the sum x. The answer is found by means of Newton's binomial formula (as applied to a general term):

$$(1) \qquad w_n(x) = \binom{n}{x} q^x p^{n-x}.$$

$w_n(x)$, which is an arithmetical probability, is known under the name of "Bernoulli distribution"; it is $\neq 0$ for the integral values of $x = 0, 1, \ldots n$. The mean or mathematical expectation, a, and the standard deviation, s^2, in any arithmetical distribution $v(x)$, are:

$$a = \sum_x x v(x) \quad \text{and} \quad s^2 = \sum_x (x-a)^2 v(x);$$

if the distribution is geometrical the summation signs are replaced by integrals. For $w_n(x)$ the value of the mean is $a_n = nq$, the standard deviation $s^2_n = npq$.

Laplace brought this solution of the Bernoullian problem to a very lucid form by carrying through the passage to a limit with indefinitely increasing values of n. Under this form the probabilities p and q remain constant, but a_n and s^2_n grow with n to infinity. Hence to avoid this difficulty a change of parameters is made and a new variable,

$$(2) \qquad u = \frac{x-a_n}{\sqrt{2}\, s_n},$$

is introduced. Under the new variable there is obtained at the limit the characteristic equation of the Gaussian bell shaped curve:

$$(3) \qquad w_n(x) = \frac{1}{\sqrt{2}\, s_n} e^{-u^2}.$$

From (3) it follows that the probability $w_n(y)$ of a result not deviating more than y from the mean is

$$(4) \qquad w_n(y) = \theta\left(\frac{y}{\sqrt{2}\, s_n}\right).$$

Calculation on this formula is simplified by the use of the Gaussian integral, $\theta(u) = \frac{2}{\sqrt{\pi}} \int_0^u e^{-x^2} dx$, for which precise tables of values have been computed, thus sparing us the tiresome calculation and summation of many individual w_n values.

A quite different passage to the limit was carried through by Poisson. He also starts out by making n in (1) increase to infinity, but at the same time he lets q decrease indefinitely, so that a_n approaches a fixed value, a, and at the same time s_n also remains finite. This much simpler passage to a limit leads, without any transformation of parameters, to the formula

$$(5) \qquad w_n(x) = \frac{a^x}{x!} e^{-a},$$

which is called, on account of the smallness of q, the probability of rare occurrences. It allows, for example, to estimate the probability that in a certain year there should be $x = 0, 1, 2, \ldots$ child suicides, the value of a being taken from the appropriate statistical records.

These formulae and transformations, centering about the Bernoulli problem, are matched by somewhat analogous ones drawn from the

second great group of problems, the Bayes group. Suppose there is a set of urns, each one containing zeros and ones in various mixture relationships, z (that is to say, mixture relationships $z_1, z_2, \ldots$). In n drawings made from any single one of the urns, the lots being put back after each drawing, a one has been drawn n_1 times. What is the probability $w_n(z)$ that the urn from which the drawings have been made should possess, in regard to the drawing of a one, exactly the probability, z, or, in other words, that the urn should be governed by a mixture relationship exactly equal to z? In answering this question use is made of the a priori probability $v(z)$ for selecting among the many urns available for trials precisely that one in which the proportion of ones is z. If for the sake of convenience we reckon $v(z)$ as a continuous probability, then $w_n(z)$ becomes also a continuous probability, as follows:

$$(1') \qquad w_n(z) = k_n v(z) z^{n_1}(1-z)^{n-n_1},$$

where

$$\frac{1}{k_n} = \int_0^1 v(z) z^{n_1}(1-z)^{n-n_1} dz.$$

Laplace transformed this formula too by a passage to the limit, in which with n increasing to infinity, $n_1 = n\alpha$ also increased indefinitely, so that $\frac{n_1}{n} = \alpha$ remained constant. He introduced

$$(2') \qquad u = (z-\alpha)\sqrt{\frac{n}{2\alpha(1-\alpha)}}$$

as a new variable; there results

$$(3') \qquad w_n(z) = \sqrt{\frac{n}{2\alpha(1-\alpha)\pi}} \cdot e^{-\frac{n(z-\alpha)^2}{2\alpha(1-\alpha)}}$$

as the probability of inferring the existence of the mixture relationship z. As in the case of (3) $w_n(z)$ follows the Gaussian curve when n becomes sufficiently large.

Analogous to (5) we have, with n held constant, the probability of an inference in the case of a rare occurrence, as follows:

$$(5') \qquad w_n(z) = \frac{n}{n_1!}(nz)^{n_1} e^{-nz}.$$

The limit formulae (2'), (3') and (5'), it will be observed, have become independent of the a priori probability introduced in (1').

The formulae given above for the Bernoulli and Bayes problem groups have been generalized to a far reaching extent. Thus it has been seen that the first problem group took up (a) cases where at each drawing there was not merely a single alternative with the probabilities p, q but an arbitrary (m valued) arithmetical or even geometrical distribution; and (b) cases where in addition the distribution changed after each drawing. But in the generalized problem of the Bayes type, while the n drawings are made from the same urn, the urn contains not merely zeros and ones but an unknown k-dimensional distribution, $z_1, \ldots z_k$, formed by the k discrete characters $a_1, a_2, \ldots a_k$. In n drawings the observed result for each of the k characters is $\alpha_\kappa = \frac{n_\kappa}{n}$ ($\kappa = 1, \ldots k$) and $\sum_1^k \alpha_\kappa = 1$. From this observed result a conclusion is made as to the unknown probabilities z_κ or as to their mean value $z = \sum_k \alpha_\kappa z_\kappa$. These generalized results, which in both problem groups lead to Gaussian laws under the Laplacian passage to a limit, are rightly called the fundamental principles of the probability calculus.

THE LAWS OF LARGE NUMBERS. As a special consequence of the Laplacian limit transformations, the formulae for the Bernoulli and Bayes problem groups give rise each one to a famous theorem. These two theorems represent generalized corollaries drawn from the fundamental principles and are called the first and second laws of large numbers. The Bernoulli theorem, or the first law, considers the relative frequency $z = \frac{x}{n}$ of the event of drawing x ones in n trials. Formulated for a single alternative with the constant fundamental probabilities $p = q = \frac{1}{2}$ it reads: the probability that the relative frequency $\frac{x}{n}$ of the event should deviate from $\frac{1}{2}$ by less than ϵ, no matter how small ϵ is, approaches, with indefinitely increasing n, ever closer to 1. The theorem thus affords some very definite information concerning the arrangement of results in a series of trials, such as that of head-tail throws in a game that is indefinitely prolonged. It says, namely, that in every series of throws that is sufficiently long the relative frequency approaches the fundamental probability. An entire series of n throws is to be regarded here as an element of a collective. The bearing of the theorem may be stated thus: If one carries through an indefinite number of repetitions of series of n throws each, always using the same coin, then in almost all these series the relative frequency, z, will lie indefinitely close to $\frac{1}{2}$, the difference from $\frac{1}{2}$ being made as small as we wish by increasing the

value of n. If this arrangement within the minor series did not exist it would invalidate all statistics, which always has to deal with mere minor series and samples, never with the major or total series that constitutes a complete collective. There exist number series which satisfy the first postulate but which none the less fail to satisfy all the conditions of the Bernoullian theorem. An example of such a series (naturally it is not an "irregular" one) is the following:

$$0, 1, 0, 0, 1, 1, 0, 0, 0, 1, 1, 1, \ldots, \underbrace{0, 0, \ldots, 0}_{m\text{-times}},$$

$$\underbrace{1, 1, \ldots, 1}_{m\text{-times}}, \ldots.$$

It may be shown that a limit of the relative frequency of a one exists here and is equal to $\frac{1}{2}$. But when the total series is tested by means of partial series of arbitrary length, for example, series containing $n = 1000$ individual items, it is possible to proceed so far along into the total series, say, to the region where $m = 10^{20}$, that one would get pure successions of zeros, in which case the relative frequency of a one in an individual series would be equal to 0; or else pure successions of ones, with the relative frequency of a one in an individual series equal to 1. In the total series illustrated above there does not exist that condition of adjustment within the individual series which the Bernoullian theorem provides; in this, however, there is no contradiction, for the Bernoullian theorem presupposes not only the first postulate as regards the existence of a limit but also the second postulate as regards irregularity or randomness, while the number series above is obviously not irregular. In real occurrences the Bernoullian theorem is satisfied empirically to a far reaching extent; even in relatively small series there is manifest the adjustment of serial relative frequencies around the fundamental probability.

Within the framework of the Laplacian theory of equal possibility no proper explanation of the Bernoullian theorem can be had. The expression, the probability of an occurrence is near 1, means on the Laplacian theory that among the equally possible cases almost all are favorable. Contrast this with the facts about the throws of a coin. For every 1000 throws of a coin there are 2^{1000} equally possible combinations of head and tail successions, for example, 1000 times head in succession; or the first 999 times head, then once tail; and so on. Among these 2^{1000} possibilities there are from a combinatorial point of view very few which provide either extremely many zeros or extremely many ones; on the other hand, there are $\binom{1000}{500}$ cases alone where there are definitely 500 ones and 500 zeros and a still larger number whose count of ones stands between 490 and 510. The theorem on this basis would provide only an arithmetical formulation to the effect that with an increasing n the combinations where heads come in approximately $\frac{n}{2}$ times become increasingly dominant numerically: it would say nothing about the expected average run of actual happening in a sample group of sets of 1000 throws.

The Bayes theorem follows from considerations similar to those which govern the Bernoullian theorem. It may be stated thus: If in n trials a relative frequency of $\frac{1}{2}$ has manifested itself for a certain event, then with increasing n the probability approaches 1 that the unknown fundamental probability governing a trial deviates less than ϵ from $\frac{1}{2}$. Inasmuch as the fundamental probability is unknown, one has to represent to oneself this sort of situation. There are many urns with black and white balls in various mixture relationships, z, or many coins with various probabilities, z, for throwing head. The following phenomenon then forms the element of the collective in which the probability approaches 1: a coin is selected blindly, thrown n times, and there is noted down the observed relative frequency, $\frac{n_1}{n} = \alpha_1$, for the throw of head; then another coin is selected blindly, the trial is repeated again n times and the relative frequency, $\frac{n_2}{n} = \alpha_2$, is noted down; and so on *ad infinitum*. If one considers then those of the series where the observed relative frequency is exactly $\frac{1}{2}$, it may be said that in nearly all of them the blindly selected coin must have been nearly "sound"; that is to say, that its unknown fundamental probability (for head or tail) differed very little from $\frac{1}{2}$. The Bayes theorem, which has been generalized much further, is applicable here when one draws a conclusion from the observed frequencies, which are approximately equal in most of the series of trials, to the existence of the unknown fundamental probability. Incidentally the Bayes theorem too would lose all reference to real occurrence if one attempted to formulate it rigorously on the basis of the equal possibility definition.

THEORY OF ERRORS. When one attempts several times to measure the same magnitude with every attainable precision and each time a somewhat different result is obtained, the supposition arises that the magnitude to be measured possesses an unknown "true value" but that the measurements are affected by "errors." These errors of observation are manifestly caused by a very large number of small independent causes: for example, in the measurement of a physical magnitude, by inexact yardstick rulings, temperature influences, misreadings due to the personal equation and so on. Every such source of error causes—so it is supposed—a small elementary error in the measurement result; through the summation (as a first approximation) of these elementary errors there may be said to arise the visible error of observation. If one adds the further hypothesis that each one of the individual elementary errors possesses a distribution, either arithmetical or geometrical, then the finally visible results may be said to form a collective with a corresponding total distribution. In accordance with the formula of Bernoulli and Laplace such a collective approaches the Gaussian law the more closely the greater the number of terms to be summed; that is to say, the larger the number of elementary errors. It follows that the probability of a certain observation result, x, or of a certain "error," $x-a$, is:

$$(6) \qquad w(x-a)=\frac{h}{\pi}e^{-h^2(x-a)^2},$$

where a and h are any constants, as yet completely undetermined. Only the form of the function is established as the Gaussian law.

Since, in accordance with the above hypothesis, the observation results form a collective, there exists a limit for the average of these results when the measurements are repeated indefinitely. This limit is the unknown "true value." Since one does not know this value, it is inferred from the knowledge of the measurement results $x_1, x_2, \ldots x_n$ with the aid of the Bayes formula and theorem. Some of the individuals in the x_i may be alike, so that there appear only k really distinct items, $a_1, \ldots, a_k$, each one with the relative frequency, $\frac{n_1}{n}=\alpha_1, \ldots \frac{n_k}{n}=\alpha_k$ and $\sum_{\kappa=1}^{k}\alpha_\kappa=1$.

In place of $\alpha=1.\alpha_1+0.\alpha_2$ in (3′) there now appears the average of n observations,

$$(7) \qquad \alpha=\frac{x_1+x_2+\ldots x_n}{n}=a_1\alpha_1+a_2\alpha_2+\ldots a_k\alpha_k,$$

and their mean square of deviation

$$(8) \qquad \sigma^2=\frac{(x_1-\alpha)^2+(x_2-\alpha)^2+\ldots(x_n-\alpha)^2}{n}$$
$$=(a_1-\alpha)^2\alpha_1+(a_2-\alpha)^2\alpha_2+\ldots+(a_k-\alpha)^2\alpha_k$$

appears in place of $\alpha_1(1-\alpha)^2+\alpha_2\alpha^2=\alpha(1-\alpha)$. Then, analogously with (3′), the "inference probability," $w_n(z)$, that the unknown expected value of the collective should have precisely the value z, becomes:

$$(9) \qquad w_n(z)=\sqrt{\frac{n}{2\pi}}\frac{1}{\sigma}e^{-\frac{n(z-\alpha)^2}{2\sigma^2}}.$$

This is the probability of the true value, z. In this case a and σ^2 are calculated by (7) and (8) from the observations $x_1, x_2, \ldots x_n$.

Thus while the Bernoulli principle provides, by means of the hypothesis of elementary errors, only the form of the probability $w(x-a)$ of an error $x-a$, with the constants a and h undetermined, the Bayes principle, when used with the additional supposition of a very large number, n, of observations, yields the probability, $w_n(z)=v(z; x_1, \ldots x_n)$ of a true value z, which has, in accordance with (9), fully determined constants deducible from the observations x_i. It will be observed that (9) conforms also to the so-called Gaussian "hypothesis of the arithmetic mean," at least for very large values of n. Gauss had postulated that even with an arbitrary value of n (for example, $n=2$ or 3) the probability v should reach its maximum for $z=\alpha$, and this we find actually satisfied in (9).

The theory of errors has been applied not only to actual errors of observation but also in many fields of biological and social statistics, where it is not so much a question of errors of observations as of fluctuations of results. Thus if one measures as a characteristic the statures of adult men, it may be supposed that variations in heredity, education, care and upbringing have been acting as sources of error and producing elementary errors. Then the fundamental principles may be applied just as above. One must, however, be on guard against forcing the validity of the Gaussian law too far and assuming that the fluctuations which appear in any field must follow a Gaussian law, with any observed deviation from that law having to be explained as due to the small number of observations.

STATISTICS. Next to the theory of errors, statistics is the most important field of application for probability. On statistics depends among

other things the extremely important practical field of insurance. The task of mathematical statistics is not the collection and tabulation of statistical data but rather the ordering, elaboration and interpretation of that material. The function of introducing order into statistical material is performed by "descriptive" statistics. Here probability does not come in at all. Descriptive statistics is much more a "natural history of distributions."

"Explanatory," or theoretical, statistics seeks to explain the meaning behind statistical tabulations by bringing these tabulations into relationship with probability theory. In other words, it sets itself the task of regarding the observations as elements of a collective or somehow reducing them to one or more collectives. It develops procedures which investigate the legitimacy of such a reduction or transition from statistical series to underlying collectives.

In descriptive statistics an empirical or frequency distribution is formed when, after observing in a list of individuals certain characteristics $x_1, x_2, \ldots x_n$, one may assign to every one of the different characteristics, a_κ ($\kappa = 1, 2, \ldots k$), the relative number, $\frac{n_\kappa}{n} = \alpha_\kappa$, of individuals to whom this characteristic belongs (in special cases κ may even vary to infinity). The frequency distribution thus obtained is a series of discrete values $\frac{n_\kappa}{n}$, whose sum is 1; it is similar to the distribution discussed in connection with the Bayes principle in the theory of errors. The average, α, and the mean square deviation, σ^2, of a frequency distribution are defined in a manner analogous to the mean or mathematical expectation and to the standard deviation of a probability distribution; σ^2 characterizes the greater or lesser concentration of values around the average, α. Another statistical measure is the median, or central, value. This is that value for the character which is the most central (or the arithmetic mean of the two most central values), when all the x_r have been set down in the order of magnitude, each one as often as it has been observed. The mode is that character value or values for which the frequency distribution reaches a (relative) maximum.

In a manner formally identical with that for a theoretical distribution there may also be introduced the higher moments of a frequency distribution,

$$(10) \qquad M_r = \sum (a-\alpha)^r \alpha_k \quad (r = 1, 2 \ldots).$$

The moments are here referred to the average so that $M_1 = 0$ and $M_2 = \sigma^2$, but they may also be referred to the zero point or to any other point deemed convenient (the so-called provisional center). Skewness, ρ, and kurtosis, ϵ, of a distribution are numbers which depend on the third and fourth moments exactly as α and σ^2 depend on the first and second moments. They are defined as follows:

$$(11) \qquad \rho = \frac{M_3}{\sigma^3}, \qquad \epsilon = \frac{M_4}{\sigma^4} - 3.$$

In the same way still higher statistical characteristics, corresponding, for example, to the fifth and sixth moments and further, may be defined.

In order fully to characterize the deviation of a distribution from a Gaussian distribution with the same α and σ^2 the empirical distribution is developed into a series whose first member is precisely the Gaussian distribution. Such a series is called the Bruns series; in its coefficients are represented successively the higher moments of the empirical distribution (10). Similarly one may study the deviation of an arithmetical distribution from the Poisson ψ function $\frac{\alpha^x}{x!} e^{-\alpha}$ with the same α as in the given distribution; this may be investigated through the introduction of the Charlier series, whose first member is the Poisson function. For the description of an empirical distribution the seven types of curves given by Pearson are also of service (*see* FREQUENCY DISTRIBUTION).

Theoretical statistics, as has been said, passes from pure description into interpretative analysis. Thus for an empirical distribution with characteristics $a_1, a_2, \ldots a_k$, which have appeared in n observations with the relative frequencies $\frac{n_1}{n}, \frac{n_2}{n}, \ldots \frac{n_k}{n}$, the hypothesis is formed that the distribution is the result of n-fold observations in the same collective, in which there are p_κ given probabilities for an a_κ ($\kappa = 1, \ldots, k$) The magnitude,

$$(12) \qquad \chi^2 = \sum_{\kappa=1}^{k} \frac{n}{p_\kappa} \left(\frac{n_\kappa}{n} - p_\kappa \right)^2,$$

is then compared with the expectation $E(\chi^2)$, which is $(k-1)$ and is therefore independent of the p_κ. The dispersion of χ^2, which is a controlling factor for the expected deviation of χ^2 from $(k-1)$, becomes for large n equal to $2(k-1)$.

The most familiar part of theoretical statistics is the Lexis dispersion theory. This treats of

statistical findings where the individual results represent observations on the basis of single alternatives. For example, in a series of births in $n=20$ provinces the number of male births for every m births is given as x_r $(r=1, \ldots m)$. It is assumed that there exists an unknown probability, p, for every male birth, and the expected values for the average, α, and for the mean square deviation, σ^2, may then be calculated as follows:

$$(13) \quad E(\alpha)=mp, \quad E(\sigma^2)=\frac{n-1}{n}mp(1-p).$$

If for the unknown expected value mp the observed average, α, is substituted, $E(\sigma^2)$ then becomes $\frac{n-1}{n}\alpha\left(1-\frac{\alpha}{m}\right)$. This magnitude must be equal to σ^2 if the assumption as to the fundamental collective is to be justified. Properly speaking this result as well as the derivation here given is not entirely accurate. For the Lexis theory aims to treat the above statistics of male births in two ways: on the one hand as n sets with the characteristics x_r, and on the other as mn individual observations, each with the character 0 or 1; the confrontation of the group results with the individual result permits of the comparison of the magnitudes

$$(14) \quad \frac{n}{n-1}\sigma^2$$

and

$$(15) \quad \frac{mn}{mn-1}\alpha\left(1-\frac{\alpha}{m}\right).$$

It will be observed that with large m or n (14) is practically identical with σ^2 and (15) with the transformation of $E(\sigma^2)$ above.

Since Lexis a statistical series is spoken of as possessing supernormal, normal or subnormal dispersion when (14) is larger than, equal to or smaller than (15). The quotient of (14) by (15) is called the Lexis number L, or the square of the divergence quotient. For $L>1$ the dispersion is supernormal and so on.

In the case of the male births it was assumed that for all nm observations the same fundamental probability p existed. If, however, it is assumed that the probability of a male birth varied from one case to the next $(p_1, p_2, \ldots p_m)$ within each group of m births observed in the n provinces or over n years, then it may be shown that the magnitudes appearing in place of the expressions (14) and (15) are not equal to one another, but always indicate subnormal dispersion. If there is subnormal dispersion, say, in a series of male births, then we may suppose that there is present in the observed population a certain race mixture which produces the varying $p_1, p_2, \ldots p_m$.

If, on the other hand, the probability remains constant within the groups but fluctuates from group to group $(\bar{p}_1, \ldots, \bar{p}_n)$, then supernormal dispersion results. In social statistics this is the more frequent and typical case. The establishment of the proper hypotheses regarding the observed social material can be carried still further, even within the framework of the Lexis theory.

Correlation Theory. This theory deals with specific problems in multidimensional distributions $v(x, y)$. It investigates particularly the so-called "stochastic connection" of variables with the limiting cases of "stochastic independence" and "functional relationship." It is divided into a descriptive and a theoretical section. In the first are embraced the definitions and the discussion of the various correlation numbers (e.g. coefficient of correlation, contingency coefficient), regression lines and the like. The theory of probability first comes in when there have been observed n pairs of $x_r y_r$, and we suppose that they result from n-fold observation in a certain collective. The assumption is then verified by calculating the expected means and dispersions of the various correlation measures, etc.

The theory of correlation is today applied by trained economists for the purpose of establishing and clarifying economic relationships. In this connection the problem of the "covariation of time series" has assumed of late a certain role of importance.

Philosophic Bearing of Probability. It is permissible to conclude with a few remarks of a general nature. The history of the natural sciences demonstrates that the principle of causality has undergone transformations in accordance with the development of science. It is like a receptacle which is filled from time to time with new content. Thus Galileo's law of inertia announced the certainly extraordinary and strange fact that only a change of velocity and not a change of place requires a causal force. Yet later this law of inertia was regarded as logically necessary, as a corollary of the principle of sufficient reason; and such interpretations are today generally accepted. At the present time the statistical explanation of phenomena is regarded as opposed to the causal explanation; but with the ever deeper penetration of statistical interpretations into the natural sciences the

causality principle will end by accommodating itself to the changed ideas, and the statistical explanation will be regarded as also a causal one. This does not mean, naturally, that the difference between the interpretations—as represented in physics, for example, in the opposition between "the physics of differential equations" and "statistical physics"—will be in any way diminished. Only we must not say that the first is causal and the second anticausal.

In physics statistics makes possible the transition from atomic elementary bodies to macroscopical phenomena. In like manner we may picture—with Philipp Frank—the relationship between macroscopic sociological phenomena and the atomic, or "micro," processes; that is to say, the processes in the single individual. Thus density and temperature, as average relations, determine the macro-state of a gas, which in turn may reflect a very great number of different micro-conditions. None the less one may make inferences from one macro-state to further macro-states without any knowledge of the micro-conditions. Of course all this can be done only in so far as we can tell what takes place in the great mass of cases or, in other words, what takes place statistically. Similarly the laws governing sociological conditions are laws which are expressed solely in sociological terms (macro-magnitudes) and permit inferences (statistical ones) as to future sociological conditions. Thus the materialistic interpretation of history studies economic conditions as the macroscopic phenomena from which the future states may be approximately predicted, without having to refer back at all to the single individuals, the micro-conditions.

If we take the viewpoint that through the demonstration of the merely statistical nature of scientific laws the rigorous determinism of phenomena has been undermined, we might look forward to obtaining a solution of the famous problem of the freedom of the will. What is the status of this question? A naturalistic interpretation, uninfluenced by our wishes, leads to the sober conclusion that most of the acts of men are produced by the interaction of external force—in the farthest sense of the word—and the inner nature of man. This inner nature we experience as an element of freedom in contrast to external coercion. But even this internal element is determined and statistically so through the thousand individual drives which constitute our ego. Thus it appears that what expresses the personal side of our acts is a statistical macro-result of psychophysical micro-conditions, over which we certainly do not at any moment have any "free" command.

On the other hand, statistical laws certainly do not exercise any external force on the individuals. If a certain man commits suicide, his act may be determined by his individual nature (from within) and by his individual fortune (from without). But he is not put to death by the statistical law which says that in Germany every year so and so many men end their lives by suicide. For individuals there are no statistics. And for statistics there are no individuals.

R. VON MISES
H. POLLACZEK-GEIRINGER

See: STATISTICS; SCIENCE; METHOD, SCIENTIFIC; CORRELATION; CURVE FITTING; FREQUENCY DISTRIBUTION; INSURANCE; LOTTERIES.

Consult: Charlier, C. V. L., *Vorlesungen über die Grundzüge der mathematischen Statistik* (Lund 1920); Coolidge, Julian Lowell, *An Introduction to Mathematical Probability* (Oxford 1925); Czuber, Emanuel, *Wahrscheinlichkeitsrechnung und ihre Anwendung auf Fehlerausgleichung, Statistik und Lebensversicherung*, 2 vols. (3rd–4th eds. Leipsic 1921–24); Darmois, Georges, *Statistique mathématique* (Paris 1928); Du Pasquier, Louis Gustave, *Le calcul des probabilités, son évolution mathématique et philosophique* (Paris 1926); Fisher, Arne, *The Mathematical Theory of Probabilities*, tr. from Danish ms. by C. Dickson and W. Bonynge (2nd ed. New York 1922); Frank, Philipp, *Das Kausalgesetz und seine Grenzen*, Schriften zur wissenschaftlichen Weltauffassung, vol. vi (Vienna 1932); Keynes, J. M., *A Treatise on Probability* (London 1921); Laplace, P. S. de, *Essai philosophique sur les probabilités* (5th ed. Paris 1825), tr. by F. W. Truscott and F. L. Emory (New York 1902); Markov, A. A., *Ischislenie veroyatnostei* (3rd ed. St. Petersburg 1913), tr. into German by H. Liebmann as *Wahrscheinlichkeitsrechnung* (Leipsic 1912); Mises, R. von, *Wahrscheinlichkeit, Statistik und Wahrheit*, Schriften zur wissenschaftlichen Weltauffassung, vol. iii (Vienna 1928), and *Wahrscheinlichkeitsrechnung*, Vorlesungen aus dem Gebiete der angewandten Mathematik, vol. i (Leipsic 1931); *Handbook of Mathematical Statistics*, ed. by H. L. Rietz (Boston 1924), with comprehensive bibliography; Todhunter, Isaac, *History of the Mathematical Theory of Probability from the Time of Pascal to that of Laplace* (London 1865); Yule, G. U., *An Introduction to the Theory of Statistics* (10th ed. London 1932).

PROBATION AND PAROLE. The legal basis of probation rests on the power of the court to suspend conditionally the imposition or the execution of a sentence. Its aim is to substitute for imprisonment or some other penalty a form of penal treatment which it is assumed will be best able to achieve the reformation of the offender and in some states his civil rehabilitation. Where the system is most highly de-

veloped, probation is granted only after careful investigation and the probationer is subjected to supervision by public or private organizations or by individuals who are appointed to give him friendly assistance in achieving the purpose of the law. Elsewhere probation amounts to little more than a judicial warning fortified by a threat of later punishment should the probationer within a certain period of time commit another offense.

The origin of probation and its greatest development are to be found in Anglo-Saxon countries. Courts of England for centuries suspended judgment on occasion under the common law and released the defendant on his recognizance and bound him over to his sureties, who guaranteed to produce him for sentence upon the order of the court. During the first half of the nineteenth century this procedure was used increasingly to save youthful or petty offenders from the degrading effects of imprisonment or merely as a warning where a penalty seemed unnecessary. Records of the American colonies furnish similar instances of this common law practise, and Massachusetts in 1836 gave it statutory recognition in so far as it applied to petty offenders in the lower courts. In 1869 that state created a form of probation for juvenile delinquents which entailed investigation and supervision by a state agent. In 1878 the mayor of Boston was empowered to appoint a probation officer for the courts of criminal jurisdiction in Suffolk county, which power was extended to other communities in the state in 1880 and was transferred to the judiciary in 1891. Probation was not legislated elsewhere in the United States until 1898 when Vermont adopted probation upon the suspension of the execution of the sentence, and Rhode Island adopted for offenders under the age of thirteen the principles of the Massachusetts act of 1869. Probation legislation then made rapid progress with the growth of the juvenile court movement. By 1933 all of the states of the United States except Wyoming had juvenile probation laws and all but thirteen had adult probation laws. A federal probation act was passed in 1925. In many states judicial authority denies to the courts the right to suspend the imposition or the execution of a sentence, while in others this right is granted by statute or the weight of decisions. In a few states probation may be imposed as a condition for the adjournment of a case prior to conviction.

In England probation under common law usage was extended by statute to certain serious crimes in 1861 and was further extended and modified by acts of 1879 and 1887. In 1876 the practise began of using police court "missionaries" employed by private organizations as aids in supervision; in 1907 the Probation of Offenders Act adopted the American plan of public salaried probation officers. In England and in some of her colonies or dominions courts of summary jurisdiction grant probation prior to, higher courts after, conviction.

In countries other than those mentioned probation has been introduced chiefly in connection with juvenile courts. The legislation for adults has usually been patterned on the Belgian and French laws of 1888 and 1891, regulating the suspension of the execution of certain sentences. In Germany since 1895 the same results have been attained by the use of conditional pardons. Public salaried probation officers are not employed for adults outside of the United States and the British Empire. Supervision is ordered for a relatively small percentage of those conditionally sentenced and is exercised as a rule by private persons or societies, which in a few states, notably Holland, are heavily supported by the government and under rigid state control.

Except in a few states of the United States where discretion is largely left to the courts, legislatures have placed rigid limitations on the use of probation or its continental equivalent, the conditional sentence. They can be granted ordinarily only to youthful defendants, to first offenders, to those who have committed certain specified crimes or classes of crimes or to those threatened by penalties of certain types or severity. The defendant is not only required to refrain from committing crimes during his period of probation but he is also frequently ordered by the court to follow certain modes of life or to fulfil special conditions, such as the payment of fines or of costs and restitution or the serving of a brief jail sentence; the latter condition, specified in some American statutes, obviously defeats the purpose of probation. If the probation period, which is now generally limited by statute, expires without incident leading to a revocation, the probationer is usually discharged and in some states his conviction is erased.

The value of probation as an efficacious method of reclaiming an offender is directly proportionate to the care exercised by the courts in selecting probationers and the skill and judgment shown in their supervision. The pro-

bation officers to whom these tasks are encrusted become therefore the important factors in the process. Under ideal conditions probation officers should be well qualified for their tasks, not overloaded with duties preventing them from doing efficient work and should be subject to supervision by a central state coordinating agency. There exists, however, a great gap between this ideal and practise in all countries. Four American states administer all probation work; state supervision of good quality exists in seven others; in nine more supervision is mediocre; and it is entirely absent in the rest. Many states have no probation officers or depend upon volunteers. Political appointments are common; standards of selection are low and training is almost non-existent. It is not uncommon to find an officer with five hundred or more probationers under his supervision at the same time. Probation of any effective sort is therefore limited to a few localities and is generally better administered for juveniles than for adults; local and national agencies are, however, endeavoring to raise its level of achievement.

There are no national statistics of probation in the United States, and because of the imperfections or the lack of uniformity in judicial statistics comparative data on the use of probation are difficult to obtain and to interpret. In 1931 the percentages of sentences suspended with or without probation, compared with convictions in courts of general criminal jurisdiction, were in Delaware 22.5, in Iowa 17.4, in Maryland 34.9, in New Jersey 41.1, in Ohio 28.9 and in Rhode Island 50.5. The 1931 Quarter Session and Special Sessions courts of New Jersey respectively used probation in 32.2 and 31.2 percent of the convictions. In 1930, of those convicted of major offenses in New York state 24.3 percent were placed on probation; in the same year the magistrates of New York City used probation in 1.3 percent of the convictions they recorded. In 1930–31 the superior courts of Massachusetts used probation in 21.9 percent of the cases, and in 1929 Wisconsin applied it to 11.8 percent of the adults convicted. Wide variations are found among the courts of any given state as well as among states; in New Jersey in 1931, for example, the range in the percentage of convictions followed by probation in different counties extended from zero to fifty. A similar situation is found in other countries; in 1929 the English courts of assizes and quarter sessions issued probation orders for 10.9 percent of those convicted, while courts of summary jurisdiction employed them for only 2.7 percen The percentage for Scotland in 1931 was 2.8 Austria and Holland respectively in 1930 granted conditional sentences to 19 and 8.1 percent of those convicted. In France this percentage was 16.8 in 1927, in Bulgaria 42.2 in 1928, in Sweden 1.4 in 1928 and in Finland 1.1 in 1929.

Parole is a term commonly used in the United States to designate conditional release granted to a prisoner who has served a part of his sentence in a penal institution. The problems of parole are similar to those of probation. Early in the history of imprisonment it was felt that good conduct and evidence of reform on the part of prisoners should be rewarded by a shortening of the prison term. Later it was regarded as desirable that instead of absolute discharge in such instances, the prisoner be released conditionally prior to the expiration of his sentence. Such procedure, it was believed, would improve institutional discipline and also serve as incentive to continued good behavior after release, since this privilege could be revoked for cause and the prisoner reincarcerated. Still later it was realized that during the period of conditional release the prisoner might be given positive aid and supervision by the state or the community interested in his reestablishment as a law abiding member. Conditional release made its first appearance in the ticket-of-leave system used in the Australian penal colonies. It was greatly improved by Maconochie at Norfolk Island, who combined it with a mark system; it was given a more firm legal status by the Penal Servitude acts of 1853 and 1857 and brought into common use in England in connection with the graded system of prison administration elaborated by Jebb and Crofton. As a part of this system it came to be best known outside Great Britain. France as early as 1832 tried a plan of provisional release for the young prisoners of the Roquette in Paris and extended it to all juvenile prisoners in 1850 and to adults in 1885. In 1862 Saxony introduced conditional release and most states have since adopted it in some form or other. In Soviet Russia it is found either in its conventional form or as a conditional transformation of the imprisonment into another and milder penalty. In the United States its introduction was preceded by the conditional pardon, which is still the only form of conditional release in two states, and it was greatly delayed by the widespread adoption of commutation laws. In 1869 parole was introduced in the law creating the

Elmira Reformatory, and was later adopted wherever similar institutions were established. Ohio through a law of 1884 became the first American state to extend parole to prisoners in state prisons; parole laws are now found in forty-five states of the union and in the federal code.

The practise of parole is not, however, uniformly on a high level. Adequate standards for the selection of prisoners for parole or for their supervision are mostly lacking and an automatism governs its application. The great mobility of the American population and the resultant cost and ineffectiveness of institutional supervision over paroled persons have led fourteen states to entrust this function to state agencies; five states and the federal government have full time salaried parole boards. Some state governments have taken complete charge of both the selection and the supervision of paroled persons; in other states these functions are shared by the state government and the institution. Like probation, parole is not freely granted, although many authorities believe that all prisoners released from penal institutions should be given temporary supervision and assistance by the state. Under their indeterminate sentence laws some states have relatively few restrictions; otherwise the conditions for receiving parole, those imposed on the paroled persons during parole and the elements of good parole administration are comparable with corresponding factors in probation. The supervision of persons paroled from county or municipal institutions is in fact frequently exercised by the local probation department, and paroled persons from federal institutions are supervised by the probation officers of the federal courts. In 1932 Rhode Island centralized supervision of probationers and persons on parole in a state bureau under the Public Welfare Commission. Fourteen states still lack parole officers and in each of thirteen others there is only one officer.

In Europe the supervision of those conditionally released is sometimes exercised by the police, sometimes by private aid societies, which in some states are subsidized and in a measure regulated by the government. A few states have created temporary homes or asylums for discharged prisoners in addition to those provided by private organizations.

In 1931, of the 68,596 prisoners discharged from the federal prisons and reformatories for adults and similar institutions in forty-four American states 50.9 percent were released on parole. A special inquiry by the Bureau of the Census and covering nearly half of the paroled persons from forty-five institutions in eighteen scattered states showed that 66.1 percent were put under the supervision of salaried parole officers and 13.4 percent under public or private agencies or persons; 15.8 percent were to be supervised by correspondence alone and 4.7 percent were placed under no supervision of any kind. Considering the fact that many of the states reporting supervision by a parole officer fall within the group having but a single officer in the whole state, it must be assumed that really effective supervision was secured in but a small percentage of the parole releases. The length of time spent on parole by those discharged from parole in 1931 in the eighteen states mentioned varied greatly; more than one third had been on parole less than a year and only one third over fourteen months.

The states vary widely in their use of parole; in 1930, for instance, Texas paroled only 4 percent of its discharges, while Washington paroled 91.5 percent. Conditional releases are most sparingly used abroad: in 1927 Italy released only 20 prisoners; Prussia in 1929–30 none; France in 1928 released conditionally 8.7 percent of those leaving her central prisons; and in 1931 in the Irish Free State, Sweden and Finland respectively 2.2, 0.8 and 1.8 percent of the discharges were conditional.

Probation and parole have frequently been defended on the basis of their avowed reformative influences, and it has often been contended that 80 percent or more of the probationers and the paroled persons do not return to crime. Recently these optimistic claims have been rudely shaken, particularly by studies of paroled persons carried on in the United States. The damaging conclusions of these studies do not involve a denial of the inherent importance of probation and parole. They rather prove that the success of these modern and rational departures in penal treatment is dependent on the degree to which the state is willing to improve their administration.

THORSTEN SELLIN

See: CRIME; CRIMINOLOGY; PUNISHMENT; PENAL INSTITUTIONS; JUVENILE DELINQUENCY AND JUVENILE COURTS; PARDON; INDETERMINATE SENTENCE; COMMUTATION OF SENTENCE; RECIDIVISM.

Consult: *Probation and Criminal Justice, Essays in Honor of Herbert C. Parsons*, ed. by Sheldon Glueck (New York 1933); Grinnell, F. W., "Probation as an Orthodox Common Law Practice in Massachusetts Prior to the Statutory System" in *Massachusetts Law*

Quarterly, vol. ii (1916–17) 591–639; New York State, Probation Commission, *Report* (Albany 1906); Liszt, Franz von, "Bedingte Verurteilung und bedingte Begnadigung," and Mittermaier, W., "Die vorläufige Entlassung" in *Vergleichende Darstellung des deutschen und ausländischen Strafrechts, Allgemeiner Teil*, vol. iii (Berlin 1908) p. 1–91, and vol. iv (Berlin 1908) p. 507–74; International Penal and Prison Congress, Prague, 1930, *Proceedings*, 4 vols. (Berne 1931) vol. iv; Lou, H. H., *Juvenile Courts in the United States* (Chapel Hill, N. C. 1927); National Probation Association, *Yearbook*, published in Albany since 1915, especially number for 1930; Cooley, Edwin J., *Probation and Delinquency* (New York 1927); Wilcox, C., "The Parole of Adults from State Penal Institutions" in Pennsylvania State Parole Commission, *Report 1927* (Philadelphia 1927) pt. ii, and "The Open Door" in American Academy of Political and Social Science, *Annals*, vol. clvii (1931) 102–12; Jensen, C., *The Pardoning Power in the American States* (Chicago 1922); United States, National Commission on Law Observance and Enforcement, *Report on Penal Institutions, Probation and Parole*, Report no. 9 (1931); Glueck, S. S. and E. T., *500 Criminal Careers* (New York 1930); Bruce, Andrew A., Burgess, Ernest W., and Harno, Albert J., "A Study of the Indeterminate Sentence and Parole in the State of Illinois" in American Institute of Criminal Law and Criminology, *Journal*, vol. xix (1928–29) no. 1, pt. ii; Vold, George B., *Prediction Methods and Parole* (Minneapolis 1931); Monachesi, E. D., *Prediction Factors in Probation* (Minneapolis 1932); Tibbitts, C., "Success or Failure on Parole Can Be Predicted," and "Reliability of Factors Used in Predicting Success or Failure in Parole" in American Institute of Criminal Law and Criminology, *Journal*, vol. xxii (1931–32) 11–50, and 844–53; Gehlke, C. E., "Testing the Work of the Prison" in American Academy of Political and Social Science, *Annals*, vol. clvii (1931) 121–30; Trought, T. W., *Probation in Europe* (Oxford 1927); *Betænkning afgivet af det af Justitsministeriet nedsatte Udvalg angaende Foranstaltninger til Forebyggelse af Tilbagefald i Forbrydelse* (Report of Committee of the Ministry of Justice Regarding Provisions for the Prevention of Return to Crime) (Copenhagen 1932).

PROCEDURE, LEGAL

Introduction. The term "procedure" is comparatively a late comer into the Anglo-American legal vocabulary. Borrowed from the French, which in turn had derived it from the terminology of the mediaeval Italian jurists, it was rarely used as an English term of art until its nineteenth century domestication chiefly, it is fair to assume, through the writings of Jeremy Bentham. It found its first official recognition in the title of the New York Code of Procedure of 1848, to which was speedily added its like recognition in the name of the English Common Law Procedure Act of 1852. It has thus come to serve as a unitary designation for what the legal profession had previously been content to deal with under the separate heads of "pleading," "practise" and "evidence." Accordingly, in its principal sense, it signifies the sum of the rules that define and regulate the nature, modality and progression of the steps in a proceeding before a court of justice or other tribunal vested by law with decisory power. The general body of the law in prescribing rights and duties regulates ends; procedure regulates the means of attaining these ends through designated channels—a distinction which gives rise to Bentham's contraposition of substantive and adjective law.

That phase of legal evolution which caused the field of criminal law to be marked off from the civil (*see* CRIMINAL LAW) was attended with a corresponding variation of procedure. To this is owed the existence, distinct from civil procedure, of the body of rules which we know as criminal procedure (*see* PROSECUTION).

Before emergence of the distinction between criminal and civil wrongs, the procedure for all cases is one that corresponds to the idea later associated generally with civil procedure, in that it contemplates a controversy and provides a means for its determination. And the existence of a controversy presupposes a willingness to contend and an expression of that willingness. In other words, the determination, according to the primitive conception, could come about only by the concurrence of the parties in submitting the cause for decision. A further stage in the evolution provides for the case of the recalcitrant defendant: if he will not join in the controversy, the community applies measures of coercion even to the threat of death or exclusion from the communal life. It is this view of the primitive lawsuit, as pointed out by Sir Henry Maine, in clothing it with the sanction of his great authority, that explains the picturesque ritual of the Roman *litis contestatio* in the *legis actio* period. It serves to account also for the continued existence of that same litiscontestation, under other forms, in the subsequent history of procedure. And, if we turn to English law, it illuminates the background of the *peine forte et dure*, and tells us why, in civil litigation, down to the eighteenth century, no suit could proceed until the defendant had appeared either voluntarily or as the result of prescribed coercive measures. With this notion of a controversy as its kernel, primitive procedure developed under religious influences. "The law of procedure," says Kohler, "is divine and ecclesiastical before it becomes secular." The solution of the controversy is for the gods and the procedure is directed toward bringing about their interposi-

tion. Of necessity it is ritualistic, like other approaches to the gods. Thus it is that the outstanding feature of primitive procedure is its formalism. Only by a rigidly defined mode of speech and conduct may the litigants invoke decision, and every deviation from the prescribed mode is fatal. Human agency has prepared the way for decision, but the decision itself is the voice of divinity speaking through the outcome of oath or ordeal. The passing of the administration of justice from the hands of the priesthood does not signify that decision ceases to be regarded as divine: the Germanic procedure of the Middle Ages exhibits to us a secular justice proceeding on the basis of a judgment of God. Even more slowly diminishes the attendant formalism. For, after the idea of divine arbitrament has disappeared, the human instinct to follow the beaten path comes to reenforce the influence of origin and keep the form in existence. Not until a late day is the stage attained at which procedural form is seen in its true perspective and enlightened opinion can recognize such elements of it as are necessary safeguards against arbitrary adjudication and reject the surviving residue which the evolution of institutions has deprived of all meaning.

Against the dim background of antecedent history flares the procedure of the Athenian democracy. As we see this in the fourth century B.C., it is a system in which rationalism has distinctly taken the upper hand of formalism: only in its application to homicide and certain other acts still regarded as sacrilegious does the primitive order live on. In many respects it anticipates later invention. Its use of written complaint and answer, its recognition, in the *paragraphe* and *diamarturia*, of defenses going to the admissibility of the action as distinguished from defenses on the merits, its preparatory hearing (*anakrisis*), with reduction of the evidence to writing and the assembling of a written record, its concession, centuries in advance of the Roman law and more than two thousand years in advance of the English law, of the plaintiff's right to a judgment by default for want of the defendant's appearance, all bespeak its precocity. Its effectiveness in preparing causes for trial and decision, however, was impaired by the circumstance that, according to the Greek conception, law was a matter to be proved in the same way as fact, and neutralized by the mode of decision itself. For. although the preparation was under the supervision of the magistrates, the decisory organ in all but the most minor of causes was a numerous popular body (*see* COURTS) confined to the adoption or rejection of concrete proposals advanced by the parties for disposition of the case, and at all times open to be swayed by emotional and demagogic appeal, if by nothing worse. It is not strange, therefore, that the Athenian administration of justice was never a satisfactory one. The contributions of Greece to civilization extended only in the slightest degree to the field of law, for Greek law never attained the closeness of texture that was later characteristic of the Roman. And, while the Athenian procedure in its technique far surpassed Greek law in general, it was not destined, any more than the latter, to have aught but a minor influence on future institutions.

The Roman Civil Procedure. It is the civil procedure of the Roman law that affords to the later development its tangible point of departure. The Roman system, as it comes to light, still wears the marks of its sacerdotal origin. It is in essence, however, a system of state-supervised private arbitration. Like the Athenian procedure, it exhibits a division of function between the magistracy and a popular judiciary. But, as opposed to the democratic idealism of the Greeks, the Roman practicality is already evident in the fact that for most cases the decisory power is entrusted to a single citizen-trier. In this first historical period—that of the *legis actiones*—the plaintiff must find warrant for his claim in some rule of written law: hence the name *legis actio*, or statutory action. Whether the statute has opened such an avenue to him is determined by the praetor, before whom the parties initially appear. The claim must be stated in the very words of the statute. Gaius, in a frequently cited passage, tells of the plaintiff who, complaining that the defendant had cut his vines, failed because of using the word "vines," when the Twelve Tables, which gave the action, used the general word "trees." If the action is admissible and the defendant does not expressly or by silence admit his liability, the praetor allows the *litis contestatio.* This is a ritual, consisting of assertion and counterassertion, with interposition by the magistrate, all in a traditional cast of words. Its full form has come down to us only as it occurred in the *legis actio sacramento in rem*: here it symbolizes the manual seizure by the parties of the thing in dispute and the intervention of the pacificatory power of the state—affording thus what Sir Henry Maine speaks of as a "dramatiza-

tion of the origin of justice"—and concludes by the defendant's acceptance of the plaintiff's challenge to wager a sum of money, the *sacramentum*, upon the outcome. The *sacramentum* is a relic of the religious era; its exact significance, however, is disputed. The office of the litiscontestation, in thus satisfying the continuing notion of a voluntary submission to arbitrament, is to evidence the existence of a recognized legal controversy and to signify the willingness of the parties to contend. Its accomplishment is attested by witnesses; from this circumstance comes the term *contestatio*, which literally means a collective attestation (*con*+*testatio*)—a fact which incidentally gives us the interesting etymology of the English word "contest." Once the litiscontestation has been effected, the first stage of the suit—the *jus*—comes to an end by the praetor sending the cause for trial to the organ of decision. This, in the typical case, is the *unus judex*, chosen by the parties from a list of qualified citizens and appointed by the praetor. Before the designated trier there has place the second stage of the suit, at which evidence and argument are heard and judgment is rendered. In contradistinction to the *jus*, or first stage of the suit, this second stage is commonly spoken of as the *judicium*, although recent usage, perhaps more accurately, would refer to it as the proceeding *apud judicem*.

Except for residual fragments, the mode of proceeding just outlined went out of use in the first century B.C., when revolt against its archaic formalism, on the one hand, and the social need of bursting the cramping bonds of the statutory actions, on the other, caused it to be superseded by the procedure *per formulas*. Adhering to the old division of function between magistrate and *judex*, the reformed procedure dispensed with all ritual and had its central feature in the *formula*, or written command, addressed by the praetor to the *judex* for the governance of the latter in the decision of the cause. But no longer need the plaintiff find warrant for his action in the statutory law: the praetor, through his edict, is recognizing new rights of action in ever increasing measure, and is otherwise building up alongside the *jus civile* a new body of law, the *ius honorarium*, to which the term praetorian equity is commonly applied. If, therefore, the proceeding *in jure* discloses that there is present a controverted claim, such as the law, either statutory or praetorian, will notice, and that no obstacle exists to its trial, the praetor grants to the plaintiff an appropriate *formula*. The highly organized anatomy of the *formula* cannot here be reviewed. It is to be noted, however, that, in its simplest form, it expresses a command hinging upon a single condition: in essence the praetor is saying to the *judex*: "If X is shown, condemn the defendant, if not absolve him." But frequently the defendant alleges before the praetor a fact not inconsistent with a *prima facie* right in the plaintiff, which nevertheless would prevent that right from being effectuated. The typical situation of the kind is where to a claim under the statutory law a defense not recognized by that law is given by the praetorian law. Where this manner of defensive allegation is present it is necessarily reflected in the terms of the *formula*: in essence the praetor is now saying to the *judex*, "If X is shown, then *if Y is not shown*, condemn the defendant, otherwise absolve him." Since this further condition is looked upon as something subtracted or excepted from the principal condition, it is known as an *exceptio*. By transference the name comes to be applied to the defensive right itself thus involved. Exceptions are classed as dilatory or peremptory, according as their intrinsic nature is to defer or defeat enforcement of the claim—a distinction, however, which, owing to the rule of consumption (*see* JUDGMENTS), was not reflected in their practical consequences. On the same principle which regulates the relation of the *exceptio* to the claim, the *exceptio* may be succeeded by a *replicatio*, the replication by a *duplicatio* and so on, with corresponding adaptation of the terms of the formula. In this mode of proceeding, the old ritualistic litiscontestation has disappeared, but as the law had long attached to the fact of litiscontestation various important substantive effects, notably that of consuming the right of action and transforming it into a right to judgment, it was necessary that the essence of the thing be preserved. Accordingly, the fact of litiscontestation is deemed accomplished in the acceptance of the *formula* by both parties. The *judicium* of the new procedure is in substance the same as that of the old, except that it now moves within the strict lines laid down by the *formula*.

But the formulary procedure, in its turn, was destined to be displaced. After the establishment of the Empire, the gradual acceptance of the idea that all judicial power resided in the emperor meant the disappearance of the citizen *judex*. Hence came about also disappearance of the distinction between *jus* and *judicium*. The suit was now to be dealt with throughout its course

by a single judicial official acting as delegate of the imperial authority, and the *formula* could have no place in the machinery of justice. For the new order of things a pattern of procedure was already at hand, since alongside the formulary procedure there had already grown up an exercise of judicial power by the magistrate in certain special cases—the so-called *cognitiones extraordinariae*. The shift from the formulary system, like most changes of the kind, did not occur all at once, but was rendered complete by a constitution of 342 A.D. On the basis of the *cognitiones extraordinariae*, therefore, rested the procedure of the third period of the Roman system. In its developed form it becomes the Justinianian libellary procedure. Here we encounter a written complaint, the *libellus conventionis*, with which the proceeding is opened. On the part of the defendant there is a *libellus contradictionis*, which seems to have been a preliminary declaration of defense in general terms. Affirmative defenses take over the name of exceptions, either dilatory or peremptory. The allegations proper come at the hearing, which begins with the oral *narratio* of the plaintiff, followed by the oral *contradictio* of the defendant, in which latter is included any exception relied upon. Dilatory exceptions must be presented before defense on the merits and are now restricted to their natural operation, owing to the disappearance of procedural consumption. The legislation of the emperors has also stripped away much of the other substantive importance of litiscontestation, but the idea is still preserved for certain purposes, and the fact of litiscontestation is now transferred to a point in the proceeding which, under the more usual view, strongly opposed, however, especially in the recent work of Collinet, may be taken as the conclusion of the *contradictio* on the merits. The procedure thus established was simple and flexible and one to which the later development was largely indebted.

The Germanic Procedure. In the Roman procedure, as indeed in the ordinary procedure of the Athenians, the effort of the parties, with some qualification in a circumscribed use of the probatory oath, is directed toward persuading the court, through evidence and argument, of the truth of their respective pretensions; and decision of the cause is a result of the application of the rule of law to the facts procedurally established. Quite otherwise is the case in the Germanic procedure. Here is all dominant the primitive notion of divine decision, invoked by appeal to oath or ordeal. These are means of proof, but only in the sense that their successful outcome signalizes divine approval of the proving party's allegation; from its very nature this proof is one-sided, admitting of no proof in opposition. The oath is that of the party alone, or that of the party supported by a prescribed number of oath-helpers, or it is the oath of witnesses; the ordeal assumes many forms, including that of trial by battle. The judicial tribunal is an assemblage of the freemen of the community, presided over, after the advent of monarchy, by a representative of the king. Before this assembly, the plaintiff, in the presence of his adversary, states his claim, not in terms of fact but in terms of the conclusion which he himself has drawn from the facts; if, for example, the case is that of an ordinary debt, he makes no reference to the facts out of which it has originated. The contesting defendant is entitled, under certain circumstances, including that of the ineptness of the plaintiff's allegation, to refuse to answer; otherwise he makes answer, and this he must do by denying the plaintiff's allegation word for word. Thereupon the cause is ready for the only decision on the merits that the court can give, determining, that is to say, which of the parties shall have the right to prove, what he shall prove and which of the means of proof he shall use. The judgment expressing this decision (*see* JUDGMENTS) comes about as a result of a proposal advanced by a committee of judgment-finders, accepted by the assembly as a whole, and formally sanctioned by pronouncement on the part of the presiding officer as delegate of the sovereign authority. The making of proof is in obedience to the judgment. If oath has been appointed, party or witnesses swear not to facts but to the allegation of the proving party precisely as formulated; oath-helpers swear that the supported oath is "clean and unperjured." Its taking is governed by the utmost formalism. Any imperfection of expression, any deviation from the prescribed bodily posture, causes it to fail: the oath is then said to have "burst." Only when it is formally faultless is it successful, for only then can it be seen to have met approval of the supernal decisory power. A similar extreme of formalism pervades the ordeal. The latter has the specific name of "judgment of God" (*Gottesurtheil, judicium Dei*), but the outcome of every proof is a judgment of God in this sense. On these principles, characteristic of Germanic justice in general, are based the procedure of the Franks

and that of the Anglo-Saxons. With some intervening development, they inhere in the procedure, documented in the thirteenth century *Sachsenspiegel*, which prevails in Germany until the close of the Middle Ages.

The Romano-Canonical Civil Procedure. Consequent upon the subjugation of the Western Empire by the northern invaders, in the fourth and fifth centuries, the Germanic law encountered the Roman, under conditions which entailed a process of fusion. Particularly significant was this process among the Lombards. For out of it grew that procedural development which, centering in the revived study of the long obscured Roman law principles, and fostered especially by the law school at Bologna, came to flower in the twelfth and thirteenth centuries and gave to the world a new system. The church, on the one hand, and the city-states of mediaeval Italy, on the other, were the theaters of its application. This system, or rather congeries of systems responding to a uniform set of principles, we speak of as the "Romano-canonical." It was modeled basically upon the Roman libellary system, but in its details exhibits the influx of Germanic ideas. The proceeding commences with a complaint to the judge which soon becomes a written *libellus*. The litiscontestation, through misunderstanding of the Roman sources, is placed again upon a formal basis, and consists in a general denial, before the judge, of the plaintiff's right, in set phraseology. Affirmative defenses come by way of *exceptio*; of dilatory exceptions the greater number, those now classed as *declinatory*, are lost if not presented before litiscontestation. Most striking feature of this system, however, is its mode of proceeding by *positions*—the parent of modern discovery. After litiscontestation, the plaintiff is entitled to advance a series of positions, that is to say, propositions representing respectively the several elements of fact constituting his ground of action. To each of these the defendant, under sanction of oath, is required to answer Yes or No. Failure to answer, it becomes settled, is equivalent to admission. In the same way the defendant is entitled to propound positions and to receive answers from the plaintiff in respect of his *exceptio*. The obvious advantage of this device is that of economizing in the field of proof. Undoubtedly Germanic influence has contributed to its invention, as also in some measure at least to the establishment of the arithmetical proof system here in use (*see* EVIDENCE) by which the prevailing spirit of scholasticism sought to tie the hands of the judge. The tendency in this procedure was to discourage orality of proceeding: in particular testimonial evidence was not taken in open court, but by means of written deposition obtained by secret examination. Notable was the extreme deliberation of its processes in general, moving as they did through a succession of stated *termini*, appointed for the respective steps. This failure to satisfy the demands of expedition, especially insistent in the commercial cities of Italy, gave rise there to a simplified form—the *cognitio summaria*—which, among other modifications of the *solennis ordo*, omitted the formal litiscontestation and abolished the stated terms. The *cognitio summaria*, translated into the church courts, attained definitive recognition in a papal constitution of 1306—the standard-setting *Clementina saepe*.

The Modern Continental Development. Conquering with its Roman inheritance of intellectual proof the formalistic methods of the Germanic peoples, the Romano-canonical law of procedure spread abroad from Italy. In northern France, by a process beginning in the twelfth century, the Italian principles gradually united, under the influence of the church, with the Frankish institutions of feudal justice, to create the procedure of the royal courts, which, with extension of the royal dominion and growth of the monarchical power, ultimately became the procedure of all France. Its definite characteristics were assumed in the fourteenth century. It retained in large measure the Germanic orality of proceeding, although in the matter of witness-proof it followed the written system of the canonists. As developed by interim usage and legislation it was comprehensively regulated by the *Ordonnance civile* of 1667, and, with but little material change from that regulation became the procedure of the existing code—the *Code de procédure civile* of 1806. In Germany reception of the Italian principles was longer deferred. Their presence as a factor of any strength dates only from the establishment of the Imperial Chamber of Justice in 1495, whose system—the so-called "cameral procedure"—as originally instituted, closely followed their lines. It was not long, however, before they had achieved supremacy over the now anachronistic native institutions in the several territories; here an important influence was the resort of German law students to Italian and French universities. The resultant fusion of the new principles with the old yielded the system known as the German

common law procedure (*gemeiner Prozess*). Like the Romano-canonical, this, in its final development, was essentially a written system. Foremost of its characteristics, however, was its adaptation of the Germanic proof-judgment to the new manner of proof. After the questions in controversy had been disclosed by the written allegations of the parties, a judgment, that is to say, was rendered specifying the facts to be proved, regulating the burden of proof and fixing the time of proof; and this judgment controlled with the force of *res judicata* the adduction of evidence by both sides in the further stage of the cause. The common law system was the procedural norm in most of the German states, when, soon after the opening of the nineteenth century the events of war introduced the Rhine provinces to the French procedure. The foreign system was viewed with such favor that it strongly influenced subsequent procedural legislation in various of the states, and, finally, after the establishment of the German Empire, was drawn upon in important degree for the principles which entered into the national code of civil procedure—the *Zivilprozessordnung* of 1877. That code took over the French orality of allegation and debate; in addition it sought, but with little success, to bring about the taking of witness-proof in open court. In many respects, however, it pushed orality to an undue extreme—a fault which has been measurably remedied by later amendment. The revision of the *Zivilprozessordnung* now in force dates from 1924. Austria, as part of the Holy Roman Empire, shared in the German reception of the Italian procedure and in the attendant fusion of judiciary institutions. Its civil procedure was defined by the Josephine Code of 1781, supplemented by the West Galician Code of 1796, in a manner exhibiting significant variances from the common law system: in particular, no room was given to the binding proof-judgment. This regulation continued to govern generally until adoption of the *Zivilprozessordnung* of 1895, which is still in force. The last mentioned code was an epoch making piece of legislation. It made use of certain simplifications which had been introduced for petty causes in 1873, availed itself of what was best in the contemporary German procedure, suppressing the latter's exaggerations of orality, and in other ways constructed a system whose practical excellence is conceded on all hands. The Scandinavian countries, too, by a yielding to the German example, albeit in less than its full measure, received the Italian principles, and the sixteenth century saw here the beginnings of the modern procedure. This is now regulated in Denmark by the *Lov om Rettens Pleje* of 1916, which went into force three years later, and in Norway by the *Lov om Rettergangsmaaten for Tvistemaal*, adopted in 1915, but not effective until 1927. In both these codes is manifest the influence of the Austrian Code of 1895. The Swedish system, on the other hand, which obtains also in Finland, continues to be governed by the *Rättegångsbalk*, the procedural part of the general code of 1734. In Spain, where the Germanic procedure of the Visigothic kingdom had centuries before given place to Roman notions of proof, the Romano-canonical ideas had no difficulty in effecting an entrance early in their career. The result is seen in the procedural provisions of the *Siete partidas*, compiled in the thirteenth century and given the force of law in the fourteenth. From the basis there laid the present day civil procedure, governed by the *Ley de enjuiciamiento civil* of 1881, has not very widely departed.

Until the Napoleonic occupation, the various Italian states maintained in different versions the native Romano-canonical institutions. But Italy, like Germany, underwent the incursion of the French procedure. Here, too, the invading principles struck root: their influence told in the formation of the later state systems, and, though not leading to orality of allegation, is decidedly present in the existing national code—the *Codice di procedura civile*—which dates from 1865. This influence, however, was not limited to Germany and Italy. The domination of France in the Napoleonic era implanted its procedure elsewhere in western Europe, notably in Holland, where it displaced the cognate but independent civil procedure of the Roman Dutch law. And, by a purely pacific extension in times nearer our own day, the French principles came to shape the procedure in various countries whose domestic institutions were insufficiently developed, including Greece, Rumania, imperial Russia, Turkey and Egypt. Indirectly they contributed to the Japanese system, which is directly modeled on the German, but they attain to immediate expression in the recent procedural legislation of China. Nor remains exempt from the same influence the Polish Code of 1932 which, designed to apply in territories formerly governed by the Russian, German and Austrian systems, has drawn upon each, in the formation of a national procedure.

Standing apart from the general continental current is the Soviet Russian Code of 1923. This, while prescribing a written complaint and oral and public proceedings, is, in keeping with the ruling political theory, characterized by provision for a wide measure of state interference with the activity of the private parties in the conduct of the cause and by a cutting loose from sundry rules in other systems deemed more or less essential to a well ordered procedure.

The Anglo-American Development. At the time of the Norman Conquest the procedure of England was the Germanic procedure of the Anglo-Saxons. What the Normans brought with them was a Germanic procedure also, but a procedure which had profited from contact with the superior judicial institutions of the Franks and, in particular, had made acquaintance with the Frankish inquest. Outgrowth of the employment of community witnesses, common to all the Germanic peoples—witnesses, that is to say, who by reason of their situation in respect of neighborhood knowledge, could speak, through their formal oaths, to a particular allegation—the inquest, in its evolution into the modern jury, was to impart to English procedure its distinctive lineaments. The imported procedure, installed as the method of royal justice in the Curia Regis, undergoes marked development in the course of the twelfth and thirteenth centuries. For one thing, the use of the inquest so multiplies that by the beginning of the fourteenth century it has relegated the surviving formalistic modes of trial to a subordinate station; for another, the procedure in general is being subjected to the influence of the Romano-canonical principles. Meanwhile, there have sprung from the Curia Regis the three superior courts, the King's Bench, the Common Pleas and the Exchequer, and the justice of the king is becoming the justice of the realm. From the use of the *original writ*, evidencing for the particular case the royal authority to sue in the king's court, arise the common law forms of action, which, after exhaustion of the limited power of increase conferred in 1285, by the Statute of Westminster II, constitute, like the Roman *legis actiones*, a rigidly partitioned field of remedial law with even more rigid boundaries. And, under the joint influence of the inquest and the Romano-canonical principles, the mode of allegation has begun to take on a character of its own. The plaintiff's oral complaint goes by the Roman name of *narratio* or the Norman-French one of *counte* or *tale*. To defensive allegations, also oral, the equally Roman name of *exceptio* is loosely applied. The Germanic word for word denial—known here as the *thwert ut nay*—still appears, but in general is restricted to the case where the defense is a direct negation. The Germanic right, under proper circumstances, of refusal to answer gives rise, on the one hand, to the right to pray judgment as to the legal sufficiency of adversary averment, yielding the earliest form of the English demurrer; on the other, merging hazily with the Romano-canonical idea of dilatory defenses, it effects a certain distinction between dilatory and peremptory exceptions. But always allegation and counterallegation, as those of the old Germanic system, are directed toward producing directly the theme of decision: in case of trial by inquest, the theme to which the jury, by their *veredictum*, will speak.

Thus are laid the foundations of the English common law procedure. In the later development, the jury, which in the fourteenth century has still the unmistakable character of a group of witnesses, gradually puts off this character until, by the end of the seventeenth century (although some vestige of the old character does not disappear until later), it has become essentially what it is today, a body of impartial triers of fact on the basis of judicial evidence. To this growth of jury trial, rather than to Romano-canonical influence, is the English law indebted for the idea of logical proof. And, by the same token, it is this factor that operates to build up in the same law an organization of evidentiary rules whose counterpart is to be found in no other system. Alongside trial by jury there linger the older methods, but these gradually fall into disuse. Nevertheless, the Germanic trial by oath, known in England as *wager of law*, is not altogether a negligible thing as late as the seventeenth century, and, indeed, an English court feels obliged to concede its admissibility as recently as 1824; it is formally abolished, however, in 1833. Conspicuous is the development in the field of allegation: the more or less inchoate rules of the previous period become transformed into that well ordered system which we know as common law pleading. Under this system, as we see it at the beginning of the nineteenth century, the allegations are written; this change has supervened about three centuries before. The plaintiff's complaint has now long been termed the *declaration*, the defendant's allegation the *plea*. On the basis of the early distinction between exceptions, pleas are classed as dilatory and

peremptory. The plea, if need be, is followed by the *replication*, the replication by the *rejoinder*; further pleadings not uncommon are the *surrejoinder*, *rebutter* and *surrebutter*. The old challenge to the legal sufficiency of the opposing allegation has taken the shape of a written objection in point of law—the definitive form of the *demurrer*. The whole machinery of allegation has long been responding to settled principles. A demurrer is interposable against any of the factual pleadings; when so interposed there is an issue of law for the decision of the court, which decision may dispose of the whole case. Otherwise, the object is to produce an issue of fact—a formula to which the verdict of the jury will affirmatively or negatively subscribe; its relationship to the Germanic oath-formula created by mutual allegation is readily apparent. In the production of this issue two central principles concur. First, the responsive allegations (except those of the dilatory plea) must be either by way of traverse or by way of confession and avoidance. The traverse is the Germanic word for word denial, shortened to a denial *modo et forma*; the pleading by way of confession and avoidance represents a fusion of the Romano-canonical idea of *exceptio*, *replicatio*, etc. with the Germanic notion that whatever is not denied stands admitted. In the second place, the responsive allegations must be single: the traverse must be the denial of a single proposition of fact; the pleading in confession and avoidance may advance but one answer to the opposing allegation. Accordingly, if the plea to the declaration is a traverse, an issue is at once arrived at, requiring for completion only a formal joinder. If, however, the plea is by way of confession and avoidance, a replication is called for, which in turn is either by way of traverse or by way of confession and avoidance; if the latter, a rejoinder is required from the defendant, which in its turn observes the same rule; and so the process continues, eliminating the uncontested allegations, until the issue is reached. The interesting feature of the system is its production of this issue by the automatic operation of the pleadings themselves without any selective activity on the part of the court. The requirement of singleness, however, is materially abridged by the broad scope given in certain forms of action to a stereotyped plea of traverse known as the *general issue*. It becomes further affected in 1705, when growing recognition of its hardship upon the defendant brings about the statutory right to plead a plurality of peremptory pleas, with resulting multiplication of the issues to be passed upon by the jury. Such are the main lines upon which, subsidiarily regulated by a complex of technical rules, moves the system of common pleading in its classic form.

In the fourteenth century the limitations of the common law method of judicature and, in particular, the crystallization of its scheme of writs had brought into existence the Court of Chancery (*see* EQUITY). Since those who guided its earliest destinies were ecclesiastics, trained in the canon law, and since, moreover, its very character as a "court of conscience" demanded more searching instrumentalities for elicitation of the truth than were afforded by the common law processes, it was bound to develop a form of procedure distinct from that of the common law courts. For this, naturally enough, it levied extensive contribution upon the procedure of the English ecclesiastical courts, yielding thus to the mediaeval Italian principles a much greater influence than they had exercised upon the common law procedure, but it also borrowed in no inconsiderable measure from the common law procedure itself. At first loose and variable, the chancery, or equity, procedure attains to a well defined system in the seventeenth century, taking on substantially the form which it was to wear for the next two centuries. Here there is no original writ, no forms of action. The suit is commenced by the exhibition, i.e. the filing, of the *bill of complaint*, whereupon there issues the writ of *subpoena* requiring the defendant's appearance. The word "bill" is simply a truncated form of "libellus"; the bill in fact corresponds to the Romano-canonical *libellus*. But it does not stop here: it becomes an essential part of the mechanism of discovery, whereby evidence is sought to be obtained from the defendant to aid the plaintiff in proving his case. Specifically, it incorporates, by its so-called charging part, what are essentially the *positions* propounded by the plaintiff in the Romano-canonical system. Thus the libel and positions, separate in that system, are here combined in a single document. From the common law procedure is borrowed the *demurrer*, but this is available against no pleading other than the bill. From the same source comes the *plea*, utilized when the defense is reducible to a single ground and particularly for the purpose of limiting the defendant's duty of making discovery. If the defendant cannot protect himself by demurrer or plea, he must file an answer under oath, wherein he sets forth his defense, concurrently giving the discovery

sought by the bill. The answer, therefore, always contains the analogue of the defendant's responses to the Romano-canonical positions; in so far as it sets forth an affirmative defense, it represents a combination of the Romano-canonical *exceptio* with these responses. Plea or answer is followed by *replication*, beyond which in the later development the pleadings do not go; and the replication is no more than a formal denial, signalizing, under common law influence, the joinder of issues. In this procedure, there is no jury to share the decisory function of the judge; the chancellor sometimes causes an issue of fact to be formulated and sent to a common law court for trial by jury, but the verdict of the jury is advisory only, never binding upon him. The Romano-canonical influence extends to the method of taking testimonial evidence. As opposed to the *viva voce* hearing of witnesses, characteristic of the common law tribunals, all testimonial evidence, with but the slightest of exception, is privately taken down in writing by examiners or commissioners. What comes before the court, therefore, are the written depositions of the witnesses, resulting from written interrogatories of the parties—depositions which are not seen by either party until opened pursuant to formal order of publication.

The opening of the nineteenth century sees these divergent systems existing side by side, in both England and America. But the common law system of pleading in the course of its development had become invested with an atmosphere of artificial refinement; too frequently pursuit of its intricacies obscured the end that it was intended to serve, and cases were won or lost on questions of pleading without ever reaching the merits. So difficult, indeed, was its administration, that in England the drafting of pleadings had become the province of specialists: of the activities of the "special pleader under the bar" a glimpse may be had in Samuel Warren's novel, *Ten Thousand a Year*. Moreover, despite the admirable logic of its basic principles, it was a system essentially adapted to a simpler order of society and was proving inadequate to meet the demands of the times. The chancery procedure, on its part, had become cumbersome and expensive: its dilatory character in England, later to be the burden of Dickens' *Bleak House*, has given to literature the case of Jarndyce *v.* Jarndyce. Conditions in general were ripening for radical change—a change, however, in which America was to take the lead.

In England, an initial attempt at improvement produced, for the common law courts, the Hilary Rules of 1834, but the net effect of these was to add to the difficulties of the pleading system. Better success attended the Common Law Procedure acts of 1852, 1854 and 1860, which had substantial effect in the direction of simplification. The equity procedure was also the subject of attention. Various rules of court and statutes, in particular the Chancery Practice Amendment Act of 1852, contributed materially to its betterment. But sweeping reform was demanded and this came with adoption of the Judicature acts of 1873 and 1875, which, consolidating the principal courts of the kingdom, removed the partition between law and equity and provided, as far as possible, for a uniform procedure in legal and equitable causes. This procedure, as regulated by the Rules of 1883, with subsequent amendments, contemplates in general the commencement of suit by the issuance of a *writ of summons*. The declaration or chancery bill is replaced by a *statement of claim*, the plea or answer by a *defense*. Under certain circumstances there may be a *reply*, and later pleadings are possible but not usual. The demurrer has been abolished: instead, the party includes his *objection in point of law* in the defense or reply. The system retains the common law principle of admission by the absence of denial (and to denial is here equiparated a statement of non-admission) but the technical apparatus of common law pleading has been entirely discarded. Discovery may be had in both legal and equitable causes, not as in the chancery system, but by the use of written interrogatories quite as separate from the pleadings as were the Romano-canonical positions. There is general application of the common law method of oral examination of witnesses in open court. An outstanding feature of this procedure is the part played by the subordinate judicial official known as the "master," who, on *summons for directions*, regulates, for each case, the course of the preliminary steps, even to determining whether there shall be pleadings at all. Advantageous as this feature would seem, it apparently has not always proved to be in the interest of expedition, since by certain amendments to the Rules in 1932, there has been established the so-called "New Procedure," which, for certain cases, has transferred the hearing of summons for directions from the master to the judge

Notable among early American efforts at

reform is the Georgia Judiciary Act of 1799, which, carrying out certain legislative expressions of even earlier date, sought to elide the distinctions between the common law forms of action and to set aside the complications of common law pleading—an effort, however, which was largely frustrated, in part by the crudity of the relative provisions, in part by the conservative attitude of the courts. In 1848, however, came the New York Code of Procedure. This boldly centered itself in what a quarter century later was to constitute the core of the English reform; namely, the breaking down of the procedural distinctions between law and equity. It provided that, apart from certain special proceedings, there should be but one form of action to be known as a "civil action," and established a uniform system of pleading. The suit was to be begun by *complaint*, a copy of which, with a summons, was to be served upon the defendant. The defensive allegations of fact were to be contained in an *answer*, which, if necessary, was to be followed by a *reply* from the plaintiff. All these pleadings were to be upon oath (a requirement later modified), and, by an application of the common law principle, allegations not controverted were to be taken as admitted. Place was given to the *demurrer*, restricted, however, in its application, to defined grounds of substance. Discovery was provided for by the new method of *oral examination* of the opposite party. *Viva voce* hearing of the witnesses in open court was made the rule for all cases. Into the procedure for common law causes, in its phases other than pleading, was introduced a considerable measure of that flexibility which had hitherto prevailed in equity. Redundancies were eliminated on every hand and, in general, the lines laid down of a system which, although characterized by less liberality and adaptability to the individual case than the methods of the future English Rules, represented a momentous contribution to procedural progress. This legislation was speedily copied by other states, beginning with Missouri in 1849, until its provisions, with more or less variation, found widespread adoption. Thus was established what goes by the generic name of "code procedure." The codes so enacted have since undergone frequent modification, but in general preserve the original basis. The New York Code of 1848, after frequent amendments, was succeeded by the Code of 1876, whose regulation of detail was such as to produce a host of new technicalities, and which, in turn, gave way to the Civil Practice Act of 1920. Of the codes in general it may be said that, apart from faults due to the hurried production of the New York archetype, two factors have operated to their disadvantage. In the first place, the early administration of the code provisions fell to judges trained in the old order, many of whom failed to exhibit that sympathy with the new principles essential to their complete success; and from the unfortunate interpretations of this period, the subsequent course of decision has found it difficult to free itself. And, in the second place, the constitutional provisions preserving the right of jury trial, as it existed at common law, have very seriously fettered the courts in administering law and equity in the same suit. For their existence involves the constant necessity of distinguishing between common law and equity questions in order to determine the method of trial. On this account, the code procedure, broadly speaking, falls short of achieving the highest degree of efficiency. The states whose procedure is thus based upon the principles of the New York Code of 1848 represent a majority of the American jurisdictions. Elsewhere there is generally retained in some form the separate administration of law and equity, under methods of procedure representing various gradations between mere modification of the two old systems and the outright system of the codes. Not so, however, in Louisiana and Texas: in the one case, the civil law basis of its legal system, in the other, the peculiar growth of its procedural institutions, not uninfluenced by civil law ideas, has excluded the separation in question and invested the procedure with an individual character. The later state reforms, it should be added, have been disposed to take suggestions from the English Rules. The New York Civil Practice Act of 1920 has been thus influenced; such also has been the case in other jurisdictions, particularly New Jersey, Michigan and Illinois. In the federal courts, along with a separate administration of law and equity, slightly modified, the double form of procedure continues to prevail. For common law causes these courts, under the Conformity Act of 1872, apply in the main the procedure of the state wherein they are sitting. Equity causes, on the other hand, are under the governance of rules prescribed by the Supreme Court, in pursuance of statutory authority. Down to the Rules of 1912, the procedure obtaining was a modified version of the classic English chancery system, but these rules introduced revolutionary changes

influenced by both the codes and the English Rules. Under this new system, the suit is still commenced by *bill*, but the bill has ceased to be a part of the mechanism of discovery and represents merely a statement of facts and a prayer for relief. The plea has been abolished, as has also the demurrer; the substance of the latter, however, is still present under the name of *motion to dismiss*. The defendant may present his legal objection to the bill either by that motion or by incorporating it in his *answer*, the normal function of which is the presentation of the factual defense. The answer, performing no office of discovery, is not upon oath; to it is applied the principle of admission by failure to deny. Discovery is obtained, as under the English Rules, by means of written interrogatories, separate from the pleadings and proposable by either party. Hitherto, there had prevailed a modification of the old chancery system of deposition-evidence, but there came now a belated introduction of open-court hearing of witnesses, as in common law causes.

Besides aiding to shape the procedure of common law and equity causes, the mediaeval Italian principles had a yet further influence upon the Anglo-American system. By reason of the fact that the English ecclesiastical courts exercised a limited jurisdiction in the matter of wills and administration of decedents' estates, as well as in matrimonial causes, down to the middle of the nineteenth century, their rules of proceeding have left certain traces upon the modern procedure applicable in these fields. But more definite has been this influence in the field of Admiralty (*see* MARITIME LAW). The early English admiralty procedure was in effect a summary form of the Romano-canonical, and while the later development has more and more approximated the procedure in admiralty causes to that obtaining in civil causes generally, its Romano-canonical origins are still reflected. This is true even in England, where admiralty causes for the most part are governed by the ordinary rules, but it is particularly true in the case of the American admiralty procedure, which still constitutes a separate system.

Though lying outside the Anglo-American development the civil procedure of Scotland exhibits certain contacts with that development, principally at two points; namely, in its early history, when it was acquainted with the original writ and the Norman inquest, and in the first quarter of the nineteenth century, when the reintroduction of civil jury trial brought with it a large measure of the English law of evidence. Between these times, however, the procedure had acquired an independent form, in which, due to the pre-Reformation influence of the church and to the resort of Scottish law students to continental universities, the Latin element was predominant. As a result, the Scottish procedure has not had to contend with forms of action or the separation of law and equity. Of its distinctive system of written pleadings a material constituent is the use of the *plea in law* by which is identified the legal theory of action or defense—a device well deserving the attention of Anglo-American reform. Interesting from the historical standpoint is the order allowing proof in non-jury cases, in which is plainly seen a reminiscence of the old Germanic proof-judgment.

The Procedural Relation. What we have had occasion to speak of in the foregoing survey as the *cause* is in essence a particular jural relation existing between party and party, on the one hand, and parties and court, on the other, a relation which is instituted, shaped, made to progress and terminated through the cooperation of the court and the parties. This idea of the cause as a jural relation entered definitely into procedural science through the work of Bülow, *Die Lehre von den Prozesseinreden und die Prozessvoraussetzungen*. It has its inspiration in the *judicium* of the Roman formulary period. Although assailed by various writers and, particularly, in the recent work of Goldschmidt, it continues to find general acceptance in the scientific treatment of procedure on the continent. To the perfect existence of the relation certain conditions are always necessary: foremost of these are jurisdiction of the court over subject matter and parties and procedural capacity of the parties. A defense which goes to one of these preconditions is a very different thing from a defense which goes to the merits of the plaintiff's claim. Thus the conception at once affords a key for distinguishing defense-objections by their nature belonging *in limine* from true defenses to the action. But it is of much wider import. As expressed by Rosenberg, "its significance lies in the fact that it renders possible a unitary conception of the action-proceeding, consisting as it does of numerous separate acts and legal situations." The relation may be single or multiple: it is single when it involves a single demand by a single plaintiff against a single defendant, multiple, when there is plurality of demands or of parties. Hence

systems of procedure must regulate the *joinder of actions* and the *joinder of parties*. The plurality may exist from the outset; on the other hand, it may supervene in the course of the proceeding, as by *amendment*, by *consolidation of causes*, by *intervention* of a third party, by *counterclaim* on the part of the defendant. Starting point of the relation in the Roman formulary system was the litiscontestation; for modern procedure it is the notification to the defendant requiring his appearance, in Anglo-American terminology, the *service of process*. In the Roman formulary system, the preconditions of the cause had already been verified before the relation came into existence; in the procedure of today the relation comes into existence subject to be defeated by the later appearing defect of these preconditions. The principal factors shaping the content of the relation are the allegations and proof. Here most systems have been governed by the principle of party presentation (*Verhandlungsmaxime*), under which the shaping is the work of the parties: the court is there to take the case, as the parties present it, enforcing the rules of presentation, but otherwise limiting its activity to passing on the case thus presented. In contrast stands the principle of judicial investigation (*Untersuchungsmaxime*) which makes the court an active, initiating agency in the shaping. Such, indeed, is the principle generally characterizing the continental criminal procedure. It is the principle, too, adopted for civil litigation by the Soviet Russian Code of 1923. Apart from this instance, however, the principle has never attained to ascendancy in civil procedure, with one outstanding exception. That was its domination of the system inaugurated in Prussia under Frederick the Great, the signal failure of which has sufficiently demonstrated that any wholesale application of this principle is not in the best interests of civil justice. Nevertheless, outside of the ancient Germanic procedure, elements of it are everywhere present; an example is the right of the English or American judge to call a witness of his own volition. As the relation is a progressing one, there must be regulation of the power of impulsion. Here, again, we have two contrasting principles. Under the one—the principle of party-prosecution (*Parteibetrieb*)—it is the parties who urge forward the cause, under the other—the principle of judicial prosecution (*Offizialbetrieb*)—it is the court. No system, perhaps, except the ancient Germanic, exhibits an unalloyed application of the former principle; elsewhere the question is as to the predominance of the one principle or the other. The Roman imperial procedure, the Romano-canonical procedure, the procedure of the German common law all show the preponderant influence of the court in this regard, while in modern procedure it is generally the case that the balance lies in the opposite direction. If the procedural relation is defeated for lack or defect of a precondition, that defeat is registered by judgment: representative of such a judgment is the *absolutio ab instantia* of the Romano-canonical system or the *quod breve cassetur* of the English common law. Otherwise, unless sooner ended by voluntary act or conduct of the plaintiff (here the Anglo-American law speaks of a judgment of non-suit or dismissal) it proceeds to its normal termination, which occurs by judgment on the merits.

Tendencies of Procedural Reform. Because of the very nature of procedure its development manifests more conspicuously than that of any other field of law a constant and conscious striving for improvement. As in the case of all legal development, the direction of this striving veers from time to time in obedience to the prevailing political and social influences. Hence it is only natural that the variously conceived relation of the state to the individual should be reflected in the rules of civil procedure. Yet generalization in this regard is not to be pressed too far; otherwise it would be difficult to explain why revolutionary France, after a brief period of procedural nihilism, went back to the civil procedure of Louis XIV. Moreover, while different systems will thus emphasize differently the interest of the state and the private interest, there is general agreement that both interests are subserved when the obtaining methods are accurate on the one hand, and expeditious and inexpensive on the other. And, even as to the methods themselves the effect of this difference in emphasis tends to grow less and less. Highly significant is the circumstance that the changes undergone by Anglo-American civil procedure in the course of the past century have given it closer likeness to the corresponding institutions of the continent, while those which the continental systems have experienced in the same period represent in considerable measure—here is to be especially noted the spread of orality and publicity—the taking on of aspects traditionally familiar to the Anglo-American. This process is bound to continue, especially aided on our side by the gradually diminishing incidence of civil jury trial. Both on the continent and in the

Anglo-American jurisdictions the march in general is towards simplicity and flexibility. In both provinces reliance is being placed upon a heightening of the authority of the judge. Judicial discretion, within guarded limits, is dislodging set rules. The principle of party presentation is being more and more tempered by special applications of the opposite principle; the values of the principle of judicial prosecution, properly restricted, are encountering a new appreciation; as a factor of flexibility, the power of the court to regulate the course of the particular proceeding—the directive power—is being constantly enhanced. This drift, conspicuously evidenced on the one side by the English Rules of 1883 and, on the other, by the influential Austrian Code of 1895, finds continued manifestation in the more recent American reforms, as it does in the later continental codes. As to the mechanics of procedural reform, there exists at present material divergence between Anglo-American and continental ideas. The continental solution is that the rules of procedure should be prescribed by the legislator, under the advice and assistance of experts. This view, indeed, is the traditional one in our own system, and, it must be admitted, the one still commonly applied in American practise. But in England and America the courts have always possessed the inherent power to prescribe their own rules within a vaguely defined area. The existence of this power has led in America to the contention that it is a plenary one and that in enacting procedural rules the legislature is in reality usurping the province of the judiciary. The dominant American view, however, is converted to the principle of the English Judicature Acts. Conceding that the power in general belongs to the legislature, it would have the latter restrict itself to laying down the basic lines of the procedural scheme, while delegating the working out of detail to an expert rule making body, either the highest court in the particular judicial system or a composite group such as the English Rules Committee, or the Judicial Council, as it exists in a number of American jurisdictions. The advantage of this method lies not only in its immediate utilization of expert knowledge, but also in the facility which it affords for keeping abreast of new conditions, without the necessity of setting in motion the clanking machinery of legislation.

The Literature of Civil Procedure. The history of the literature of civil procedure exhibits two great movements in which science takes precedence over merely practical application of placidly accepted rules. The first—marking, indeed, the beginning of a separate literature of the subject in any sense—is that which, as both product and agency of the renascence of Roman law in northern Italy, was to systematize and clothe with conquering attributes the Romano-canonical principles. From the closing years of the twelfth century, through the thirteenth and well into the fourteenth, it proceeds, fed by the activities of the jurists, ecclesiastical and secular, attached to the Italian universities. Of the numerous writers who effectively contributed to the development of procedure in this period there stand out prominently Pillius, Tancred, Gratia, Durantis, Bartolus and Baldus. At the head of the resultant productions must be placed the *Speculum judiciale* of Guilielmus Durantis, dating from the second half of the thirteenth century—incomparably the richest repository of the Romano-canonical procedural learning. After the fourteenth century, a few only of the writings originating in Italy had any wide influence; among these the best known, perhaps, is the *Speculum aureum* of the Neapolitan Robertus Maranta, published in 1540. But, with the transplantation of the Italian principles in Germany, the same movement found there an access of vigor in the sixteenth century works of Mynsinger and of Gaill, which, though primarily addressed to the procedure of the Imperial Chamber of Justice, attained more than domestic repute. The second great movement is the German one of the nineteenth century. This took its rise in the coming to ascendancy of the historical school of jurisprudence, founded by Savigny. Research into Germanic and Roman origins infused new life into procedural thought and, beginning with the first quarter of that century, there poured forth for the next fifty years a stream of writings illuminating, from the new standpoint, a myriad facets of procedure. Here the names of Bethmann-Hollweg, Bayer, Wetzell, Briegleb, Planck, Bülow, Kohler and Wach by no means exhaust the list of authors whose works are now ranked as classic. The later activity in Germany has built upon the foundations thus laid, as has also that in Austria and Hungary. In the latter regard are to be noted the figures of Franz Klein, principal architect of the Austrian Code of 1895, and of Alexander Plósz, who bore a similar relation to the Hungarian Code of 1911. Among systematic treatises relating to the present day procedure special mention is deserved by those of Hellwig and

Rosenberg, for Germany—Rosenberg's work embracing the reforms of 1924—and those of Pollak and Sperl, for Austria. As Italy, in a past day, had given procedural science to Germany, so the German movement of the nineteenth century, in turn, communicated a new impetus and direction to Italian studies in the field. Largely because of this the last fifty years have seen a new blooming of Italian procedural science. Its evidences appear in the writings of Mattirolo and Mortara, but more especially in the contributions of Lessona and of a younger generation, represented by Chiovenda, Carnelutti, Menestrina and Calamandrei. The *Principii* of Chiovenda furnishes an admirable exposition of the existing Italian system.

Elsewhere the literature has generally followed local trends with emphasis on the practise. In France the development of procedure owes much to the *Stilus curie parlamenti* of du Breuil, a masterly presentation of the practise of the Parlement of Paris, which appeared in the fourteenth century. Of procedural significance is also the approximately contemporary *Somme rural* of Bouteiller. Not French but Flemish was the practical jurist Damhouder, who wrote in the sixteenth century; his influence, nevertheless, reached the French procedure, besides extending into Holland and even Germany. In the same century is to be underlined the French work of Imbert, in the next, less heavily, that of Lange, while in the eighteenth special importance attaches to the short treatise of Pothier, and to Pigeau's work on the procedure of the Châtelet. In present day literature, the treatise of Garsonnet and Cézar-Bru shares first place with that of Glasson, Tissier and Morel. As regards Spain, apart from the seventeenth century *Labyrinthus creditorum* of Salgado de Somoza, a work of international renown in the field of bankruptcy procedure, mention should be made of the *Curia philipica* of Hevia Bolaños and the *Librería de escribanos* of Febrero, published in the seventeenth and eighteenth centuries, respectively: these are of special interest in America because of the influence their procedural chapters exercised upon the formation of the system of civil procedure in Louisiana. Modern Spain, like France, has kept aloof from the current of scientific thought in the procedural field, but, if one is to judge by the treatise of Miguel y Romero, published in 1931, is beginning to give evidence of a change in attitude. In the northern countries, the particularistic tendency has long been tempered by the influence of the German literature: the later writings, especially those of Hagerup and Skeie in Norway, Kallenberg in Sweden, Munch-Petersen in Denmark and Wrede in Finland respond to the discipline of modern German and Austrian procedural science.

The literature of Anglo-American civil procedure goes back to the initial monuments of English legal literature in general; namely, the book written in the twelfth century under the name of Glanvill and Bracton's great treatise of the following century. This was the period of the early relationship of English procedure to the Romano-canonical teachings. These teachings are patent in Bracton, present there, indeed, in much fuller measure than was ever translated into practise. Except for that early relationship, Anglo-American procedure has been unaffected by the two continental movements, and its literature, accordingly, has followed a course of its own. Down to the description contained in the third book of Blackstone's *Commentaries* (1768) it consists in the main of barren tractates, digests of decided cases and collections of forms, all for practical guidance in the conduct of litigation. Among their number major importance is to be accorded to the source book of original writs, known as the *Natura Brevium*, which, first issued in the fourteenth century, was in 1534 published in revised form as Fitzherbert's *New Natura Brevium*. Particular notice is also merited by Theolall's *Digest of Original Writs* (1579) and Ever's *Doctrina Placitandi* (1677). Of exceptional character is the *Forum Romanum* of Chief Baron Gilbert, addressed to the chancery procedure, and first published in 1756, thirty years after the author's death. The better order of procedural writing, of which this book was a precursor, definitely set in toward the commencement of the nineteenth century. The common law procedure, apart from pleading, was dealt with in a number of works, including the well known *Practice* of Tidd (1790–94). The practical treatment of common law pleading reached its apogee in the work of Joseph Chitty (1809)—a book whose influence in the formative stages of American legal development has been only second, perhaps, to that of Blackstone's *Commentaries*—while a reasoned exposition of the controlling principles found place in the classic manual of Henry John Stephen (1824). On the equity side, the rules of pleading were treated in the works of John Mitford (Lord Redesdale) (1780) and others, followed by the American work of Joseph Story (1838), and

those of chancery procedure as a whole in the extensive treatise of Daniell (1837–41). In pronounced contrast to this purely professional body of writing is the posthumously published *Principles of Judicial Procedure* of Jeremy Bentham (1843), which, envisaging the subject in its larger aspects and from his common standpoint of utility, embodies the author's suggestions for a properly constructed system of "natural" as opposed to "technical" procedure. Bentham's writings in general, influential as they have been in the betterment of the positive law of procedure, did not alter materially the main current of Anglo-American procedural literature. In its subsequent course this has shown constant improvement in method, but a continuing emphasis upon practise, to the neglect of basic theory. Outside of the field of evidence, where the practical and theoretical find happy marriage in the superlative achievement of Wigmore, it cannot be regarded as possessing anything like the scientific character ascribable to the corresponding literature of Germany or Italy. There has thus been slighted a source of aid which the Anglo-American system, comparatively excellent as it is, needs to have at command. In the repair of this deficiency lies a task of more than ordinary moment, for it is precisely the cultivation of procedural science that will afford the surest guide to future direction in the improvement of our judiciary institutions.

ROBERT W. MILLAR

See: JUSTICE, ADMINISTRATION OF; COURTS; CONTEMPT OF COURT; EVIDENCE; EQUITY; JURY; JURISDICTION; JUDGMENTS; DECLARATORY JUDGMENT; SUMMARY JUDGMENT; JUDICIAL INTERROGATION; VENUE; APPEALS; INJUNCTION; DAMAGES; SPECIFIC PERFORMANCE; LEGAL AID; ARBITRATION, COMMERCIAL; PROSECUTION; ARREST; BAIL; GRAND JURY; HABEAS CORPUS; POLICE; JUSTICE OF THE PEACE; JUDICIAL PROCESS; JUDICIAL REVIEW; LAW; JURISPRUDENCE; JUDICIARY; LEGAL PROFESSION AND LEGAL EDUCATION; CRIMINAL LAW; ROMAN LAW; CANON LAW; MARITIME LAW.

Consult: FOR ANCIENT AND MEDIAEVAL PROCEDURE AND MODERN CONTINENTAL SYSTEMS: Maine, H. S., *Ancient Law* (new ed. by F. Pollock, London 1930); *Primitive and Ancient Legal Institutions*, compiled by A. Kocourek and J. H. Wigmore, Evolution of Law series, vol. ii (Boston 1915) pt. iv; Lipsius, J. H., *Das attische Recht und Rechtsverfahren*, 3 vols. (Leipsic 1905–15) vol. iii; Schoemann, G. F., *Griechische Alterthümer*, 2 vols. (rev. ed. by J. H. Lipsius, Berlin 1897–1902) vol. i, p. 506–37; Paoli, U. E., *Studi sul processo attico*, Studi di Diritto Processuale, no. 2 (Padua 1933); Bonner, R. J., *Lawyers and Litigants in Ancient Athens* (Chicago 1927); Glotz, G., *La cité grecque* (Paris 1928), tr. by N. Mallinson as *The Greek City and Its Institutions*, History of Civilization series (London 1929) ch. vi; Wenger, L., *Institutionen des römischen Zivilprozessrechts* (Munich 1925); Engelmann, A., *Der Civilprozess, Geschichte und System*, 3 vols. (Breslau 1889–1901), vol. ii tr. and ed. by R. W. Millar in *A History of Continental Civil Procedure*, Continental Legal History series, vol. vii (Boston 1927); *Gai institutiones iuris civilis*, ed. by E. Poste with translation and commentary (3rd ed. Oxford 1890); Declareuil, J., *Rome et l'organisation du droit* (Paris 1924), tr. by E. A. Parker as *Rome the Lawgiver*, History of Civilization series (London 1927); Bertolini, C., *Il processo civile romano*, 3 vols. (Turin 1913–15); Collinet, P., *La procédure par libelle*, Études historiques sur le droit de Justinien, vol. iv (Paris 1932); Keller, F. L. von, *Der römische Civilprocess und die Actionen* (6th ed. by A. Wach, Leipsic 1883); Bethmann-Hollweg, M. A. von, *Der Civilprozess des gemeinen Rechts in geschichtlicher Entwicklung*, 6 vols. (Bonn 1864–74) vols. i–iii; Wieding, K., *Der iustinianeische Libellprocess* (Vienna 1865); Schmidt, R., *Lehrbuch des deutschen Zivilprozessrechts* (new ed. Leipsic 1910) §7; Brunner, Heinrich, *Deutsche Rechtsgeschichte*, 2 vols. (2nd ed. Leipsic 1906–28); Planck, J. W. von, *Das deutsche Gerichtsverfahren im Mittelalter*, 2 vols. (Brunswick 1878–79), and *Die Lehre von dem Beweisurtheil* (Göttingen 1848); Laband, P., *Die vermögensrechtlichen Klagen nach den sächsischen Rechtsquellen des Mittelalters* (Königsberg 1869); Laughlin, J. L., "The Anglo-Saxon Legal Procedure" in *Essays in Anglo-Saxon Law* (Boston 1876) p. 183–305; Endemann, W., *Civilprozessverfahren nach der kanonistischen Lehre* (Berlin 1890), and *Die Beweislehre des Civilprozesses* (Heidelberg 1860); Salvioli, A., *Storia della procedura civile e criminale*, Storia del Diritto Italiano, ed. by P. del Giudice, vol. iii (Milan 1927); Pertile, A., *Storia del diritto italiano*, 6 vols. (2nd ed. by P. del Giudice, Turin 1892–1903) vol. vi; Schwartz, J. C., *Vierhundert Jahre deutscher Civilprocess-Gesetzgebung* (Berlin 1898); Glasson, Ernest, *Histoire du droit et des institutions de la France*, 8 vols. (Paris 1887–1903) vol. vi; Stein, L. von, *Geschichte des französischen Strafrechts und des Processes*, Französische Staats- und Rechtsgeschichte, vol. iii (2nd ed. Basel 1875); Uppström, W., *Öfversigt af den svenska processens historia* (Stockholm 1884); Salvioli, G., *Storia del diritto italiano* (9th ed. Turin 1930); Bayer, H. von, *Vorträge über den deutschen gemeinen ordentlichen Civilprocess* (10th ed. Stuttgart 1869); Wetzell, G. W., *System des ordentlichen Civilprozesses* (3rd ed. Leipsic 1878); Rosenberg, L., *Lehrbuch des deutschen Zivilprozessrechts* (2nd ed. Berlin 1929); Hellwig, K., *System des deutschen Zivilprozessrechts*, 2 vols. (Leipsic 1912–19), vol. ii completed by P. Oertmann; Weismann, J., *Lehrbuch des deutschen Civilprozessrechtes*, 2 vols. (Stuttgart 1903–05); Planck, J. W. von, *Lehrbuch des deutschen Civilprozessrechts*, Lehrbücher des deutschen Rechts, vol. i, 2 vols. (vol. i Nördlingen 1887, vol. ii Munich 1896); Wach, A., *Handbuch des deutschen Civilprozessrechts*, Systematisches Handbuch der deutschen Rechtswissenschaft, vol. ix, pt. ii (Leipsic 1885); Pollak, R., *System des österreichischen Zivilprozessrechtes*, 3 vols. (2nd ed. Vienna 1930–32); Sperl, H., *Lehrbuch der bürgerlichen Rechtspflege*, vol. i– (Vienna 1930–); Klein, Franz, *Der Zivilprozess Oesterreichs*, ed. by F. Engel (Mannheim 1927); Glasson, Ernest, Tissier, A., and Morel, R., *Traité théorique et pratique d'organisation judiciaire, de compétence et de procédure civile*, 4 vols. (3rd

ed. Paris 1925–32); Garsonnet, Eugène, and Cézar-Bru, C., *Traité théorique et pratique de procédure civile et commerciale*, 9 vols. (3rd ed. Paris 1912–25); Mattirolo, L., *Trattato di diritto giudiziario civile*, 7 vols. (5th ed. Turin 1902–06); Mortara, L., *Manuale della procedura civile*, 2 vols. (9th ed. Turin 1929); Chiovenda, G., *Principii di diritto processuale civile* (3rd ed. Naples 1923); Carnelutti, Francesco, *Lezioni di diritto processuale civile*, vols. i–ii (Padua 1929–31); Munch-Petersen, H., *Den danske Retspleje*, 5 vols. (2nd ed. Copenhagen 1923–26); Hagerup, F., *Den norske Civilproces*, 4 vols. (3rd ed. by P. J. Paulsen, Oslo 1919); Skeie, J., *Den norske Civilproces*, 2 vols. (Oslo 1929–31); Wrede, R. A., *Das Zivilprozessrecht Schwedens und Finnlands* (Mannheim 1924); Kallenberg, E., *Svensk civilprocessrätt*, vols. i–iv and v, bk. i (Lund 1917–33); Manresa y Navarro, J. M., *Comentarios a la ley de enjuiciamiento civil*, 6 vols. (5th ed. Madrid 1928–29); Miguel y Romero, M., *Principios del moderno derecho procesal civil* (Valladolid 1931); Kann, R., *Die polnische Zivilprozessordnung*, vol. i– (Berlin 1933–); Hanfmann, M., "Der Zivilprozess" in *Das Recht Sowjetrusslands*, ed. by A. Maklezow (Tübingen 1925) p. 435–50.

FOR THE ANGLO-AMERICAN SYSTEM AND THE SCOTTISH PROCEDURE: Brunner, H., *Die Entstehung der Schwurgerichte* (Berlin 1872); Thayer, J. B., *A Preliminary Treatise on Evidence at the Common Law* (Boston 1898); Pollock, F., and Maitland, F. W., *The History of English Law before the Time of Edward I*, 2 vols. (2nd ed. Cambridge, Eng. 1899); Wigmore, J. H., *A Treatise on the Anglo-American System of Evidence in Trials at Common Law*, 5 vols. (2nd ed. Boston 1923) vol. iv, §2032; Maitland, F. W., *Equity, also the Forms of Action at Common Law* (Cambridge, Eng. 1909); Holdsworth, W. S., *A History of English Law*, 10 vols. (3rd ed. London 1922–32) vol. iii, ch. vi, and vol. ix, ch. vii; Stephen, H. J., *A Treatise on the Principles of Pleading in Civil Actions*, ed. by S. Williston (Cambridge, Mass. 1925); Gould, J., *A Treatise on the Principles of Pleading in Civil Actions* (6th ed. by A. P. Will, Albany 1909); Perry, R. R., *Common Law Pleading, Its History and Principles* (Boston 1897); Shipman, B. J., *Handbook of Common-Law Pleading* (3rd ed. by H. W. Ballantine, St. Paul 1923); Kerly, D. M., *An Historical Sketch of the Equitable Jurisdiction of the Court of Chancery* (Cambridge, Eng. 1890); Langdell, C. C., *A Summary of Equity Pleading* (2nd ed. Cambridge, Mass. 1883); Story, J., *Commentaries on Equity Pleadings* (10th ed. by J. M. Gould, Boston 1892); Clephane, W. C., *Handbook of the Law of Equity Pleading and Practice* (St. Paul 1926); Whitehouse, R. T., *Equity Practice, State and Federal*, 3 vols. (Chicago 1915); Foster, R., *A Treatise on Federal Practice*, 4 vols. (6th ed. Chicago 1920–22); Dobie, A. M., *Handbook of Federal Jurisdiction and Procedure* (St. Paul 1928); Hughes, W. J., *Federal Practice, Jurisdiction and Procedure*, 16 vols. (St. Paul 1931–32); Odgers, W. B., *Principles of Pleading and Practice* (10th ed. by W. B. Odgers and A. H. Armstrong, London 1930); Millar, R. W., "The 'New Procedure' of the English Rules" in *Illinois Law Review*, vol. xxvii (1932–33) 363–73; Hepburn, C. M., *The Historical Development of Code Pleading* (Cincinnati 1897); Bliss, Philemon, *A Treatise upon the Law of Pleading under the Codes o Civil Procedure* (3rd ed. by E. F. Johnson, St. Paul 1924); Pomeroy, J. N., *Code Remedies* (5th ed. by Walter Carrington, Boston 1929); Clark, C. E., *A Handbook of the Law of Code Pleading* (St. Paul 1928); Maclaren, J. A., *Court of Session Practice* (Edinburgh 1916); Mackay, Æ. J. G., *Manual of Practice in the Court of Session* (Edinburgh 1893); Millar, R. W., "Civil Pleading in Scotland" in *Michigan Law Review*, vol. xxx (1931–32) 545–81, 709–46.

FOR PROCEDURAL THEORY: Bülow, O., *Die Lehre von den Prozesseinreden und die Prozessvoraussetzungen* (Giessen 1868); Engelmann, A., *Der Civilprozess, Geschichte und System*, 3 vols. (Breslau 1889–1901) vol. i; Chiovenda, G., *Principii di diritto processuale civile* (3rd ed. Naples 1923); Kohler, J., *Der Prozess als Rechtsverhältniss* (Mannheim 1888); Goldschmidt, J., *Der Prozess als Rechtslage* (Berlin 1925); Millar, R. W., "The Formative Principles of Civil Procedure" in *Illinois Law Review*, vol. xviii (1923–24) 1–36, 94–117, and 150–68; Cook, W. W., " 'Substance' and 'Procedure' in the Conflict of Laws" in *Yale Law Journal*, vol. xlii (1932–33) 333–58; Arnold, Thurman, "The Role of Substantive Law and Procedure in the Legal Process" in *Harvard Law Review*, vol. xlv (1931–32) 617–47.

FOR THE TENDENCIES OF PROCEDURAL REFORM: Mendelssohn-Bartholdy, A., "Zivilprozessreform als politische Frage" in *Judicium*, vol. iii (1931) 65–74; Wach, A., *Grundfragen und Reform des Zivilprozesses* (Berlin 1914); Schiffer, E., *Die deutsche Justiz, Grundzüge einer durchgreifenden Reform* (Berlin 1928); Chiovenda, G., *Saggi di diritto processuale civile*, 2 vols. (new ed. Rome 1930–31); Mullins, C., *In Quest of Justice* (London 1931); Storey, Moorfield, *The Reform of Legal Procedure* (New Haven 1911); Pound, R., "A Bibliography of Procedural Reform Including Organization of Courts" in *Illinois Law Review*, vol. xi (1916–17) 451–63; Willoughby, W. F., *Principles of Judicial Administration* (Washington 1929) pt. v and periodical literature there cited; Sunderland, E. R., "The Machinery of Procedural Reform" in *Michigan Law Review*, vol. xxii (1923–24) 293–311, and "The English Struggle for Procedural Reform" in *Harvard Law Review*, vol. xxxix (1925–26) 725–48.

FOR THE HISTORY OF THE LITERATURE OF CIVIL PROCEDURE: Engelmann, A., *Der Civilprozess, Geschichte und System*, 3 vols. (Breslau 1889–1901) vol. ii, bk. iii; Chiovenda, G., "Romanesimo e germanesimo nel processo civile" in his *Saggi di diritto processuale civile*, 2 vols. (new ed. Rome 1930–31); Savigny, F. C. von, *Geschichte des römischen Rechts im Mittelalter*, 7 vols. (2nd ed. Heidelberg 1834–51); Schulte, J. F. von, *Die Geschichte der Quellen und Literatur des canonischen Rechts von Gratian bis auf Papst Gregor IX*, 3 vols. (Stuttgart 1875–1880) vols. i–ii; Stintzing, R. von, and Landsberg, E., *Geschichte der deutschen Rechtswissenschaft*, 3 vols. (Munich 1880–1910); Holdsworth, W. S., *Sources and Literature of English Law* (Oxford 1925); Winfield, P. H., *The Chief Sources of English Legal History* (Cambridge, Mass. 1925).

PROCEDURE, PARLIAMENTARY.

Every deliberative assembly must operate under certain recognized procedural rules regulating its organization, its day to day functioning and its adjournment. Such rules, originally devel-

oped to prevent hasty action and insure adequate and orderly deliberation, have more and more been converted into means of permitting the effective utilization of the limited time available. In countries with written constitutions, certain fundamental procedural requirements are generally included in the constitution; this has probably been carried furthest in the state constitutions in the United States and in the German constitution of 1919. It is a general principle of representative democracy that, aside from these more or less limited constitutional requirements, assemblies shall control their own internal organization and rules of procedure. This is done by means of standing orders and rules adopted by the body, precedents set by the speaker or other agency entrusted with the decision of questions of order and usages developed by the assembly in the course of its history. To these must be added the customary procedure of the party groups in the assembly, such as, for example, the caucus (*q.v.*).

Many external features of similarity might suggest that procedure in the various democratic assemblies is practically uniform. Everywhere bills are introduced, they are discussed by committees and debated on the floor, amendments are proposed and voted on and a final vote is taken on the amended measure. To a considerable extent this similarity is imposed by the nature of the task at hand. To some degree, however, it is traceable to the fact that procedure in a great many parliaments developed out of that in the British Parliament, the Mother of Parliaments. The general lines of procedure in the House of Commons were already largely settled by the end of the seventeenth century. The conscious imitation of British procedure is most apparent in the legislatures of the British dominions; many of these parliaments have specifically stated in their standing orders that all points not otherwise covered shall be regulated by the rules and precedents of the British House of Commons. In the United States the colonial assemblies set out to copy the procedure in the Commons. The influence of the House of Commons was exerted most directly upon Congress through the *Manual of Parliamentary Practice* which Thomas Jefferson as vice president drew up to govern the procedure of the Senate over which he presided. Jefferson simply restated the current English practise, drawing freely upon *Hatsell's Precedents*. The *Manual* was adopted by the House of Representatives in 1837; it still regulates the procedure in both houses except as subsequently modified. English procedure furthermore exerted a strong influence on the continent, particularly in France and Germany, largely as a result of Dumont's *Tactique des assemblées législatives* (2 vols., Geneva 1816), which disseminated Jeremy Bentham's ideas. One example of the ubiquity of the English rules is the requirement that all bills must have three readings; originating at a time and for reasons obscured in the distant past, this rule appears in Anglo-Saxon countries, in many continental legislatures and in Japan.

Developments which have taken place since the original adoption of the English practise have, however, produced such significant changes in the functioning of parliaments that their actual operations have become quite different from the English model. The principal variation is in the use made of committees (*see* COMMITTEES, LEGISLATIVE). In the House of Commons the function of the standing committees is limited. A general discussion of the principles of the bill takes place on the floor of the House before it is sent to the committee, which can amend it only in terms of the general subject matter already decided on and, as a general rule, in points which are not controversial. In addition the most important bills do not go to a standing committee at all but are considered by the House as a Committee of the Whole. In the United States, on the other hand, the power of the committees is so great that it has frequently been stated that the real legislation is accomplished by them. They can kill a bill, amend, revise or rewrite it in any way or even introduce an entirely new bill. Bills go to committee before any discussion has taken place on them; the vast majority of them die in committee. In France too the power of the legislative commissions is very great. Not only do they have considerable power to amend the bill while it is in committee but the debate in the full house, which follows the report by the commission's *rapporteur*, is directed by the reporter and the president of the commission rather than by the member who originally introduced the proposal. Almost all amendments must go to the commission for consideration and report before they can be debated on the floor. In Germany before 1933 the Reichstag committees had large powers of amendment, but they received bills in many cases after the full house had debated the general principles, and their guidance of the measure ended with their report. The insistence by the British Parliament that all controversial points shall be decided on

the floor of the House may in some measure account for the fact that, although the tendency to delegate details to administrative officials or bodies has been greater in England than in the United States, the total hours of sittings for the three years 1927–28, 1928–29 and 1929–30 averaged over 50 percent more per year for the House of Commons than for the House of Representatives.

Another important procedural variation centers about the role of the speaker. In all countries party strength determines his original election. But in the Commons, once elected, he divests himself of party character and becomes a completely impartial moderator of the proceedings. He takes no part in party activities, never speaks on the floor of the House and only rarely in Committee of the Whole. He has a casting vote but uses it only to continue discussion of the measure. Regardless of changes in party control of the House he continues to be reelected until he resigns or dies; his constituency is, as a general rule, not contested by the opposing party in a general election. In the House of Representatives, to take the other extreme type, the speaker is not only a partisan but one of the principal leaders of the majority party. Before 1910 he was, next to the president, the most powerful political figure in the country, occupying a position similar to that of a premier under a cabinet form of government. His strength developed principally from his power to appoint committees in an assembly in which committees predominantly determine legislation and the political future of the individual members. Furthermore as ex officio chairman of the powerful Committee on Rules and as the person who selected the other members of the committee he was able to control the order of business. A third source of power was his right arbitrarily to recognize or refuse to recognize members. Even after the "revolution of 1910" stripped him of his power over committees and his membership in the Committee on Rules and limited in certain ways his right of recognition, he remained an important party leader. At present he introduces bills, takes part in debate and votes on occasion, even when the vote is not tied. The president of the French Chamber occupies a position between these two extremes. He continues to take part in politics, occasionally speaking from the floor and even voting; his recognized duty in the Chamber, however, is to function as an impartial moderator rather than as a party leader. The position of the president of the Reichstag under the Weimar constitution was somewhat similar, although he was perhaps more active in behalf of his party. In Japan the speaker of the House of Representatives functions as a partisan, although he is less a leader than an agent of his party. Even the dominion parliaments have not adopted in toto the British model of a speaker completely above and beyond politics and the strife of the chamber.

Procedures differ further as to the agency which controls the allocation and distribution of time. Such control is imperative if the more pressing measures are not to be lost in a flood of legislative proposals or dammed up by unlimited discussion and obstruction (*see* OBSTRUCTION, PARLIAMENTARY). In England the time table is under the direct control of the government. In the United States it is in the hands of the majority party, which exercises its control by means of a "Steering Committee," differently constituted in each house but in general including the leading party members. Party control in the House is perhaps more effective than in any other representative assembly; in the Senate, however, control is not so easily maintained, largely because of the greater difficulty in effecting closure (*q.v.*) of debate. On the continent the multiparty system makes impossible control of the order of business by a single party and in both the Chamber of Deputies and the Reichstag representatives of all parties share in the determination of the time table. The *Ältestenrat*, however, which was charged with this function in the Reichstag, had no effective means of enforcing the order agreed upon. The French Senate still employs the procedure, also in use in the Chamber before 1911, of having the president set the program, subject to approval by the house; this arrangement works better in the orderly Senate than it did in the notoriously turbulent Chamber.

Another difference arises from the classification of bills in certain assemblies. The English and dominion parliaments have separate procedures for public bills and so-called private bills (bills of private and municipal corporations, not to be confused with private members' bills); in addition terminological and procedural distinctions are made between government bills and private members' bills. In France and Germany government bills (*projets*, *Vorlagen*) are distinguished terminologically from private members' bills (*propositions*, *Anträge*); there are also procedural differences regarding the introduction of the bills and the former enjoys actual

although little formal, procedural priority. In the United States, where cabinet members do not participate in the assemblies, even to the extent of answering questions or interpellations (*q.v.*), there are theoretically no government bills; all bills are introduced by individual members and go to committee in the usual way. Even money bills, which in most countries receive separate treatment (*see* BUDGET), are subject only to the requirement that they must be introduced in the House. However, effective party control of the committees and of Congress makes the great majority of bills passed in fact party bills rather than individual bills. The extent to which the American system can, where executive and Congress are controlled by the same party, be converted into one in which "government" bills have precedence was strikingly demonstrated by the manner in which President Franklin D. Roosevelt pushed through an amazingly complex and far reaching legislative program within a few months after he assumed office in March, 1933.

In all countries the fact that procedural rules and practise have increasingly circumscribed the function of the private member has given rise to considerable complaint. Most of the witnesses who testified before the Select Committee on Procedure on Public Business of the House of Commons in 1930 and 1931 declared that the prestige of Parliament was declining because the government was curtailing the rights of private members and was converting them into voting machines who, without participating in or even hearing the debate, rush into the chamber at the cry of "division" to march obediently into the lobby indicated by the whip's thumb.

Quite clearly the prestige of parliaments has declined. This is not merely another expression of the chronic complaint to which MacDonagh refers when he remarks that "there has hardly ever been a time when it has not been asserted . . . that the authority of Parliament and the esteem in which it has been held have sadly declined." Lord Bryce, making allowance for this persistent criticism, nevertheless felt that the disparagement of legislatures had become too general to be disregarded. Since he wrote, antiparliamentarism has made even greater progress. Its rapid development in many countries, the emasculation of parliaments under dictatorships and the practically complete abolition of the parliamentary function in Germany and Italy testify eloquently to the danger which threatens representative democracy.

Parliamentary procedure must shoulder some of the responsibility for this development, not primarily, however, because it has limited individual rights but because, in the words of Sir Oswald Moseley, young English fascist leader, it has rendered Parliament incapable of "delivering the goods." The increasing tasks of government, the immense broadening of the scope of governmental activity as the state has more and more accepted the burden of social service, have rendered inadequate the outworn procedure devised at a time when Parliament was afraid of king and government, when the aim was to forestall rather than to aid legislation.

Procedural changes tending to expedite action might bolster parliamentary prestige somewhat. Valuable time might be saved, for example, by more modern means of voting; by abrogation of the custom, derived from a period when printing was more difficult than now, of having bills read aloud in full; by further if flexible limitation of debate; and by modification of the "unanimous consent" principle, which facilitates individual obstruction. Such modifications would be in line with the constant tendency to revitalize and modernize procedure. Since the broad procedural changes which followed the Reform Act of 1832, no fewer than twenty select committees of the House of Commons have inquired into procedure on public bills alone. Reforms, piecemeal and on occasion more general, have also been common in the United States and in France.

Procedural changes alone, however, can touch only a small part of the problem. Even the simplest procedure operating in assemblies with 615 members, as in the British Commons or as in the French Chamber, or 435 members, as in the House in the United States, must inevitably consume time. It is more important to relieve parliaments of some of their burdens, especially of the task of legislating on minute details, for which such large assemblies are obviously unfitted. Parliamentary function should rather be confined to stating broad general principles, leaving details to the proper administrative officials. Furthermore such matters as private bills for the relief of various individuals, which clutter up the calendar of Congress, or bills to secure divorces, which still come before the Canadian Parliament from Catholic Quebec, can with profit be shifted to judicial bodies. Only if the scope of parliamentary functions is curtailed can procedural changes be of any avail.

JOSEPH J. SENTURIA

See: LEGISLATIVE ASSEMBLIES; COMMITTEES, LEGIS-

LATIVE; DEBATE, PARLIAMENTARY; OBSTRUCTION, PARLIAMENTARY; CLOSURE; INTERPELLATION; IMPEACHMENT; INVESTIGATIONS, GOVERNMENTAL; CONTESTED ELECTIONS; IMMUNITY, POLITICAL; BICAMERAL SYSTEM; DEADLOCK; PARTIES, POLITICAL; BLOC, PARLIAMENTARY; CAUCUS; SEPARATION OF POWERS; DELEGATION OF POWERS; ADMINISTRATIVE LAW; LEGISLATION.

Consult: FOR GENERAL AND COMPARATIVE STUDIES: Finer, Herman, *The Theory and Practice of Modern Government*, 2 vols. (London 1932), especially vol. ii, chs. xviii–xx; Luce, Robert, *Legislative Procedure* (Boston 1922); Ilbert, Courtenay P., *Methods of Legislation* (London 1912); Bryce, James, *Modern Democracies*, 2 vols. (London 1921), especially vol. ii, chs. lviii–lix. FOR GREAT BRITAIN: MacDonagh, M., *The Pageant of Parliament*, 2 vols. (New York 1921); May, Thomas E., *A Treatise on the Law, Privileges, Proceedings and Usage of Parliament* (13th ed. by T. L. Webster, London 1924); Redlich, Josef, *Procedure of the House of Commons*, 3 vols. (London 1908); Campion, G. F. M., *An Introduction to the Procedure of the House of Commons* (London 1929); Ilbert, Courtenay P., *Parliament* (London 1911), especially ch. v; Great Britain, Parliament, House of Commons, Select Committee on Procedure on Public Business, *Special Report*, Sessional Papers, 1930–31, vol. viii, no. 161 (1931). FOR THE UNITED STATES: Alexander, D. A. S., *History and Procedure of the House of Representatives* (Boston 1916); McCall, Samuel W., *The Business of Congress* (New York 1911); Hasbrouck, P. De W., *Party Government in the House of Representatives* (New York 1927); Brown, George R., *Leadership of Congress* (Indianapolis 1922); Chiu, Chang Wei, *The Speaker of the House of Representatives*, Columbia University, Studies in History, Economics and Public Law, no. 297 (New York 1927); Follett, M. P., *The Speaker of the House of Representatives* (New York 1896); Dodds, H. W., *Procedure in State Legislatures*, American Academy of Political and Social Science, Supplement, no. 1 (Philadelphia 1918). FOR FRANCE: Pierre, Eugène, *Traité de droit politique électoral et parlementaire*, 2 vols. (Paris 1929); Bonnard, Roger, *Les règlements des assemblées législatives de la France depuis 1789* (Paris 1926); Lefas, Aubert, "La réforme des méthodes du travail parlementaire" in *Revue des sciences politiques*, vol. lii (1929) 499–520, vol. liii (1930) 47–76, 280–302, 401–32, and vol. liv (1931) 112–34, 250–74, 432–58; Barthélemy, Joseph, and Duez, Paul, *Traité de droit constitutionnel* (new ed. Paris 1933) p. 510–59; Sait, E. M., *Government and Politics of France* (Yonkers 1920) ch. vii. FOR GERMANY: Hatschek, J., *Das Parlamentsrecht des Deutschen Reiches* (Berlin 1915), and *Deutsches und preussisches Staatsrecht*, 2 vols. (2nd ed. by P. Kurtzig, Berlin 1930), especially vol. i, p. 469–514, 564–605; Perels, K., "Reichstag: Geschäftsgang und Geschäftsformen" in *Handbuch des deutschen Staatsrechts*, ed. by G. Anschütz and R. Thoma, Das öffentliche Recht der Gegenwart, vols. xxviii–xxix, 2 vols. (Tübingen 1930–32) vol. i, p. 449–66. FOR OTHER COUNTRIES: Keith, A. B., *Responsible Government in the Dominions*, 2 vols. (2nd ed. Oxford 1928), especially p. 379–90; Zurcher, A. J., *Experiment with Democracy in Central Europe* (New York 1933) chs. viii–ix; Quigley, H. S., *Japanese Government and Politics* (New York 1932) ch. x.

PRODUCERS' COOPERATION. The term producers' cooperation is commonly understood as applying to enterprises for the production of goods or services based on common ownership and management by a group of workers who by voluntary, non-political action have adopted this means of eliminating the employer-employee relationship with its concomitant of wage labor. In so far as self-employment is the dominating aim of such enterprises, there is a certain similarity between them and the associations of handicraftsmen which arose during the period of the commercial revolution, and which still exist in rural communities in Europe and Asia. In the latter, however, cooperation is usually limited to credit and marketing, the members being always independent producers, whereas in the former production itself is carried on cooperatively by the group and profits are distributed equally. While it is true that in the producers' cooperatives among handicraftsmen and artisans in the Soviet Union an increasing proportion, perhaps as large as 40 percent, represents collective groups of urban workers rather than rural handicraftsmen working independently, the character of the Soviet cooperative movement excludes it from discussion of the type to be found in capitalistic countries.

At the present time producers' cooperatives are not concerned with abolishing the profit system as based on the private ownership of the means of production or the sale of products in a competitive market, but merely seek to extend the range of participation in ownership and management. Originally, however, the movement for producers' cooperation grew out of programs of social reformers, pre-Marxian socialists and trade unions as a substitute for individual private ownership. Assuming that such cooperation was capable of extension by voluntary association to all of production and exchange, they envisaged the elimination of the capitalistic profit system. This ideal was expressed by Robert Owen, who regarded producers' cooperation as a step toward socialization and who in 1834 induced the organized British building workers to found the short lived Grand National Guild of Builders. In France similar concepts were put forth by Philippe Buchez, and the producers' cooperatives which were established as early as 1831 were dominated by such aims. Despite certain similarities these early experiments are not to be confused with the communistic colonies deriv-

ing from Fourier and Owen, which were attempts at a self-sufficient society, based primarily upon agriculture and secondarily upon industry. Moreover their voluntary nature distinguishes them from Blanc's attempt in 1848 to institute cooperative workshops under state sponsorship and from Lassalle's program for state financed cooperative workshops. The spread of the producers' cooperative movement in France in the 1840's served as the inspiration for the English Christian Socialists, whose attempts at producers' cooperation ended in failure in 1854. In fact in every country the voluntary cooperation of producers preceded other forms of cooperative organization; even the founders of consumers' cooperation, the Rochdale Pioneers, began their first venture as a producers' cooperative. The idea had particular appeal for skilled workers who had been deprived of employment by business depressions or by employers' resistance to or attacks upon trade unionism, and who regarded producers' cooperatives as substitutes both for wage labor and for unsuccessful strikes. The movement thus emerged, although not always with its full idealistic implications, in various countries and from time to time. It reappeared in England in the early 1880's, but one section split off to agitate for the more limited objective of labor copartnership. In the United States, although the Philadelphia carpenters had entered upon a cooperative venture as early as 1791, the movement did not receive its real impetus until the depression of 1847 and, after the hiatus caused by the Civil War, again in 1866–67. In the latter period small groups of workers in most of the important trades attempted to set up cooperative workshops. The most ambitious project was that established as a result of a protracted and unsuccessful strike by the Molders' International Union, then the strongest trade union in the country, under the leadership of W. H. Sylvis. Declaring that the principal goal of labor was to find a way of escaping the wage system, the union in 1868 changed its name to Iron Molders' International Cooperative and Protective Union and so amended its constitution as to make it practically impossible for any of its locals to strike. The last mass effort at producers' cooperation in the United States occurred when the Knights of Labor dominated the labor movement. Although it rose to ascendancy at the very time that large scale production was becoming firmly intrenched, its leaders, who were middle class in ideology, attempted to place greater stress on producers' cooperation than on any other of the numerous activities of this all inclusive labor organization. For a short period, from 1883 to 1886, there ensued a feverish outcropping of producers' cooperatives, particularly in the industrial areas of the east and middle west and especially in the shoe, mining and cooperage trades, which accounted for half of the societies in existence. A contemporary survey listed the number of producers' cooperative societies in 1884 as 135. Complete statistical data are not available, but undoubtedly the movement was widespread until its collapse in the 1890's. This same period witnessed a revival of the French producers' cooperative societies, which had declined after the Revolution of 1848 and revived temporarily in the 1860's. In Italy unsuccessful strikes in the period from 1880 to 1902 led the organized workers in various industries to form cooperative enterprises as a substitute for strikes, and some of these have survived to the present day.

Nevertheless, despite its ambitious aims and the sponsorship by militant trade union bodies, the dominating ideal of producers' cooperation, self-employment, was essentially non-proletarian in character and a reversion to the middle class ideology of the pre-industrial capitalistic areas. It gained currency before large scale industry had obtained a position of dominance and before workers had been forced into the realization of their position in the industrial system. But as industry developed more and more into large scale production, the producers' cooperative ventures declined both in numbers and in their hold on the imagination of the workers. The launching of cooperatives required larger funds than workers could raise from their own savings and those of relatives or friends or from friendly labor organizations and other sympathetic sources. In contrast to consumers' cooperative societies, which at first were outnumbered by producers' cooperatives in most countries, the latter tended to become closed associations, incapable of expanding in scope and of recruiting any appreciable number of new members, because of capital requirements and the necessity of skill in both production and marketing and because additional membership threatened to reduce the share of the original group in such profits as were made. The few successful producers' cooperatives tended to become in effect partnerships of a group of individuals, resorting to hired workers in case of need for labor power and to share-

holders who were not themselves workers in the enterprise when they required additional capital. By 1890 therefore the movement had spent itself in the United States and had been replaced in importance in Great Britain by the consumers' cooperatives, which now embarked on their own productive ventures. In Germany the producers' cooperative enterprises initiated by such unions as the tobacco workers under the guidance of Elm had been peacefully absorbed by the consumers' cooperative movement.

At the beginning of the twentieth century only France and Italy had a producers' cooperative movement of any magnitude. Here two factors operated in favor of its survival. Both were predominantly countries of small scale industry, despite the early rise of industrialism in France, and in both it was possible for producers' cooperation to exist side by side with more or less similar capitalistic enterprises. It is significant to note that this economic development explains partially the dominance of revolutionary syndicalism in both countries until the period following the World War. It is highly probable, however, that even with favorable economic conditions producers' cooperation would not have made such headway in France and Italy without the paternalistic attitude of both governments which subsidized the movement by providing credit and markets. In both countries the largest number of societies with the greatest volume of business are those which have received contracts for materials or for construction work from governmental authorities.

In France, following a rather zigzag development in the 1840's and 1860's, producers' cooperation became revitalized in 1882. In 1884 was formed the Chambre Consultative des Associations Ouvrières de Production, a national organization to coordinate the isolated societies, which might otherwise fall by the wayside or become closed corporations or partnerships. Although it has never succeeded in obtaining the affiliation of all the local producers' cooperative societies, it has nevertheless been the pivotal point of the movement; and since 1900 its declaration that all members must join the appropriate trade unions has operated to intensify the working class character of these cooperatives, despite an increasing tendency in some to include non-workers as shareholders and to employ hired labor. Producers' cooperatives were stressed but never developed by the *bourses du travail* under syndicalist leadership. Even more important, however, was the impetus given by the favorable legislation of 1884 which enabled public authorities to subsidize cooperative ventures and, when awarding contracts, to give preference to producers' cooperatives. Since then the movement has enjoyed the continuous and active support of the parties of the bourgeois left as well as of the right and has been considered a special protégé of the Socialist party. The rehabilitation projects in the devastated regions and more recently the nation wide housing program have stimulated considerably the growth of these societies. The strength of the French movement is shown by the following figures: as compared with 81 societies reported for 1892 there were 246 in 1899, 362 in 1907, 476 in 1913, 529 in 1921 and 603 in 1929. Full records for all these societies are not obtainable but are more readily available for those associated with the Chambre, whose member societies increased from 40 in 1891 to 280 in 1928 and to 340 in 1931; the membership of these affiliated societies rose from 16,000 in 1928 to 23,000 in 1931. The increase in value of business of the reporting societies, not all of which are affiliated with the Chambre, is indicated by the following figures:

Year	Number of Societies	Volume of Business in 1000 Francs
1907	297	50,359
1913	438	71,309
1921	379	199,525
1928	350	324,200
1930	356	386,772

The industrial distribution of these societies for 1930 is shown in the accompanying table.

In Italy there has always been a distinction between the cooperative labor societies in the field of public works and construction and the producers' cooperative societies. The former are cooperative contracting societies of manual workers which undertake the performance of specific contracts. The first of these was organized as early as 1883 in the district of Ravenna. In the pre-war period such societies received 85 percent of the contracts awarded by the public works department of that district, while their proportion for the country as a whole was 15 percent. This preference in government contracts was brought about through the interest of political leaders of all parties, especially Luzzatti, Padolini and Gamba, and through the legislation of 1889 modeled on the French enactments, which permitted a large amount of credit (subsequently raised to five times the original sum)

MEMBERSHIP, EMPLOYEES AND BUSINESS OF WORKERS' PRODUCTIVE ASSOCIATIONS IN FRANCE

INDUSTRY	MEMBERS		AUXILIARY EMPLOYEES		VOLUME OF BUSINESS 1930	
	NUMBER OF SOCIETIES REPORTING	NUMBER ON JANUARY 1, 1931	NUMBER OF SOCIETIES REPORTING	NUMBER ON JANUARY 1, 1931	NUMBER OF SOCIETIES REPORTING	AMOUNT IN 1000 FRANCS
Agriculture, fishery	4	305	1	2	6	3,798
Mines, quarries	8	378	3	103	8	9,241
Chemicals	2	17	2	84	2	3,674
Food	5	416	3	28	5	8,967
Wood, cork, baskets	44	1,679	32	752	43	30,061
Metals	38	1,200	19	272	38	60,506
Public works and construction	139	2,687	72	2,070	110	153,174
Paper and printing	55	4,897*	38	595	53	33,377
Textiles, clothing	20	1,077	14	1,025	20	21,626
Leather and hides	6	1,551†	4	314	6	11,025
Stone and glass works	19	1,736	10	420	17	31,051
Transportation, warehousing	10	524	3	26	9	9,218
Miscellaneous	6	641‡	1	3	6	1,054
Total	356	17,108	202	5,694	323	386,772

* One society having 1860 members.
† One society having 1000 members.
‡ One society having 435 members.
Source: France, Ministère du Travail, *Bulletin*, vol. xxxviii (1931) 309-10.

to be extended to these societies and exempted them from the necessity of competitive bidding. Such governmental favoritism was justified on the ground that the work was executed more efficiently and without interruption by strikes. Prior to the advent of the Fascist regime these societies were federated into a number of organizations which differed in religious or political outlook. In 1921, however, they were coordinated into the Federazione Italiana dei Consorzi e delle Cooperative Edili (Italian Federation of Building Cooperative Societies), which in turn constituted part of the more comprehensive federation of all cooperative societies. As in pre-war times, the members of these societies were required to join their respective trade unions; limitations were placed upon shareholding, distribution of profits and the like. The second type was the cooperative for industrial production, which developed largely under the auspices of trade unions and as a result of struggles with employers in the glass blowing, printing, baking and tailoring industries. Particularly significant was the growth of a centralized glass blowing cooperative founded in 1902, which by 1911 was supplying the major portion of the national output of flasks and wine bottles. A struggle with the capitalist trust led to its defeat; but it was replaced, with the aid of the cooperative bank of Milan, by four autonomous societies, which ultimately united.

The strength of these two forms of producers' cooperatives is shown by the fact that out of a total of 19,510 cooperative societies in existence in 1921, 7643 were productive and labor societies as compared with 6481 consumers' societies. The membership of the former was reported in 1923 to be over 100,000; in 1932 the national federation of productive and labor cooperative societies reported 1146 societies, 107,000 members and capital reserves of 130,000,000 lire, with an annual business of 1,000,000,000 lire. Many of the cooperative labor societies have their own kilns and building materials works and have developed a highly efficient technical staff.

It is interesting that the revival of producers' cooperation outside of these two countries in the post-war period likewise took place in the construction industry and as a result of favorable governmental action. The building guilds which developed under trade union and labor party sponsorship in England and in Germany shortly after the war depended on contracts from public authorities; this was true as well of the building guild of the General Federation of Jewish Labor in Palestine, which from 1922 to 1927 depended in large part on contracts awarded in public works and building projects of the Jewish national bodies and the mandatory government. In all three countries, however, the building guild movement had practically disappeared by 1927.

The incidence of producers' cooperatives throughout the world is indicated by the statistics in *The International Labor Directory* for

1929, which lists 237 federated societies in 39 countries, not including the Soviet Union, with a total of 7043 for member societies in 1928 and an aggregate membership of 1,782,768. Whether these societies are truly producers' cooperatives is difficult to ascertain. Perhaps a better estimate can be gained from the figures of the International Cooperative Alliance, in which considerable discussion has taken place concerning the admission of such groups and from which the [illegible]d form of English labor copartnership had been excluded. The Alliance figures, which do not include Italy or the Soviet Union, show for 1928 720 societies in 29 countries with a total membership of 70,509, and in 1931 1131 societies with a membership of about 134,000. Only two of the national organizations, however, consist exclusively of producers' cooperatives: the French Chambre Consultative des Associations Ouvrières de Production and the Cooperative Productive Federation of Great Britain; the former in 1931 claimed 380 societies with 25,000 members, the latter, which in Great Britain is affiliated also with the Cooperative Union, 42 societies with 15,187 members. Of the total business done in 1931, £10,136,353, the British societies alone accounted for more than half the amount, £5,714,810. The decline of the movement in the United States is indicated by the fact that whereas in 1925 there existed 40 producers' cooperative societies, only 20 remained in 1929. Eleven of these reported transactions amounting to $3,847,666 and a profit of $153,370. Of the 1405 shareholders only 421 were workers in the enterprises, which also employed 236 non-shareholders.

It would seem therefore that if producers' cooperatives depend upon their member capital and must compete in the open market, they have very limited possibilities under modern economic conditions. In so far as producers' cooperation has a future it must rely upon support either from the government or from some other agency and must be assured marketing preference against its capitalistic competitors.

DAVID J. SAPOSS

See: COOPERATION; LABOR MOVEMENT; SOCIALISM; GUILD SOCIALISM; SYNDICALISM; PROFIT SHARING; INDUSTRIAL DEMOCRACY; CONSTRUCTION INDUSTRY; ARTEL.

Consult: Gaumont, Jean, *Histoire générale de la coopération en France*, 2 vols. (Paris 1923–24); Saposs, David J., *The Labor Movement in Post-war France*, Columbia University, Council for Research in the Social Sciences, Social and Economic Studies of Post-war France, vol. iv (New York 1931) pt. iv, "Les coopératives dans la petite industrie et le petit commerce" in France, Ministère du Travail, *Bulletin*, vol. xxxvi (1929) 236–50, 360–70; Saposs, D. J., Hoagland, H. E., and Andrews, J. B., in Commons, J. R., and associates, *History of Labour in the United States*, 2 vols. (New York 1918) vol. i, p. 57–60, 75–77, 97–100, 506–10, 564–74, and vol. ii, p. 41, 53–56, 110–12; Parker, F. E., *Consumers', Credit, and Productive Cooperative Societies, 1929*, United States, Bureau of Labor Statistics, Bulletin, Miscellaneous series no. 531 (1931) ch. v; Webb, Beatrice, *The Co-operative Movement in Great Britain* (3rd ed. London 1895); Lloyd, E. A., *The Co-operative Movement in Italy* (London 1925); Fuchs, Hans, *Der Begriff der Produktivgenossenschaft und ihre Ideologie* (Düsseldorf 1927); Fay, C. R., *Co-operation at Home and Abroad* (3rd ed. London 1925) pt. iii; Smith-Gordon, L., and O'Brien, C., *Co-operation in Many Lands* (Manchester 1919). See also the *Revue des études coopératives*, published quarterly in Paris since 1921; *Review of International Co-operation*, published monthly in London since 1909; *Monthly Labor Review*, published in Washington since 1915; *American Labor Year Book*, published in New York since 1916.

PRODUCTION

THEORY. *Definition of the Term.* The use of the term production in economic science, no less than in everyday speech, is not free from ambiguity. Broadly speaking, two main usages may be distinguished. Either it denotes certain activities or it denotes the result of those activities. Thus it may be said that production is resumed or that the volume of production has increased. Clearly the second of these senses is derived from the first and for purposes of analysis must be subordinated to it.

But to decide the question of logical priority is not to solve the problem of limitation. What kind of activities must be designated as production or productive activity? What kinds of activity contemplated in economics are not of this order?

In the writings of certain of the classical economists, notably Adam Smith, Ricardo and John Stuart Mill, the habit was adopted of reserving the term production for the description of such activities as resulted in the manufacture of useful material objects. The habit was itself an adaptation of an earlier physiocratic usage which reserved the term for agricultural and extractive industry. Thus the labor of a shoemaker would be described as productive, and the labor of a shoeblack as unproductive.

There were, no doubt, profound reasons, often overlooked in subsequent analysis, which led the classical economists to regard a distinction between these two kinds of activity as desirable. But it is questionable whether the use

of this particular terminology was at all a happy one. The end of all activity with an economic aspect is the satisfaction of wants. Economic goods are both material and immaterial. It is not materiality, it is scarcity in relation to alternative uses, which constitutes an economic good. To designate as "productive" only those activities which involve the transformation or the movement of material objects may have served as a signpost for important propositions in the theory of capital, but it seems out of harmony with the main conception of an economic good and, as experience shows, is very liable to lead to confusion. As Senior pointed out, there is really no difference in kind between the labor of the shoemaker and that of the shoeblack: "A shoemaker alters leather, and thread, and wax into a pair of shoes. A shoeblack alters a dirty pair of shoes into a clean pair" (*Political Economy*, London 1850, p. 51). Each act involves the use of scarce resources to increase the opportunities of consumption. Since the time of the classical economists therefore this usage of the term has tended to disappear from scientific discussion, although it continues to appear in political controversy. Labor is no longer classified as productive or unproductive by reference to its relation to material objects.

But this is not to say that productive activity is coterminous with economic activity as a whole. This does not follow either from the most general conception of the economic or from the usages of contemporary economic theory. Production, in the sense in which it has been employed above—the use of scarce resources to increase opportunities of consumption—clearly includes distribution, in the sense in which this word is used in the phrase "distributive trades." But it does not include consumption—the using up of economic goods. And since whether an activity is productive or not depends essentially upon its relation to consumption, the theory of production, although it no doubt covers the most intricate and important forms of economic activity, must necessarily be subsequent to, and in a sense dependent upon, a theory which explains the activities of consumption; that is, in the last analysis, the subjective theory of value. If therefore a formal definition of production is desired, it may be defined as activity directed to increasing the number of scarce economic goods of the first order; it must always be remembered that economic goods may be material as well as immaterial, and that an exact definition of an economic good includes not merely a description of its technical, physical properties but also a space index, a time index and an index of its legal availability.

This definition harmonizes perfectly with the abstractions of an isolated economy. The behavior of the isolated individual, disposing of given goods and time available for consumption, is clearly a matter which falls within the scope of economic analysis. Indeed it is in this connection that some of the most important propositions of the science may be most clearly exhibited. But these propositions are not propositions of the theory of production; they are propositions of the theory of value. Only when the stocks of goods and the time devoted to consumption are variable, when the isolated individual is assumed to be able to use time and energy to increase their number, do his activities become subject to the propositions of the theory of production. The distinction is perfectly clear too in the case of an isolated collectivist economy. Only when the phenomena of an exchange economy are under discussion does it seem at first sight to become blurred. For the activity of exchange of given goods of given space and time index is usually treated under the heading of the theory of value; whereas, in so far as it increases the availability of goods of the first order to the economic subjects who value them (and it may be assumed that this is the reason for exchange), it falls under the heading of production. Further consideration, however, suggests that this difficulty is not important. The activities of exchange are productive, in the sense that, by changing the legal availability of different goods, they enable individuals to satisfy more fully their respective preferences. But since they leave unchanged the physical characteristics and the space and time indices of the goods concerned, it is clear that they involve none of the more characteristic problems of productive activity. In Paretian terms, the technical obstacles are only the fixity of the physical stocks. Intricate explanation is needed only on the subjective side. It is therefore found convenient to treat them in close juxtaposition to the elementary theory of valuation, the heading "theory of production" being reserved for the cases where the technical obstacles are more conspicuous and themselves demand analysis. The divergence here from the strict implications of the fundamental conception which is to be found in modern works on analytical economics is merely one of expository emphasis and convenience. In no way does it imply any suggestion that mar-

keting operations and so forth are not to be regarded as productive activity.

Nature of the Theory. If this definition is to be accepted as valid, it follows that a theory of production will consist of generalizations relating to the tendencies exhibited by such activities in different kinds of circumstances. This indeed has been the content of the theory from the earliest days of scientific economics. But the mode in which it has been stated and the significance which has been attached to its propositions have undergone certain modifications.

The main analysis of the classical economists, as it appears in the works of Ricardo and his school, is an analysis of the equilibrium conditions and the tendencies to variation of a society based upon private property and free exchange. It included therefore an analysis of productive activity in the sense in which it has been defined above, and many of the most important propositions of the modern theory of production derive, with little modification, from the generalizations it embodies. But the emphasis was slightly different. The avowed object of this central body of theory was the explanation of value and distribution—the prices of goods of the first order and the prices of factors of production. In so far as the quantities of the goods and factors and their disposition between different uses were considered, they were regarded as subsidiary to this main end. In so far as production was treated explicitly, it was treated more in terms of a discussion of the conditions which make the end-product of productive activity greater or less, rather than in terms of a discussion of the interrelationship of a system of activities. Adam Smith's *Wealth of Nations* discussed the causes affecting the size of the annual product. Book I of John Stuart Mill's *Principles of Political Economy* was addressed to a similar problem. The substance of such a theory, as it is to be found in the latter, consists of remarks concerning the causes of the technical qualities of the factors of production and their increase and diminution, taken in isolation, and a few generalizations upon such matters of organization as the size of the business unit, peasant proprietorship versus the landlord system and so on.

Such a usage had certain obvious advantages for purposes of popular instruction; and some at least of the generalizations it embodied, such as the law of diminishing returns, have permanent scientific value. Nevertheless, it was subject to two grave disadvantages. It tended to a confusion of the technical and the economic, and it operated with a concept—the aggregate of production—which was incapable of precise definition without the introduction of arbitrary valuations.

At first sight the concept of a change in the volume of production seems to be a matter which is free from ambiguity. If coal is being produced, for instance, changes in the volume of production are to be conceived as changes in the number of physical units produced per hour, per day, per year, or whatever unit of time is chosen. Apparently nothing could be more simple. Reflection, however, suggests that this simplicity is delusive. As soon as more than one commodity is produced, there exist all the difficulties of the summation of heterogeneous quantities. How can it be decided whether 100 tons of coal plus 100 quarters of wheat is a magnitude greater or less than 150 tons of coal plus 50 quarters of wheat?

In the individual economy such comparisons can be conceived on the basis of valuation. A collection of this sort is greater or less than another according to the preferences of the individual concerned. (Even here difficulties arise in comparing "production" rather than "utility" if a sacrifice of leisure or of present consumption is involved.) But such a basis is not sufficient for "social computations," at any rate not in the typical instance. If a given change in productive power enables all individuals in society to move up their respective "hills of preference" (to use Pareto's useful term), i.e. enables them to occupy positions which, with tastes unchanged, they would have occupied before had the external conditions permitted, well and good: "production" has increased. But suppose the more probable case in which some move up and some move down. How can a balance be struck? Only by assigning to the different individuals an arbitrary valuation on the basis of which their experiences may be summated. All men are equal; therefore a change which benefits the majority is an increase in production. Members of this caste (or race) are ten times more capable of enjoyment than members of that; therefore a change which reduces their incomes by one will have to be compensated by an increase of more than ten in the incomes of others. A Nazi or a Brahman will choose one method of counting; a western liberal, another. There is no scientific method of deciding between them.

Now, for many practical purposes such difficulties may be surmounted by the device of

index numbers. Nothing that is said here with regard to the impossibility of an exact "measurement" of production should be construed as a denial of the usefulness of such methods. But on close examination all these devices prove to involve, in one form or another, this arbitrary element which has been indicated. For the practical or interpretive purposes for which they were designed such an assignation of value is fully justified. But it is not given in any scientific sense. An analysis which depends upon it for positive rather than hypothetical statement is not *wertfrei* in Max Weber's sense. It involves judgments of value rather than judgments of existence.

For these reasons in the systematic treatment of the subject in recent years the habit of generalizing about production in terms of propositions concerning aggregates has tended to fall into desuetude, and attention is directed more and more to the relations between particular items in such aggregates. The question is asked, for instance, not how increases in labor supply affect the volume of production as a whole, but rather how they affect the price of labor, the quantity of labor devoted to this line of production and that, what will be the effect on the rate of interest and so on. Production and distribution are treated simultaneously as part of the more general problem of economic relationships, once production, in the sense of upward variations in the supply of goods of the first order, is assumed to be possible. In this, as has been suggested above, there is no real break with classical tradition. It is simply an extension of the methods used by the classical economists in the analysis of value and distribution. Nor is it a denial of the usefulness or indeed of the necessity of a subsequent judgment of the significance of such conclusions in terms of whatever system of valuation happens to prevail in the society at large. It is only a recognition of the fact—acknowledged surely by all except those who "think with their blood"—that, in the solution of the problems of life and action, there is obvious advantage in separating out those elements which are capable of proof and verification—the scientific problems—from those which are not of this order.

Production and Technology. The conditions for the existence of an economic good are of a twofold nature. What constitute an object as a good are subjective valuations. What constitute such good as an economic good (i.e. a scarce good with alternative uses) are technical facts—qualities of material nature and of men considered as part of nature. It might seem therefore that the part of the theory of value which deals with valuation of given goods would be primarily psychological; and that the theory of production, which deals with activities modifying the number of such goods, would be primarily technical in nature.

As a description of the emphasis of the theories such a description is not erroneous. The complications of the simple theory of value certainly lie in the sphere of the psychological; the complications of the theory of production, in the sphere of the technical, if that term be used in its widest sense. But as a description of their content and necessary ingredient it may be very misleading. The theory of valuation necessarily involves a technical assumption—the assumption, namely, of the nature and quantities of the goods which are given; the theory of production necessarily involves psychological assumptions—the assumptions, namely, of the valuations given to goods of the first order, whose increase or diminution the technical conditions make possible. And to infer that the theory of production is to be based upon technology, however wide an interpretation is put upon that term, is a very dangerous fallacy. The economic problem of production is not the technical problem of production. The economic theory of production is not a summation of the various technologies—even if industrial psychology, scientific management and the like be included under technology—it is something which is entirely different in nature.

This indeed follows quite clearly from the very conception of the economic. If there is only one end—one want to be satisfied—then the problem of activity is entirely technical. Or if there are many wants but the means for satisfying them are completely specialized, again the problems of satisfying them are technical problems. But as soon as the means are capable of various uses, then a problem which is not technical—an economic problem—arises. A knowledge of technology makes it possible to say how means may be used within particular branches of production; but it does nothing to suggest how they are to be distributed between the different branches. The technical optimum is achieved when production takes place with the greatest physical efficiency regardless of cost. The economic optimum is achieved when the marginal gain in each line is equated to what is sacrificed at the margin in any other. So long as

means of production are scarce—i.e. so long as the use of a unit in one line involves perceptible sacrifice in any other—so long must the technical optimum and the economic optimum be different. Only when all means of production are free goods are the technical optimum and the economic optimum identical—i.e. at precisely that point when the economic problem of production ceases to exist.

Hence both in theoretical and in descriptive economics it is of the first importance that technological and economic issues should be rigidly distinguished. A knowledge of the technique of particular industries and of the technical potentialities of particular factors of production is indeed important: it provides a rough indication of the numerical values to be assigned to what, in pure theory, are known as the technical coefficients. But it is not in itself a solution of any economic problem. And exclusive concentration on the acquisition of such knowledge, such as is often to be found in works on economic history and the economics of particular industries, is not only inadequate but often positively misleading. It is highly questionable whether economists by themselves can ever "solve" the economic problem; it is quite certain that engineers, management experts and so on by themselves never will. The business of a theory of production is not the summation of the technologies. It is the study of a system of relations in which, in its most abstract form, the subject matter of the technologies appears merely as one set of terms in a whole series of equations.

Content of the Theory. In the theory of production three divisions, or stages, of investigation may conveniently be distinguished. The first is the theory of equilibrium. In this section, analysis is confined to an exact description of the relationships which must exist between various "economic quantities," given different assumptions regarding tastes, and the technical and legal organization of production, if the system described is to remain in a stationary condition. (No assumption is made that this condition is necessarily achieved in any existing economic system or that the tendencies operative would necessarily achieve it if undisturbed. The sole purpose of the inquiry is to illuminate, by contrast, certain problems of movement.) Apart from the obvious subdivisions based on the various possibilities of market control and legal institutions (monopoly, duopoly, various kinds of competition and so on) it is customary to divide this part of the theory with a view to exhibiting, by successive approximations, the specific influence of various technical conditions. Thus, as a first approximation, there may be considered equilibrium with one competing mobile factor of production. This enables attention to be concentrated on the technical substitution relationships implied in primitive form in the labor theory of value and, in a more developed form, in the doctrine of opportunity costs. The possibility that production may involve different factors of production for different products is next introduced. Under this heading may conveniently be exhibited the doctrine of non-competing groups and many of the propositions of international trade theory. Then joint production—production in which different factors are combined in the production of each ultimate product—may be considered. Here the theory of marginal productivity is appropriate. Finally, account is taken of the time element in production. Here the theory of capital, the productivity of "roundabout methods of production" and similar matters are discussed.

The second main stage has sometimes been called the theory of comparative statics. Here the object of attention is the comparison of different states of equilibrium, given certain differences in the fundamental data assumed. Thus two different positions of equilibrium may be compared, given small differences in the ultimate supply of a certain kind of labor. The differences in equilibrium due to differences of technical knowledge of different kinds, differences in tax systems and so forth may be compared. Many of the best established propositions of analytical economics have chief relevance in this connection.

Finally, the actual movement of different "economic quantities" in response to change, the ultimate goal and the *raison d'être* of the earlier stages of inquiry, is investigated. Here is the genuine economic dynamics: not the tedious discussion of causes of change in the fundamental data—so often associated with that term but clearly, in the last analysis, outside the sphere of strict economic analysis—but investigation of the actual tendencies to movement in a system, once an absence of equilibrium is assumed. Here are at home not only deliberate theories of industrial fluctuation but also theories of risk, profit and uncertainty, and much of what is most interesting and intricate in the theories of monopoly and the theory of money and banking.

As is to be expected in a branch of knowledge

where systematic thought is not yet two hundred years old, these various divisions of inquiry are in very different stages of completion. Broadly speaking, the main foundations of the theory of equilibrium have been laid. Implicit in much of the work of the classical economists, its explicit statement is the chief achievement of the last quarter of the nineteenth century and the years before the World War. The foundations laid by Walras, Pareto, Böhm-Bawerk, Wicksell and their followers may be extended and refined, particularly perhaps in the sphere of capital theory; but they are not likely to be superseded. The theory of comparative statics has not been so well systematized. In certain respects, however, it is the most thoroughly worked field of economic science. The classical system, although implicitly assuming a theory of equilibrium, the "famous fiction" of the stationary state, was explicitly most concerned with problems of variation; and many of its propositions, which are crude and inadequate if judged as equilibrium theory, are substantially accurate within their universe of discourse if judged as comparative statics. The main work here still to be done is probably as much a work of reformulation as of new discovery.

In the final section—the theory of fluctuation proper—the position is different. Here any discussion of subject matter must necessarily be in the nature of a program, rather than of recapitulation. This is not to say that at present there is no knowledge of these matters. Clearly, valuable work has been done on particular problems. But so far—as is only natural—much of the work done in this field has been fragmentary and unsystematic. Propositions have been developed out of harmony with the necessary implications of equilibrium theory, or the propositions of equilibrium theory have been uncritically carried over into fields in which they were no longer applicable without modification. Only in the theory of money has a systematic body of knowledge, appropriate to the interpretation of the actual course of change, been developed; and even here a certain absence of relation to the phenomena of "real" economics has deprived the work which has been done of its full measure of usefulness. Hence it is probable that, in the future, it is in this field that the most significant developments of the theory of production will take place.

LIONEL ROBBINS

See: VALUE; COST; DIMINISHING RETURNS; INCREASING RETURNS; STATICS AND DYNAMICS; ECONOMICS.

STATISTICS. Despite the importance of production in the economic process production statistics in the proper sense of the term represent a recent development. One reason for this is that information valuable for the guidance and regulation of production could more easily be obtained by indirect methods from other branches of economic statistics which were begun earlier and made more satisfactory progress. Reports on area under cultivation and occupational censuses cover important factors of production and furnish basic data for estimates of productive capacity and output in agriculture and industry. Statistics of foreign trade and freight shipments, which trace the interlocal movement of goods, afford an insight into the activity and interrelations of economic regions. Daily car loading reports, for example, have proved to be one of the best indices of general productive activity. The fact that these types of statistics, which have only an indirect bearing on production, developed earlier than production statistics proper is to be explained partly in terms of administrative requirements. Thus while commercial and tariff policies made possible and necessary the collection of data on foreign trade, there was no comparable regulation of general production. Again mercantilist policies in the precapitalist period as well as increasing government supervision of production in the current stage of capitalism served as powerful stimuli for the development of production statistics.

In no country, however, have production statistics attained an appreciable degree of perfection, largely because of obstacles encountered in the compilation of data Prominent among such technical difficulties are those due to the variety of finished goods and multiplicity of different grades and qualities, the large and varying number of stages into which the production of a single consumer's good is divided, the presence of many small establishments in certain industries, the reluctance of many producers to divulge vital figures and the difficulty of verifying those returns that are submitted. Ideally production statistics should cover not merely output but also productive factors, such as labor, equipment and raw material supply, as well as important items of cost; this type of information must be gathered for all branches of production and the collection should be repeated at frequent intervals in order to yield a fairly detailed picture of movement in the system. Such statistics—detailed, extensive in

scope and for frequently recurring dates—are practically impossible to obtain under conditions prevailing at present in capitalist countries. The existing statistics usually have the virtue of one of these attributes to the exclusion of the others. When detailed they do not cover many industries, nor are they sufficiently frequent; production censuses which aim at an exhaustive enumeration are not undertaken often enough and their results do not throw much light upon the special problems of each industry; and current production statistics available on a monthly or even a weekly basis measure only the most important aspects of a more or less representative sample.

Modern economic statistics had their inception in the period of mercantilism. The seventeenth or eighteenth century ruler, bent upon promoting the military power or economic welfare of his state, was obviously in need of some quantitative data as to national resources. In the principalities of central Europe governmental stimulation of production first assumed the form of effective exploitation of the public domain and of organization by the fisc of industrial establishments. Thus periodic reports from crown farms constitute the prototype of modern agricultural statistics. In Brandenburg, for instance, statistics of agricultural production can be traced back to the Great Elector Frederick William, who launched a deliberate agrarian policy to repair the ravages of the Thirty Years' War. Such domanial statistics furnished the basis for the subsequent development of country wide reports on area under cultivation and crops; later information was added as to disposal of the crop in seeding, consumption on the farm and commercial sale, which is basic to any attempt to coordinate the production of surplus areas and of bumper years with the consumption requirements of deficit regions and years of crop failure. Statistics of mining and manufacturing passed through a similar evolution. They also began with reports by establishments under the immediate control of the ruler and were subsequently extended to include important branches of production in private hands. It was essential to ascertain the extent to which the needs of the army could be supplied at home, which of the imported goods were indispensable and what could possibly be exported. All mercantilist countries had therefore statistics of mine and foundry output and some also of the production of cloth. In Prussia, for instance, by the end of the eighteenth century data were regularly collected for no less than 58 industries. These were intended for administrative use and regarded as a military secret. With the advent of laissez faire collection of data on manufacturing was generally abandoned (Sweden offers a notable exception in this respect), while agricultural, mining and metallurgical statistics were continued as before.

In the field of agriculture production statistics are most comprehensive and regular for cereals and fibrous plants, and for obvious reasons. In nearly every country the problems of cereal production are the object of unremitting attention on the part of the economic departments of the government. And there is no other branch of production for which it is so easy to measure or, to be more precise, to estimate output. Here the number of products is limited and grading is standardized. The fundamental factor of production—area under cultivation—can scarcely escape observation and offers a reliable basis for estimating output. Reports on the prospective and actual harvest can easily be arranged for at the successive stages in the maturing of the crop. The national differences in procedure, apart from those due to peculiarities of statistical organization, are less important in this field than for any other type of economic statistics. Considerable progress has therefore been achieved in international coordination, as may be gathered from the publications of the International Institute of Agriculture. For other branches of farming, such as truck gardening, fruit cultivation, cattle and poultry raising and the like, production statistics encounter greater difficulties and accordingly are subject to many gaps and inconsistencies. Although the aggregate value of these farm products is now far in excess of that of agricultural staples, their statistical coverage is much less comprehensive and regular.

Like the statistics of cereal crops, mining statistics date back to the period of domanial economy and in the course of two centuries have been perfected both methodologically and administratively. As in the case of agricultural staples, the number of mine products is limited and there is no danger of double counting. State inspection assures a fuller response to statistical schedules and facilitates a check upon the accuracy of returns. There arise nevertheless several technical problems which obtrude particularly in international comparisons. Certain difficulties are due to differences in the quality of products, such as the thermal efficiency of

coal or the metallic content of ore. For purposes of uniformity a reduction to standard units (calories, metallic value) is often attempted, but the basis of such computations may be either the theoretical or the commercially practicable ratio of useful content. Another question concerns the stage of the process at which statistical observation is to be undertaken: the product may be measured in its raw state or after it is prepared for shipment or processing. Data on mining are collected not only by government bodies but also by private organizations, such as trade associations and cartels. Private statistics may cover, in addition to matters of general interest, special aspects of the industry not included in official statistics. Thus the semi-official coal syndicates in Germany collect extensive data on sales and shipments which disclose the geographical and industrial distribution of the demand for coal.

Only a few of the branches of manufacturing statistics survived from the mercantilist period through the age of industrial laissez faire. Of these the statistics of iron and steel, for which annual data were regularly collected in some countries, represent probably the most important instance. As a rule the statistics of fabrication were reestablished only with the advent of economic nationalism and interventionism. In Germany, for instance, modern statistics of manufacturing were resumed only in preparation for the tariff of 1902. It is significant in this connection that Germany presents the best example of what has been designated above as detailed production statistics limited to a few important industries—coal, metallurgy and metal products, textiles, leather, automobile, certain chemicals and some luxury trades—and neglecting the rest. Since the original purpose of such statistics was to aid in the negotiation and formulation of commercial treaties, much stress was laid on information about the consumption of raw materials and semifinished goods, both domestic and imported, while the enumeration of finished goods was so subdivided that the results could be compared and combined with the statistics of imports and exports. Such coordination, however, could not be achieved fully, for the logical classification in trade statistics is according to the character of the commodity, whereas the divisions in production statistics naturally follow industrial lines. The more such statistics were extended to cover finished goods the greater was the significance attached to values as contrasted with physical quantities; certain issues were raised thereby, such as those of cost price as against selling price and of values to be imputed to goods manufactured for stock or for use in other departments of the same enterprise.

As the interest of the public and the government shifted to questions of composition and changes in aggregate production, attempts were made to use the statistics of individual industries as the basis for a general estimate. This was facilitated by the availability of data on the more important cost factors and on value added by manufacture. It is difficult to state whether the inaccuracies of such estimates are much greater than those which are practically unavoidable in general production censuses. It is certain, however, that since the estimates were based on a combination of statistics for industries with occupational censuses, they were vitiated by two important types of error. The first is that due to the fact that the statistical data were gathered at different times; this lack of temporal concurrence may make considerable difference in periods of rapid change in business conditions. The second type of error arises from the utilization of figures for productivity per worker in industries covered by production statistics in an attempt to estimate the output of industries of similar technical structure for which only occupational data are available. Such extrapolation is not entirely justified, because the methods of calculating industrial personnel in occupational censuses and in the statistics for individual industries are not always the same: whereas the former present a picture of occupational distribution for a single day, in the latter the number of workers for the industry is given as the average for the year, an average which is often computed by dividing the number of working days through the year by the total number of men days. While such procedure makes possible a thorough study of labor efficiency, it impairs comparability with the figures of occupational censuses.

In addition to these statistics intended to serve the needs of commercial policy and of domestic regulation of industry, certain data on manufacturing are collected also as a by-product of indirect taxation. In some countries tax authorities gather statistics for all commodities impost on which is paid by the producers—alcoholic beverages, tobacco and tobacco products, sugar, matches and the like. Statistics assembled by trade associations of manufacturers also acquire increasing importance as

these organizations tend to embrace a growing proportion of industrialists. Their value, however, is limited by the fact that not all enterprises are represented and that the number of outsiders varies. For certain industries this defect is remedied to some extent by expert estimates for the business as a whole which are prepared by such organizations or commercial research bureaus. In many instances private statistics are not given out, but of late their publication in the United States and more recently in Germany has been encouraged by government and other public agencies. Occasionally official investigating bodies (the Federal Trade Commission in the United States, the Ausschuss zur Untersuchung der Erzeugungs- und Absatzbedingungen der deutschen Wirtschaft in Germany) are authorized to make obligatory the publication of such information.

While the detailed statistics of individual industries are the offspring of enlightened absolutism, the general census of production is the creation of democracy. Such a census was first carried out in the United States in 1850 and was meant to enlighten public opinion about the results of the economic policies pursued by the government. In contrast to the continental custom therefore the material gathered was intended from the start for public consumption. On the other hand, the purpose of the census was the collection not of detailed data but of aggregate figures illustrating industrial growth and the evolution of major industrial divisions. Such information, however, was much too general for the more practical needs of the government; hence important industries were covered in somewhat greater detail than others within the framework of the general census. Profiting by American experience, Great Britain and the British dominions later introduced censuses similar in character. While in certain countries of northern Europe production statistics are available for all branches of industry, they are not obtained by the census method; in some they represent an extension of individual industry statistics from the major to the minor lines, in others they developed from tax statistics.

The production census raises a number of special problems. To begin with, the ostensible purpose of the census, a complete coverage of all types of production, is really unattainable. Thus the area enumerated is limited to agriculture and manufacturing and within the latter the very small establishments are excluded. Although in theory the lines of demarcation between enterprises included and excluded are drawn quite sharply, in practise the distinction presents many difficulties; furthermore it impairs the intercensal comparability of the figures. More important is the question of dividing manufacturing into industries and branches. For the most part a conventional classification is used which corresponds roughly to the existing differentiation into crafts, trades and lines of business. It combines arbitrarily several logically disparate criteria, such as the type of raw material employed, the character of the production process and the use to which the products are put. Thus comparison between periods of time or between countries is made difficult and sometimes misleading. The development of gigantic industrial combinations, which extend over several branches of production, gives added importance to a precise definition of the unit of observation. The general practise is to regard a geographically isolated production unit with an independent system of bookkeeping records as an individual entity irrespective of its technical, managerial or financial affiliation with other plants. The economic significance of the size of establishment characteristic is obviously reduced thereby.

A problem entirely peculiar to the census method is that involved in the combination of totals for the various branches of economic activity into a single grand total. The desirability of obtaining such an aggregate shifts the emphasis from physical quantity to value figures. Now gross values are of no particular use for this purpose. Adding them would imply multiple counting; the value of a machine, for instance, includes also some of the value product of the rolling mill, the foundry, the ore mine and the coal mine. Moreover such figures offer a misleading index of the relative importance of individual industries; they would necessarily exaggerate the importance of the jewelry industry because it happens to use an expensive raw material and underestimate that of the chemical industry because of the low value of its basic substances. These faults are avoided when net value figures are used, a practise which assumes that only such portion of the value of its output is to be credited to the industry as is directly traceable to the activity of the factors of production operative in it. The proceeds of its sales are, as it were, divided into two parts: that paid out to other industries as compensation for their services, in the form of raw materials, equipment, supplies and the like; and that returned to employees as wages and salaries, to capital in-

vestors as interest disbursements, to equity owners in the form of profits and to the government by way of tax payments. The second part constitutes value added by manufacture at this stage of production; it is an item in production statistics which constitutes a basic datum for certain types of computation of national income.

If the use of net value figures settles certain difficulties, it also creates a host of new problems. These center about the deduction of items from gross value to obtain the net. Obviously the cost of raw materials and semifinished goods used up in the production process constitutes the most important deduction. Furthermore there must be deducted the payments to subsidiary industries for services rendered on a contract basis (e.g. dyeing of cloth in a textile factory which contracts this process out). The expenditures for the maintenance of plant and equipment must be dealt with in a similar fashion. The deduction of maintenance and repair items has been attempted only once (in the Netherlands) and not altogether successfully. Granted that the difficulty of ascertaining these figures justifies the practise of disregarding them in arriving at net values, this defect of net value data must be taken into account in evaluating the general results. On a somewhat different plane are bank fees, insurance premiums and similar service charges. In a sense they represent payments to other industries for services rendered and as such are subject to deduction. Here again technical difficulties intervene and make this procedure impracticable. In this case, however, no double counting is involved, because financial institutions are not covered in production censuses. Nevertheless, it should be borne in mind that manufacturing is credited with certain values which are really attributable to such service industries as finance, advertising, the legal profession and the like.

Production censuses offer certain promising opportunities for the future. Thus the ascertainment of production costs can be made helpful not merely in computing value added; if carried somewhat further than at present, it would become a most important tool in the analysis of the entire production process. An itemized schedule of costs which specifies not merely the expenditures on raw materials, salaries and wages but also debt service payments, depreciation charges, taxes and similar items would provide the information, now lacking, which is necessary for an adequate judgment of the effectiveness and incidence of many economic policies. The future may also see a subdivision of manufactured goods based on other criteria than those used at present. The current classification of products in virtually all types of production statistics is oriented primarily upon the nomenclature of trade statistics. This is because governmental intervention in production for many years utilized almost exclusively the instrumentality of the tariff. If a new economic epoch is approaching or has already begun in which governments will resort to other means of regulating production, statistics must be reoriented in order to be of service under the new conditions. For production censuses this reorientation must be carried out with a view to an active policy of cyclical stabilization. Thus a finer distinction must be drawn between producer and consumer goods. At present, for example, the products of the textile industry are regarded as final consumer goods, when in fact many of them are used as producer goods. Again more detailed information is necessary as to plants and equipment, a factor for which statistical observation is as yet confined to a small number of industries and even here is far from thorough; this constitutes probably one of the most urgent current tasks of production statistics. Finally, despite the difficult logical problem involved, actual production should be compared with existing capacity.

Should all these improvements materialize, an important disadvantage will continue to inhere in production censuses. They require so much time and effort that it is impossible to undertake them at frequent intervals. Although in the United States the Census of Manufactures is now taken every two years and in some other countries annually, the results obtained are not sufficiently current to serve the needs of an active policy of regulation and stabilization. For this purpose all industrial countries, and particularly the United States, have resorted increasingly to current production statistics. These neglect all details and do not aim at an extensive coverage. Their important features are simplicity and rapidity of preparation: they are compiled on a monthly or weekly basis and are made available very shortly after the expiration of the period to which they relate. Generally they consist of such production series as may be considered representative of a larger area than they actually cover. Thus the figures for the steel industry are usually assumed to reflect the situation in all industries manufacturing means of production. In many cases the subject of

current observation is not productive activity itself but correlative phenomena which are more responsive to changing conditions and anticipate the probable future course of production, such as orders, inquiries from buyers, changes in stocks on hand, demand for freight cars, building permits issued, industrial consumption of electric power and the like. For the purpose of controlling cyclical fluctuations the current comparison of industrial activity with existing capacity, such as the monthly ratios published in Germany, is also of considerable value.

The general bearing of these and other current series may be obscured by certain movements of a special character, such as seasonal oscillations; a test in each case should determine whether eliminating them by statistical manipulation is advisable or not. If these series are to be combined into an index of production for a particularly significant industrial group or for manufacturing as a whole, the problem of proper weighting must first be solved. Census figures which indicate the relative economic importance of the various industries may furnish the requisite weights. But the inferences based on them become increasingly unreliable as the census material becomes dated; where it is apparent that important structural changes have occurred after the census date, the weighting may have to be altered even before new census data become available. On the basis of national production indices attempts have been made by the League of Nations, the German Institut für Konjunkturforschung and other bodies to compile international estimates. The comparison of such international series with the index of world trade suggests interesting conclusions.

The combination of the three types of production statistics—the detailed statistics of individual industries, the comprehensive production census and the current production indices—should satisfy all the requirements set forth above as the ideal of production statistics. Such data, detailed, extensive and always current, are really essential in an era of complete and many sided governmental intervention upon which some countries already have entered while others are about to follow. Indeed attempts to utilize the three types in combination are being made in the United States and prepared for in Germany. But even the complete success of such experiments in those countries which are statistically most advanced will still leave unanswered many questions bearing on the production process, particularly those relating to plant and equipment and to production costs. Nevertheless, it may be hoped that just as mercantilism gave the initial impetus to production statistics, intensive social control of all economic activities will bring them to a high state of perfection.

GERHARD COLM

See: CROP AND LIVESTOCK REPORTING; AGRICULTURE, INTERNATIONAL INSTITUTE OF; MINING; METALS; OCCUPATION; CENSUS; NATIONAL INCOME; FORECASTING, BUSINESS; TIME SERIES; STATISTICS.

Consult: FOR PRODUCTION STATISTICS: Colm, G., "Die Produktionsstatistik" in Conrad, J., *Grundriss zum Studium der politischen Oekonomie*, vol. iv, pt. iii (4th ed. by A. Hesse, Jena 1925) ch. i, sects. 7–9; Behre, Otto, *Geschichte der Statistik in Brandenburg-Preussen bis zur Gründung des Königlichen Statistischen Bureaus* (Berlin 1905); Ricci, U., *Les bases théoriques de la statistique agricole internationale* (Rome 1914); Jensen, Adolph, "Statistics of Industrial Production" in *Nordisk statistisk Tidskrift*, vol. iii (1924) 343–406, and "Progress of Industrial Production Statistics" in Institut International de Statistique, *Bulletin*, vol. xxii, pt. ii (1926) 114–49; Flux, A. W., "Report on the Census of Industrial Production," and "Indices of Productive Activity" in Institut International de Statistique, *Bulletin*, vol. xxii, pt. ii (1926) 74–114, and vol. xxiii, pt. ii (1928) 395–433; Colm, G., "Das 'Mehrwert'-Verfahren in der Produktionsstatistik" in *Weltwirtschaftliches Archiv*, vol. xx (1924) 204–17; Ghertschuk, J. P., "Die Ermittlung der Werterhöhung in der Produktionsstatistik" with a rejoinder by Colm in *Weltwirtschaftliches Archiv*, vol. xxviii (1928) 224–42; Julin, Armand, "Statistique internationale de la production" in Institut International de Statistique, *Bulletin*, vol. xxii, pt. ii (1926) 150–89; Flux, A. W., "Indices of Industrial Productive Activity" in Royal Statistical Society, *Journal*, vol. xc (1927) 225–71; Burns, A. F., "The Measurement of the Physical Volume of Production" in *Quarterly Journal of Economics*, vol. xliv (1929–30) 242–62; Betz, F. H., "Zur Errechnung und Verwertung von Produktionsindizes" in *Weltwirtschaftliches Archiv*, vol. xxxi (1930) 286–96, 382–90; Leong, Y. S., "A Comparative Study of the Indexes of Production" in American Statistical Association, *Journal*, vol. xxvii (1932) 256–69; Day, Edmund E., "An Index of the Physical Volume of Production" in *Review of Economic Statistics*, vol. ii (1920) 246–59, 287–99, 309–37, 361–67, and vol. iii (1921) 19–23; Day, E. E., and Thomas, Woodlief, *The Growth of Manufactures 1899 to 1923*, United States Bureau of the Census, Census Monographs viii (1928).

PRODUCTION, METHODS OF MEASUREMENT.

See PRODUCTION, section on STATISTICS.

PROFESSIONAL ETHICS.

The immediate objective of professional service is the welfare of the client or patient, and any realistic as well as justifiable system of professional ethics should be similarly oriented. The major problems of professional ethics arise when this objective fails

of attainment or when it is incompatible with the public interest, as in keeping inviolate confidential communications, or with the interests of the practitioner, as in subordinating fees to the proper performance of services. Professional men have also at times sacrificed the welfare of client or patient to the professional etiquette allegedly due one's colleagues, and have swallowed the camel of inefficient services while straining at the gnat of punctilious advertising standards. The professional man may at times wonder whether the client's interests should be conserved to the detriment of society, as in Shaw's play *The Doctor's Dilemma*; more frequently, however, he cannot consider the broader social or moral factors but like Socrates' navigator must confine himself to the immediate objective.

Most of the professions now have drawn up codes of ethics, declaring their ideals or standards of behavior. Some have established practise committees, the chief function of which is to clarify doubtful points which arise in actual cases; some of these groups of cases have been published, with comments or decisions. In cases of legal ethics which are called to the attention of the courts penalties are imposed, e.g. disbarment, suspension from practise, fine or censure; but in most professional cases ethics remains the "domain of the unenforceable," the sanctions for proper behavior being the desire for professional prestige or esteem, tabus, publicity and the educational effect of clarifying and interpreting case situations. Professional ethics may be distinguished from law not only with reference to the different sanctions employed but also by the fact that legal sanctions apply to all people within a territorial district, whereas in professional ethics the incidence is on the members of particular functional groups. Professional ethics is to be distinguished, on the other hand, from general morality, which is relatively more personal and individualistic and is emotionally more highly colored.

Historically considered, professional ethics may be said to revert to the social principles of the mediaeval guilds, although the Hippocratic code of medicine antedated these and continuity with them would be difficult to establish. In any case the ethics of the various professions constitutes the social philosophy of pluralistic pragmatism so characteristic of mediaeval life. In keeping with this pluralistic implication the concept of professional ethics and the rules and practical behavior derived therefrom vary among the different countries and professions. Continental Europe exhibits little of the strictly defined concept of professional ethics. In Germany and Austria, where the doctrine of social integration has been developed by Otto von Gierke and Eugen Ehrlich, Max Weber and Ernst Troeltsch, the lawyer is governed by statutory regulations and even his function is to some extent shared by the business man through the representation of merchants in courts which try commercial cases; in these countries the engineer, the teacher and the doctor are also governed in large measure by statutory regulations, and the residual professional autonomy and behavior are by no means so explicitly formulated as they are in the United States. In the Latin countries the Roman law has appropriated most of the social regulations and sanctions except the strictly economic; in France *déontologie*, a term derived from the Greek concept of ethical practise as distinguished from theory, has become incorporated into the civil law, while even in Italy, where the basis of governmental representation is functional and not territorial, the regulations of professional behavior are subjected to legal administration.

The development of professional ethics in Great Britain has been relatively more independent and has had a more direct influence on the United States. The separation of legal practitioners into barristers and solicitors has enabled the former to establish professional standards on a very high plane; the confusion of these two functions in the United States has provided the basis for a large part of the unethical conduct of the lawyer, namely, the mingling of the client's money with his own. In medicine the independence of the Scottish practitioner has been even more pronounced than that of the English; both have a code, the latter tracing back to Percival's Code, written over a century ago. In engineering the British practitioner has followed the example of the lawyer—the functions of the architect and consulting engineer have been separated from those of the contractor and construction engineer, thereby establishing exceptionally strict ethical standards for the former. Accounting has achieved a professional status in England and Scotland superior to that reached in any other country. So also has the college teacher in these two countries maintained the principles of academic freedom and integrity more successfully than elsewhere, with the exception of Germany before the advent of the Hitler regime

Nowhere, however, have standards of professional ethics been formulated in codes so extensively as in the United States. The "canons of legal ethics" were formulated in 1908 and reached their present form by supplements in 1928; the "canons of judicial ethics" were adopted in 1924; various state bar association codes had previously been in existence. The "principles of medical ethics" were adopted in 1912. Engineering codes of ethics were drawn up by the various functional groups from 1911 to 1927. The code of the National Education Association was adopted in 1929; it represented largely a unification of various state codes already in existence. This making of codes has served to formulate general principles which are themselves significant even though the codes have fallen into disuse or have functioned, as in the case of law or medicine, by virtue of certain carefully selected sanctions or of committees which were given jurisdiction over doubtful or obvious cases. Thus the codes represent merely a phase in the development of professional ethics.

In the legal profession the more acute ethical problems arise from undue zeal in securing or even instigating business, as in "ambulance chasing," champerty, maintenance and contingent fees. The broader ethical problems arise from combining Lord Erskine's rule that a lawyer cannot refuse a case brought to him with Lord Brougham's rule that a lawyer is justified in pleading his client's case in the face of what he knows to be incriminating evidence; and from the trickery and chicanery by which lawyers, especially corporation counsels, fail to distinguish for the client between the avoidance of the law and its evasion. Legal practitioners have in the main served their clients faithfully and well but they have not, perhaps, been so fully conscious of their larger obligations to the state, especially such as would reduce the breeding of unnecessary litigation.

Many ethical problems of the medical profession center about the enthusiasm of certain schools for quack cures, which prevent accurate diagnosis and adequate treatment. In the United States the doctor is professionally prohibited from patenting cures or other results of medical research as well as from endorsing advertised commodities—a rule which does not obtain in Europe. The doctor still too scrupulously observes the etiquette of silence regarding his colleagues' activities and other matters which the modern scientific spirit would air by frank discussion or experiment. The honoring of confidential communications from patients may also at times present a serious ethical problem for the doctor. With regard to the larger ethical tendencies within the profession the concentration in the cities of recent specialized, or laboratory, graduates of medical schools, thus leaving many of the rural districts uncared for, is a trend which is not only socially unbalanced but also conducive to the practise of fee splitting. Older practitioners are alarmed at the increasingly mercenary attitude evident in the profession. It is demoralizing within the ranks, and together with uneconomical hospital administration it contributes to the increasing burden of medical cost which is imposed on the community. Medical ethics as well as medical services has thus far developed along highly individualistic lines. The most effective ethical changes would seem to depend on the reorganization of medical services on some more economical group basis.

The engineering codes and practises in England and the United States follow in the main those of the other professions. What is peculiar to the engineer is that in a universe of transient solar energy and disintegrating materials economic use is his chief professional purpose; hence his major ethical problem is what to do about colleagues who engage in construction which is not only dangerous to life but also unconscionably wasteful economically. Further ethical problems arise in connection with conflicting interests in furnishing materials and in securing contracts. Architects and consulting engineers are professionally forbidden to have such conflicting interests and have in the main safeguarded their independence. In the United States, partly because of this close connection with the contracting business and with the handling of commodities, the engineering profession is not so well defined as is law or medicine or teaching, and there is little control through licensing or through professional educational requirements or standards.

The ministry is particularly difficult to study as a professional organization, not so much because of its sectarian cleavages as because of the inevitable confusion of ethical problems with religious and moral considerations. In the teaching profession the major ethical problems deal with academic freedom and tenure.

A number of other social groups have approximated the status of the older professions. Some, such as dentists and nurses, are rapidly

developing a professional consciousness. Others, such as journalists, pharmacists, accountants and bankers, have difficulty in distinguishing between their professional aspect, with its emphasis on services, and their business aspect, with its emphasis on profits. Certain newer business groups, such as purchasing agents, trade association executives and investment and insurance counsel, closely approach the professional ideal. But the movement for investing business and finance as a whole with professional standards has been regarded as anomalous in view of the fact that their motivation is dominantly pecuniary.

The professions exert their greatest socio-ethical effectiveness by limiting the number of their members, developing standards of training and defining their distinctive functions. Inter-professional problems also arise, however, in the case of jurisdictional disputes, such as contract practise in medicine and the performance of legal services by trust companies. The ethical rules and regulations of the professions are likely to suffer from overformalization and often they lack a sense of relative values; but they are effective agencies, not only for intensively developing certain essential social services at the same time that they assert certain functional prerogatives, especially in the spirit of *noblesse oblige*, but also for protecting individual members of a profession from the social uniformities of amateurism and democracy. Into the point of view of general ethical theory, so largely concerned with the relation of the individual to the world, professional ethics has introduced two factors which have traditionally been too little emphasized: the fiduciary relationship of the professional man to his client and the relations of groups as groups to each other and to society.

C. F. TAEUSCH

See: PROFESSIONS; ETHICS; FEE SPLITTING; EXPERT TESTIMONY; ACADEMIC FREEDOM; BUSINESS ETHICS; LEGAL PROFESSION AND LEGAL EDUCATION; MEDICINE; MEDICAL MATERIALS INDUSTRY; DENTISTRY; NURSING; ENGINEERING; JOURNALISM; TEACHING PROFESSION; PUBLIC OFFICE; CIVIL SERVICE; BUSINESS.

Consult: GENERAL: Webb, Sidney and Beatrice, and Shaw, G. B., "Special Supplement on Professional Associations" in *New Statesman*, vol. ix (1917); "The Ethics of the Professions and of Business," ed. by C. L. King in American Academy of Political and Social Science, *Annals*, vol. ci (1922) 1–236, 254–300; Heermance, Edgar L., *Codes of Ethics, a Handbook* (Burlington, Vt. 1924); Taeusch, Carl F., *Professional and Business Ethics* (New York 1926); Landis, Benson Y., *Professional Codes: a Sociological Analysis*, Columbia University, Teachers College, Contributions to Education, no. 267 (New York 1927), with bibliography.

FOR LEGAL ETHICS: Warren, Samuel, *The Moral, Social, and Professional Duties of Attornies and Solicitors* (2nd ed. Edinburgh 1851); Sharswood, George, *An Essay on Professional Ethics* (5th ed. Philadelphia 1884); Carter, Orrin N., *Ethics of the Legal Profession* (Chicago 1915), with bibliography of some 50 articles and reports, many of which appeared at the time the Canons of Ethics were adopted; Costigan, George P., *Cases and Other Authorities on Legal Ethics* (St. Paul 1917); Warvelle, George W., *Essays in Legal Ethics* (2nd ed. Chicago 1920); Hicks, Frederick C., *Organization and Ethics of the Bench and Bar* (Rochester 1932), with bibliography; New York County Lawyers' Association, Committee on Professional Ethics, *Questions and Answers*, no. 1–302 (New York 1929–32); Feuchtwanger, Sigbert, *Die freien Berufe. Im besonderen: Die Anwaltschaft* (Munich 1922), especially pt. ii, chs. vi–viii; Rumpf, Max, *Anwalt und Anwaltstand*, Deutscher Anwaltverein, Druckschriften, no. 8 (Leipsic 1926), especially ch. v; Pohl, Hans, *Organisations- und Berufsethik der Anwälte und Richter der Vereinigten Staaten von Amerika und die deutsche Rechtsanwaltschaft*, Internationale Rechtspraxis, no. 18 (Berlin 1930).

FOR MEDICAL ETHICS: Percival, Thomas, *Medical Ethics* (new ed. by C. D. Leake, Baltimore 1927); Smithies, Frank, "On the Origin and Development of Ethics in Medicine" in *Annals of Clinical Medicine*, vol. iii (1924–25) 573–603, with bibliography; Leake, Chauncey D., "Percival's Code: a Chapter in the Historical Development of Medical Ethics" in American Medical Association, *Journal*, vol. lxxxi (1923) 366–71, with bibliography; Barker, L. F., "Manners and Morals in Medicine" in *International Clinics*, 39th ser., vol. ii (1929) 265–82; Rypins, Harold, "The Work of the Grievance Committee" in *New York State Journal of Medicine*, vol. xxix (1929) 1073–77; Committee on the Costs of Medical Care, *Medical Care for the American People: the Final Report of the Committee*, Publications, no. 28 (Chicago 1932); Saundby, Robert, *Medical Ethics* (2nd ed. London 1907); Cathell, D. W., *Book on the Physician Himself* (new ed. Baltimore 1922); Robertson, W. G. A., *Medical Conduct and Practice* (London 1921); Moll, Albert, *Ärztliche Ethik* (Stuttgart 1902); Honigmann, Georg, *Das Wesen der Heilkunde* (Leipsic 1924), especially ch. vii; Le Gendre, Paul, and Ribadeau-Dumas, Henri, *Déontologie et jurisprudence médicale*, Traité de pathologie médicale et de thérapeutique appliquée, vol. i (Paris 1920).

MISCELLANEOUS: Lowell, A. L., "Academic Freedom" in Harvard University, *Reports of the President and the Treasurer of Harvard College, 1916–17* (Cambridge, Mass. 1918) p. 17–21; National Education Association, Research Division, "Ethics in the Teaching Profession" in *Research Bulletin*, vol. ix (1931) 1–92, with selected bibliography; American Association of University Professors, *Bulletin*, vols. i–xviii (1915–32); Gottwald, Adolf, and Albert, F., "Lehrer" in *Staatslexikon*, ed. by Hermann Sacher, vol. iii (5th ed. Freiburg i. Br. 1929) cols. 887–92; Mead, D. W., *Contracts, Specifications and Engineering Relations* (2nd ed. New York 1920), especially chs. i–iv; Crawford, Nelson Antrim, *The Ethics of Journalism* (New York 1924); Northwestern University, School

of Commerce, William A. Vawter Foundation on Business Ethics, *The Ethical Problems of Modern Accountancy, Lectures* (New York 1933); Richardson, A. P., *The Ethics of a Profession* (New York 1931); Leven, Maurice, *The Practice of Dentistry and the Incomes of Dentists in Twenty States, 1929*, American Dental Association, Committee on the Study of Dental Practice, Publications, no. 1 (Chicago 1932).

PROFESSIONALISM. *See* PROFESSIONS; PROFESSIONAL ETHICS.

PROFESSIONS. Writing of England at the close of the seventeenth century Addison spoke of the "three great professions of Divinity, Law and Physick." The term "profession" was not new in his day. It was employed several times by Bacon; the earliest instance of its use recorded by the *Oxford English Dictionary* dates from 1541. But there is no corresponding term in any language of the ancient world. Nevertheless, every society has had its priesthood; many early communities knew the lawyer and the physician while even the most primitive accorded a special position to the medicine man. Is it then the case that these vocations assumed certain characteristics in mediaeval times which they lacked before? A brief examination of the facts may throw light on this point.

In Greece the lawyer was not a specially trained advocate practising before a specially trained judge who decided the case according to law; he was the litigant's friend speaking on his behalf before the litigant's peers, who decided the issue on all the merits of the case as they saw them. Again the physician, though in some cases more of a specialist, did not receive any formal training; at the best he was the pupil of some eminent practitioner. In the Roman Empire the position of the lawyer was much the same as in Greece; the physician on the other hand was generally a slave attached to a rich man's household, while the accountant, the architect and the engineer were usually salaried administrators in the employment of the state. It appears that in ancient times there were no training schools where those who followed the vocations which we call professions received instruction, that the practitioners seldom or never formed distinct social groups, and that they were not infrequently in a dependent position. Moreover they did not form vocational associations of the kind familiar to us.

Passing over that epoch of social disintegration that we know as the Dark Ages and coming to mediaeval times we find that many of those doing work now called professional were in the ranks of the priesthood while others were organized in guilds. The explanation of this state of things is to be sought in the wave of association which spread over Europe during the twelfth and thirteenth centuries, and found its typical expression in the formation of guilds and of universities. The universities in origin were no more than guilds of teachers and students, but because mediaeval culture was essentially religious they came under the dominance of the church and all their members were required to take at least minor orders. The organization of the universities was fairly uniform; typically there was the Faculty of Arts and the three superior Faculties of Theology, Law and Medicine. The courses of instruction were lengthy, and the graduates who had received this prolonged formal training constituted a class of learned persons. All were ecclesiastics, at least in name; some specialized in law, some in medicine, while others not less learned, though their learning was less specialized, passed on to an ecclesiastical career or to a life of teaching or administration. The universities of mediaeval Europe were in fact training schools for work of a kind that we now class as professional. Bacon indeed complained of this: "Among so many great foundations of colleges in Europe," he says, "I find it strange that they are all dedicated to professions, and none left free to arts and sciences at large."

Thus the principal difference between the situation in ancient and mediaeval times was that in the latter the teachers, administrators, lawyers and physicians had received prolonged formal training and constituted a class apart; and it is this characteristic, the possession of an intellectual technique acquired by special training, which can be applied to some sphere of everyday life, that forms the distinguishing mark of a profession. This is well brought out by the *Oxford English Dictionary*, which defines a profession as "a vocation in which a professed knowledge of some department of learning or science is used in its application to the affairs of others or in the practice of an art founded upon it." Thus professionalism emerged with the rise of the universities and was at first co-extensive with the church. An attempt must now be made to trace its subsequent evolution.

So long as the church maintained its predominance, the various professions for which the universities trained did not become clearly distinct since all professional men were ec-

clesiastics. As the culture of the Middle Ages slowly shed its religious character, the professions formerly within the church emerged out of it. As they did so, they became organized; thus the Royal College of Physicians of London was founded in 1518. The process of secularization did not necessarily involve a severance of the link with the universities because the universities also became gradually secularized. Thus in England from the sixteenth century onwards it ceased to be obligatory upon students to take orders, and generally speaking therefore physicians and lawyers continued to be trained in universities and after graduation joined their own professional organizations. But the process of evolution was not parallel in all European countries. In England, for instance, the common law had early replaced the civil and canon law for practical purposes. The universities trained only for the latter, and when the latter ceased to be of practical importance the English universities ceased to be training grounds for lawyers. The common lawyers were secular from the beginning and were organized in the Inns of Court, in effect both a legal guild and a legal university. Thus in England the lawyers evolved neither out of the church nor out of the university, and there was recruitment to the ranks of the professions from what was in all essential points a guild.

Addition to the ranks of the professions from the guilds took place in all countries though it was only in England that the lawyers entered by this route. Surgeons and apothecaries were everywhere organized in guilds from an early date. In the sixteenth and seventeenth centuries, because of the expansion of the market and other causes, the trading guilds declined; later they either died out entirely or were abolished. But the guilds of surgeons and apothecaries were not ordinary trading guilds and did not suffer the common fate. As knowledge increased and as surgeons and apothecaries became more learned, their guilds rose in status. In England the surgeons' guilds became the Royal College of Surgeons, and thus it came about that there were in the English medical world of the eighteenth century three professional associations, the two Royal Colleges and the Society of Apothecaries, two of which were derived from guilds while one was founded in the sixteenth century as an organization of graduates in medicine.

In this manner those vocations existing in the mediaeval world which we now recognize as professions had attained an independent status and organization by the eighteenth century. Between the Renaissance and the industrial revolution others appeared alongside them. The recognition of accountants was for long confined to Italy, where the rapid development of commerce prompted the invention of double entry bookkeeping and the formation of colleges of accountants which refused admission to those who failed to bring satisfactory evidence of training. Architects arose when tradition in architecture was abandoned and its place taken by "styles" whose proper rendering demanded strict adherence to rules which had to be studied. But the demand for architects' services came almost wholly from the limited class of princes and nobles with the consequence that the architect himself became in most instances the dependent of a great household. Not until this tie was severed in the nineteenth century did the possessors of this technique begin to associate with one another or become conscious of membership of a common group; and not until then did public opinion accord them full professional rank. The *chirurgien dentiste* was heard of in France in the seventeenth century, and in the following century the English tooth drawer had so far risen in the world that he was able to discard his unrefined Anglo-Saxon title for the politer Latin equivalent.

Before the opening of the nineteenth century the recognition of new professions was an extremely slow process; but during the last hundred and fifty years professions have multiplied apace. For an explanation we must look primarily to the mechanical revolution and the progress of science which gave rise to engineers, chemists and physicists, and to the consequential social revolution which brought a demand for intellectual specialists to handle the new and complicated machinery, both material and institutional: actuaries, surveyors, realtors, secretaries, patent attorneys and accountants (virtually unknown in Anglo-Saxon countries before the middle of the nineteenth century). Supplementary causes are the throwing off of dependence, as, for instance, by public administrators, who over the greater part of the world have been freed from their dependence upon the patronage of ministers or the suffrages of electors, and the further recession of the church, because of which the teachers have gained a group consciousness. We have therefore the present situation in the western world where the day to day functioning of society so largely

depends upon the professions. We recognize a profession as a vocation founded upon prolonged and specialized intellectual training which enables a particular service to be rendered. But this recognition may be hindered by dependence, which militates against group consciousness since it is only under the stimulus of the latter that the practitioners associate together and become a profession in the full sense of the word.

In speaking of the later phases of the evolution of the professions nothing has been said about training and licensing. The mediaeval universities may be said to have both trained and licensed, since the degree was a certificate of competence which in the cases of law and medicine usually conveyed certain exclusive rights of practise not only in the church but also in law and medicine. Similarly those guilds which evolved into professional bodies often gave training and always attempted to secure exclusive rights of practise for their members. Generally speaking, reservation of functions to the qualified was the objective of the mediaeval bodies, universities or guilds, concerned with training. Since that time the tendency has been for the state to undertake both the conferment of licenses and training. But state regulation has not withdrawn the professions from the universities, since it is commonly laid down that the training shall take place in universities. State regulation varies from country to country, first in regard to the number of professions regulated and secondly in regard to the privileges accorded to the qualified. Among western countries complete prohibition of practise by the unqualified is seen in its most extreme form in France, where not only lawyers, doctors and dentists, but also architects, engineers and chemists, are debarred from practise unless they are in possession of a legal diploma. In Germany, outside the legal profession, and in England, outside the legal and dental professions, the legally qualified members of any profession have generally only minor privileges, such as protection of title. Of the United States and the British dominions it is difficult to generalize because of the great number of separate legislatures having sovereign powers in this matter; but, speaking very broadly, it would be true to say that these countries occupy a position midway between that of France on the one hand and that of Germany and England on the other.

The stages by which the state has come to assume its present role have differed in different countries. In Prussia during the early years of the eighteenth century state examinations were instituted for lawyers and physicians alongside the university examinations. Since the former alone carried privileges, university examinations gradually lapsed. In this fashion there grew up the present German system under which the state requires attendance at a university and the passing of a state examination. The state confers upon successful candidates the exclusive right to certain professional designations but otherwise leaves practise free. In France the mediaeval system remained unchanged in law, though so far as training was concerned it had long ceased to work in practise, until the universities were swept away by the revolution. For a few years there was entire freedom of practise; but the consequent abuses were so great that professional functions were soon reserved to those who passed the tests of the new professional schools. Out of these professional schools the modern French universities were constituted. Thus we have the modern French system under which the universities confer the right to practise though, since the universities are so closely controlled by the state, there is in effect direct state control of the professions. In England the ancient forms have been more fully preserved. The Inns of Court, autonomous professional bodies, retain their right to license barristers. The universities, which are independent of the state, retain the right to license doctors, though in the performance of this function they are supervised by the General Medical Council which was set up by Parliament in 1858. So far as the state has intervened in England, the tendency has been to employ statutory boards, of which the General Medical Council is the best example. This council consists of representatives of the universities, of the registered practitioners, of certain medical corporations and of nominees of the crown; it does not itself examine but it exercises an overriding authority over the universities in respect of their examining and licensing functions. In England many professions are left unregulated by the state. Under these circumstances the associations of practitioners define minimum qualifications for membership and either test the qualifications of candidates by their own examinations, as in the case of accountants, or accept certain university degrees as evidence of qualifications, as is usually the case among engineers. They then attempt to persuade the public to give their exclusive patronage to their members who have

been tested for competence and hallmarked in this manner.

In the United States, so far as it is possible to generalize, the situation is similar to that in continental countries in that admission is in the hands of state boards of examiners. But these boards in many cases recognize university degrees as admitting to the professions they control, and to the extent that a proportion of American universities are independent of direct state authority there is an approach to the English system. The professional associations also are enabled to play an important though unofficial part through their efforts to secure uniformity of requirements as between one state and another. Among the British dominions, though generalization is equally difficult, Canada on the whole tends to follow the United States in placing control in the hands of state boards, while Australia and more especially New Zealand have shown a disposition to adopt the English model of semi-autonomous controlling authorities.

In all civilized countries the state regulates the practise of law and medicine. The reason for this is that the practitioners of law and medicine render services which are either vital or fiduciary in a high degree and which may be required at a moment's notice by any member of the public however ignorant. Therefore, if the competent practitioners were not clearly distinguished, the mass of the public would fall into the hands of quacks when their most fundamental needs were at stake. Some states have gone further than others in the direction of control, regulating professions whose services are not vital or fiduciary in a high degree and are not normally required by the man in the street. It is not necessary to discuss the merits of these variations in policy, but it is necessary to point out that state regulation profoundly affects professional activities. Where professions are not regulated, the professional associations set up their own tests of competence. They go further; they recognize that because their work consists in the application of specialized knowledge which members of the public do not possess, their clients are entitled to expect from them a higher standard of integrity and fair dealing than is required in the ordinary transactions of life, and they desire that the practitioners whom they hallmark shall be not only competent but also honorable. Therefore they elaborate ethical codes and exclude from membership those who offend. But state regulation implies that the state takes upon itself to say who is to be admitted to practise and it cannot therefore allow others to say who ought to be excluded. Thus in state regulated professions the professional associations are virtually limited to the two remaining functions of such associations; namely, protective activities and intervention in questions of public policy. The scope for activity in relation to ethics is further narrowed by another modern development; namely, the relative increase in the number of salaried practitioners who serve a single client, usually a corporation, and not numerous individual clients. The need for ethical rules is obviously much greater in the case of the free lance practitioner than in the case of the salaried man.

Thus protective activities have come to assume a large place in the program of professional associations, and we find the use of collective bargaining, the boycott and the blacklist and other weapons elaborated by trade unions. But it should be remembered that the desire for high qualifications and good conduct remains even though the control of the mechanism for reaching these ends has been assumed by the state. In the promotion of public policies relating to the professions the associations have become increasingly active of late years. Thus medical associations propose improvement in the public health services and architects interest themselves in town and regional planning legislation. In fact the entrance of professional associations into questions of public policy, whether on their own initiative or by invitation of the government, is one of the most hopeful means of bringing the expert into the service of democracy—perhaps the most important problem in the realm of political organization today.

It remains to say something about the extension of professionalism. The suggestion is sometimes made that business should be professionalized. The suggestion is misconceived. All those attributes which characterize a profession are a natural, in fact an inevitable, growth round the application of an intellectual technique to the ordinary business of life. In other words, if and when there evolves an intellectual technique of business management to be acquired only by specialized intellectual training, there will grow up a profession of business. There is some evidence that such a technique is now in process of elaboration; the probable outcome of these tendencies, however, is beyond the scope of this discussion. If no such technique evolves there will be no professionalization of business. But it

is important to point out that the element of trade and profit is no longer the chief impediment in the way of business becoming a profession. The risks and the gains of business are falling more and more to the separate class of shareholders who do not actively participate in business operations, while most of those engaged in actual management are employees who have an interest in the financial prosperity of the concern only to the extent that if it failed their jobs would come to an end. Their position is not very different from that of the employee of the state.

Apart from the possibility of the growth of a profession of business management there can be no doubt that with the progress of science and the increasing complexity of social organization new intellectual techniques will evolve round which new professions will grow up. In other words, there will be a considerable extension of professionalism outwards. But will there also be an extension downwards? Those who are not in business and do not belong to a recognized profession are engaged either in intellectual routine occupations or in manual labor. Among them vocational organization has already gained a firm hold. But these vocational organizations do not now exhibit the characteristics of professional associations because they are not engaged in preserving and applying an elaborate technique. In fact they are at present largely devoted to protective aims. This need not be permanent. Social and industrial changes are rapid; the "laborer" is becoming a figure of the past. It may be that even if all men do not come to be trained in some elaborate technique, everyone will belong to a vocational association upon which will be devolved a responsibility for the good conduct of some aspect of social or industrial organization. In this manner there may be an extension of the professional attitude downwards as well as outwards.

A. M. CARR-SAUNDERS
P. A. WILSON

See: OCCUPATIONS; SPECIALIZATION; LICENSING; LEGAL PROFESSION AND LEGAL EDUCATION; MEDICINE; DENTISTRY; NURSING; JOURNALISM; TEACHING PROFESSION; ENGINEERING; CIVIL SERVICE; EXPERT; INTELLECTUALS; MIDDLE CLASS; CAREER; UNIVERSITIES AND COLLEGES; LEARNED SOCIETIES; PROFESSIONAL ETHICS; BUSINESS ETHICS; FEE SPLITTING.

Consult: Carr-Saunders, A. M., and Wilson, P. A., *The Professions* (Oxford 1933); Carr-Saunders, A. M., *Professions, Their Organization and Place in Society* (Oxford 1928); Rashdall, H., *The Universities of Europe in the Middle Ages*, 2 vols. (Oxford 1895); Feuchtwanger, S., *Der Staat und die freien Berufe Staatsamt oder Sozialamt?* (Königsberg 1929); Bauer, Bruno, *Die Stellung der freien Berufe im Wirtschaftsleben* (Vienna 1930); National Research Council, *Opportunities for a Career in Scientific Research* (Washington 1927); Breckenridge, S. P., *Women in the Twentieth Century*, Recent Social Trends in the United States (New York 1933) ch. xii; Hayward, F. H., *Professionalism and Originality* (London 1917); Langerock, Hubert, "Professionalism, a Study in Professional Deformation" in *American Journal of Sociology*, vol. xxi (1915–16) 30–44; MacDonald, William, *The Intellectual Worker* (London 1923); International Labour Conference, Fourteenth Session, 1930, *Report of the Director* (Geneva 1930) pt. i, p. 261–64. See also bibliographies on special professions and on PROFESSIONAL ETHICS; EXPERT; INTELLECTUALS, section on ECONOMIC ASPECTS.

PROFIT. Perhaps no term or concept in economic discussion is used with a more bewildering variety of well established meanings than profit. In popular economic usage it is generally associated loosely with either a percentage return on turnover—a "mark-up" of merchandise —or a percentage rate of return on capital. Again, it may mean a gross or a net profit and there are many possible stages between an immediate gross return and an ultimate net return, whether computed on the outlay in a particular transaction or on an investment supposed to be continuously maintained. The question as to what deductions must be made from gross profit to arrive at net profit has so many and such highly controversial answers that the tendency in accounting practise has been to abandon the term profit and to use such expressions as operating revenue or income available for dividends, which if not much less ambiguous in themselves are more amenable to definition according to purpose.

The point most in controversy in this connection leads directly into the theory of profit as regards its relation to other forms of income. The question is whether funds borrowed at a contractual rate, and the interest on them, should be included in calculating the rate of profit or kept entirely separate. This ties up with the question whether profit is properly a return on capital at all, and hence with the general problem of distribution: what are the kinds of income to be recognized and what is the base with which each kind is associated.

Modern distribution theory developed out of the treatment of the subject by the classical economists, who viewed the problem as one of the division of the social income among the three socio-economic classes—landlords, laborers and

business men or the moneyed class. The share of this last group was called profit. The process of division as they envisaged it took place in two stages: there was first a separation between rent and a kind of gross income of the capitalist, as the business man was then more or less correctly called; subsequently the latter fund was divided between the capitalist and the laboring classes. Wages were supposed to be determined independently, the final share of the capitalist being left as a residuum. The most important commentary on this classical scheme of distribution is the negative statement that it failed completely to "implement" the process of distribution through any discussion of the actual workings of competitive (or monopolistic) principles of price fixing. Fruitful treatment of the distribution problem as a problem in the pricing of productive services, in exchange for which individuals receive their incomes in a competitive economic society, came about gradually as a result of the new treatment of value introduced by the utility theorists.

The classical economists, from Adam Smith onward, had recognized interest as a form of income more or less distinct from profit. Its place in their scheme, however, was quite subordinate. This was in line with the facts of the economic situation in their day, when capital was typically employed in business by its owner, lending at interest for productive purposes being relatively unimportant. In particular the limited liability company, which is the chief borrower at interest in the modern business world, had achieved little development and was assumed to have no large possibilities for the future. All the classical writers recognized at least three elements in the income of the capitalist entrepreneur: one a payment for the bare use of the capital (equal to the interest rate); a second element representing payment for the entrepreneur's activities as manager; and a third connected in a rather vague way with the carrying of the risks or hazards of the enterprise. This distinction was made in an especially clear fashion by J. S. Mill, who called the second element earnings of management. Mill did not discuss any possibility of separating the three elements and continued to use the term profit for the total income of the capitalist entrepreneur. In contrast with the English school, the expositors of the classical system in France, beginning with J. B. Say, insisted from the start on a separation between profit and interest and the treatment of profit as a species of wage. As early as 1852 a French writer, Courcelle-Seneuil, advocated treating profit not as a wage but as due to the assumption of risk.

The view more generally accepted at the present time, particularly among American economists, that profit is a unique form of income not reducible to remuneration for either capital or labor of any kind, was early developed by German writers. As early as 1826, Thünen (*Der isolirte Staat*, Hamburg) defined profit as the residue after deduction of all three payments, interest, insurance for risk, and wages of management. An elaborate analysis of profit was made by H. von Mangoldt in 1855 (*Die Lehre vom Unternehmergewinn*, Leipsic), recognizing the elements of payment for wages of management and for risk in actual profits, but defining profit as a surplus above all costs. But the idea of "pure" profit, as an excess in the income of a business as a whole in comparison with the income of the productive factors used in it, really worked its way into economic thought as a result of the efforts of John Bates Clark.

The classical writers had included several divergent elements in the concept of profits and had drawn a very loose and questionable distinction between land and capital—in spite of the important role which rent played in their scheme of distribution. Marx and later socialists, in taking over and developing the classical economics, seemed justified in dropping this distinction; by merging land with capital they obtained a concept of profit as including all non-labor income. Another impulse in this direction was the view, also abundantly represented in the orthodox economists, that labor is the real producer of all wealth and all other income a deduction from what is naturally the remuneration of the laborer. Thus the socialistic view of profit is one of labor exploitation.

The labor theories of value and of production rest in the first place on a confusion between ethical and economic or scientific explanatory principles. It is obvious that no identification of labor income with ethical income and other incomes with unethical income can be defended; all income represents a mixture of a more or less accurate evaluation of services in the broad sense with force and fraud. Since violence and fraud belong to the sphere of criminology, economic analysis of profit must center around the notion of a more or less accurate evaluation of services. In the perfectly competitive relations of abstract price theory, all services are assumed to be valued correctly and precisely. Under these conditions the entire produce in the form of income would

be divided exactly among the various claimants —workers of various sorts and owners of property of various sorts, including the different equities in and claims against tangible property created by financial relationships and ownership of monopoly privileges, such as patents and goodwill. If all payments for personal services are called wages, and all property services are paid for in the primary or natural form of rent, as understood in the business world, only these two forms of income will exist. Interest and rent are differentiated only by the form of equity which the recipient holds in the same concrete source of income and can therefore in such theory be identified. In the idealized society of equilibrium theory, there would be no occasion for assigning the distinctive name of profit to any type of return.

In actual society, however, there is still a third type of ownership besides those involving interest and rent claims—that of the entrepreneur who owns the enterprise itself as distinguished from the productive agencies employed in it. As the classical economists held, profit as a distinct type of income is, to begin with and roughly speaking, the income of the owner of the business. This may include elements due to personal and property services. Even superficially the situation is complicated by the fact that under modern conditions the owner is typically a corporation, and the ownership of the corporation itself is commonly divided up among several forms of equity. Moreover the corporate entrepreneur typically owns outright some of the property used in the enterprise, hires or leases other property for a rental and borrows at interest against part of the assets which it owns directly. As in the case of most general concepts, the definition of profit might run toward either of two extremes. It might strive for the closest possible conformity to empirical fact and general usage or for rigorous differentiation of a theoretically distinct form of income. In a general way the use of the term in British economic literature follows the first of these leads; thus Marshall treats of "profits of capital and business power." In the United States usage in the literature of economic theory has tended toward the other pole: it is a common practise among economists to use the expression pure profit and make it refer to the income of the business after deduction of wages and rent or interest at competitive rates for all the human and property services employed in the enterprise, including both those actually paid for in the market and a virtual wage or interest or rent for the services furnished by the owner himself.

If this second procedure is followed through to its logical end, the result is a definition of profit as the difference between any income as it actually is and what it would be in the theoretical position of general equilibrium of the economic system as a whole. In the case of the owner of the business this difference is the entire income, since under perfect equilibrium the owner as such would have no functions and receive no income. It is evident that in this highly theoretical sense every income, with accidental exceptions, contains an element of profit. This element may be positive or negative in any case. In no case is it possible to determine objectively and accurately the amount of the profit element in an income, since this would involve an accurate determination of every detail of the position of equilibrium corresponding to the given conditions of the society at the given moment.

A compromise position between the realistic and the theoretical extremes starts out from the distinction between contractual and non-contractual income; that is, between the payment for services on a pecuniary basis arranged in advance and the residual income left to the owner of the business after all such payments are made. If the business is a private enterprise, in contrast with a corporation, this residuum will be recognized as containing elements of both interest and wages, since the owner will usually employ both property and labor of his own in the activity. If the enterprise is a corporation, the owners (common stockholders) do not normally furnish an appreciable amount of personal service unless they are also definitely employed by the corporation at a stipulated remuneration. Consequently the wages of management element hardly enters into the profit of a corporation. It must be recognized, however, that the stipulated remuneration or wages of management of corporation officials, whether stockholders or not, is at best most inaccurately adjusted by market competition to the true value of the service rendered, and hence is likely to be largely profit in the analytical sense. Notoriously too officials' salaries in many actual cases represent in large measure a distribution of the revenue alternative in form to stockholders' dividends; the difference is a matter of internal politics of corporations rather than of economic theory. Thus the compromise position is like the realistic, but with recognition of a need for further analysis which can be carried through only in the form of rough estimates.

Either theory, and any theory which recognizes profit as a distinct income at all, must oppose it to all other income, grouped together in a common relationship to profit; profit is either residual income as against contractual payments or a theoretical difference between actual income and the hypothetical level corresponding to general economic equilibrium. In both views the theoretical explanation of profit is the same, if the possibility of a theoretical explanation of any income is admitted. It is of course possible, verbally at least, to deny the relevance of all analysis in terms of price forces and their tendencies and to hold that only a historical explanation in terms of all the conditions at work at any time and place has relevance. It is doubtful, however, whether any writers securing recognition by economists really mean to deny all meaning to statements regarding general conditions which set limits somewhere to fixation of economic magnitudes by more particular, special and accidental circumstances. A sweeping denial of the validity of price mechanics would imply denial of the existence of profit in a theoretical sense, because a divergence between actual costs and prices and theoretical costs and prices would be denied; profit would then have to be defined empirically as the income of the enterprise after costs actually incurred have been met, which is a form of the residual conception of profit.

A theory of profit is inherently a theory of aberrations of actual economic conditions from the theoretical consequences or tendencies of the more general price forces which tend to eliminate them, a theory of the imperfections of competition, supplementary to the theory of perfect competition, defined in a sense which excludes profit. As the conception of perfect competition is admittedly somewhat arbitrary (as well as actually questioned with regard to its usefulness), a brief sketch of profit theory itself may begin with elimination by definition of certain boundary issues. The most important of these are included in the concept of monopoly, which should certainly be dealt with separately under such a caption as monopoly revenue or monopoly income, although economic as well as business usage often calls this profit. The concept of monopoly is here to be taken in the broadest sense, including income from patents, franchises, goodwill and every such source legally recognized as property.

Attempts to present a theory of profit thus restricted in meaning have taken two main directions. The first centers in the effort to identify a peculiar form of service of which profit is the remuneration, a service which can be rendered only by the owner of an enterprise and cannot be paid for in the form of a wage or salary. Since the ordinary managerial activities are in fact frequently hired on a salary basis, there is left the service of "risk bearing" as the basis for such a theory. But again many of the risks of business are familiarly covered, at least in part, by insurance or other organization devices involving the insurance principle, reducing risk by grouping of cases or by applying the law of large numbers. Consequently this line of theory was early forced to specify a peculiar form of uninsurable risk. F. B. Hawley has been perhaps the best known proponent of such a theory in the United States. Among European economists, the importance of the element of risk bearing was recognized by von Mangoldt and later by Mithoff and Diehl among others; more recently a theory of uninsurable risk has been developed by del Vecchio. Discussion of the risk theory, notably by J. B. Clark and his followers, brought about recognition of the fact that the business manager not merely bears risk but estimates risks and selects those to be borne. In fact every detail of business policy both involves the selection and rejection of risks and vitally affects the amount of the risk itself. Thus the risk theory tends to revert to an examination of the functions of management and the nature of business ability, a problem which clearly ties up at the same time with the nature of the risks which cannot be insured and with that of the activities which no one can be hired to perform for anyone else. The conception of profit as remuneration for a unique form of rare human qualities has been advocated recently by Maurice Dobb, although without clear differentiation from wages of management or from Francis A. Walker's rent theory of profit, which was really a wage theory.

J. B. Clark developed the main alternative to a risk theory, one which connects profit with economic change, or in the language which his usage seems to have established, economic dynamics. Profit is emphasized as the lure which induces business men to make improvements in any direction and is depicted as a temporary income as regards any particular improvement, one which is eliminated by competition through transfer to the purchasers of products and to the owners of the labor and capital used in making them. Walras and Cassel also explained profit as

resulting from friction in the working of the competitive system. Cassel's theory, like those of Gide, Weber and Alfred Marshall might also be termed a rent theory of profit. More recently Schumpeter, Amonn and Oppenheimer in particular have developed theories of profit as due to the dynamic character of society.

A view of profit combining the conceptions of risk, of economic change and of the role of business ability has been elaborated by F. H. Knight. It begins by pointing out that uninsurable risk is in fact associated chiefly with economic change. When a change results from conscious innovation, the risk affects in different ways both the innovator himself and other competing enterprises. The risk itself is conceived of as error in decisions, sharply contrasted both with chance in gambling devices and with the hazards covered by insurance. It is pointed out that if the manager were completely and accurately informed on every matter connected with his decisions he would never incur losses, and if all competitors were so informed he would have no opportunity to make gains. The connection of profit with change is simply the fact that decisions of a managerial sort either produce changes or involve adaptations to change or both. In a world free from progressive change, no managerial decisions would be called for; fluctuations would cancel out and could be covered by insurance. Moreover changes which could be predicted indefinitely in advance by everyone affected would not give rise to managerial problems or error or profit; many changes, such as the steady growth of population and capital, are fairly predictable and to a corresponding extent do not occasion imperfect competition or profit. This view is a theory of profit only in an indirect sense, as indicating the limits of the theory which explains other incomes and of general principles in determining them. It serves to point out the directions in which price theory is to be supplemented; namely, through a study of the nature of economic changes and of the activity of the human mind, individually and socially, in producing and reacting to change.

Any study of profits must recognize discrepancies between contractual costs and income in both directions; and the explanation of gains and losses will culminate in the question whether profit is on the whole positive or negative. It is possible only to indicate the nature of the issue and certain theoretical presumptions in favor of one answer or the other. In a competitive enterprise economy profit is the difference between the prices paid for productive services and the prices received for products. This formulation assumes a stationary economy, with net saving and investment absent, but may easily be expanded to include the phenomena of growth through investment. If there is on the whole a positive net profit it is because enterprises compete cautiously and do not raise the values of productive services on the average to their full theoretical level; if, on the other hand, enterprises or their managers are rash and overcompete, the prices of productive services will be raised above their theoretical values and profit will be negative. The difference, in case of a negative profit, would be made up from income in the form of wages or of rent or interest accruing to the profit receivers either at the same time at which net losses were incurred or at some other time.

It has been commonly assumed that risk is irksome and that in consequence profit must on the whole be positive. The phenomena of gambling and speculation, where every participant must know that the activity involves a net loss—often large—to the group engaging in it, make any such simple general assertion untenable. On the other hand, the existence of insurance proves that some risks are irksome to some people. The difficulty in reasoning abstractly about profit is that the character of the risk is not known and is moreover peculiarly affected by a human element. The investor-manager is essentially betting upon himself and his ability to meet situations; and other investors almost certainly judge ventures by the management much more than by any direct knowledge of objective conditions. Thus any assertion can be made regarding aggregate net profit, and appropriately rationalized.

Similar reasoning points to negative results from statistical studies of profit. Classifications of ventures with regard to the real risk involved are not much more defensible from the standpoint of objective accuracy if made at any subsequent time than if made when the ventures are initiated—and only those already finally liquidated can be classified even with respect to outcome. Data on investment and return are limited and questionable, even currently, and highly so for any considerable distance into the past. In order that any conclusion may be proved, data which are not exhaustive must be representative, and obtainable data are certainly open to doubt because of various sorts of bias.

Available figures on profit have been brought

together by various students, commonly with a view to disproving an alleged theory of a tendency of profits toward a normal level or toward zero after deduction of normal costs. A number of detailed statistical studies were undertaken in Hungary and Germany between 1900 and 1914, the most important work being that of József Kőrösy and Ewald Moll. In all these studies generalizations as to rates of profit over a period of years, or even in any one year, were affected not only by lack of relevant data but by difficulties of classifying logically the various possible types of return upon capital and goods—a difficulty which has never been overcome satisfactorily.

Similar statistical investigation was not developed in the United States until the abnormal profits of the war years and the increasing concentration of industry directed attention toward the importance of such empirical investigation, although earlier experiments with rate regulation had raised the question of normal and fair rates of profit. Among the best known recent studies are those of David Friday, Foster and Catchings, Horace Secrist, Lawrence Sloan, William L. Crum, and those made for the National Bureau of Economic Research by R. C. Epstein. The figures compiled in these various studies show a wide scatter and erratic variation, as would be expected. The reasoning to any negation of price theory is not easy to grasp, since general theory creates no presumption for any particular form of distribution of behavior. It is true that if conditions remained unchanged and transfer of investment were free, competitive theory would call for an approximation of extreme rates of return toward a norm with the passing of time. Secrist's figures reveal such a tendency, while Epstein's later and fuller data from corporation income tax returns, when plotted as a percentage on reported investment, do so only for half the eleven-year period studied. Theory does not call, however, for any particular rate of return on investment; even if investment were known, conditions do not remain constant and transfer of investment is not free. In actual fact the period of relative constancy in the distribution of rates (1924–29) is now known to have been the time of greatest speculation and inflation, even though it was not characterized by a rise in general commodity prices. The assumption that such profit conditions would continue was largely responsible for what happened in the years following 1929. What the figures prove is that a boom can create enormous profits, on paper and for the time being. Even what would have happened if the legal owners of the profits reported, the holders of common stock of corporations, had secured them and elected to spend them for consumption purposes is itself a matter for speculation.

If it is possible to speak of conclusions indicated by the factual studies, they follow the lines that would be expected from theory or substantiate commonly accepted assumptions. It is none the less an important fact that modern business conditions create enormous amounts of "profit" in the loose sense of the word, although of course they also create enormous incomes from personal services and from property even within what would be called the normal market values of such services. Likewise such conditions create losses which are a problem on their own account. Devices aimed at secure accumulation increase the possible size of other incomes, while uncertainty makes for occasional large profits along with correspondingly large losses. Sloan's figures of the profits of 455 large corporations show an amazing range in the rate of return (from 15 to 181 percent) even for this exceptionally prosperous group. It is to be kept in mind that no objective line can ever be drawn between profit in the theoretical sense and other incomes, and this is especially important with reference to monopoly revenue, itself a broad and rather loose conception. Modern business devices may make it possible to prolong the temporary gains of a quasi-monopolistic sort coming from successful innovations, which play the chief role in J. B. Clark's theory of profit. This observation applies also, and perhaps especially, to the temporary legal monopoly created by patents and trademarks. Certainly modern world wide market organization tends to a greater concentration of the gains from lucky hits in articles of fashion or other new commodities which enjoy a successful run.

The great and overtowering problem, however, in connection with profit, as in economics generally, is that of changes in price levels and in business conditions, generally referred to as the business cycle. As already observed, it is the fact that such changes are not correctly anticipated, in addition to the fact of their occurrence, which makes them a source of gains and losses. Changes in the general price level and in speculative conditions have more than once since the outbreak of the World War transferred a very considerable fraction of the national wealth out of one set of hands and into another set, not merely without regard to desert or justice, but in a way de-

moralizing to the motivation of normal economic life.

The modern economic order is built around the concept of enterprise, the correlate of which in income is profit, and is often referred to as the profit system. Economic life necessarily involves much uncertainty or risk, in the loose sense, due to the vicissitudes of nature. Not all of this could theoretically be covered by insurance, and for much more insurance is impracticable. Enterprise economy adds to this the far greater uncertainty associated with the almost universal production of goods in anticipation of the wishes of consumers. This latter uncertainty would not be present in a social system controlled by consumers where production went forward only upon responsible orders in advance from consumers or consumer groups. In many cases, however—one may think of the railroads—such a system would be impossible unless the entire population were organized as a consumer unit, presumably through the agency of the state. The only apparent alternative to the whole population acting through the state as a single producer is a system in which the productive decisions are made and its risks assumed by "volunteers." In such an organization the role of entrepreneur appeals to many motives, inevitably including those of the gambler and those of the would be leader. Some of the motives or motive elements are undoubtedly of the sort conventionally called immoral, and opponents of the system as a whole plausibly stigmatize as such "the" profit motive itself, although all or nearly all the motives which ever operate in human life—the noblest as well as the basest—may enter into productive enterprise.

In connection with criticism of the economic system on social and ethical grounds, it remains to be observed that the notions of fair return and of profiteering need to be associated with careful analysis. Regarding monopoly gain there has been virtually no difference of opinion, and the only problem has to do with practicable methods of prevention. Fair rent and interest raise a different set of problems and should be tied up with a question of fair or necessary remuneration for personal services at both the higher and the lower ends of the scale. As concerns fair profit, in the strict sense, it must be kept in mind that there is serious doubt whether profit on the whole is actually positive or negative. Profit in one set of ventures is associated with loss in another set, unless, and in so far as, there is a biased error one way or the other in the judgment of those who direct business enterprise. A positive aggregate net profit above all losses means a bias on the side of caution, while a preponderance of the spirit of adventure will entail net loss on the whole. Both in abstract ethics and from the standpoint of social interest in adequate motivation, a proposal to reduce high profits raises the question of using the proceeds to reduce losses. It raises the question; it does not answer it, and no simple categorical answer can be given. Both profit and loss arise in many cases from circumstances entirely apart from human foresight, and the question then is one of justice rather than of incentive, but the further question of the political feasibility of any proposed action also looms large. In other cases considerations too complex even to be listed here enter into the issue as to what might be done to secure a wiser direction of the use of productive resources and a more equitable distribution of the results than is afforded by individual competitive choice. Finally, in any judgment of "the profit system," full weight must be given to questions of the moral value of different motives, of the qualities of personality and of human relationships which go with different types of economic constitution and the like, as well as to more strictly economic issues of efficiency or even justice.

FRANK H. KNIGHT

See: DISTRIBUTION; ECONOMICS; RENT; INTEREST; RISK; ENTREPRENEUR; MONOPOLY; PROFITEERING; FAIR RETURN; ECONOMIC INCENTIVES; PROMOTION; NATIONAL INCOME; PROFIT SHARING; EXCESS PROFITS TAX.

Consult: Knight, Frank H., *Risk, Uncertainty and Profit*, Hart, Schaffner and Marx Prize Essays, no. 31 (Boston 1921); Dobb, Maurice H., *Capitalist Enterprise and Social Progress*, London School of Economics, Studies in Economics and Political Science, no. 81 (London 1925); Barnett, George E., "The Entrepreneur and the Supply of Capital" in *Economic Essays, Contributed in Honor of John Bates Clark*, ed. by J. H. Hollander (New York 1927) p. 14–21; Tuttle, Charles A., "A Functional Theory of Economic Profit" in *Economic Essays Contributed in Honor of John Bates Clark*, ed. by Jacob H. Hollander (New York 1927) p. 321–36; Hicks, J. R., "The Theory of Uncertainty and Profit" in *Economica*, vol. xi (1931) 170–89; Foreman, Clarence J., *Efficiency and Scarcity Profits* (Chicago 1930); Clark, John Bates, *The Distribution of Wealth* (New York 1899); Hawley, F. B., *Enterprise and the Productive Process* (New York 1907); Lehfeldt, R. A., "On Financiers' Profits" in *Economic Journal*, vol. xx (1910) 551–60; Walker, F. A., "The Source of Business Profits" in *Quarterly Journal of Economics*, vol. i (1887) 265–88; Edelberg, Victor, "The Ricardian Theory of Profits" in *Economica*, vol. xiii (1933) 51–74; Amonn, Alfred, MacGregor, D. H., and Vecchio, G. del, "Unternehmergewinn" in *Die Wirtschaftstheorie der Gegenwart*, ed.

by Hans Mayer, F. A. Fetter and Richard Reisch, 4 vols. (Vienna 1927–32) vol. iii, p. 259–92; Hilger, Gustav, "Zur Lehre vom Unternehmergewinn" in *Annalen des Deutschen Reichs für Gesetzgebung, Verwaltung und Volkswirtschaft*, vol. lxiii (1930) 50–120; Schnittkind, Ljuhow, *Abriss einer Geschichte der Lehre vom Unternehmergewinn*, Volkswirtschaftliche Studien, no. xxxiii (Berlin 1930); Moll, Bruno, "Unternehmergewinn und Arbeitslohn" in *Zeitschrift für die gesamte Staatswissenschaft*, vol. lxxxiv (1928) 280–314; Straller, Rudolf, "Zur Lehre vom Unternehmergewinn" in *Schmollers Jahrbuch*, vol. l (1926) 161–81; Lampe, Adolf, *Versuche zur Theorie des Unternehmergewinns* (Munich 1924); Oppenheimer, Franz, *Wert und Kapitalprofit* (3rd ed. Jena 1926); Budge, Siegfried, *Der Kapitalprofit* (Jena 1920); Briefs, Goetz, *Untersuchungen zur klassischen Nationalökonomie, mit besonderer Berücksichtigung des Problems der Durchschnittsprofitrate* (Jena 1915); Körner, Alois, *Unternehmen und Unternehmergewinn* (Vienna 1891); Schroeder, Eduard August, *Das Unternehmen und der Unternehmergewinn* (Vienna 1884); Mataja, Victor, *Der Unternehmergewinn* (Vienna 1884); Gross, Gustav, *Die Lehre vom Unternehmergewinn* (Leipsic 1884); Pierstorff, Julius, *Die Lehre vom Unternehmergewinn*, 2 vols. (Berlin 1875); Mangoldt, H. K. E. von, *Die Lehre vom Unternehmergewinn* (Leipsic 1855); Marx, Karl, *Das Kapital*, 3 vols. (Hamburg 1867–94; vol. i, 4th ed. 1890), vol. iii tr. by Ernest Untermann (London 1909); Bukharin, Nikolai, *The Economic Theory of the Leisure Class* (New York 1927) chs. iv–v; Porte, Marcel, *Entrepreneurs et profits industriels* (Paris 1901); Lorini, Eteocle, *Il profitto* (Rome 1901); Ashley, W. J., "The Statistical Measurement of Profit" in *Economic Journal*, vol. xx (1910) 530–50; Moll, Ewald, *Die Rentabilität der Aktiengesellschaften* (Jena 1908); Stamp, J. C., "The Effect of Trade Fluctuations upon Profits" in Royal Statistical Society, *Journal*, vol. lxxxi (1918) 563–600; Werner, Ernst, "Die finanziellen Ergebnisse der deutschen Maschinenbau-Aktiengesellschaften" in *Archiv für exakte Wirtschaftsforschung*, vol. ii (1907–09) 597–694; Dermietzel, Otto, *Statistische Untersuchungen über die Kapitalrente der grösseren deutschen Aktiengesellschaften . . . von 1876–1902* (Göttingen 1906); Wagon, Eduard, *Die finanzielle Entwicklung deutscher Aktiengesellschaften von 1870–1900*, Sammlung nationalökonomischer und statistischer Abhandlungen des Staatswissenschaftlichen Seminars zu Halle, vol. xxxix (Jena 1903); Kőrösy, József, *Die finanziellen Ergebnisse der Aktiengesellschaften während des letzten Vierteljahrhunderts (1874–1898)*, Publikationen des Statistischen Bureaus der Haupt- und Residenzstadt Budapest, vol. xxix (Berlin 1901); Fuchs, R., *Die Kriegsgewinne* (Zurich 1918); Crum, W. L., *Corporate Earning Power* (Stanford University 1929); Sloan, L. H., *Corporation Profits* (New York 1929); Epstein, Ralph C., "Statistical Light on Profits, as Analysed in Recent Literature" in *Quarterly Journal of Economics*, vol. xliv (1929–30) 320–44; Foster, William T., and Catchings, Waddill, *Profits*, Pollak Foundation for Economic Research, no. 8 (Boston 1925); Friday, David, *Profits, Wages, and Prices* (New York 1920); Epstein, Ralph C., "Industrial Profits in 1917" in *Quarterly Journal of Economics*, vol. xxxix (1924–25) 241–66; Muller, J. P., *Financial Statistics of the Leading Industrial and Mining Companies in the United States* (2nd ed. Washington 1919); Sterrett, J. E., "The Comparative Yield on Trade and Public Service Investment" in *American Economic Review*, vol. vi (1916) 1–8; Wadlin, H. G., "Net Profits in Manufacturing Industries" in Massachusetts, Department of Labor and Industries, Division of Statistics, *Annual Report on the Statistics of Labor*, vol. xxi (1891) pt. iv; Ward, Harry F., *The Profit Motive*, League for Industrial Democracy, Pamphlets, no. 8 (New York 1924); Fairchild, Henry Pratt, *Profits or Prosperity?* (New York 1932).

PROFIT SHARING was defined by the International Congress on Profit Sharing, held at Paris in 1889, as an "agreement freely entered into, by which the employees receive a share, fixed in advance, of the profits." The congress interpreted this to include both legally binding agreements and those in which there was no other than a moral obligation; emphasis was upon the necessity of determining in advance the method of sharing profits. This definition has received general adherence in European discussion. In the United States bonus systems and employee stock ownership arrangements have sometimes been referred to as methods of profit sharing; but neither bonus nor stock ownership plans imply any necessary relation to profits. A more frequent erroneous use of terminology in the United States is the inclusion of those arrangements in which the sharing of profits is confined to the managerial personnel. But this involves an application of profit sharing so restricted that it disregards the social significance envisaged by early proponents who stressed the importance of enlisting loyalty of a large proportion of manual workers, with resultant enhanced production and industrial peace.

Formalities of definition, however, are less significant than the realities of actual functioning; and even the operation of plans in Europe raises doubts as to how extensively profits in any real sense are shared. In France, where profit sharing has the longest history, frequently deferred participation is established, under which the profits shared are accumulated in a "patrimony" and paid into employees' pension funds. Under such a plan the employees are virtually financing their own pensions, on the assumption that they earn their share of the profits. Such specific segregation and use of employees' shares appear to be no more generous than the arrangements of firms which, while not "sharing profits," provide pensions on some other basis.

Deferred participation has developed most

extensively in France, but it is not uncommon elsewhere to share profits in stock rather than in cash and to stipulate that the capital so represented shall remain for a period in the firm. Other shared profits are paid into a savings fund, the money being used in the business. A frequent requirement, whether benefits accrue through immediate cash payments or are deferred, is to confine application to workers who have been on the pay roll for periods varying from six months to five years. Typically there are additional requirements, including evidence of proper "loyalty" to the firm, such loyalty often being construed as refusal to join a labor organization. In consideration of these limiting factors it has been suggested that it would be appropriate to redefine the practise of profit sharing as the setting aside of a sum payable to those employees who qualify through certain periods of service and through compliance with other conditions stipulated by the management. Participants in profit sharing plans seldom exceed 50 percent of the total labor force, and the proportion is usually smaller.

Although there were earlier developments with features analogous to profit sharing, the modern movement really started in France in the 1840's and was given a powerful impetus by the growth of reformism after the Revolution of 1848. Most noted among the first ventures in profit sharing was that of Edmé Leclaire, initiated in Paris in 1842. Leclaire, who headed a house painting firm, restricted his plan, which included cash distributions, to a nucleus of the higher paid workers and achieved a measure of success partly through his personal influence. He was convinced that by giving the workers the opportunity to participate in profits they would economize on materials and improve the quality of their work to such a degree that additional profits would result both for himself and for the employees. Another noted French experiment in profit sharing was that of Jean Godin, who was engaged in the manufacture of heating apparatus. A follower of Fourier, Godin regarded profit sharing as a means of promoting a broad program of producers' cooperation. Charles Robert, an influential leader in the cooperative movement in France and an admirer of Leclaire, wrote extensively in favor of profit sharing as a method of paving the way for cooperation. In 1878 he founded a society for the study of profit sharing, and his activity was instrumental in popularizing the idea among government officials. Despite the influential sponsorship of the movement, the great amount of propaganda and the prevalence of small scale industry in which the workers could influence output the growth of profit sharing was extremely limited in France; there were only 120 profit sharing plans in 1889, and by 1924 they had dwindled to 75, one third of them having been started after 1919. Insurance companies provide the largest group of profit sharing enterprises.

In Germany Victor Böhmert, like Robert in France, fostered profit sharing through his writing. He was motivated by the belief that profit sharing would promote his theory of the identity of interest between wage earner and employer. Ernst Abbe, owner of the Zeiss optical works, introduced profit sharing on a liberal basis along with other advanced measures in labor policy. Abbe's plan was the only important one of its kind in Germany; up to 1921 no more than 95 plans had been initiated, of which 29 were still in operation. Most of the schemes provide for payment of shared profits into savings accounts as benefit funds. Major reasons assigned for the failure of profit sharing institutions to gain a foothold in Germany are the opposition of socialist groups, the strong disapproval of the trade union movement and the lack of interest on the part of employers, probably because of the high degree of trade union organization.

The profit sharing movement in France, which in its early stages seemed a spectacular success, attracted the attention of J. S. Mill, John Bright and the Christian Socialists in England. It was linked up early with the cooperative movement; many of the first cooperatives and their leaders insisted that profit sharing and cooperation be combined, but this was rejected by the cooperative movement as a whole. Profit sharing plans in capitalist enterprises made considerable progress until the failure during the 1870's of the plan in the Briggs collieries. This concern in 1865 introduced profit sharing as a preventive of strikes; but when strikes against wages occurred the plan was abandoned, having been in operation only eight years. These happenings influenced British employers against profit sharing, while the trade unions were hostile or indifferent, definitely opposing profit sharing, as early as 1889, on the ground that it would induce workers to abandon their unions and make them averse to strikes.

Profit sharing in England was early identified with the copartnership movement. One interpretation of copartnership, which implies own-

ership of stock by employees, is that a minor stake in ownership will psychologically transform the worker into a capitalist. Others, however, assert that ultimate employee membership on the board of directors is the only way to attain fully the assumed underlying identity of interest. The Christian Socialist movement with its "social workshops," an idea imported from France, and philanthropically inclined employers, such as B. Seebohm Rowntree, evidently influenced in part by religious convictions, appear responsible in some degree for this emphasis on profit sharing as a means to copartnership. The earliest copartnership type of profit sharing appeared in England in 1894. This was a scheme of the South Metropolitan Gas Company to pay the profit sharing bonus (according to a plan adopted in 1889) one half in cash and one half in company stock; by 1926 employees of the company owned £500,000 in stock. This form of profit sharing had considerable development among gas companies. But the movement as a whole did not fulfil the expectations of its advocates. By 1932 there were in Great Britain 469 profit sharing plans of all types; the number abandoned was over 350. The plans in operation included 168 cooperative societies. Those in private undertakings embraced 220,000 workers, a minority of the total number employed; 93 of the plans, embracing 48,700 workers, were linked up with share ownership, or copartnership. In 1923 and again in 1925 the British Trades Union Congress condemned copartnership as "designed to mislead workers and prevent trade union solidarity," but somewhat more favorable sentiments were expressed in subsequent years. Although profit sharing is considered to have made most advance in France, in no country has it progressed more than in England.

Every other European country can supply some examples of profit sharing, but it has no real importance in any of them. In Italy, although the Catholic party favored it, profit sharing was practised by only a handful of firms. In Czechoslovakia it is practically limited to the Bata Shoe Company. In Holland a few firms have adopted it. Profit sharing is almost nonexistent in Belgium, despite various attempts to induce its adoption; employers as a whole have never been much interested and the trade unions have been definitely opposed, their attention being concentrated on political action and labor legislation.

There was a revival of interest in profit sharing because of the labor unrest which followed upon the World War. There were many proposals for compulsory profit sharing and some adoption of legislative measures toward this end—in France in 1919, Czechoslovakia in 1920, Italy in 1921, Norway in 1922, Portugal in 1923 and in Belgium, England and other countries—as a means of socializing industry and allaying the workers' discontent; but the proposals either failed of enactment or produced no results. This is equally true of compulsory legislation in Colombia, enacted in 1923. In 1924 copartnership was legalized in New Zealand, in the form of legislation to facilitate the issue of labor shares, but the outcome was negligible. There was some interest in copartnership among German industrialists after the war; the most important plan, that of Krupp, which lasted from 1922 to 1925, was discontinued because the company was unable to pay the 6 percent preferential dividend on the workers' shares. Since profit sharing seems to be essentially a capitalist device instituted through the initiative of private employers, it is not found in Soviet Russia.

While in Europe profit sharing was in part an expression of the movement for social reform, in the United States it was inspired wholly by employers. It began to develop in the 1870's under pressure of labor unrest, but did not acquire significance until the 1880's. By 1896, however, only 50 enterprises had adopted profit sharing, and by 1916 only 60 enterprises. Many plans were adopted but most of them were discontinued after a few years. Almost from the beginning the movement was opposed by organized labor. The small sums commonly distributed to wage earners under profit sharing have not added enough to the American worker's income to induce him to view the plan without indifference or hostility. This attitude, combined with the traditional optimism of Americans in economic matters, has been partially responsible for the reliance upon "managerial profit sharing" and employee stock ownership as more effective than profit sharing. The most prevalent form of profit sharing is that limited to managerial employees. The earliest forms of employee stock ownership arose out of profit sharing, although it developed mainly as a substitute. Employee stock ownership was emphasized particularly in the decade following the World War, when the speculative aspect of stock ownership seemed to present unusual opportunities for "getting rich quick," although the mass of wage earners were not included in the

various plans of disposing of stock to employees. In 1916 there were 60 enterprises which met the accepted definition of profit sharing, but this figure includes plans which permitted as few as one third the number of the employees to participate; the total workers under the plans did not exceed 30,000, the establishments were nearly all small and none was unionized. There has been very little advance since 1916. A survey in 1927 indicated that of 4409 enterprises, employing 419,000 workers, only 54, or 1 percent, had some form of profit sharing, with an average yearly "bonus" of $85; 109 enterprises had managerial profit sharing, with an average yearly bonus of $712. Profit sharing is rare in the United States and seems to be losing ground.

Adversity for profit sharing in Europe has synchronized with the chaotic state of industry characterizing much of the period since the World War. Factors most conducive to the launching of profit sharing ventures are favorable profits combined with rising prices and industrial unrest. Unrest there has been, but the other requisites have not existed in the proper amounts. Even when prices were rising during the period of extreme inflation immediately following the war, especially in Germany, instability was too great to encourage the establishment of new experiments in profit sharing. Little evidence exists that the relatively better economic position of France among the larger nations of western Europe has stimulated profit sharing. No nation stands out conspicuously against the trend of declining practise.

Several generations of experience with profit sharing afford a basis for conclusions as to its decided limitations. In general the small firm, comprising a declining area of industry, is most suitable. An exception under favorable circumstances is a public utility like the British gas industry, where the rates to consumers, output and profits are sufficiently correlated and stable. All public utilities are clearly not so situated; the experience of a leading French railway system, for example, caused the abandonment of profit sharing. Associated with small size are likely to be occupations in which individual skill and responsibility tell strongly on output and economy in materials. Profit sharing may increase output by stimulating the worker's initiative; but this is not so feasible in highly mechanized industry, where the machine largely determines output. Experience also seems to demonstrate that even in the small concern profit sharing will not survive unless it is integrated with a plan of social welfare work. This is indicated in France, typical nation of small scale industry and handicraft, where profit sharing through deferred participation takes on the aspect of welfare work.

The methods of determining the shares which the workers may receive are somewhat varied; but first provision is usually made for interest on invested capital, depreciation and reserves, and then sharing takes place on a ratio based upon the relation of the annual wage bill to the total capital. As a rule this results in a share for ownership at least three times as great as that available for the employees. If, as has been suggested, the shares for distribution are more logically computed upon the basis of the "earnings" of both labor and capital, the division would depend upon the proportion which interest on capital bears to wages of labor; this would result typically in "profits" to labor at least three times the amount assignable to capital, and it is therefore obviously not popular among employers.

Profit sharing clearly fails to correspond with the wage earner's needs; migratory and casual workers are seldom eligible and lower annual earnings for those qualified result in smaller annual shares. In Great Britain over a long period of years the "labor dividend" declared by profit sharing firms averaged approximately 5 percent on annual earnings. The majority of the plans in the United States resulted in less than a 10 percent increase in the participating wage earner's income. These additions are no larger than the amounts frequently paid as a bonus at Christmas or New Year. It appears further that through profit sharing the same stimulus to output is sought as that attainable under a piece rate system of payment. But the average profit sharing dividend is substantially less than the increase in income which a trade union commonly obtains when it agrees to replace payment by time with a piece rate system.

For profit sharing it has been claimed that the lure of profits acts as a stabilizing influence in reducing labor turnover. This can hardly apply to those numerous workers among whom employment is most irregular, and who therefore represent the most serious social aspect of labor turnover, because the bulk of this labor is excluded under profit sharing. In the case of the better paid workers who are induced through profit sharing to remain "permanently" with a firm there is reduced labor turnover. But this means that labor mobility has been impaired,

and in a competitive system this outcome is no more calculated to enhance the wages of labor than impairing the mobility of capital would increase its return.

Advocates of profit sharing have contended that its relative failure is not attributable to inherent defects but is caused rather by failure to apply "correct principles." One of these principles is payment of the market rate of wages. But even if such payment is maintained at the beginning, with the development of severe competition the management is likely to utilize profit sharing as it would any other available means of lowering wages or preventing wage increases. This tendency under competition would seem to be more "inherent" than the "correct principles" of profit sharing. And since the wage earner's primary economic concern is wages, the view appears justified that in practise profit sharing tends often to create new points of friction. The factors indicated go far toward explaining the high mortality rate in profit sharing plans. Although some trade unions have on occasion accepted a particular profit sharing plan, believing themselves strong enough to protect union standards, the labor movement has opposed profit sharing on the theory that it is a menace to both wages and union organization. Significantly, profit sharing plans are not infrequently brought to an end through strikes. It may fairly be concluded therefore that the value of profit sharing as a stimulus to production is inconsequential.

In addition to the labor aspect there are basic difficulties in profit sharing, which result from the nature of profits. It is asserted frequently that profits are determined by so many influences outside the orbit of the individual establishment that the worker's efforts have little direct effect. This is usually interpreted to mean that the worker has nothing to do with the creation of profits, but it has been pointed out that according to this reasoning owners likewise would not be entitled to profits. Under any theory of profit there are serious obstacles to integrating with theory such a device as profit sharing. Risk theories sooner or later reach the conclusion that "risk taking" owners of property are legitimate heirs to profits. If so, the "profits" bestowed upon labor are not "earned" by labor, and an irresistible tendency will therefore develop to minimize the amounts "shared" and to offset labor's "profit" by compensatory reductions in the wages otherwise paid. The concept of capitalist exploitation of labor, basic to the Marxian explanation of surplus value as the ultimate source of profits, leads to a similar conclusion regarding the lack of reality of any alleged sharing of profits. It is also pertinent theoretically that the upholders of private property in the means of production envisage competition as causing "pure profits" in the aggregate to disappear or to be a negative quantity, a state of things which does not afford a sound basis for the sharing of profits with employees. If a plan were to include the sharing of losses as well as of profits, it would be initially unacceptable to labor.

LYLE W. COOPER

See: INDUSTRIAL RELATIONS; EMPLOYEE STOCK OWNERSHIP; LABOR-CAPITAL COOPERATION; PRODUCERS' COOPERATION; LABOR; WAGES; LABOR, METHODS OF REMUNERATION FOR; WELFARE WORK, INDUSTRIAL.

Consult: Gilman, N. P., *Profit Sharing between Employer and Employee* (Boston 1889); Robert, Charles, *La partage des fruits du travail* (Paris 1873); Böhmert, V. K., *Die Gewinnbetheiligung*, 2 vols. (Leipsic 1878); "Profit-Sharing and Co-partnership in France" in *International Labour Review*, vol. ix (1924) 398–403; Trombert, A., *La participation aux bénéfices* (3rd ed. Paris 1924); France, Ministère du Travail, Office du Travail, *Enquête sur la participation aux bénéfices* (Paris 1923); Wendlandt, Hellmuth, *Die Umsatz- Gewinn- und Kapital-Beteiligung der Arbeitnehmer in Handel und Industrie* (Berlin 1922); Feilchenfeld, W., *Die Gewinnbeteiligung* (Berlin 1922); Putensen, R., *Das Problem der Gewinnbeteiligung der Arbeitnehmer vom betriebswirtshaftlichen Standpunkte*, Betriebs- und finanzwirtschaftliche Forschungen, 2nd ser., vol. xlviii (Berlin 1930); Totomianz, V., "Die Stellungnahme der Arbeiter gegenuber der Gewinnbeteiligung und dem Copartnership-System" in *Schmollers Jahrbuch*, vol. li (1927) 53–66; Haug, Hermann, *Gewinnbeteiligung des kaufmännischen Angestellten* (Stuttgart 1931); Jost, W., "Zur Frage der Arbeitergewinnbeteiligung und ihrer Förderung in der Schweiz" in *Zeitschrift für schweizerische Statistik und Volkswirtschaft*, vol. lxvii (1931) 271–87; Rowntree, B. Seebohm, *The Human Factor in Business* (London 1921); Walls, Ernest, *Progressive Co-partnership* (London 1921); Bowie, James A., *Sharing Profits with Employees* (London 1922); Raffety, F. W., *Partnership in Industry* (London 1928); Cole, G. D. H., *The Payment of Wages* (rev. ed. London 1928); Great Britain, Board of Trade, Labour Statistics Department, *Profit-Sharing and Co-partnership Abroad*, Great Britain, Parliament, House, Cd. 7823 (1914); Great Britain, Labour Ministry, Intelligence and Statistics Department, *Report on Profit-Sharing and Labour Co-partnership in the United Kingdom*, Great Britain, Parliament, House, Cmd. 544 (1920); "Profit-Sharing and Co-partnership in 1932" in Great Britain, Ministry of Labour, *Ministry of Labour Gazette*, vol. xli (1933) 198–201; Emmet, Boris, *Profit Sharing in the United States*, United States, Labor Statistics Bureau, Bulletin no. 208 (1917), and "Extent of Profit Sharing in the United States" in *Journal of Political Economy*, vol. xxvi (1917) 1019–33; National

Civic Federation, Welfare Department, *Profit Sharing by American Employees* (New York 1916); Burritt, A. W., and others, *Profit Sharing; Its Principles and Practice* (New York 1918); National Industrial Conference Board, *Practical Experience with Profit Sharing in Industrial Establishments*, Research Report no. 29 (Boston 1920), and *Industrial Relations Programs in Small Plants* (New York 1929); James, Gorton, *Profit Sharing and Stock Ownership for Employees* (New York 1926); Balderston, C. C., *Managerial Profit Sharing* (Philadelphia 1928); Preinreich, G. A. D., "Profit-Sharing Problems and Their Solution" in *Journal of Accountancy*, vol. xlviii (1929) 341–53; Garbarini Islas, G., *La participación en los beneficios* (Buenos Aires 1922); Gilchrist, R. N., *The Payment of Wages, and Profit Sharing* (Calcutta 1924).

PROFITEERING came into general use as a term of opprobrium during the World War. Applied primarily to the manufacturer or merchant who was thought to be amassing huge profits through extortionate prices, it was extended by those inclined to finer moralistic analysis to anyone who used the common situation for personal gain.

War profits were far from being a new phenomenon in 1915 and 1916. There are records of attempts by the Roman Senate to suppress the great war gains of certain Roman generals. At a later date the Rothschilds added to their fortunes through war financing, while the Napoleonic wars brought out numerous charges of extortion and "profiteering." Indeed it may be assumed that commercially minded individuals everywhere have taken all feasible advantage of the opportunities for gain provided by wars.

With the wars of nationalism, however, this indifference of the trader took on a new and less tolerable complexion, at least in theory; but it was only with the World War that the impact of war conditions fell inescapably upon every group within the community and that individual gain came to appear as a direct blow at social—in this case identified with national—welfare. It is indicative of the original significance of the term profiteering that it was almost unheard in the United States throughout 1915 and 1916, when profits for many industries were higher and ascending more rapidly than at any later period. But such gains appeared in a different light when they were no longer made at the expense of a foreign situation but seemed rather a menace to the success of a common program.

Once coined, the terms profiteer and profiteering took their place in the vocabulary of war propaganda. But they were not left for long to achieve their effects merely as slogans; almost immediately they were incorporated in legislative and administrative programs of price control and production regulation. The series of regulations of industry and trade set up by each of the belligerent nations had a common objective, the maximum production of war materials. In most countries the basic war industries were directly controlled: supplies requisitioned, production allocated and remuneration fixed. But in the case of consumers' goods and trade in general, where such complete regulation was hardly feasible, control was achieved through the establishment of maximum and minimum or fixed prices (*see* WAR ECONOMICS). Such regulation, however, far from eliminating differential war profits, made them inevitable. It was well recognized at the time that the establishment of a single price for an industry in which the costs of different producers varied greatly, particularly if the price were high enough to call forth maximum production, could result only in huge profits for low cost producers. Legislators and administrators in general fell back upon the faith, hardly substantiated by subsequent experience, that the excess profits tax (*q.v.*) would return to the public treasury the huge amounts thus presented to favored individuals and groups. Another and most important source of war profits was inflation, which also operated in a sense without the intervention of the profiteer. But although war profits were thus inherent in the particular set up of war conditions, it is not to be inferred that they came to their recipients entirely unsolicited.

There have been a number of attempts to estimate the extent of war profits, but lack of data and of agreement as to statistical procedure and interpretation give to all of them an exceedingly tentative character. In the United States the Federal Trade Commission collected evidence in 1917 and 1918 which indicated the existence of profiteering on a large scale. Thus, although early in 1917 the Food Administration had established a maximum profit for flour millers of 25 cents a barrel, with wheat prices fixed, the average profit made for the year 1917 was 45 cents a barrel, with profits for individual mills ranging considerably higher. The abnormal profits of most of the steel companies—the average profits increased from 4.7 percent in 1912 and 2.8 percent in 1914 to 24.9 percent in 1917—were not eliminated even by government price fixing. Extensive profiteering was found to exist in the meat packing industry and examples of excessive gains were culled from a variety of other industries. A careful study published in

1918 (Fuchs, Rudolf, *Die Kriegsgewinne*) indicates similar conditions in German industry and trade. For instance, the gross profits, expressed as a percentage of the share capital, for a selected list of 16 German mining and steel companies ranged in 1912–13 from 13 to 65 percent, in 1916–17 from 35 to 219 percent; but since increases had not occurred proportionately, the percentage increase of gross profits in 1916–17 over 1912–13 ranged from 18 to 467 percent, while the percentage increase in average profits in the 1914–17 period over the average for 1910–13 ranged from 33 percent to 846 percent. A Select Committee on High Prices and Profits set up by the British Parliament in 1919 made a careful distinction—more tenable in theory than in statistics—between large war profits, inevitable under a system of maximum prices, and speculative profiteering. The latter it thought had been largely ended, although not until well on into the war, for the food industries, the munitions industry and other basic war industries by the controls established. In 1918 Josiah Stamp drew the conclusion, from index numbers of profits and prices, that in England business profits in the aggregate, including the part paid away as excess profits duty, had risen to an extent rather less than the rise in prices. It is also to be noted that huge war profits were in many instances followed by huge losses in 1920 and 1921. But there is nevertheless no doubt that in every country, neutral as well as belligerent, favorably situated individuals made extensive permanent financial gains from the war.

The ostentation of many of these newly or increasedly rich kept alive the term profiteer and the resentments it expressed long after the cessation of hostilities. Indeed wartime regulation, particularly of rents and food prices, was continued for several years almost everywhere except in the United States. One of the most ambitious post-war attempts at the regulation of profits was the British Profiteering Act of 1919 which gave to the Board of Trade power to investigate costs, prices and profits for any article of mass consumption upon complaint or upon its own initiative and, where it found proof of unreasonable profits, to declare what price would yield a reasonable profit and require the seller to repay the excess to the complainant. Fines might also be assessed against profiteers. A whole series of local and regional committees were set up to investigate retail prices and see to the enforcement of this law with the Board of Trade as the final court of appeal. The law as originally passed was to remain in effect for six months; but in May, 1920, it was amended to continue for another year. It operated chiefly as a supplement to existing regulation of trusts and monopolies, giving the Board of Trade some control over retail prices as well during a critical period. A somewhat similar experiment was tried in the Union of South Africa from 1919 through 1922.

By 1924 or 1925 the term profiteering had almost disappeared. If public attention was occasionally directed to the immense profits of public utility companies or chain store organizations, the problem as a whole seemed of minor consequence in the face of increasing prosperity. It came to the fore again after 1929 with the return to price regulation as a method of combating depression. Any attempt at price stabilization must raise questions as to the relative gains of different groups, and the problem of disproportionate prices and profits was prominent in many countries in 1930 and 1931; but it was the series of emergency measures begun in the United States in 1933 that revitalized the term profiteering. Not only did the analogy of wartime organization in "the war against depression" inevitably give new life to the term but, up to 1934 at least, the real force relied upon by the government to curb disproportional price rises—behind the elaborate system of trade associations and compliance boards—was the social disapproval symbolized by the term profiteer.

In 1919 Sir Auckland Geddes in moving the Profiteering Act in the House of Commons said: "The introduction of the word profiteering into the language is really something of a landmark, for it marks an increase in the social consciousness. . . ." The effective utilization of this new social conscience he saw as the only alternative to governmental production of articles of necessity or complete governmental price regulation. Profiteering does indeed take its place among the numerous concepts through which men have attempted to control social activity: usury, just price, fair return, public interest. Just as usury, the most closely analogous concept, meant originally the system of interest taking and only gradually came to mean the taking of excessive interest, so profiteering has sometimes been used to mean the system of profit making and retains always a hint of this meaning, although its general connotation is that of the making of exorbitant profits. Such concepts represent attempts not to establish a new economic system,

but to put limits upon the excesses of that in existence, to moralize and rationalize the course of economic activity.

The very appearance of such a term indicates a fairly widespread recognition of the social implications of certain habits and customs. Its possible effectiveness is less easily determined. As a moral deterrent its effectiveness is largely dependent upon the scope of the social consent which it achieves. If it represents merely the attempt of one group to restrain another, that effect may be extremely limited: to call a man a banker may damn him in Marxist circles but will hardly do so in his own. And it is the moral condemnation of one's own group which counts most heavily. During the war the term profiteering may have expressed a sufficiently widespread sentiment to have acquired real moral force, but it is seldom that such unanimity of aim infuses any people. It is to be noted moreover that even in the case of a war situation it is the little man who is most exposed to the force of disapproval; the powerful manage to disguise the real nature of their conduct, perhaps even in their own eyes.

When the concept reaches the stage of legislative action, however, its effectiveness depends upon a different set of factors; in general terms, upon the detailed intelligence with which it is implemented and upon its adaptability to the given situation. From this point of view just what does or can profiteering mean? One is faced at the outset of any such inquiry by the ambiguity which led official boards to distinguish between unavoidable and speculative profiteering. The idea of excessive profit implies that of normal or average profit. From the strictly economic point of view a normal rate of profit is a meaningless concept since profit is, under any theory, a surplus, an over-and-above, an unpredictable factor. Moreover the attempts of statisticians to discover actual average rates of profit have revealed chiefly a diversity which defies meaningful application of the notion of an average. It might be argued that this is beside the point in so far as profiteering represents a moral attitude, since the common man and the business man, against whom the term is directed, know quite well what it means. It is to be doubted whether even this is true. The difficulties of definition, even from the business man's point of view, were well brought out in the hearings on proposed codes for different industries under the National Industrial Recovery Act in the United States. Ideas as to what constituted a fair profit or the basis on which it was to be computed were almost as diverse as the individuals concerned. Profit varies in constitution and import, according to whether a large or a small industry, one with heavy or light indebtedness, a corporation or a holding company, a manufacturer or a merchant, is under consideration. Profit making always occurs under shadow of the risk of loss; and high profits are often justified as compensation for losses, either of other businesses or of all business in years of depression. But if the concept of profiteering is to make any serious claim to the ordering of economic relationships, such argument is both specious and fallacious. For losses by the less fortunate represent either uneconomic production or production which cannot be measured in profit terms; while the losses of all businesses in depression years are in large part the result of excess profit taking in good times and indeed one reason for its condemnation. These very difficulties of giving any long time meaning to the concept of a normal or fair rate of profit are illustrated in the history of the concept of fair return (*q.v.*) as applied by United States courts in railroad and utility cases. Whether the idea of a fair return might provide a workable basis for regulation under a different economic system is another question.

Profiteering is essentially an individualistic concept. At its center is the profiteer, the individual malefactor, rather than the profit system. And this is the source of its weakness, for the real problem is that of the distribution and hence of the effect of huge profits upon the concentration of wealth, the growth of monopoly, the continued existence of uneconomic businesses and industries, the prevalence of speculation and inflation, the position of the wage earner and the consumer. None of these problems is touched by exhortations, moral or legislative, to curb the desire for too great gain. The introduction of the term profiteering into the language may represent a gratifying increase of social consciousness; it is probable, however, that social welfare will be more quickly advanced by attention to other aspects of the profit system and by the invention of other methods of controlling the wealth of society.

IDA CRAVEN MERRIAM

See: PROFIT; WAR ECONOMICS; WAR FINANCE; PRICE REGULATION; MONOPOLY; FAIR RETURN; JUST PRICE; USURY; MIDDLEMAN; MARKETING; RENT REGULATION; EXCESS PROFITS TAX.

Consult: Fuchs, Rudolf, *Die Kriegsgewinne der ver-*

schiedenen Wirtschaftszweige in den einzelnen Staaten an Hand (Zurich 1918); Litman, Simon, *Prices and Price Control in Great Britain and the United States during the World War*, Preliminary Economic Studies of the War, no. 19 (New York 1920) p. 64–77, 214–15; United States, Federal Trade Commission, *Profiteering*, 65th Cong., 2nd sess., Senate Document no. 248 (1918); American Economic Association, Committee on War Finance, "Report" in *American Economic Review*, vol. ix, no. 1, Supplement no. 2 (Princeton 1919) p. 15–48; Great Britain, Board of Trade, Standing Committee on Trusts, *Profiteering Acts, 1919 and 1920*, Cmd. 878, 930, 982, 1057, 1066, 1102, 1126, 1173, 1216, 1217, 1268, 1332, 1339, 1347, 1355, 1356, 1370, 1371, 1385 (1920–21), and Standing Committee on the Investigation of Prices, *Profiteering Acts, 1919 and 1920*, Cmd. 858, 924, 959, 983, 985, 1047, 1091, 1119, 1161, 1192, 1200, 1209, 1275, 1314, 1315, 1338, 1345, 1360, 1361, 1381 (1920–21); Great Britain, Royal Commission on Food Prices, *First Report*, Cmd. 2390, 3 vols. (1925); Lehmann, Heinrich, *Wucher und Wucherbekämpfung im Krieg und Frieden* (Leipsic 1917); Gruntzel, Josef, *Preistreiberei* (Vienna 1915); Michel, Kurt, *Das schweizerische Kriegswucherstrafrecht* (Heidelberg 1920); Arnou, A., *La morale des affaires. Contre le bénéfice exagéré* (Besançon 1925); "Profiteering" in *Oxford Tracts on Economic Subjects*, no. 9 (London 1920); Kelleher, John, "Profiteering as a Legal and Moral Problem" in *Studies*, vol. xvi (1927) 185–201; Chase, Stuart, "What Is a Reasonable Profit?" in *Journal of Accountancy*, vol. xxix (1920) 416–34.

PROGRESS. "Thought," says Pascal, "makes the greatness of man." The universe can destroy an individual by a mere breath; but even if the entire force of the universe were employed to destroy a single man, the man "would still be more noble than that which destroys him, since he is aware of his own death and of the advantage which the universe has over him: of all this the universe knows nothing." This awareness of himself and of the universe is no doubt what chiefly distinguishes man from all other forms of life. Man alone is conscious in the sense that he alone can stand outside of himself, as it were, and watch himself functioning for a brief span in the universe of which he is part. Man alone can coordinate memory of things past, perception of things present, anticipation of things to come, sufficiently so at least to know that he, like generations before him and after him, will live his brief span and will die. It is in virtue of this awareness, and somewhat in proportion to its intensity, that man alone asks the fundamental questions. Why and for what purpose this brief and precarious existence in a universe that endures? What is man's relation to the universe that is sometimes friendly, sometimes hostile, but in the end always fatal to him? How may he elude its hostility, win its favor, find compensations for the intolerable certainty of the death which it will inflict upon him? The answers which men have given to these questions are to be found in the various myths, religious doctrines, philosophical and ethical interpretations which they have accepted, and in those unconsciously held preconceptions which in every age so largely shape their thought and conduct. The modern idea of progress belongs in this category of answers to necessary but insoluble questions. Like the myths of primitive peoples and the religious and philosophical beliefs of more advanced societies, it springs from the nature of man as a conscious creature, who finds existence intolerable unless he can enlarge and enrich his otherwise futile activities by relating them to something more enduring and significant than himself.

Although grounded in the nature of man as a conscious creature, the idea of progress belongs historically to the European tradition, and its origin may be derived from two sources. One of these is the classical conception of history as an endless series of cycles; the other is the Hebraic-Christian doctrine of messianic intervention and salvation.

In Greek mythology the reign of Cronus was regarded as a golden age when men lived like gods free from toil and grief. The present appeared to be a period of degeneration, and improvement or progress could be conceived only in terms of regeneration—a return to the lost golden age. After the myth ceased to be believed, the Greeks continued to look back to the time of great lawgivers, such as Lycurgus and Solon, whose work they idealized, and forward to the time when other great lawgivers would appear and give them better laws again. "Until philosophers become kings . . . ," said Plato, "cities will not cease from ill." Yet however often restoration was accomplished by inspired lawgivers or philosopher-kings, fate and human frailty would again bring degeneration; so that, since "time is the enemy of man," most classical writers regarded human history as an endless series of cycles, a continual repetition of the familiar phenomena of recovery and degeneration. The rational mind, according to Marcus Aurelius, "stretches forth into the infinitude of Time, and comprehends the cyclical Regeneration of all things, and . . . discerns that our children will see nothing fresh, just as our fathers too never saw anything more than we" (*The Communings with Himself of Marcus Aure-*

lius Antoninus, tr. by C. R. Haines, Loeb Classical Library, London 1916, bk. XI, sect. 1). To regenerate the Roman Empire was obviously less easy than to construct a constitution for a small city-state; and Marcus Aurelius, philosopher-king though he was, instead of giving new laws to society recommended that the individual cultivate resignation. The later centuries of the Roman Empire, when resignation became at once more necessary and more difficult, were therefore a suitable time for the hopeless classical doctrine of endless cycles to be replaced by the Hebraic-Christian doctrine of messianic intervention and salvation.

The Jews like the Greeks looked back to a golden age, but it was identified with the creation of the world and with the Garden of Eden, in which the first men lived in innocence. Like the Greeks the Jews regarded the present as a period of degeneration, but they attributed the "fall" to Adam's disobedience to God's commands. God was at once the omniscient creator of the world and the supreme lawgiver, so that regeneration was identified with the coming of a God inspired king of the house of David. Multiplied reverses and the destruction of the Hebraic state gave to this doctrine a less political, a more mystical and transcendent character. The once actual but now vanished kingdom was replaced by an ideal Israel, symbolized as the "son of man"; and the idea of a God inspired king was replaced by the idea of a messiah who would effect a catastrophic intervention in the affairs of men and pronounce a doomlike judgment on the world. The Christian myth was but an elaboration of these ideas. Jesus, son of man, son of God, was the Messiah. But the end was not yet. The death of Jesus was expiation for the sins of men, faith in Him the means of salvation. Jesus the man was dead, but Christ the Lord still lived and would come again; then the earthly city would be destroyed and all the faithful be gathered with God in the heavenly city, there to dwell in perfection forever.

The weakness of the classical version of degeneration and recovery was that it offered no ultimate hope; of the Jewish, that its promise was for the chosen people only. The strength of the Christian version was that, conceiving human history as a cosmic drama in which all men played their predestined part, it offered to all the hope of eternal life as a compensation for the frustrations of temporal existence: by transferring the golden age from the past to the future it substituted an optimistic for a disillusioned view of human destiny. It is easily to be understood that such a view won wide assent in the Roman Empire during the centuries (300–500) of declining prosperity and increasing oppression or that it served so well to make existence tolerable in the relatively anarchic, isolated and static society of western Europe from the dissolution of the Roman Empire to the Renaissance of classical learning. But it lost its hold on the imaginations of men as a result of profound changes in the outward conditions of life which occurred in western Europe from the fourteenth to the nineteenth century. Among these changes were the rise of ordered secular governments, the growth of towns and industry, the geographical discoveries and the extension of commerce which brought western Europe into direct contact with alien customs and ideas, and above all the rise of an educated middle class whose interests were hampered by a form of society in which both the power and the doctrines of the Christian church supported the autocracy of kings and the privileges of a landed aristocracy. It was in this time of revolt against ecclesiastical and secular authority that the Christian doctrine of salvation was gradually transformed into the modern idea of progress.

So long as Christian philosophy was little questioned, men could afford to ignore the factual experience of mankind since they were so well assured of its ultimate significance. But the declining influence of the church was accompanied by an increasing interest in the worldly activities of men in the past. Italian humanists turned to the study of classical writers; Protestant reformers appealed from current theologians to the beliefs and practises of the primitive church. Thus was born the modern historical approach to problems, and human life came increasingly to be regarded rather as a historical process than as a finished drama to be played out according to a divine plan. Seen in historical perspective, classical civilization emerged for the humanists as a resplendent epoch from which the middle period of ecclesiastical ascendancy was manifestly a degeneration. Until the seventeenth century secular thought and learning turned for inspiration to the past—to the golden ages of Pericles and Augustus; and classical writers were idealized as models to be imitated, to be equaled if possible but hardly to be surpassed. In all this there was nothing that could not be found in the Greek notion of history with its cycles of recovery and degeneration, and but for two general

influences modern thought might have been no more than a return to the classical view of human destiny.

One of these influences was Christian philosophy itself. Although it was gradually discredited as an account of events historically verifiable, Christian philosophy had so thoroughly habituated men to the thought of an ultimate happy destiny that they could never be content with a pale imitation of Greek pessimism. The other influence was experimental science which, in proportion as it displaced the Christian notion of a utopian existence after death to be brought about by the miraculous intervention of God, opened up the engaging prospect of indefinite improvement in this life to be effected by the application of human reason to the mastery of the physical and social environment which determines men's lives for good or ill.

In the seventeenth century Galileo and Newton made possible a new attitude toward nature. Nature was now seen to be friendly to man since the universe behaved in a uniform way according to universal natural laws—a behavior capable of being observed and measured and subjected to the uses of men. God was still the supreme lawgiver, the author of the universe; but His will was revealed in the great book of nature which men were to study in order to interpret, and to interpret in order that their ideas and customs might attain an increasing perfection by being brought into greater harmony with the laws of nature and of nature's God. God's revelation to men was thus made not through an inspired book or a divinely established church but through His works, and man had been endowed with reason precisely that he might learn through the course of the centuries what that revelation was. It was therefore no longer so necessary to think of the golden age of Greece and Rome as unsurpassable. "Those whom we call the ancients were really those who lived in the youth of the world," said Pascal, and "as we have added the experience of the ages between us and them to what they knew, it is in ourselves that is to be found that antiquity which we venerate in others." In the ascription of antiquity to the race there is still the implication of degeneration; but if a continuously richer experience made the moderns wiser than the ancients, it was not difficult to hit upon the idea that future generations would, in virtue of the same advantages, surpass the moderns. "We have admired our ancestors less," said Chastellux, "but we have loved our contemporaries better, and have expected more of our descendants" (*De la félicité publique*, 2 vols., new ed. Paris 1822, vol. ii, p. 71). Thus in the eighteenth century the modern idea of progress was born. Under the pressure of social discontents the dream of perfection, that necessary compensation for the limitations of the present state, having long been identified with the golden age or the Garden of Eden or life eternal in the heavenly city of God, was at last projected into the temporal life of man on earth and identified with the desired and hoped for regeneration of society.

As formulated by the *philosophes* the doctrine of progress was but a modification, however important, of the Christian doctrine of redemption; what was new in it was faith in the goodness of man and the efficacy of conscious reason to create an earthly utopia. The French Revolution was the outward expression of this faith. In the nineteenth century the doctrine of progress still reigned and won even a wider popular support, but it was somewhat differently conceived. After the disillusionment occasioned by the revolution and the Napoleonic conquests the prevailing desire was for social stability and national independence. The rationalization of this desire was provided by the historians and jurists who formulated the notion of historical continuity and deprecated the attempt to transform institutions according to a rational plan. Change was considered necessary but was thought to be beneficial only when it issued spontaneously from national tradition; the concept of natural law was not abandoned, but it was regarded as implicit in historical evolution rather than as a conclusion from abstract reason. Law is not made by the legislator, said Savigny, any more than language is made by the grammarian. Ranke, who influenced three generations of historians, viewed progress as something to be discovered by tracing the history of each nation just as it had occurred and by noting the peculiar contribution which each nation at the appropriate moment had made to European civilization. Hegel formulated the point of view of early nineteenth century jurists and historians in his *Philosophie der Geschichte*. A reason of nature working over the heads of men, a transcendent *Vernunft* reconciling within its cloudy recesses innumerable and conflicting *Verstände*, progressively realized itself in the actual events of history.

After the middle of the century natural science invested the doctrine of progress with a

more materialistic implication. Progress was still regarded as the result of a force external to man; but the force was to be found not above but inherent in the phenomenal world. This view found support in the Darwinian theory of struggle for existence and survival of the fittest and in Schopenhauer's doctrine of the will as an aspect of a universal blind force. Guided by these preconceptions thinkers abandoned the effort to hasten progress by describing utopias and turned to the search for the inevitable law by which progress had been and would be achieved. Of the many efforts of this sort the most important were those of Auguste Comte and Karl Marx. Comte looked upon history as the result of the instinctive effort of men to ameliorate their condition—an effort which could be observed to fall into three stages of culture, the theological, the metaphysical and the positive, or scientific. Marx, interpreting the historic process in terms of Hegel's famous dialectic, found the determining force in the economic class conflict which, having substituted the nineteenth century capitalist competitive society for the aristocratic landed society of the Middle Ages and early modern times, would in turn replace the capitalist competitive society of the nineteenth century by the proletarian communist society of the future.

Of the many theories of progress formulated in the nineteenth century the only one that had much influence on the thought of common men was that of Marx. Yet the idea of progress, vaguely conceived as a rapid improvement in general prosperity and happiness, became a living force. The chief reason for this was no doubt the rapid changes in the outward conditions of life consequent upon the technological revolution. The common man, before whose eyes the marvels of science and invention were constantly displayed, noted the unprecedented increase in wealth, the growth of cities, the new and improved methods of transportation and communication, the greater security from disease and death and all the conveniences of domestic life unknown to previous generations, and accepted the doctrine of progress without question: the world was obviously better than it had been, obviously would be better than it was. The precise objective toward which the world was progressing remained, however, for the common man and for the intellectual, somewhat vague.

Thus the nineteenth century doctrine of progress differed somewhat from that of the eighteenth. The difference may be expressed, with some exaggeration in the contrast, by saying that whereas the eighteenth century held that man can by taking thought add a cubit to his stature, the nineteenth century held that a cubit would be added to his stature whether he took thought or not. This latter faith that the stars were carrying men on to better things received a rude shock during the World War and subsequently; and there may be noted two significant changes in the present attitude toward the doctrine of progress. Certain thinkers, notably Spengler, are returning to the Greek notion of cycles, now formulated in terms of the rise, flourishing and decline of "cultures." Others are reverting to the eighteenth century idea that by deliberate purpose and the rational use of knowledge man can reconstruct society according to a more just and intelligible design. To this class belong those who have faith in communism, fascism and the planned capitalist society.

The doctrine of progress is peculiarly suited to western society in modern times; that is, a highly dynamic society capable of seeing its achievements against a long historical background. From the practical and from the rational point of view there is no reason to suppose that it will have a more enduring virtue than other doctrines which it has supplanted. If, as may well happen, the possibilities of scientific discovery and of technological invention should sometime be exhausted, the outward conditions of life might become sufficiently stabilized so that the idea of progress would cease to be relevant. Rationally considered, the idea of progress is always at war with its premises. It rests upon the notion of a universe in perpetual flux; yet the idea of progress has always carried the implication of finality, for it seems to be meaningless unless there is movement toward some ultimate objective. The formal theories of progress are all vitiated by this radical inconsistency. In Hegel's scheme the objective was freedom, already realized in the Prussian state. In Comte's theory the objective was the final positive stage into which Europe had already entered. Marx criticized Hegel for explaining history by a process which would not explain the future, but he is himself open to the criticism of having explained history in terms of a class conflict which would end with the establishment of a classless society. It is easy to picture history as a process working toward an ultimate good if the world is to come to an end when that good

is attained; but if the universe as presented by modern science is to be accepted—a universe in perpetual flux—then a law of history which at some determinate time ceases to apply leaves much to be desired.

Thus the final good, absolute standards of value, are sought in vain; there is merely a universe in which the ideas of things as well as the things themselves arise out of temporary conditions and are transformed with the modification of the conditions out of which they arose. On this assumption we must dispense with the notion of finality, must suppose that the idea of progress and all of its special formulations are but temporary insights useful for the brief moment in which they flourish. "In escaping from the illusion of finality, is it legitimate to exempt that dogma itself? Must not it, too, submit to its own negation of finality? Will not that process of change, for which Progress is the optimistic name, compel 'Progress' too to fall from the commanding position in which it is now, with apparent security, enthroned?" (Bury, J. B., *The Idea of Progress*, p. 352). The price we pay for escaping from the illusion of finality is the recognition that nothing, not even the belief that we have escaped that illusion, is likely to endure. All philosophies based upon the absolute and the unconditioned have their defects; but all philosophies based upon the universal relativity of things have their defects also, a minor one being that they must be prepared, at the appropriate moment, to commit hara-kiri in deference to the ceaseless change which they postulate.

Belief in progress as a fact depends upon the standard of value chosen for measuring it and upon the time perspective in which it is measured. If we look back a hundred years, it is obvious that there has been progress in the mastery of physical forces. If we look back two thousand years, it is uncertain whether there has been much if any progress in intelligence and the art of living. If we look back two hundred and fifty thousand years, it is apparent that there has been progress in all those aspects of life which civilized men regard as valuable. All these judgments are based on standards of value appreciable by the mind of civilized man. But if we take a still longer perspective and estimate the universe as a whole, as an omniscient intelligence indifferent to human values might estimate it, in terms of cosmic energy, then progress and the very existence of man himself become negligible and meaningless. In such a perspective we should see the whole life of man on the earth as a mere momentary ripple on the surface of one of the minor planets in one of the minor stellar systems.

CARL BECKER

See: CHANGE, SOCIAL; SOCIAL PROCESS; EVOLUTION; EVOLUTION, SOCIAL; REVOLUTION AND COUNTER-REVOLUTION; MESSIANISM; HISTORY AND HISTORIOGRAPHY; PHILOSOPHY; SCIENCE; ETHICS; NATURAL LAW; CULTURE; CIVILIZATION; DECADENCE; FICTIONS.

Consult: Bury, J. B., *The Idea of Progress* (new ed. New York 1932), with an introduction by C. A. Beard; Delvaille, Jules, *Essai sur l'histoire de l'idée de progrès jusqu'à la fin du XVIIIe siècle* (Paris 1910); Becker, Carl L., *The Heavenly City of the Eighteenth-Century Philosophers* (New Haven 1932); Flint, Robert, *The Philosophy of History in France and Germany* (London 1875); Brunschvicg, Léon, *Le progrès de la conscience dans la philosophie occidentale*, 2 vols. (Paris 1927); Robinson, J. H., "The Spirit of Conservatism in the Light of History" in *Journal of Philosophy, Psychology and Scientific Methods*, vol. viii (1911) 253–69; Teggart, F. J., *Theory of History* (New Haven 1925) pt. ii, especially ch. viii; Huxley, T. H., *Evolution and Ethics* (London 1893); Sorel, Georges, *Les illusions du progrès* (Paris 1908); Niceforo, Alfredo, *Les indices numériques de la civilisation et du progrès* (Paris 1921); Briffault, Robert, *Rational Evolution: The Making of Humanity* (New York 1930) ch. xvi; *Progress and History*, ed. by F. S. Marvin (London 1916); *A Century of Progress*, ed. by C. A. Beard (New York 1933); Barth, P., "Die Frage des sittlichen Fortschritts der Menschheit" in *Vierteljahrschrift für wissenschaftliche Philosophie*, vol. xxiii (1899) 75–116, and *Die Philosophie der Geschichte als Soziologie* (4th ed. Leipsic 1922) bk. ii, ch. vii, sect. iv; Dupréel, E., "La valeur du progrès" in Instituts Solvay, *Revue de l'Institut de Sociologie*, vol. vi (1925–26) pt. i, p. 35–71, 193–240, pt. ii, p. 17–45; Todd, A. J., *Theories of Social Progress* (New York 1918); Weatherly, Ulysses G., *Social Progress, Studies in the Dynamics of Change* (Philadelphia 1926); Wallis, Wilson D., *Culture and Progress* (New York 1930); MacIver, R. M., *Society: Its Structure and Changes* (New York 1931) ch. xxi.

PROGRESSIVE PARTIES. *See* PARTIES, POLITICAL, sections for separate countries.

PROHIBITION. Ever since the formulation of legal codes, sumptuary laws, including prohibition of the use of certain foods, kinds of clothing and other articles, have been imposed by society upon the behavior of individuals. Indeed social restrictions upon consumption antedate codes of law, for they are embodied in the customs and tabus of primitive peoples. Alcoholic beverages have been among the articles of consumption subjected to legal, customary or religious regulation in nearly all societies from prehistoric to modern times. Comparatively few societies,

however, have by law entirely prohibited their use, production or sale, the predominant association of the word prohibition with this method of dealing with the alcohol problem being a development of the late nineteenth and the early twentieth century. Nominally, legal prohibition, as applied to intoxicants during the past century, is not sumptuary legislation; but because its purpose is to eliminate as nearly as possible the use of alcoholic beverages, it constitutes in reality the most controversial case of sumptuary legislation in modern times.

National prohibition in the United States was preceded by wide experimentation with restrictions on the sale of intoxicants and with prohibition in local areas. During the colonial period and for some years thereafter, in conformity with English law and custom, places of sale were generally licensed and public drunkenness was penalized by fines, imprisonment or other forms of punishment. Although these methods were not adequate to deal with the alcohol problem and excessive drinking was rampant, public opinion would not tolerate any significant interference with production, sale or use. Sales of spirituous liquors to Indians were generally prohibited, but the profitable character of the liquor trade made enforcement difficult.

During the first half of the nineteenth century public opinion gradually came to favor a more stringent regulation of the sale of intoxicants, with the result that a well organized temperance movement made its appearance. Beginning locally, the agitation quickly spread and state organizations were formed in Connecticut and Massachusetts as early as 1813. Thirteen years later, largely through the efforts of Lyman Beecher, there was organized the American Society for the Promotion of Temperance; and in 1833 there appeared the American Temperance Union (at first called the United States Temperance Union), a federation of other temperance organizations. At that time there were about six thousand local temperance societies as well as state organizations in most of the states. It is to be noted, however, that about one third of the membership of these societies was concentrated in New England. Although some of these early temperance societies were associated with local and state politics, the leadership and rank and file of the movement came largely from the churches. Their appeal was of a religious character, and the reform took on the attributes of a huge revival. Stress was laid primarily upon pledges of personal total abstinence, the suggestion of governmental control over the liquor traffic being avoided.

During the early 1840's another type of temperance organization, led by the Washington Temperance Society (of Baltimore), became extremely popular. This movement was composed largely of former drinkers, was devoted chiefly to the reformation of drunkards through moral suasion and reached a class of the population with which the older temperance societies had had little contact. It was not connected with religious organizations and its membership was unstable. No central body was developed and the society disintegrated within a decade, although a more permanent secret order, the Sons of Temperance, grew out of its New York branch.

The prohibition movement itself, or the attempt to place prohibitory laws upon the statute books and prohibitory clauses in the federal and state constitutions, was an outgrowth of the organized temperance movement and at the same time signalized its failure to accomplish its aims through personal appeal. The temperance movement had aroused the nation or rather the northern part of the nation to the social evils of intemperance, but had accomplished little in checking the excessive use of alcoholic beverages. One of the earliest restrictive laws was that in force in Massachusetts during 1838–40, which prohibited the sale of spirituous liquors, except for medicinal or mechanical purposes, in quantities of less than fifteen gallons. Connecticut and Rhode Island enacted local option prohibitory laws in 1839, the former making it a penal offense to sell wines and spirituous liquors without a license granted by a majority vote of the town meeting and the latter granting to freemen in each town the right to decide whether liquor licenses should be issued. Other states followed, among them Vermont in 1844, New York in 1845, Iowa in 1846 and New Jersey in 1847; many local communities voted no-license.

Local option was destined to be an important method of handling the liquor problem for three fourths of a century, but it was displaced temporarily by a wave of state wide prohibitory laws. The earliest of these was enacted by the territorial legislature of Oregon in 1843, and during the decade from 1846 to 1855 inclusive prohibitory laws or constitutional amendments were passed by the legislature or approved by popular vote in every northern state except New Jersey and Pennsylvania and in the territories of

Minnesota and Nebraska. In Pennsylvania the legislature agreed to abide by a plebiscite but the popular vote gave a slight majority against a prohibitory law. In several states the first laws were declared unconstitutional or were so unsatisfactory that second or third acts were passed. In few states, however, were the laws effective or permanent. In Wisconsin repeated vetoes by the governor prevented the law from going into effect; in Illinois the first law was rejected by the courts and the second by a public referendum; in Iowa a law ratified by a referendum was rejected by the courts; in New York the first law was vetoed by the governor, the second declared unconstitutional and repealed and a third, passed by one session of the legislature, was referred to the next session and defeated; in Indiana two laws were declared unconstitutional; and in Ohio a constitutional amendment was circumvented by taxation (essentially a license fee). In Delaware the law remained in force only two years, in Nebraska three and in Oregon five. The laws were more permanent in the New England states and in Michigan but were repealed by 1875 except in Maine, New Hampshire and Vermont.

The failure and instability of this first wave of prohibitory laws were due to several factors. Leaders in the temperance movement became absorbed in the antislavery campaign; liquor producers and sellers were organized and effectively played the two political parties off against each other; and public sentiment was mollified by federal taxation and by the sharp reduction in the consumption of distilled spirits which resulted therefrom. The fundamental reason, however, for the ineffectiveness of the prohibitory movement was the absence of a united public sentiment. Total abstainers and their supporters were not sufficiently influential to impose their will upon the remainder of the population.

During and after the Civil War the older temperance organizations lost ground, but they were replaced by fraternal orders, such as the Sons of Temperance and the Independent Order of Good Templars, and by the National Prohibition party, the National Temperance Society and Publication House and the Woman's Christian Temperance Union. The National Prohibition party, organized in 1869, was an important influence in eliminating the prejudice against political activity among temperance leaders. It has had presidential candidates in every national election from 1872 to the present time, but it has never polled more than 2 percent of the popular vote and it has elected only one member of Congress. The National Temperance Society and Publication House, which had been organized in 1856 and had absorbed the American Temperance Union nine years later, and the Woman's Christian Temperance Union, which Frances E. Willard helped organize in 1874, were the most important temperance propaganda societies during the last quarter of the nineteenth century. They distributed enormous quantities of temperance literature, aided the churches in temperance instruction among their members and Sunday school attendants, secured laws or regulations requiring instruction as to the effects of alcohol in the public schools of every state and were influential in state campaigns for statutory prohibition and constitutional amendments.

Under the influence of the sentiment generated by these and other temperance organizations the legislatures of nearly half of the states, during the decade from 1880 to 1890, passed statutory prohibitory laws or submitted prohibitory constitutional amendments to the people. Prohibition was, however, rejected in most of the states by popular vote, and in only five states was it actually adopted: in Iowa by statute and in Kansas, Rhode Island, North Dakota and South Dakota by constitutional amendments. The Iowa law was openly violated and after a decade it was neutralized by the "Mulct Law," which permitted saloons to open in areas approved by popular vote. Rhode Island and South Dakota returned to local option within a few years. Thus the second wave of prohibitory legislation ended as did the first, and again the principal reason was the same—a divided public sentiment.

In the 1890's the organization of the temperance forces was changed radically. Since a half century of total abstinence propaganda had failed to exert a significant effect on the per capita consumption of alcohol, it was concluded that the drunkard was the product of the drunkard maker and that the only method of solving the liquor problem was to eliminate the saloon. Since the saloons were firmly intrenched through political connections, they could be closed only by political action. Yet a third political party had little chance of success, as had been demonstrated by twenty years of the National Prohibition party. Thus when the Anti-Saloon League was organized in 1893 as a nonpartisan political body, demanding that the

people of each community have the right to exclude the liquor traffic by a majority vote and offering a means of bringing the various temperance forces into cooperation in local contests for the elimination of saloons, it rapidly spread over the nation. The national organization came into existence in 1895 and within a few years state leagues were functioning in practically every state and territory.

The new strategy of the dry forces was remarkably effective. By 1906 thirty states had adopted local option laws and in more than half of the counties, three fifths of the incorporated towns and villages and over two thirds of the townships in the United States saloons were banned. Saloons were thus illegal in more than half the area of the country, while 40 percent of the population lived in no-license territory. Some states were entirely dry except for a few urban centers. Yet the internal revenue statistics indicated that the consumption of beer had increased greatly during the preceding three decades and that the use of distilled spirits was rising appreciably. Local prohibition had driven the legal saloon out of a large part of the nation but had not succeeded in coping with the alcohol problem. This anomaly was attributed by the temperance organizations to the difficulty of enforcing prohibition in municipalities, villages and counties when there were nearby areas which were still wet. It was necessary to supplement local option with state wide prohibition; thus a third wave of state prohibitory legislation ensued.

Both the alcoholic beverage industry and the temperance forces were now strongly intrenched in politics. For many years the liquor interests had contributed heavily to the campaign expenses of both major political parties, and they had often controlled state and local conventions and elections and dictated or influenced the acts of legislators through powerful lobbies. The chief organizations through which this power was exercised were the United States Brewers' Association (formed in 1862) and its allied bodies, such as the National Association of Commerce and Labor, the National German-American Alliance and numerous leagues of local manufacturers and dealers. The saloons, many of which were controlled by brewers through property leases and loans to saloon keepers, were affiliated with the local political machines in practically every urban center. The drys also conducted lobbies. The legal department of the Anti-Saloon League, under the leadership of Wayne B. Wheeler, was the chief organization through which they functioned politically, with the support of numerous other societies, especially the Woman's Christian Temperance Union and the Board of Temperance, Prohibition and Public Morals of the Methodist Episcopal church. Thus the temperance movement after a century had become a contest between rival political machines, each with a dominating central authority supported by thousands of local organizations and approved by millions of voters. This time the advantage lay on the side of the drys. With a political machine to match that of the wets they had removed the handicaps of the 1850's and of the 1880's. They had a century of experience in wholesale propaganda behind them. Further the public school instruction regarding the effects of alcohol had begun to bear fruit. By 1910 a large proportion of the voters had been taught during their early years that alcohol in any form was a poison, that not only spirituous liquors but also beer and wine were dangerous drinks and that their use led to poverty, disease and crime. The wets were still supported by public sentiment in urban regions, but political organization supported by a stupendous volume of skilful propaganda was more powerful than political organization alone.

When the Indian Territory and the territory of Oklahoma became the state of Oklahoma in 1907, its constitution contained a prohibitory clause. Alabama and Georgia enacted prohibition statutes the same year, Mississippi and North Carolina followed in 1908 and Tennessee in 1909. West Virginia approved a prohibitory constitutional amendment in 1912. Five states went dry in 1914 (Virginia, Oregon, Washington, Colorado and Arizona), five in 1915 (Alabama, Arkansas, Iowa, Idaho and South Carolina), four in 1916 (Michigan, Nebraska, South Dakota and Montana), four in 1917 (Indiana, New Hampshire, New Mexico and Utah) and five in 1918 (Florida, Ohio, Wyoming, Texas and Nevada). Kentucky followed in 1919. Throughout the period local option contests continued in the states still wet and the areas becoming dry in this way continued to increase. By the end of 1918, when the various states were taking action upon the national constitutional amendment, saloons were illegal in approximately 90 percent of the area of the nation and nearly two thirds of the population were living in this dry territory. The wet territory was confined principally to the large cities; in fact ap-

proximately half of the population still under license lived in fifteen metropolitan regions of more than half a million population each.

Not only had the temperance movement culminated in widespread prohibition but the concepts of temperance, total abstinence and prohibition had changed. At first the agitation had been directed against distilled spirits and strong wines, while the use of malt liquor and light wines had been encouraged. But the difficulty of drawing a line of demarcation between intoxicating and non-intoxicating beverages, the belief that alcohol even in small doses was a harmful and habit forming drink, the rapid growth in the use of beer and the sale of all types of alcoholic beverages in the same saloons had resulted in the inclusion of beer and light wines in the prohibition agitation. Most of the prohibitory laws enacted during the second decade of the twentieth century were bone dry; that is to say, they applied not only to spirituous but also to malt and vinous liquors.

As the prohibition wave progressed, it became evident that state wide prohibition would not be much more effective than local option in reducing the consumption of alcohol. Beer drinking had increased steadily ever since the Civil War, and the consumption of spirits had risen sharply since 1900. With interstate commerce under the jurisdiction of the federal government, dry states had no control over liquor shipped directly to consumers or over that intended for sale until actually sold or offered for sale. An attempt had been made to remedy this situation in 1890, but under the rulings of the Supreme Court it had proved inadequate. In 1913 Congress enacted the Webb-Kenyon law, prohibiting interstate shipments of intoxicating liquor in violation of the law of any state, but even this measure was not effective in protecting the dry states against liquor importations. There were no federal appropriations for enforcement, states found it difficult to patrol their borders, and the growing volume of travel and the advent of the automobile made interstate smuggling relatively easy.

The dry forces, led by the Anti-Saloon League, embarked in 1913 upon a campaign for the submission by Congress of a prohibitory amendment to the Constitution of the United States. A resolution to this effect was introduced but, while it received a majority vote in the House of Representatives, it failed because of the lack of the necessary two-thirds vote. In the years following the Anti-Saloon League utilized the same type of political pressure upon members of Congress that had proved successful in electing state legislators pledged to prohibitory laws—the pressure of local churches and local dry organizations backed by tons of literature distributed in every village and hamlet in the country. In December, 1917, the resolution received the necessary two thirds of the votes in both houses of Congress and was submitted to the states. Ratification, under the continued pressure of the Anti-Saloon League and allied organizations, began almost immediately and within fourteen months three fourths of the states had approved the amendment. All but three of the remaining states followed within a few weeks; New Jersey's legislature did not join the roll until 1922, while Connecticut and Rhode Island never ratified the amendment. The first and significant section of this Eighteenth Amendment to the federal constitution read as follows: "After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited."

In the meantime Congress had enacted several measures furthering the dry cause. Prohibition for Alaska and Porto Rico, ratified by popular vote, and for the District of Columbia had been enacted in 1917 and for Hawaii in 1918. A measure which prohibited any advertising of intoxicating liquor to go through the mails, in either newspapers or magazines or as circulars, had been passed in 1917, together with an amendment penalizing any person ordering, purchasing or causing intoxicating liquors to be shipped in interstate commerce into any state prohibiting the manufacture or sale of intoxicants, even though the state did not prohibit importations. The Food Control Act of August, 1917, contained a provision forbidding the manufacture of distilled spirits from any form of foodstuffs, and complete national prohibition for the duration of the World War was approved in September, 1918. This last measure went into effect on July 1, 1919, and continued until the Eighteenth Amendment became effective on January 17, 1920.

An enforcement bill prepared with the assistance of Wayne B. Wheeler was introduced into Congress almost immediately upon ratification of the amendment. This bill, officially entitled the National Prohibition Act, but popularly

known as the Volstead Act, was passed without significant amendment. An intoxicating beverage was defined as any beverage containing one half of one percent or more of alcohol. The act also provided severe penalties for the manufacture, sale, transportation or possession of intoxicating liquors and arranged for supervision over the production and sale of alcohol for industrial, scientific, medicinal or sacramental purposes.

Culture conflicts and group struggles were vital factors in the course of the temperance and prohibition movement in the United States. Of especial importance was the conflict between rural and urban ways of life. Rural people have not always been abstemious, but the maintenance of places for the sale and public consumption of alcoholic beverages is an urban phenomenon. The great majority of counties and towns which had obtained local prohibition by popular vote were rural or thinly populated. Virtually all of the remainder were suburban districts, adjacent to license territories, in which the elimination of saloons was more akin to municipal zoning ordinances than to genuine prohibition of the sale of alcoholic beverages. Few large towns or cities ever expelled the saloons by local option or cast a majority vote for state wide prohibition, and state prohibition laws were practically never enforced in large cities. National prohibition therefore was in part an attempt by the rural and village populations of the country to retain their waning influence and to impose their ways of life upon the urban dwellers. The rural influence upon national prohibition legislation is indicated not only by the disproportionate representation of the rural population in Congress and by the fact that virtually the only opposition to the Eighteenth Amendment came from representatives of urban areas, but also by the specific exemption from the penalties of the Volstead Act of home produced "non-intoxicating" cider and fruit juices (unless sold) and the failure to define the percentage of alcohol which would make such fruit juices legally intoxicating.

Another aspect of culture conflict was the alignment of the churches with the prohibition cause and the support given to it by moving picture interests. Drink, religion and such amusements as the moving pictures offer alternative modes of psychological compensation for the unsatisfactory character of actual life; and liquor dealers, religious organizations and the moving picture exhibitors are natural competitors for patronage. The identification of the churches with temperance reform and prohibition was thus essentially a contest between profoundly different ways of living and a part of the effort of organized religion to retain and increase its influence and power.

Another type of group struggle involved in the long controversy over prohibition was to be found in the attitudes of employers and workmen. Both these classes were generally large consumers of alcoholic beverages and fought prohibition throughout the greater part of the attempt to secure total abstinence by legal enactment. Organized labor continued hostile to prohibition up to the final adoption of the Eighteenth Amendment; but the business interests, persuaded that sobriety among their employees was conducive to their efficiency, went over to the support of the drys. Church members and business groups were the chief contributors to the Anti-Saloon League.

Racial conflict was a factor in the movement toward state wide prohibition in the south. In the first prohibition wave, when the Negroes were under the complete domination of plantation owners, and in the second, when they still resided chiefly in the rural areas and the domination of white landlords was almost as complete as under slavery, the south was virtually untouched by the movement. But with the migration of Negroes to urban centers, drunkenness and crime associated therewith became serious Negro problems. The third wave of state wide prohibition began in the south and by 1917 the entire section was legally dry. Throughout the south state laws and national prohibition have been enforced more stringently among the Negroes than among the white population.

Still another group struggle influential in turning the scales in favor of national prohibition was the participation of the United States in the World War. The great increase in the consumption of alcoholic beverages during the second half of the nineteenth century had been due to the growing popularity of beer, and this increase was closely associated with the German immigration. A large proportion of the breweries were owned and operated by Germans or by American citizens of German birth or ancestry; representative of this group was the National German-American Alliance, which engaged in propaganda against prohibition. In consequence the brewers and their saloons were assumed to be supporters of the enemy, and the

cause of prohibition was thus identified with that of winning the war.

It was apparent within a short time after the National Prohibition Act came into operation that it would be enforced with difficulty in the urban centers. Public sentiment was hostile, and there was a great patronage of bootleggers, speakeasies, road houses, night clubs, beer flats and other illegal dispensers of alcoholic beverages. Home brewing and wine making, smuggling, diversion of medicinal and industrial alcohol and direct distillation began immediately. Within three or four years knowledge of methods of making many kinds of alcoholic beverages was widespread, materials and apparatus could be purchased readily and illicit stills and breweries were common. Large scale liquor dealers, organized liquor rings and so-called syndicates followed. Production and transportation of an illegal product of high value, for which police protection could not be claimed, induced robbery and hijacking. The liquor rings and syndicates developed their own armed guards, fought with each other over the division of territory and became racketeers. The urban police, inadequately staffed in most cities without the additional burden of detecting and reporting violations of the liquor laws, susceptible to bribery and corruption and often inferior as an armed force to the racketeers, were either indifferent to the prohibition law or became the allies and protectors of the industry.

Congress had passed a rigid enforcement act and it was strictly interpreted by the courts. Severe restrictions were placed on the issuing and filling of prescriptions by physicians and druggists. Buildings and other real property, except private dwellings, could be searched with a warrant alleging the manufacture, sale or possession of liquor or even without a warrant if evidence of liquor selling was obtained directly. Private dwellings could be searched if a warrant alleged the selling of liquor. In states with prohibition enforcement laws the evidence collected by state officials could be used in the federal courts, even though it had been improperly and illegally obtained. Liquor seized could be taxed, although it was an illegal product, and when seized was to be destroyed, even though illegal means had been employed in its seizure. Vehicles used in transporting liquor were forfeited. Buildings used for the manufacture or sale of liquor could be padlocked for a year and the owner had no redress, whether or not he was a party to or had any knowledge of the illegal use. Any person found guilty of making or selling liquor could be fined up to $1000 or imprisoned for six months for a first offense, or fined up to $2000 and imprisoned up to five years for a second offense. Under the Jones Act of 1929 the maximum penalties were increased to five years' imprisonment or $10,000 fine or both for each offense. Most of the states also enacted enforcement laws, and many of these were even more exacting in their requirements and harsher in their penalties than the federal law.

A considerable number of cases relating to the Eighteenth Amendment and its enforcement came before the United States Supreme Court. The validity of the amendment itself was challenged and sustained. The import of concurrent power as provided for in the second section of the amendment was questioned and interpreted to mean that while both the federal government and the state governments had power to pass legislation for the enforcement of the amendment, it did not involve joint power or require that federal legislation be approved by the states nor did it require the states to pass enforcement legislation. The definition of intoxicating liquor was attacked, and it was held that Congress had not exceeded its power. Prohibition of medical prescriptions of malt liquor and limitations upon the amount of other kinds of liquor which might be prescribed were sustained. It was held that the purchaser of illicit liquor could not be prosecuted as such but that he could be prosecuted for the illegal possession of liquor. Evidence obtained by the tapping of telephone wires by officers was held admissible in court. The declaration that premises used for the illegal manufacture, storage or sale of liquor are a nuisance and the provision that in abatement thereof the premises may be closed for a year were upheld. It was decided that the same act might constitute an offense and be punished under both federal and state laws and that a person might be prosecuted and punished separately for the manufacture, possession, transportation and sale of the same liquor.

But although the Supreme Court rigorously sustained the prohibitory legislation, neither Congress nor the states set up adequate machinery for its enforcement and they consistently refused to appropriate sufficient sums to enforce the law. Licensing of manufacturers of alcohol and alcoholic preparations for medicinal and industrial use and the investigation and report-

ing of violations of the prohibition law were made duties of the commissioner of internal revenue, although taxation and revenue were no longer the purpose of the law. The problem of preventing smuggling remained with the Coast Guard. Federal appropriations for the enforcement of prohibition ranged from approximately $4,000,000 to $25,000,000 a year, divided about equally between the Prohibition Unit of the Bureau of Internal Revenue and the Coast Guard. At first the agents of the Prohibition Unit were not placed under civil service regulations, and many of the employees were incompetent and corrupt. In later years the machinery of enforcement was improved. In 1927 the Prohibition Unit was made a separate bureau in the Treasury Department and its workers were included in the civil service. In 1930 the bureau was divided into two parts, the Bureau of Prohibition being transferred to the Department of Justice while the Bureau of Industrial Alcohol was retained in the Treasury Department. When, however, late in 1928 the commissioner of prohibition testified that $300,000,000 would be necessary for the adequate enforcement of the law and an attempt was made to provide nine tenths of this amount, even dry senators and congressmen refused. This combination of strict law and lax enforcement was due to the divided state of public opinion, Congress and the state legislatures attempting to satisfy both the adherents and the opponents of prohibition. It was truthfully remarked that the drys had the law and the wets had the liquor.

The sources of illicit liquor may be divided into four categories: smuggling; diversion of alcohol or alcoholic preparations produced legally for medicinal, sacramental or industrial purposes; home brewing and home distilling; and commercial distillation, brewing and wine making. The customs office and the Coast Guard, with the limited resources at their disposal, made a genuine effort to prevent smuggling, and treaties were negotiated with foreign nations increasing the limit to which suspected rum runners might be chased and seized from three to twelve miles from the shore. The Bureau of Industrial Alcohol developed an elaborate permit and inspection service in regard to the legitimate production of alcohol and alcoholic preparations and, despite protests regarding the poisoning of innocent citizens with denaturants, continued until 1931 to use wood alcohol in its most important formulae for denatured alcohol. But although smuggling and industrial alcohol figured prominently in the public estimation of the sources of beverage alcohol and in the attention of the government, they were of only minor importance in the supply of illicit liquor. Home brewing and home distilling developed to an enormous extent, as evidenced by the widespread sales of bottles, caps and distilling apparatus and such products as hop flavored malt syrup. Low prices of farm products and high prices of corn liquor and gin stimulated rural distilling. The greater part of the illegal beer and spirits sold in the larger cities, however, was produced apparently in small and moderate sized plants located in alleys or garages or masquerading as legitimate business enterprises. The frequency of raids and seizures tended to develop new techniques of production, with rapid chemical processes substituted for the former methods of aging and flavoring and with ordinary sugar and corn sugar used instead of corn meal and unground corn and rye in the making of spirits.

During the twelve and a half years from the date when the National Prohibition Act went into effect up to June 30, 1932, federal prohibition officers arrested more than 750,000 persons, of whom more than 500,000 were convicted of violating the law. Fines and penalties amounting to more than $75,000,000 were assessed upon the offenders, and after the passage of the Jones Act more than half of the persons convicted were given jail sentences. In addition federal prohibition officers, not including customs and Coast Guard officers, made the following seizures of property:

Boats and launches	1,563
Automobiles	74,351
Stills and distilleries	314,346
Fermenters	1,569,248
Distilled spirits, gallons	14,117,549
Malt liquor, gallons	68,415,307
Wine, cider, mash and pomace, gallons	222,274,023
Total appraised value of property seized	$205,251,017

The courts, faced with congestion and intolerable delays, resorted to "bargain days," on which persons charged with violating the prohibition law could plead guilty, dispense with a jury trial and be assessed a fine by the judge. In practise this tended to become little more than a moderate license fee levied on those without sufficient influence to escape prosecution altogether. Many of the more notorious producers and dispensers of illegal beverages operated in such a way as to avoid prosecution, although

some of them were convicted and imprisoned for failure to report their incomes and to pay income taxes in full.

It is impossible to determine accurately the consumption of alcoholic beverages under prohibition. Nevertheless, the estimates given below for average annual per capita consumption in gallons, which are derived from a careful analysis of the figures for materials used in producing alcoholic beverages and of death rates from alcoholism and cirrhosis of the liver, undoubtedly reflect the approximate changes in consumption for the United States.

Period	Spirits	Beer	Wine	Equivalent in Pure Alcohol
Local prohibition: 1911–14	1.47	20.53	0.59	1.69
Wartime restrictions: 1918–19	0.80	11.44	0.50	0.97
Early years of national prohibition: 1921–22	0.92	1.49	0.51	0.73
Later years of national prohibition: 1927–30	1.62	6.27	0.98	1.14

Source: Warburton, Clark, *The Economic Results of Prohibition* (New York 1932) p. 24, 107.

The chief effect of prohibition upon consumption habits was in the reduced use of beer and the increased use of milk and carbonated beverages, particularly by the working class. In most communities prices at speakeasies and beer flats were too high for the patronage of wage earners, while home brewing offset only partially former purchases at saloons and restaurants. The business and professional classes of the population appear to have consumed as much liquor under prohibition as in previous years. Farmers formerly supplying brewers and distillers with materials lost a part of their market, but other farmers gained by furnishing corn for corn sugar, grapes for homemade wine and milk for restaurant consumption.

Organized opposition to the Eighteenth Amendment and to the National Prohibition Act began almost immediately. Within a few years many wet organizations were formed, supported largely by business interests anxious to shift taxation back to the liquor industry and by other groups which held that liquor was a matter for state and local regulation rather than for national constitutional prohibition and which were disturbed also over the retention of a law impossible of enforcement. But although the propaganda of these societies was more skilfully handled than that of the liquor industry prior to the adoption of prohibition, and while a few states repealed their enforcement laws within a few years (New York in 1923, Montana in 1926 and Wisconsin in 1929), no decisive change in public sentiment occurred for a decade. The period from 1922 to 1929 was one of unusual prosperity, especially for the business, professional and upper salaried classes, and there was relatively little unemployment. Under these circumstances the drys were able to make great claims as to the beneficial effects of prohibition: that immense sums had been diverted from the purchase of liquor to the purchase of other commodities; that prohibition had resulted in great additions to savings accounts, holdings of life insurance and employee purchases of corporate securities; that industrial accidents had been reduced and the public health improved; and that resources devoted to the production of alcoholic beverages were being used more advantageously for other purposes.

As time went on, however, a gradual weakening of popular support of prohibition was being reflected in a number of ways, notably in the results of unofficial polls and state referenda and in the report of the National Commission on Law Observance and Enforcement. A *Literary Digest* poll in 1922, in which nearly 1,000,000 ballots were returned, indicated that 38.6 percent of those voting favored the law as it stood, 40.8 percent favored modification to permit the sale of light wines and beer and 20.6 percent favored repeal. In 1926 a poll taken by the Newspaper Enterprise Association, in which nearly 2,000,000 persons voted, showed 19 percent favoring the existing law, 50 percent for modification and 31 percent for repeal. Out of eight state referenda held during the years 1920–24 on various prohibition questions (adoption or repeal of state prohibition laws, legalization of light wines and beer and appeals to Congress to modify the Volstead Act or to modify or repeal the Eighteenth Amendment) four showed a majority for the drys and four for the wets; while out of twelve such referenda held during 1926–29 the drys obtained a majority in but four states and the wets in eight. The National Commission on Law Observance and Enforcement, appointed in 1929, made its report early in 1931. After surveying the history of liquor regulation, the inadequate enforcement of the law and the wide extent of illegal production of liquor, the commission as a whole reported its opposition to repeal or modification of the Eighteenth Amendment; nevertheless, seven

out of its eleven members individually recommended revision or repeal and two other members recommended a referendum to determine the opinion of the majority of the population.

With the collapse in 1930 and 1931 of the period of prosperity public opinion rapidly developed in opposition to the continuance of the amendment and the Volstead Act. The propaganda of the Association Against the Prohibition Amendment had become an important element in influencing public sentiment. The prosperity arguments of the drys became a boomerang, improvements in the machinery of enforcement recommended by the National Commission on Law Observance and Enforcement had not been effective, and the public had begun to fear the power of racketeers. The argument that the return of beer and distilled liquors would tap new sources of federal and state revenues also had great weight. The Democratic party, its urban wing long hostile to prohibition, adopted for the presidential campaign of 1932 a platform openly advocating repeal of the Eighteenth Amendment and a redefinition of intoxicating liquor to permit the sale of light wines and beer; and the victory of the party in November incidentally sanctioned repeal. In February, 1933, before the new administration came into office, a new constitutional amendment was submitted by Congress to the states with the following provisions: it repealed the Eighteenth Amendment; it prohibited the transportation or importation of intoxicating liquors into those states whose laws forbade delivery and use of such; and it called for ratification of the amendment by conventions in the several states.

In March, 1933, the National Prohibition Act and the various prohibitory laws applying to the territories were amended to exempt from their provisions beverages containing not more than 3.2 percent of alcohol by weight. Within a few months the majority of the states had passed legislation authorizing the sale of beer. Before 1933 was over the necessary three fourths of the states had ratified the repeal amendment and with its proclamation by the secretary of state's office on December 5, 1933, the national prohibition experiment terminated.

This reversal of public sentiment does not represent a unanimity of public opinion. The return to the states of the alcohol problem by repeal of the Eighteenth Amendment is not the final solution of the matter. Public opinion is still divided in respect to the use of alcoholic beverages and the extent to which their use should be discouraged or forbidden by law. It appears, however, that the American people are likely to be less sharply divided in the future than during the past century. Drinking has spread during the prohibition period among classes of the population that were formerly total abstainers. Modern methods of transportation and communication, particularly the automobile and the radio, have greatly facilitated contacts between rural and urban regions and have tended to reduce the divergences between their ways of life. The urban population continues to become a larger and relatively more influential part of the total population. Under these conditions it appears doubtful that prohibition will be retained by many of the states; but that most of them will return to local option, with an increased supervision over the conditions of sale, seems fairly certain. This is indicated by the creation in New York state, and the proposed creation in other states, of commissions to control the sale of beer and of other alcoholic beverages.

Several nations besides the United States, notably Finland, the Scandinavian countries and the British dominions, have for a time prohibited by law the manufacture and sale of intoxicating beverages. In Finland as in the United States state or national prohibition had been preceded by a long period of temperance agitation and by extensive experience with local prohibition. By 1900 nearly all of the parishes were dry. The Finnish parliament passed a prohibition bill in 1907 and again in 1909, but neither of these was approved by the Russian czar, on the ground that treaties with other countries would be violated. With the advent of independence in 1917 a prohibition law was adopted which was to go into effect in 1919. As a result of strict regulation for many years consumption of alcoholic spirits had been reduced to a lower figure per capita than in any other country for which statistics are available. Prohibition was thus introduced under exceptionally favorable circumstances; the result, however, was similar to that in the United States. Smuggling, private distillation and abuse of medical prescriptions were extensive. A government investigating committee in 1931 found that drunkenness had increased rapidly and that the number of intoxicated persons committing crimes had risen enormously. Following a plebiscite the prohibitory law was repealed in 1932 and prohibition was replaced by a government monopoly.

Two of the Scandinavian countries, Iceland

and Norway, have had considerable experience with state prohibition; and the other two, Denmark and Sweden, with local prohibition. In Iceland the manufacture of intoxicants was prohibited in 1900, while importation and sales were prohibited in 1912 and 1915 respectively. These laws continue in force, except for a modification to permit the importation of wine; but smuggling is so easy that enforcement is difficult. Medical prescriptions have been abused and in recent years druggists' imports of spirits have been very large. In Norway the home distillation of spirits was prohibited in 1845 and licenses for sale were restricted. Later the sale of spirits was placed in some districts in the hands of municipally chartered limited dividend companies, while in others it was prohibited by local option. In 1916 the sale of all alcoholic spirits, and of wine with more than 12 percent of alcohol, was prohibited; and in 1919 general prohibition of all beverages containing more than 14 percent of alcohol was adopted by popular vote, with the sale of beer and wine of from 2.5 to 14 percent subject to license. Smuggling, private distillation and abuse of medical prescriptions resulted, and the country encountered difficulty in renewing commercial treaties with France, Spain and Portugal. Prohibition was repealed in 1927, following a popular vote, and the manufacture, importation and wholesale distribution of spirits was placed in the hands of a limited dividend company.

The state licensing official of Denmark agreed in 1910 to abide by parish elections in granting licenses, and many parishes voted no-license. Under a new law of 1913 licenses were granted by parish councils, and most rural parishes elected councils pledged to refuse licenses. A few years later local option privileges were granted to both country and urban regions, and municipalities were authorized to set up limited dividend companies for the exclusive sale of liquor. Despite rigid licensing and, since 1917, extremely heavy taxation upon spirits, smuggling has been kept at a minimum, and both drunkenness and alcoholism have been drastically reduced. In Sweden home distilling was forbidden and rural districts were given complete control over the sale of spirits in 1855. Most of the parishes went no-license and have remained so ever since. Ten years later limited dividend companies were introduced for the sale of spirits in the cities and gradually spread throughout the country. The entire manufacture, importation and wholesale distribution of intoxicants was in 1919 concentrated in a single limited dividend company.

In Canada municipal councils had in early years full control over retail sales of liquor, subject to the approval of the electors. The United Provinces (now Ontario and Quebec) provided for local option by counties and municipalities in 1864. Fourteen years later a comprehensive local option law was enacted by the dominion government. Most of the provinces passed laws making provision for voting in respect to licenses and many localities, mostly rural, voted no-license. Liquor importations, however, were not prohibited. The earliest provincial law prohibiting the sale of alcoholic beverages was passed in Manitoba in 1900, but it was suspended. Prince Edward Island adopted prohibition in 1900, and Nova Scotia (except Halifax) in 1910. The other provinces followed during the World War: Alberta in 1915, Saskatchewan in 1915 and 1916, British Columbia, Ontario, Manitoba and the remainder of Nova Scotia in 1916, New Brunswick in 1917 and Quebec in 1918. Except in the province of Quebec, where only spirits were prohibited, these acts applied to the sale of all alcoholic beverages. The dominion government cooperated by prohibiting importations into the dry provinces, and from April 1, 1918, to December 31, 1919, banned the manufacture of spirits throughout the dominion as a wartime food conservation measure. After the close of the war prohibition rapidly lost the support of the public and by 1930 all of the provinces except Prince Edward Island had abandoned prohibition in favor of direct provincial control over the sale of alcoholic beverages. The local option privilege has been retained, and a considerable part of the rural area remains no-license. Control is exercised through commissions, which in some provinces are chiefly licensing boards and in others monopolistic sales agencies.

Newfoundland, which had had local option in several districts as far back as 1883, adopted prohibition by popular vote in 1915 and abandoned it nine years later in favor of control through a commission. In the Australian states and in New Zealand local option prevailed for many years; but although large areas became no-license, state prohibition was not attempted. In the Union of South Africa sale to natives has been forbidden and local option has been introduced in part of the union. Local areas in Scotland may forbid the granting of licenses, but few have done so.

In Russia the government prohibited the sale of vodka during the war and for some time after the October Revolution; but the government monopoly, first instituted in 1894, was restored in 1925. Estonia, Latvia and Lithuania, which came under the wartime prohibition in Russia, abandoned the policy upon achieving independence. The Nationalist government in Turkey enacted prohibition in central Asia Minor in 1920 and gradually extended the program over the country as its power increased. Prohibition was repealed, however, by the spirits law of 1924, and a government monopoly was instituted in 1926.

In other countries legal prohibition of the sale of intoxicating beverages has been undertaken only in emergencies, in respect to certain classes of the population or in case of extremely injurious types of liquor. The countries bordering the North Sea agreed in 1887 to prohibit the sale of spirits to fishermen. At the International Conference for the Suppression of the Slave Trade at Brussels in 1889–90 European powers with African possessions agreed to prohibit the sale of intoxicants throughout central Africa, allowing importations for the use of European residents. Governing authorities in most of Africa have also prohibited the sale of spirits to natives. It has been difficult, however, to enforce these prohibitions, especially in the coast regions and in the areas penetrated by the railways. Sales of extremely deleterious alcoholic beverages, such as absinthe, have been forbidden in France, Belgium, Holland, Switzerland and Italy. In many of the countries of Asia the use of alcoholic beverages is prohibited by religious dictates and by custom; these strictures are effective in some regions and observed laxly in others.

CLARK WARBURTON

See: LIQUOR TRAFFIC; LIQUOR INDUSTRY; ALCOHOL; SUMPTUARY LEGISLATION; ANTI-SALOON LEAGUE; MONOPOLIES, PUBLIC; LICENSING; EXCISE; SMUGGLING; RACKETEERING; GANGS; CONCURRENT POWERS; TEMPERANCE MOVEMENTS.

Consult: *Standard Encyclopedia of the Alcohol Problem*, ed. by E. H. Cherrington, and others, 6 vols. (Westerville, O. 1925–30); Cherrington, E. H., *The Evolution of Prohibition in the United States of America* (Westerville 1920); Colvin, D. L., *Prohibition in the United States* (New York 1926); Krout, J. A., *The Origins of Prohibition* (New York 1925); Odegard, Peter H., *Pressure Politics, the Story of the Anti-Saloon League* (New York 1928); Steuart, Justin, *Wayne Wheeler, Dry Boss* (New York 1928); Gordon, E. B., *When the Brewer Had the Stranglehold* (New York 1930); "Regulation of the Liquor Traffic," "Prohibition and Its Enforcement," and "Prohibition: a National Experiment" in American Academy of Political and Social Science, *Annals*, vol. xxxii, no. 3 (November, 1908), vol. cix (September, 1923), and vol. clxiii (September, 1932); Merz, Charles, *The Dry Decade* (Garden City, N. Y. 1931); Warburton, Clark, *The Economic Results of Prohibition*, Columbia University, Studies in History, Economics and Public Law, no. 379 (New York 1932); Feldman, Herman *Prohibition: Its Economic and Industrial Aspects* (New York 1927); McBain, H. L., *Prohibition Legal and Illegal* (New York 1928); United States, National Commission on Law Observance and Enforcement, *Reports*, 6 vols. (1931) no. 2; Schmeckebier, L. F., *The Bureau of Prohibition*, Institute for Government Research, Service Monographs, no. 57 (Washington 1929); Barnes, H. E., *Prohibition versus Civilization* (New York 1932); Douglass, E. L., *Prohibition and Commonsense* (New York 1931); Rowntree, Joseph, and Sherwell, Arthur, *Temperance Problem and Social Reform* (9th ed. London 1901); Catlin, G. E. G., *Liquor Control* (London 1931); Koller, Arnold, *La production et la consommation des boissons alcooliques dans les différents pays* (Lausanne 1925); Hayler, Guy, *Prohibition Advance in All Lands* (London 1914); Schmölders, Gunter, *Prohibition im Norden* (Berlin 1926); Wuorinen, J. H., *The Prohibition Experiment in Finland* (New York 1931); Canada, Bureau of Statistics, *The Control and Sale of Liquor in Canada* (1933); *Liquor Laws*, compiled by E. A. Lewis (Washington 1932); United States, Bureau of Industrial Alcohol, *Statistics concerning Intoxicating Liquors 1922/3*, published annually since 1924; United States, Bureau of Prohibition, *State Cooperation. Federal and State Responsibility under the Concurrent Power* (1930).

PROHIBITION, WRIT OF. *See* WRITS, LEGAL.

PROLETARIANISM. *See* PROLETARIAT.

PROLETARIAT. The term proletariat is used to designate the class of workers who are legally and economically free to dispose of their labor power and who sell it for wages to a capitalist entrepreneur for a definite period of time. Their "legal freedom" distinguishes proletarians from slaves or serfs; their "economic freedom" sets them apart from simple producers of goods, such as artisans and peasants, who possess their own instruments of production; and their sale of labor power to a capitalist entrepreneur differentiates them from public officials and employees engaged in other than profit making government enterprises. This concept of proletariat is comprehensive enough to include not only the skilled, semiskilled and unskilled workers but also all other employees in capitalist enterprises except the small but important group of technical, supervisory and executive employees whose income is large enough to permit an accumulation of wealth. In this sense

the term proletariat does not include those petty bourgeois and semiproletarian border groups in transition from one class to another. Some of these groups are embraced in the broader concept of working class, which includes not only the proletariat but also servants and other semiproletarian elements who receive low wages and maintain a modest standard of living. Both proletariat and working class are differentiated from the concept of masses, which transcends class lines and may include proletarian, semiproletarian, petty bourgeois and agrarian elements. The proletariat is essentially a class of industrial workers.

The rise of the proletariat is linked indissolubly with the development of the capitalist economic system. Industrial capitalism could develop on a large scale only when and where there was an available and free labor market. The separation of the direct producers from their instruments of production and the independent position assumed by these instruments as capital were thus the necessary prerequisites for capitalist production. Marx maintained that the first generation of the proletariat arose as a result of the expropriation of masses of peasants from the land, the process assuming its "classic" form in England. In criticizing this thesis Sombart asserts that Marx generalized from what was specifically an English phenomenon. But Marx did not deny the existence of other factors in the creation of the early proletariat. And it cannot be seriously contested that not only in England but in many other countries the expropriation of peasants from the land and its enclosure against settlers constituted one of the most important methods of "original accumulation." Nor is the social significance of this appropriation restricted to the older capitalist countries; land spoliation and land restrictions have contributed to the development of a proletarian class in the economically undeveloped regions of Asia, Africa and Latin America where imperialist capital has penetrated. On the other hand, the fact that there were no land restrictions in the United States for a long time was conducive to the maintenance of a high standard of living among the skilled white workers. As long as the worker, particularly the aggressive worker, could avoid an eventual lowering of wages by migrating to the free lands of the frontier, wages could never sink far below the farmer's income, which served as an index by which the workers judged the price of their labor power.

In addition to recognition of the influence of the agrarian factor in the emergence of the proletariat, attention must be given also to the other factors which Sombart emphasizes so strongly and which Marx also recognized. The break up of the guilds and their primitive democracy, expressed in the beginnings of the domestic system with its contrast between capitalist traders and domestic hand workers as well as in the development of a permanent class of journeymen, the disintegration of the feudal comitatus, the dissolution of the monasteries, the ruin caused by wars and oppressive taxation —all these factors, no matter how different their point of departure, tended in final analysis in the same direction. The destruction of the precapitalist mediaeval order of society was accompanied by the rise of an increasingly large army of outlawed individuals, belonging nowhere and having no secure place in society; these, as beggars, vagabonds, tramps, mercenaries and adventurers, infested the highways, pillaging and killing. This gray army of decayed and degenerate individuals, of socially shipwrecked and homeless elements, composed the beginnings of the proletariat; but they represented a potential not an actual proletariat. At the same time that complaints of "universal vagabondage" were being voiced, the early capitalist entrepreneurs were lamenting the fact that they could not procure enough labor. Sombart traces this curious coincidence of abundance and shortage of labor supply to three causes: the bad organization of the labor market, which prevented interlocal and interregional adjustment between supply and demand; the empirically traditional and non-rational character of production, which was inimical to the migration of laborers from overcrowded to less crowded occupations; and the hostility of the early proletarians to the needs of capitalist production. In this respect as in all others capitalism could cast off only gradually the remnants of its feudal and guild past. The static, corporate character of mediaeval economic life, with production for traditional demand instead of for unlimited gain, was revealed in the numerous holidays, the many rest periods during the working day, the early holiday eve and the frequent changes in tools and manner of working. Quite different was the lot of the workers in the early factories: uninterrupted labor for an intolerably long number of hours, severe discipline, restriction to one detail of the production process. It was this set up which aroused the

fears and antagonism of the proletariat. Such resistance could most easily be overcome by owners of the instruments of production who were great landowners and who by virtue of their feudal rights could dispose of semifree or bound labor. The fact that a landowner, unrestrained by his feudal ties, possessed an advantage in the establishment of capitalist enterprises was one of the reasons why wealthy burghers were so anxious to acquire landed property.

The power of the great landowners over their dependent *glebae adscriptae* was not sufficient, however, to overcome the resistance of the early proletariat to the full development of capitalist production. The capitalist bourgeoisie, in its exploitation of the "lazy and recalcitrant poor," acquired a powerful ally in the absolutist state, which developed a clever and skilful system of forcible measures to corral the necessary labor forces. The severe penalties for beggars and vagabonds, the many forms of forced labor, the establishment of orphan and foundling homes, the leasing of prisons and jails—all of these measures served the same final end, to encourage capitalist enterprises by providing a supply of labor. The policy became one of the most effective means of increasing the wealth of the state.

The American proletariat had a development in some respects parallel to and in others different from that in Europe. Colonists imported indentured labor from England; artisans were deprived of their crafts by the rise of the factory system; and women, children and orphans were thrust into factories. The procedure, however, was not as relentless as in Europe. In general immigration supplied the workers required by the development of capitalist industry. Farmers in New England who were unable to make a living from the soil entered the factories (many also went west to occupy free land); but there was no direct expropriation of peasants, although many of the immigrant workers were originally peasants driven from the land in their native European countries.

This severe process of "rearing" a proletariat came to an end with the bourgeois revolutions. The newest social class, the proletariat, had reached a stage where the old repressive measures were not only superfluous but even inconvenient. The bourgeoisie, acting on its ideals of liberalism, humanitarianism and individualism, accorded the proletarian free disposition of his labor and abandoned him, as it could well afford to do, to the inexorable laws of the capitalist economy. The accelerated disruption of handicrafts and the proletarization of the artisans which set in with the industrial revolution, the utilization of the labor of women and children and the new possibilities of bringing together great masses of workers wherever the needs of capital demanded as a result of the newly established free mobility of labor—all worked toward an increase in the available number of workers and toward a decrease in wages. Adam Smith in that bible of economic liberalism, *The Wealth of Nations*, raised the demand that in bourgeois society every individual should become a merchant. It soon became evident, however, that the transformation of the workers into "merchants," into sellers of their labor power, was not sufficient to convert them into a conservative and stagnant social class. The socio-economic status of the workers, conditioned by the contradiction between their formal liberty and equality and their material dependence and inequality, led to a further development of the proletariat, its challenge of the existing capitalist order and the initiation of a new social order; while the bourgeoisie, petty bourgeoisie and peasants eventually reached a standstill in their development.

The commodity labor power of the proletarian is disposable; indeed it must be disposed of, must be sold, in order that he may live. But it is not disposable in the same sense as are the capitalist's commodities produced in the factories. Since the proletarian's commodity, his labor power, is indissolubly bound up with his person, he cannot be indifferent to what happens to the commodity after it is sold. When, for example, he is forced to work in unsanitary and unhygienic industries, his vital existence is immediately threatened. But even when such conditions do not exist, the fact still remains that the proletarian who enters a factory is confronted with an order of existence which is opposed to him as a sort of fate, an oppressive force completely independent of his own will. Through the separation of the proletarian from the means of production he is torn away from the spiritual and organizational powers of the labor process. Modern capitalist industry has thus created a psychic labor problem centered around the relation between man and the machine, a problem which increased technological development has served only to intensify. The machine began as a mechanization of manual processes of labor as well as of

tools; its upward and downward and sideward movements had some resemblances to those of man. More recent developments have emphasized the inorganic and mechanical character of the machine, which has assumed the real work and left to man only the function of regulating, servicing and watching. For the great mass of workers in workshops, factories and offices their work has lost its occupational character and become mere employment, increasing the tension between external work and inner emptiness.

The "permanent breakdown of the spiritual qualities" in work becomes evident in the increase of those groups of semiskilled workers who occupy an intermediate position between the skilled and the unskilled. The spasmodic attraction and repulsion of great masses of workers, characteristic of the dynamics of capitalist production, require that the worker be unattached, ready to move wherever needed by the industrial process. In the case of semiskilled workers these changes in the place of employment and in the nature of their tasks serve as a sort of compensation for their monotonous existence. This is, however, not true of the skilled worker, who is better off under normal conditions but whose specialized labor function places him in a worse situation than that of the semiskilled worker when he is unemployed or displaced by technical progress.

The increasing rationalization of production has resulted also in a greater intensification of labor. From the standpoint of the proletarian a rise in the intensity of labor means accelerated consumption of labor power: greater danger of accidents, spread of occupational diseases and further reduction in the age limit beyond which a worker no longer has a chance of securing employment. The development of modern technology, whose laws subjugate the proletarian selling his labor power, leads to a neutralization of human relations within the giant industrial plants of today. Although a great number of industrial workers are employed, the individual workers must serve an increasingly large mass of machinery and apparatus, so that in the modern factory machines are overwhelmingly preponderant over men. The workers neither love nor hate one another; they are indifferent and strange, and no amount of welfare activities can change the situation.

In addition to the indissolubility of the tie between the worker and his labor power there is another factor which places the proletarian as a seller of his commodity at a disadvantage as compared to other sellers of commodities. The only commodity the worker has to offer for sale is not reproduced and sold under typical market conditions. Since the worker is dependent for subsistence on his wage, while the wage is the price of his labor power, the mechanism of the capitalist economic system forces him to offer himself for sale even when the labor market is unfavorable. This factor is followed by a third: labor power, especially that of the unskilled and semiskilled workers, is the most perishable of all commodities and is therefore subject to a sharp decrease in price as a result of competition among workers. This situation is improved somewhat only when a period of prosperity creates an active demand for labor. For the industrial enterprise wages represent merely an item of costs; for the proletarian they constitute the basis of his standard of living. Among the essential and more important effects of low wages is the transformation of the family, which in mediaeval times was both a producing and a consuming community, into a purely consuming community. Great masses of people go out to work and, at least in the large cities, do not return until evening; working quarters and living quarters are separated. These conditions have a particularly disastrous effect upon proletarian families. The proletarian dwelling place in an overcrowded tenement in a working class district lacks that individual character which a bourgeois citizen still finds a desirable ideal in his "home." Moreover in the bourgeois family there is always a certain bond between the members in that only the husband is engaged in the task of providing for the family, the wife is occupied at home (although in certain middle class circles, especially in the United States, it is becoming customary for the wife to pursue a profession) and the children remain economically dependent until relatively late in life. In the proletarian family the exact opposite is the case. The meager wage of the husband frequently makes it necessary for the wife to help support the family, and the children not only become economically independent at an early age but in their younger years may earn even more than their parents, who are soon forced out of the active army of employed workers. One expression of this contrast in parental authority is the lack of response among the proletarian youth to the revolt against the older generation which was the strongest force in the bourgeois youth movement.

The bourgeois revolution, whose dramatic

sweep is expressed in the American War of Independence and the French Revolution, pressed back the forces of the past, nobility, church and monarchy, but did not entirely overthrow them. The overthrow was in large degree decisive in the United States: the suzerainty of the British crown was destroyed by the revolution, and shortly thereafter the new nation cast off the transplanted feudal institution of the great colonial manorial estates, supplementing the earlier abolition of entail and primogeniture. There was no real feudal class to overthrow. Only Negro slavery remained as a precapitalist survival, and its abolition by the Civil War completed the bourgeois revolution. The "pure" character of American capitalism with its unrestrained economic enterprise and political democracy influenced profoundly the character and development of the proletariat; one manifestation of this is the fact that American labor was influenced neither by the struggle against surviving feudal elements, except for a brief entanglement in the movement against tenancy on the manorial estates, nor by the feudal struggle against capitalism. In Europe, however, much of the feudal structure survived the bourgeois revolution and the feudal classes retained a considerable measure of political power, which they strove to augment. But in order to recover even a portion of their lost ground the feudal classes found it necessary to "democratize" themselves, for during the era of bourgeois parliamentarism the path to political success was through the adherence of great electoral masses. Nobles and clergy thus attempted to attract "democratic" petty bourgeois, semiproletarian and proletarian groups. It was relatively easy to bridge the gap from the old ruling classes to the "simple producers of goods" of the Middle Ages. The successful bourgeois revolution liberated the peasants from the burden of their feudal dues and set aside the guild regulations, which had eventually come to serve the interests of only a privileged minority of artisans; but while the old contrasts lost much of their intensity, there emerged new contrasts between the "simple producer of goods" and the new power of money and capital in the form of money lenders, merchants and manufacturers, who offered the competition of factory enterprise. Under these conditions the petty bourgeoisie and the peasants came to feel that perhaps their interests could be served better in a romantically transfigured mediaeval society than in the age of machines, free competition and the scramble for wealth. "Social conservatism" or "feudal socialism" sought to intensify and exploit this feeling. Praise of peasants and artisans is one of the leitmotifs of the literature of social conservatism. With Sismondi, however, this praise already reveals a definite relation to the proletariat; when he demanded the support and maintenance of the small independent classes, he did so not only in their interests but also because he wished to prevent the proletarization of as many people as possible. This was the first attempt by social conservatism to "solve" the problem of the proletariat by preventing the emergence of a proletariat.

This movement was powerless against the upsurge of capitalism in the first half of the nineteenth century and offered too little to those who had already become proletarians to serve as a program. Characteristic of the proposals which social conservatism put forward on behalf of the proletariat was the program of Disraeli and the Young England circle. They sought to "feudalize" capitalist industry, to constitute it a social relationship based on responsibility of leadership and allegiance, like the relation between the noble and his dependent serfs in fully developed feudal society. By an alliance of the crown, nobility and church with the "people," they hoped to isolate the liberal bourgeoisie. But the time was not favorable for the realization of such plans. Feudalism within its real domain, agriculture, was in process of complete disintegration; feudal relations could hardly be carried over into industry with its great, fluctuating human masses, its drive toward profit and its categorical imperative, "save costs." Of much greater practical significance was the fact that in the newly created German Empire of 1871 a social conservative government established a system of social insurance which assured the proletarian a measure of economic support during sickness, disability and old age.

This social conservatism has lost practically all its significance in the older capitalist countries. The great feudal landowner who has become an agrarian capitalist is neither able nor willing to pursue a labor policy directed against the entire bourgeoisie. Nevertheless, the historical and social significance of social conservatism should not be overlooked. It was much more difficult for the liberal capitalist bourgeoisie than for the "forces of the Middle Ages" to work out an approach to the solution of the problems bound up with the existence of the

proletariat. The reasons are evident: the interests of the industrial bourgeoisie are best served by "free trade in labor power." It is therefore not to be wondered at that both in Europe and in the United States the bourgeoisie resisted attempts to place limitations upon its advantageous position in the form of laws to protect labor or similar measures. There was also the conceptual motive. Liberalism, having made the proletarian a "merchant" like other merchants, a seller of the commodity labor power, could go no farther. The proposals of the first advocates of reforms on behalf of the workers smacked of modernized guild restrictions or of the absolutist state, the same type of social regulation against which liberalism had raised the banner of free competition and individual initiative. This callous attitude of liberalism toward the lot of the proletariat was expressed in denial, as long as denial was possible, of the existence of a specific labor problem. But unpleasant facts do not disappear because they are declared to be non-existent. Liberalism was forced to produce more potent arguments in its contest with the social realities which pressed upon it. The new arguments admitted the misery of the proletariat but declared it to be inevitable. The inevitability of proletarian misery was argued on the basis of survivals of a Calvinist-Puritan eschatology as the result of divine retribution or on the basis of Malthusian-Darwinian ideas as representing the defeat of the unfit in the struggle for existence. Liberal writers more sensitive to the suffering of others explained that not too much but too little liberalism was the cause of proletarian misery, which was but a transition and would disappear when the principles of freedom of economic activity were everywhere triumphant.

All these nostrums for soothing the bourgeois liberal conscience could not be of permanent help. Liberalism, which had disappointed the petty bourgeoisie, was threatened with the loss of its influence among the workers. This danger became more menacing when the proletariat made its first steps in the direction of socialism. Out of this situation arose the ideology and practise of European social liberalism, of which progressivism was a kind of American counterpart. The social liberal program included high wages, low prices for goods in mass demand by workers, recognition and support of labor unions and cooperatives and democratization of state institutions to allow a political outlet for the increasing social significance of the proletariat. Social liberalism was further distinguished from the pure liberalism of the Manchester school in that it did not necessarily exclude state intervention in the free play of economic forces on behalf of the proletariat, which it considered a matter of practical necessity and not of principle. While social liberalism (and liberalism itself as a concrete social manifestation in general) never gained much of a foothold in central and eastern Europe, it developed into a deeply rooted and far reaching movement in the Anglo-Saxon countries, particularly in England. The fact that in the heyday of England's practical monopoly of industrialism the most important sections of the English working classes accepted social liberalism as a program prevented the emergence of a socialist movement and supplied liberals in England with a power which their brethren on the continent either never possessed or lost after a short period. For the continental liberals, especially the German bourgeois democrats who studied English social conditions, England was not only the classic land of political freedom but also that wherein social contradictions had been solved.

In the midst of these great social changes the proletariat was being shaped as a class, economically and politically, slowly developing a consciousness and a movement of its own. The early proletariat in the period of its emergence was not a conscious, independent historical force. It had no rights, neither suffrage nor the freedom of combination, the absence of which in turn expressed the lack of an independent proletarian will. It was symptomatic that the term proletarian was deemed an insult by those who really were members of the proletariat. By reason of the tension between the passivity of the proletariat and its wretched condition, urgently demanding relief, the workers directed their hopes beyond their own class. They looked for a god or a king made omnipotent by divine grace, for a savior who would relieve them of the burden of independent activity and responsibility. Along with these exalted images appeared that of the noble bandit, who also played a considerable role in the expectations of the early proletariat (and of the oppressed peasantry). The sympathy of the poor was aroused by the bold and stubborn guerrilla warfare which the bandit carried on against the rich, against their state and its justice, police and military, and the sympathy was all the greater when the bandit shared his spoils with the poor. This ideology with its underlying passivity was never charac-

teristic of the American proletariat because of the many differences in its origins and development; the conditions which made for passivity were offset by the possibility of migration to the free lands of the frontier. After the Civil War there was a popular literature idealizing the western bandits, for example, Jesse James, but it was an expression of other social factors than proletarian passivity; it coincided with the great labor upheavals of the 1870's and 1880's, while the industrialization of mining in the west led to great labor struggles against corporate control. On the other hand, even in recent years the bandit has been idealized in Latin America and in China, where peasants have been torn from the soil, artisans are deprived of their crafts and a proletariat is emerging, although conscious revolutionary ideas and action are increasingly ascendant.

The first stage of an independent proletarian movement was characterized by far reaching but aimless activism. There were either no organizations at all, proletarian movements rising and falling like quicksand, or where organizations did exist they were in the form of sects, alliances or conspiracies. The choice of means and methods to accomplish desired ends gave evidence of the same groping as did the problem of organization. Chartism, the first great proletarian movement in England, was affected deeply by the struggle between the adherents of physical force and those of moral force. The goal of the movement also fluctuated between political and democratic ambitions centered around the Charter and reactionary economic aims which looked toward the transformation of the proletariat into small peasants or artisans. While it likewise formulated general political and democratic demands, the early American labor movement was strongly influenced by the agrarian radicalism of the frontier and the struggle for free land.

The second stage of the proletarian movement was reformism, the economic and social background of which was bound up with the full triumph of capitalism over the forces of the past. The proletariat built up its own organizations to defend and advance its immediate interests under capitalism. Trade unions and cooperatives were to raise wages; political action was to complete the democratization of state institutions begun by the French Revolution. The motive behind the political activity was the more or less clear idea that the increasing numerical growth of the proletariat offered it a chance to secure a dominant influence in the state by means of democratic majority decisions. There were sharp differences of opinion, however, as to how the workers should advance their interests in a democratic state. In England during the period of its industrial ascendancy in the world markets the workers refrained from forming their own party and usually supported the Liberals. This attitude still persists in the United States, where workers traditionally support the Democratic party, although not as a class. Proletarian support of bourgeois parties was generally determined by the expectation of immediate practical results rather than by any ideological considerations. In other instances independent labor parties were formed. These parties in general did not exclude members of other classes but had their mass basis among the workers. When they did not raise the question of the form of the economic structure of society, or when they answered it by accepting the capitalistic system, seeking merely to better the conditions of the proletariat within its framework, these political organizations were bourgeois labor parties whose membership and following were chiefly proletarian but whose aims were bourgeois capitalist. The classic example of this type of party is the British Labour party.

The third stage is reached when a workers' party accepts the idea that although the struggle for the immediate demands of the working classes is important, it represents only the first step in the decisive contest for the complete transformation of the economic system; and when it affirms that the historical task of the proletariat is to substitute common ownership of the means of production for private ownership, just as the historical task of the bourgeoisie was to replace the feudal and guild system by the capitalist system. A proletarian party accepting this revolutionary task is distinguished by three characteristics, which only the Bolshevik party led by Lenin possessed in full measure but which were stressed also by several other prewar socialist leaders: it must break completely with both left and right opportunism; it must retain the closest contact with the masses under its leadership, neither running away from them nor lagging behind; and it must combine a maximum of fixity of purpose, determination and centralization with the utmost flexibility and activity of the individual party groups. Where such parties arise and are able victoriously to break through the hostility of the world around them, the labor movement enters a new stage.

The transition from one stage to another is naturally not without critical disturbances, which sometimes are almost catastrophic. And just as there are individuals who do not go beyond a definite stage of development even as they grow older, so there are groups and whole organizations in the labor movement which are so firmly bound up with a definite stage of the movement that it is impossible for them to move on to the next stage; instead they are converted by the dialectical process of historical development into brakes upon the labor movement and even into its opponents.

That the proletariat came into being with the rise of capitalism, increased both in numbers and in social significance as capitalism became dominant, gathered millions around the banner of the socialist movement and seized political power in Russia and maintained it against all opposition—these facts have left a decided impress on the social physiognomy of the world. World economy and world politics are striving to solve the problems bound up with the existence of the proletariat.

In the countries of western and central Europe, where an older capitalism has sunk deep roots, the labor movement has thus far been unable or unwilling to supplant the capitalist system of private ownership by socialist community of ownership. The tendency has been to let capitalism remain, reconciling the proletariat with existence and incorporation within the capitalist system. The methods of doing this comprise a whole system of politics. One of the measures employed consists of raising the general level of the proletariat as a class and allowing individuals to rise out of the proletariat; thus many talented children of workers enter the schools of higher learning and later become members of the professions and government officials. But the opportunities for such elevation are limited, for both the individual and the class. Of much more practical weight is the fact that in the European countries engaged in the World War the bourgeoisie found it temporarily necessary to entrust the bourgeois labor parties with a share in the government or with its entire direction. The leaders and functionaries of these parties secured important positions in the government bureaucracy. But this process whereby a worker rises to the ministry in a bourgeois democratic republic or in a parliamentary monarchy was preceded by another, the elevation of a worker to the position of a party, trade union or cooperative official. The officials, taken out of the production process and dependent on the undisturbed functioning of the apparatus of their organizations, instinctively opposed all decisions which might threaten the tranquillity of bureaucratic activity. Enjoying an income more petty bourgeois than proletarian and a corresponding standard of living, relatively secure in office and averse to revolutionary decisions, intimately acquainted with workers' psychology and their organizational life, the labor bureaucracy became a significant force of social stabilization. Its importance was increased and complemented by sections of the proletariat which, having somewhat bettered their social and economic position, came to be known as the aristocracy of labor, or labor élite. This was not a case of individual success or of a rise in the general level of the proletariat, but rather the attainment by certain of its elements of a standard of living decidedly higher than that of the majority of the workers. The members of this aristocracy of labor are essentially proletarians but of a higher order; their income, at least in great part, is still derived from the sale of their labor power. They are largely untouched by unemployment, the scourge of proletarian life, although rationalization and increased severity of cyclical breakdowns are making this less true; their high wages enable them to participate in the gains of civilization and to accumulate some savings; their children attend the higher schools and through either marriage or vocational activity rise into the labor bureaucracy, perhaps, particularly in the United States, into the ranks of the petty bourgeoisie. The net result is the establishment of a strong contact between the urban lower middle classes and the upper proletarian layers. The influence of the labor élite upon the workers' organizations is normally very strong, because of its relatively higher cultural level, its activity and its urge to advancement. The upper stratum of the trade union and cooperative workers in nineteenth century England supplied to social liberalism the greatest share of its power. In Germany, where a socialist labor movement independent of bourgeois democracy arose much earlier, the labor élite provided the social basis for revisionist aspirations, which in practise meant the adaptation of socialism to liberalism. In the United States the trade unions, dominated by the aristocracy of labor, have steadfastly opposed socialism and independent political action by the proletariat. These developments cannot properly be understood,

however, without consideration of the fact that the general level of the proletariat also has risen. Although the disparity has increased between the labor élite and the lower levels of the proletariat, consisting of unskilled, semiskilled and agricultural workers, these groups also have secured some gains in wages and working conditions. At the same time the conditions of the workers have been improved by social legislation, a result of the state's intervention in the free play of economic forces on behalf of the proletariat. The whole process of incorporation has resulted in the spread among the workers of bourgeois, nationalist and imperialist ideas, which struggle with socialism for hegemony over the proletariat.

The incorporation of the proletariat into the social system of capitalism is not only a result of its necessity in the system but an outcome of capitalist recognition and acceptance of the fact. After four years of world economic crisis and twenty years of catastrophe the question as to the success or failure of the policy of incorporation cannot be simply affirmed or denied. In so far as neither increase in wages nor social legislation has permanently stemmed the dynamic force of the movement for the overthrow of capitalism it has been unsuccessful. But it has gained a sort of victory since the one country in which capitalism has been overthrown was not one of the fully developed capitalist nations but one of the least developed, as compared with England, Germany, France and the United States. The economic and political significance of the Soviet Union lies in the fact that there the proletariat is organized as the state and that as the ruling class it has undertaken to create a new social order based on common ownership of the means of production. If it succeeds, the opposition between ownership and non-ownership and between capital and labor will be abolished. Society will consist not of "proletarians" but of workers obligated to perform socially useful labor. Attempts to establish communistic forms of social organization have been made in other times and in other lands. But Bolshevism far surpasses its utopian and sectarian predecessors in the enormous breadth of territory and size of population ruled over by the proletarian dictatorship, in the energy and will to realize socialism and in the conscious utilization of all the modern technical and social forces for socialist construction.

ALFRED MEUSEL

See: LABOR; OCCUPATION; CLASS; CLASS STRUGGLE; MASSES; BOURGEOISIE; MIDDLE CLASS; MOBILITY, SOCIAL; VAGRANCY; POVERTY; UNEMPLOYMENT; INDUSTRIAL REVOLUTION; FACTORY SYSTEM; MACHINES AND TOOLS; MECHANIC; LABOR MOVEMENT; TRADE UNIONS; LABOR PARTIES; LABOR LEGISLATION AND LAW; SOCIAL INSURANCE; SOCIALISM; COMMUNIST PARTIES; FASCISM; REVOLUTION AND COUNTER-REVOLUTION.

Consult: Marx, Karl, *Das Kapital*, 3 vols. (vol. i 4th ed., Hamburg 1885–94), tr. by S. Moore, E. Aveling and E. Untermann, 4 vols. (London 1887 and Chicago 1907–09); Sombart, W., *Der moderne Kapitalismus*, 3 vols. (3rd ed. Munich 1928); Nussbaum, F. L., *A History of the Economic Institutions of Modern Europe* (New York 1933), based on Sombart; Villard, Amédée, *Histoire du prolétariat ancien et moderne* (Paris 1882); Hammond, J. L. and Barbara, *The Rise of Modern Industry* (3rd ed. London 1927), and *The Skilled Labourer, 1760–1832* (2nd ed. London 1920); Lewis, Austin, *The Rise of the American Proletarian* (Chicago 1907), and *The Militant Proletariat* (Chicago 1911); Granier de Cassagnac, B. A., *Histoire des classes ouvrières et des classes bourgeoises* (Paris 1838), tr. by B. E. Green (Philadelphia 1871); Broda, Rodolphe, and Deutsch, Julius, *Le prolétariat international* (Paris 1912); Jünger, Ernst, *Der Arbeiter* (Hamburg 1932); Argente y del Castillo, Baldomera, *La esclavitud proletaria* (Madrid 1913); Kautsky, Karl, *Das Erfurter Programm in seinem grundsätzlichen Theil* (3rd ed. Stuttgart 1892), and *Die proletarische Revolution und ihr Programm* (3rd ed. Berlin 1932); Lenin, Nikolai, *The Proletarian Revolution and Kautsky the Renegade* (London 1919); De Leon, Daniel, *Two Pages from Roman History* (New York 1903); Ortega y Gasset, José, *La rebelión de las masas* (Madrid 1930), English translation (London 1932); Chisholm, Cecil, *Vulcan; or, the Future of Labour* (London 1927). See also bibliographies on LABOR MOVEMENT; SOCIALISM; COMMUNIST PARTIES; REVOLUTION.

PROMOTION. The fundamental economic problem which no system of industrial organization can evade is that of adjusting production to consumption. It has always two fairly distinct phases, or aspects: the long run, the selection of the directions of productive activity; and the short run, the determination of the method and intensity of utilization of resources after they have been committed to a particular field of employment. A capitalistic economy depends upon private enterprise to solve this problem in both its forms; the activities of individuals attacking the former phase constitute what is called promotion, of those who attempt to solve the latter phase, management.

This distinction between promotion and management is more analytical than practical. Both types of activity are conjoined in the performance of a single function: the maintenance of a flow of products which in variety and relative amounts conforms to the demands of the market (in a capitalistic economy) or to the con-

suming disposition of the community (in any economy). In modern industrial society moreover both types of activity are pursued by a single economic class, the so-called entrepreneurs. Nevertheless, within this class there has gradually emerged an appreciable division of labor between the promoters and the managers, or executives, of capitalistic industry. In any case the solution of the problem of adjusting production to consumption always involves two types of decisions—where to apply productive resources and how to use them in any given field of application—which are sufficiently distinct to warrant their separation for purposes of study even if it had never occurred in practise.

Under the conditions prevailing in the seventeenth and eighteenth centuries, when the social policy of dependence upon private enterprise to effect an adjustment of production to consumption emerged in its modern form, the productive resources thus to be allocated were in the main the private accumulation of the individuals to whose free choice their distribution was entrusted. The theory underlying the new policy of laissez faire assumed that the owners of these resources would retain direct supervision and immediate responsibility for them in whatever field they might be applied. In other words, any venture which a person "promoted" he "backed" wholly or at least predominantly with his own resources; and any business which he "backed" or for which he provided the funds he "managed." Under these circumstances there was at least some reasonable ground for believing that, given the opportunity, the voluntary action of individuals seeking their self-interest would discover the directions of production conforming to the community's demands and would provide the appropriate allocation of productive resources.

It is the departure from these conditions which has brought the laissez faire policy into general discredit and more especially has given a dubious connotation to the name and office of the promoter. In an environment transformed by the machine technique, large scale production, corporate enterprise, bank credit, world markets and capital concentration, the expectation that a multitude of private interests operating at random will somehow achieve an economical distribution and an efficient utilization of productive resources has less and less substantiation in experience. For where promotion has been divorced from management and both have been separated from ownership, until there is nowhere any clear and challenging responsibility for the successful discharge of the fundamental function of adjusting production to consumption, the economical direction of industry becomes not only an indirect but a subordinate objective of private enterprise.

It is not without significance that the earliest instances of promotion as a specialized vocation, in other words, the launching of projects in which the funds of others than the promoters were solicited, exhibit in their most conspicuous forms the very evils which still plague societies that continue to entrust this vital function to private interests. The prototypes of all the modern devices for getting rich quickly by giving nothing for something may be found in such enterprises as the South Sea bubble, the "Mississippi Bubble," the Darien venture and the innumerable companies organized for land speculation, either exclusively and for its own sake, as was most commonly the case in North America, or in connection with colonization and with commerce, as was more generally the case in Europe. The Hatrys, the Insulls, the Kreugers—the field marshals of high capitalism —have but followed in the footsteps of John Law and Robert Morris and the host of nineteenth century adventurers who in the process of constructing great railroad systems and large scale mechanized industrial plants managed often to divert so large a share of the funds assembled for the enterprise, or to loot so recklessly the properties of the going concern they sponsored, as to impair whatever prospects it may have had and eventually to wreck the entire project. Not infrequently these promoters, like every one of those specifically mentioned above, have witnessed the crumbling of their own fortunes in the ensuing debacle.

Among the basic features of the economic situation which has called forth and made possible the methods of the promoter is the increasing and substantial accumulation of capital in the hands of persons ill equipped by training or temperament for its fruitful employment. Another is the existence of vast unexplored fields for the development of industry, whether, as in the eighteenth century generally, and in America through a considerable part of the nineteenth century too, through geographic extension of the boundaries of the market, with the typical form of promotion that of land speculation; or, as in the nineteenth century, principally through the addition of new lines of production—the railroad, the telegraph and the

telephone, the machine tool industries, the electrical industry, rubber manufacture, the chemical industries. The addition of new industries to old continued in the twentieth century but at a slackening pace and with a diminishing significance. Such outstanding examples as the automobile, the cinema and the rayon industries represent substantially only a novel application of principles and devices previously developed. Radio is an exception that proves the rule. Rather the new fields for industrial pioneering have latterly been provided in the main by what may be called rationalization, the horizontal and vertical integration of productive processes, the internal and external organization and administration of industry. Mergers, cartels, syndicates, institutes and trade associations indicate the predominant forms taken by the contemporary imperialistic tendencies of business enterprise.

The presence of psychological, social and legal norms or patterns conducive to or facilitating experimentation and risk taking also plays a part in the development of promotion as a characteristic feature of an economy. These psychic and institutional factors, which so largely shape the economic destiny of a people, vary in the encouragement offered to new enterprise or promotion, not only from country to country and from time to time but also among themselves. Social and legal institutions reflect only tardily changes in the psychological norms of the people whom they help to govern, as is evidenced by the growth in Germany of an intense psychological restlessness or impulse to escape in recent years, which only with considerable difficulty and to a comparatively meager extent has found expression in speculation, because of the retarding influence of social habits and legal forms. Eventually, however, what seem to be more or less abiding distinctions among different peoples in respect to their readiness to undertake experimentation in industry do become embodied in institutional form. Perhaps the French are of all modern nations the least inclined toward speculation; and the predominant form of business organization in France, the *société anonyme*, is not designed to foster promotion. On the other hand, Americans are perhaps typically the most disposed to speculate; correspondingly in the United States the relatively slight legal safeguards placed around credit extension and the elasticity of corporation laws have afforded wide scope for the exercise of the talents and the undoubted ingenuity of the professional promoter. Finally, it is everywhere coming to be recognized that these psychic and institutional factors conducive to chance taking, and therewith to promotion, vary in intensity from time to time. The alternate optimism and pessimism which accompany the swing of the business cycle appear to affect not only the managerial but also the promotional groups in modern industry. New enterprises, plant extension and mergers are no less characteristic of boom periods than are inventory accumulations and increase of the volume and speed of operations.

These basic features of the economic situation which invite promotional activity have become more and more pronounced, more and more prevalent, with the growth in the complexity, scope and instability of capitalistic industry. If, as Schumpeter has suggested, its dynamic quality is at once the most distinctive trait and the most imperative need of a capitalistic organization of industry, promotion has both exhibited this quality and ministered to this need. The types of promoters and the methods of promotion have by no means remained fixed. When promotion first emerged as a specialized function, it was generally carried on as an incidental, occasional, part time vocation. Lawyers, brokers, occasionally bankers and rarely business men, discovering, frequently by chance, promising profit opportunities, would undertake to assemble the technical requirements, solicit the necessary funds and launch a new enterprise. The promoter of this type needed not so much foresight, technical capacity or experience as a certain shrewdness and quickness of wit and above all enthusiasm, self-confidence and negotiating ability. These qualities continued to be of service to the professional, full time promoter when he appeared upon the scene in the latter part of the nineteenth century; but in addition it became necessary to apply also a certain perspicacity, if not much probity; a certain power to visualize the future, if not much prudence; and a certain hold and dramatic leadership, if not much personal magnetism. For the scale of business ventures was expanding, commitments (in the form of fixed capital) had to be made irretrievably, and the elements to be assembled were too numerous and too diverse to admit of guesswork or trial and error procedure. Gradually promotion came to be undertaken primarily by a group not only professionally specialized but institutionally organized. Promotion was incorporated as a recognized

function of the investment banking or security brokerage business. While the independent promoter did not disappear, his importance was diminished by a variety of advantages enjoyed by his institutional competitor: the advantage of continuous contact with the inventors, technicians, roving speculators and business men (called in the profession the clientele) who supply the ideas upon which new business enterprises are projected; the advantage both for profit and for reputation of continued connection with new and reorganized enterprises previously promoted; and above all the advantage of maintaining steady relations with a large and scattered body of investors or security customers.

With the advent of the institutional type of promoter the influence of the "demand" upon the "market" for promotion has become more direct and more obvious. The established investment banking houses have their lists of regular customers, who must be supplied with a more or less continuous flow of securities if their patronage is to be retained. This leads, especially during periods of prosperity when capital accumulation is rapid, to zealous and persistent efforts by these houses to find new outlets for savings. At such times their representatives comb industry for opportunities to organize, reorganize, expand or merge enterprises; and only the most sober and cautious entrepreneurs are able to resist the temptation to utilize some share of the funds thus literally thrust upon them. If, as experience tends to indicate, such promotion eventually involves an appreciable impairment of managerial prerogatives and the necessity of considering interests other than, if not strictly opposite to, the long run welfare of the enterprise, this is an outcome which in any judgment must be weighed against the dynamic character which promotion activities help to give modern industry.

It cannot be gainsaid that the ingenuity shown by the latter day promoters in splitting up the elements and incidents of ownership participation in corporate enterprise has contributed substantially to the progressive increase in the volume of savings, through providing effective appeals for funds to income receivers of the most varied classes and circumstances. If it has resulted at the same time in such an intricate and confusing subdivision of interests and multiplication of privileges that it can scarcely be determined where responsible control lies, if indeed it lies anywhere, this is only a part of the price paid for blindness to the fundamental fact that in a capitalistic system social interests are secondary and (some) private interests paramount. That the conflict and competition of special interests do result in a tremendous pressure for innovation, change, adjustment and readjustment may be admitted. Essentially promotion is a response to this pressure. In the end, however, it is a question whether the "progress" thus made possible is cumulative or only circuitous, whether progress so promoted and so directed is worth its cost. The answer commonly given depends ultimately upon the temper of the times. The nineteenth century thought it was; there are many signs that the twentieth century may take a different view.

MYRON W. WATKINS

See: PRODUCTION; INVESTMENT; SPECULATION; INVENTION; CAPITALISM; BOOM; LAND SPECULATION; CORPORATION FINANCE; INVESTMENT BANKING; REAL ESTATE; PUBLIC UTILITIES; RAILROADS; SALESMANSHIP; CAPTAIN OF INDUSTRY; FORTUNES, PRIVATE; ENTREPRENEUR; MANAGEMENT; BLUE SKY LAWS; STABILIZATION, ECONOMIC.

Consult: Conyngton, Hugh R., *Financing an Enterprise*, 3 vols. (5th ed. New York 1921) vol. iii; Mead, Edward S., *The Work of the Promoter*, American Academy of Political and Social Science, Publications, no. 359 (Philadelphia 1903), and *Corporation Finance*, 2 vols. (6th ed. New York 1930) vol. i, chs. i–ii; Mottram, R. H., *A History of Financial Speculation* (London 1929); David, Joseph S., *Essays in the Earlier History of American Corporations*, Harvard Economic Studies, vol. xvi, 2 vols. (Cambridge, Mass. 1917); Scott, William R., *The Constitution and Finance of English, Scottish and Irish Joint-Stock Companies to 1720*, 3 vols. (Cambridge, Eng. 1910–12); Dewing, Arthur S., *The Financial Policy of Corporations* (rev. ed. New York 1926) p. 235–450; Cleveland, F. A., and Powell, F. W., *Railroad Promotion and Capitalization in the United States* (New York 1909); Sakolski, A. M., *The Great American Land Bubble* (New York 1932); Wolff, S., *Das Gründungsgeschäft im deutschen Bankgewerbe* (Stuttgart 1915); O'Hagan, H. O., *Leaves from My Life*, 2 vols. (London 1929); Davenport, E. H., "After Hatry" in *Nineteenth Century*, vol. cvii (1930) 353–64; Barman, T. G., "Ivar Kreuger: His Life and Work," and Danielian, N. R., "From Insull to Injury," and "Gas: a Study in Expansion" in *Atlantic Monthly*, vol. cl (1932) 238–50, vol. cli (1933) 497–508, and vol. clii (1933) 111–23; Ehrich, M. W., *The Law of Promoters* (Albany 1916); Isaacs, Nathan, "The Promoter; a Legislative Problem" in *Harvard Law Review*, vol. xxxviii (1924–25) 887–902; United States, Library of Congress, Division of Bibliography, *List of References on Fraudulent Practices in the Promotion of Corporations and the Sale of Securities*, Select List, no. 87 (1915).

PROPAGANDA in the broadest sense is the technique of influencing human action by the manipulation of representations. These repre-

sentations may take spoken, written, pictorial or musical form. The expected disproportion between the specific consequence and the general reaction which is behind some political assassinations justifies the category "propaganda of the deed." Many official acts of legislation and administration derive their significance from the general as distinguished from the circumscribed results anticipated; these are the propaganda aspects of public policy. Both advertising and publicity fall within the field of propaganda. The word was first given general currency by the Roman Catholic church to refer to the dissemination of its doctrine and was later adopted and adapted by Marxists. Modern revolutionaries use propaganda to mean the spreading of doctrine; incitement is agitation (*q.v.*).

It is true that techniques have value implications, even though values do not necessarily depend upon technique. Nevertheless, the processes by which such techniques as those of spelling, letter forming, piano playing, lathe handling and dialectic are transmitted may be called education, while those by which value dispositions (hatred or respect toward a person, group or policy) are organized may be called propaganda. The inculcation of traditional value attitudes is generally called education, while the term propaganda is reserved for the spreading of the subversive, debatable or merely novel attitudes. If deliberation implies the consideration of a problem without predisposition to promote any particular solution, propaganda is concerned with eliciting such predispositions.

The antiquity of the practise of propaganda, as distinguished from its name, is apparent from the fact that much classical Greek and Roman literature is the more or less accidental residue of propaganda. The walls of Pompeii were found to be covered with election appeals. Frederick the Great was ever anxious to influence European public opinion. Napoleon subsidized a London newspaper, Metternich and the Rothschilds employed Friedrich von Gentz and Bismarck used Moritz Busch to spread favorable press comment. In the American Revolution committees of correspondence fostered anti-English sentiment. During the American Civil War the federal government sent perhaps a hundred agents, including Henry Ward Beecher, to England to plead its cause and added the dramatic touch of a shipload of foodstuffs to mitigate the sufferings of unemployed textile workers. It is estimated that in 1905 the czar's government spent in France alone nearly 1,700,000 francs on counter-revolutionary propaganda In the World War the battle on the propaganda front was as intense as on the military front. In the United States a federal Committee on Public Information spent nearly five million dollars. The chief of the American Red Cross in Russia spent a million dollars in an effort to keep the revolutionary government in sympathy with the Allies.

In every city hall and in every state and national capital congeries of propaganda organizations and agents speaking for every conceivable vested interest or general sentiment swarm about the legislative and administrative organs of government. Specialized promotional agents include "public relations counsels," who advise clients on broad implications of their activity in relation to the community, advertising agencies, individual press agents, vice presidents in charge of public relations and publicists who produce interested "news" and opinion. Perhaps five hundred rather important propaganda institutions are organized nationally and usually have offices in Washington, D. C., or New York City. They include social and professional organizations, such as the United States Chamber of Commerce, the American Federation of Labor, the American Farm Bureau Federation, the National Educational Association and the American Medical Association, and trade associations, such as the Cotton Textile Institute, the National Retail Drygoods Association, the Institute of American Meat Packers, the American Railway Association, the National Electric Light Association, the New England Council. In every community city clubs, community chests and other associations appeal on civic and patriotic grounds to classes or to sectional, age, sex and prestige groups. In Germany, France, Czechoslovakia, Great Britain and elsewhere there are in addition authorized economic councils which have an advisory relation to the government. Even where fascists and communists hold a legal monopoly, there is no end to propaganda; indeed new regimes are particularly dependent upon this instrument for the consolidation of power.

Propagandas are particularly prominent in intergroup and therefore in international politics. Some promotional enterprises exacerbate intergroup relations by imperialistic pretensions, militaristic provocations and separatist demands. Others stress the advantages of conciliation, of pacific methods and of cooperation without the sacrifice of independence. A chief executive, a

popular aviator or artist travels abroad to demonstrate national friendship. Professors, fellowships, statues, are exchanged. Friendship propaganda is institutionalized in such associations as the English Speaking Union, the Alliance Française, the Friends of the Soviet Union. Hatred propaganda is always necessary in war time to arouse and intensify animosity against military and diplomatic rivals and to attract neutral support. In 1914 the United States became the seat of one of the most famous propaganda battles in history, with the British working through native sympathizers, Rhodes scholars and other cultural and business affiliates and the Germans rather through German nationals with such unhappy results as the so-called Dernberg episode. Some of the most prominent post-war campaigns have been prestige propagandas. "The myth of a guilty nation" has been persistently attacked by German propaganda to wipe away connotations of responsibility in both the legal and the invidious moral sense.

Intragroup propagandas may be classified as unity or disunity, revolutionary or counter-revolutionary, reformist or counter-reformist. Considered from the standpoint of its purpose, the huge network of organizations to keep German sentiment alive in Silesia, Alsace and other abodes of former German nationals or the promotion by the Italian Fascist government of pro-Italianism among oversea emigrants is propaganda of cultural unity. While the propagators, too astute to avow practical political aims, usually dwell among the somewhat diaphanous clouds of the spirit, it is often impossible to avoid a strong irredentist tinge, which, even when due to local exuberance rather than to central policy, reveals that a propaganda of cultural unity is in its effects also one of political disunity.

Propagandas which threaten the fundamental patterns of a given group are revolutionary and invariably call counter-revolutionary propagandas into existence. Antigovernmental monarchists in France and Germany are confronted by progovernmental activities. The revolutionary propaganda of the Third International is opposed by the propaganda of all identified with the capitalist political and property system. Reformist propagandas work for limited changes in the social order. As the term is used in America, reformist propagandas are those which set out to modify conditions in the name of moral standards, as, for example, efforts to prohibit the drinking of alcohol or recreation on "the Lord's Day." As the term is used in Europe, reformist propagandas are those directed at broad or deep political, economic or social changes by gradual modifications of an existing structure rather than by its replacement by a new one.

Propagandas may be classified from other points of view. Some are carried on by organizations, like the Anti-Cigarette League, to promote a limited objective; others, like those conducted by many civic associations, are for "general" purposes. Some promotional efforts are essentially temporary, like a booster group for a favorite son. Propagandas may be manned by amateurs or by professionals. Those directed by persons who hope to reap direct, tangible and substantial gains for themselves may be called profit propagandas; others, such as some civic propagandas, are headed by persons content with deriving general or diffuse advantages for their group or class. Some propagandas depend upon a central staff, others upon numerous local branches. Some operate in secret, others invite publicity. Some exist to organize an attitude toward a person or group, others toward a policy or institution, such as free trade or democratic government, still others toward a specific mode of participation, as buying war bonds, joining the marines, contributing to the community chest or crossing streets cautiously.

Military writers were among the first to see how greatly the displacement of cults of simple obedience by democratic assertiveness complicated the problem of eliciting concerted action. Warfare reached a phase calling for the cooperation of the whole population in military action, munition production and the supply services. As older sentiments gave way to nationalism, the spread of schooling augmented the prestige of national heroes, legends, virtues and emblems at the expense of local symbols. It did not release the masses from ignorance and superstition but altered the nature of both and compelled the development of a whole new technique of control, largely through propaganda.

Since the World War accelerated social change has fostered new perplexities, disintegrated old loyalties and spread a new self-will. Merely automatic and historically hallowed ways of handling social adjustments have been rendered obsolete by shifts in technology and by strange new conditions of human contact. The programs of contending leaders, duly sanctified by theocratic or aristocratic connections, are con-

futed by one another. When lords fall out, commoners come into their own. Simultaneously with the fading away of old loyalties, the scale of collective activities has broadened. As proposals for action along new lines arise to compete for the moral and physical support of masses, propaganda attains eminence as the one means of mass mobilization which is cheaper than violence, bribery or other possible control techniques.

The significant symbols of propaganda may often be circulated free of expense to the propagandist. The skilled manipulator makes events so interesting in themselves that attention is spontaneously turned in their direction. For example, an insurance company recently received plentiful free space in the press when it announced that a former president of the United States had become one of its directors. Not only would the cost of an equivalent amount of regular advertising space have been enormous, but it would have been difficult to obtain headline space through a simple commercial transaction.

The propagandist's task is to intensify attitudes favorable to his purposes, to reverse obstructive attitudes, to win the indifferent or at least to prevent them from becoming antagonistic. In general, his problem is so to control the presentation of an object that a desired act will be elicited toward it on the part of selected persons. He must have a clear working conception of his goal, which is sometimes definite (to secure a majority of votes, to secure the enlistment of fifty thousand soldiers within a given period, to double the sale of a product within six months) and sometimes diffuse (to increase "good will" toward private owners of a public utility enterprise in such measure as to render impotent demands for government ownership or operation, to create a favorable atmosphere for the conduct of an international conference, to modernize community taste in public monuments).

The propagandist requires an inventory of existing facilitating and retarding factors in order to discover which hold the "balance of power." To some, which he cannot change, he must adapt. In a war problem there are some relatively immovable conditions: communication networks, similarities and differences in customs and institutions, interpenetration of population, economic ties, relative military power, organized prejudices. Allowance must also be made for factors tending to modify the general reactivity level, such as that condition of adaptation or maladaptation variously described as public anxiety, nervousness, irritability, unrest, discontent or strain. In a community with a high reactivity level a very small match can touch off an explosion.

The propagandist's creative ingenuity is tested by his selection of modes of representing a social object which will accomplish his ends. Any particular group has vested values, ranging from claims upon property to claims for ceremonial deference; hopes of increasing its non-sharable assets; and universalized patterns of right and wrong, of propriety and impropriety (mores), which it tends to defend. The propagandist must redefine the significance of social objects in terms of these various value constellations.

Thus for the mobilization of national hatred the enemy must be represented as a menacing, murderous aggressor, a satanic violator of the moral and conventional standards an obstacle to the cherished aims and ideals of the nation as a whole and of each constituent part. Through the elaboration of war aims the obstructive role of the enemy becomes particularly evident. The maintenance of hostility depends upon supplementing the direct representation of the menacing, obstructive, satanic enemy by assurances of ultimate victory, thus preventing diversion of attention. The preservation of friendly relations depends upon representing an allied nation as strenuously prosecuting the war and thus protecting common values. The ally must appear to assent heartily to the cherished war aims of the nation and to conform to all the mores.

The propagandist may pursue his task not only on the ordinary "common sense" level but also on a level leading to the underlying emotional life of those whom he desires to influence. To elicit acts severely condemned in the culture, such as lynching, the problem is to divide each conscience against itself, thus weakening its inhibiting capacity. Emphasis upon the aggressiveness, immorality and impropriety of the "enemy" is a sop which loosens the restraining grip of the conscience upon destructive impulses. The effective choice of appropriate representations, or symbols, demands careful attention to the relativity of culture. A cartoon of a burly officer beating his wife will not stir anger in a population of peasants to whom wife beating is a sign of virility. Due account must also be taken of the continual process of redefinition of patterns of morality (mores), immorality (countermores) and expediencies and of the continual

modification of the vocabulary of opprobrium and encomium, taking place in all cultures.

Numerous problems of organization arise in propaganda work. It is advisable for the propaganda specialist to be in constant touch with those responsible for policy. The experiences which create sensitiveness to the psychological implications of particular acts are quite different from those of the usual military man, engineer or scientist. Judgment on these matters is so difficult to "objectify" that it is important for comments about psychological implications to be made by forceful personalities in the immediate presence of policy determiners. Propaganda must be coordinated with information and espionage services which can supply material to the propagandist and report progress of propaganda work. That propaganda can be effectively correlated with diplomatic, military and economic pressures was abundantly demonstrated during the World War.

The importance of proper personnel is shown in the relative success of the British and German propagandas in America during the war. British civilian propagandists made no such mistakes as did German military propagandists, who complained of sniping by the Belgians, forgetting that the American civilian mind approved sniping as the sly and plucky act of an under dog. Propagandists should ideally be individuals with a capacity to view themselves as objects in a world of objects. They must maintain contact with the reactivity of the community and expose their minds to experiences which impinge upon it. Adroit public relations counsels read popular novels and attend popular plays and have great capacity for identification with others. It is doubtful that non-introspective personalities will be successful propagandists.

Increasing attention is now being given to the problem of devising precise means of assessing the influence of propaganda. Working propagandists are accustomed to proceed by the "trial balloon" method, which consists in trying out public responsiveness to material which can be disavowed. The "official spokesmen," the "unofficial spokesman," the "semi-official organ," are instruments of this technique. Advertisers have tried pre-testing, choosing matched communities and varying details of their product to discover relative popularity. Speeches may be tried out on selected groups much as plays are tested in the "provinces." Non-verbal indicators of response (pulse rate, psychogalvanic reflex and involuntary muscle innervation) are being adapted to measurement purposes. Changes in registering or voting behavior in response to different stimuli have been studied by matching precincts and varying the stimuli. Efforts have been made to hold the audience constant while changing from periodicals as a medium to radio and back again. Straw ballots, questionnaires, interviews and "listening" are regularly employed to gauge reaction.

Very little in the way of successful generalization has so far come from these preliminary studies. But certain limitations upon the role of propaganda are clear. Many fundamental social changes never pass through an active phase of propagation. New standards of courtesy and new codes of personal integrity may rise and spread unnoticed by those in the midst of the drift. Many changes come to pass because someone invents a new practise and communicates it to a very small circle necessary to its propagation. Even if it were known what proportion of significant social changes passes through active propaganda phases, some questions would remain unsolved. Since propaganda is used for and against, as was the case with repeal of prohibition in the United States, the question arises whether propagandas cancel out, leaving other factors in control.

The complaint is made against the specialized function of advocacy which is the propagandist's that it distorts judgments by exalting scoring values at the expense of welfare values. Just as the criminal prosecutor keeps a "batting average" in terms of cases won and lost rather than in terms of sound social acts furthered or retarded, the propagandist substitutes scoring values for human values. His propensity to do this is fostered by the peculiar circumstances attending his field of operation. Unlike the lawyer who works within the purview of a judge, the propagandist appeals to the public at large. And if a judge cannot always be relied upon to possess the acumen, the facilities or the motivation to subordinate tricks of professional advocacy to the necessities of just litigation, the public is much less likely to impose rules of evidence upon often anonymous advocates. The propagandist in fact operates on a jury without a judge and frequently without the cognizance of the jury.

Propaganda as a mere tool is no more moral or immoral than a pump handle. That it may be employed for subversive, fraudulent, libelous and lascivious purposes is evident. Popular confidence in such words as "bonds," "preferred

stocks" and "securities" may be abused to the tune of many billions of dollars worth of "lamb's wool." The name of science may be prostituted on behalf of germicides which do no damage to the germs and tooth pastes with very little or very dubious value. A rich manufacturer may ride his anti-Jewish hobby in a prolonged press campaign and ultimately withdraw from the field with a simple apology.

There are, however, correctives for the irresponsibility of the propagandist. Some campaigns face handicaps which can be overcome by no amount of financial subsidy, a fact which is revealed by a study of public utility propagandas. Anonymous propaganda is vulnerable through exposure, and the best public relations counsels are careful to reveal to interested parties their relation to their clients. Current suggestions for the control of propaganda range from requiring the registration of propagandists to fatuous generalities about wiping propaganda off the social map. The only effective weapon against propaganda on behalf of one policy seems to be propaganda on behalf of an alternative. Legal regulations to enforce publicity, to censor or to punish for fraud, libel and slander can be effective when there is a consensus upon the meaning of integrity. The rectification of objectionable conditions may remove the provocation to subversive propaganda. But repression unsupported by concession and propaganda merely drives hostile propaganda underground.

Propaganda is surely here to stay; the modern world is peculiarly dependent upon it for the coordination of atomized components in times of crisis and for the conduct of large scale "normal" operations. It is equally certain that propaganda will in time be viewed with fewer misgivings. At first sight its practise by specialists would appear to clash irreparably with some fundamental canons of a society which calls itself democratic. Such are the theory that the individual is obliged to participate openly and continually in ascertaining the general will and the theory that one who regardless of his private opinion propagates a view for a client commits a breach of obligation. The propagandist can show, however, that even a democratic society permits exceptions. Such are the diplomat and the lawyer, whose functions, being regarded as a necessary adjunct of litigation (a substitute for violence) and a guaranty that thorough deliberation will be fostered by interested representation, have social advantages which outweigh the disadvantages of deviation from the democratic rule. The importance of keeping channels of communication (press, post, radio, platform, cinema, theater) open to all on equal terms is at once apparent.

Any comprehensive appraisal would ascertain the magnitude of the effect of propaganda considerations upon the policies of typical individuals and groups. The public relations counsel is no mere errand boy who discharges quantities of mimeographed releases in all directions the moment his client pays him a retainer. He may interact powerfully with the policy determiners of a given enterprise and extensive changes may result. No detail of operation (commodity appeal, marketing policy, labor policy, credit practise) is immune from review and criticism by an expert objectively engaged in discovering a profitable sphere of activity for a client. That propagandists have induced important policy changes is well known, but what is unknown is whether the usual effect of those who specialize in assessing currents of public favor and disfavor is to make clear to determiners of business policy the advisability of adopting broad interpretations of self-interest.

One of the consequences of propaganda in the international field is that international legal conventionalities are becoming demonstrably more archaic. The modern state system rests upon the presumption that people who happen to be living within a certain territory are the sole determiners of their own interests, and that they will abstain from interfering with the affairs of people who live elsewhere. This presumption has less validity as the economic system becomes more integrated on a world scale. Propaganda is the tool upon which most interests with ramifications in several states rely to make themselves effective within what is technically a foreign jurisdiction. Propaganda thus assists in making a fiction of the national state and in fabricating new control areas which follow activity areas, intersecting old control areas in every direction. Thus propaganda on an international scale is one important medium for transmitting those pressures which are tending to burst the bonds of the traditional social order.

The modern conception of social management is profoundly affected by the propagandist outlook. Concerted action for public ends depends upon a certain concentration of motives. The propagandist is accustomed to go directly to the springs of motivation and to utilize governmental patterns only incidentally as expedience dictates. Accidents and fire hazards, for example,

have been reduced by concerted movements which involved a minimum of government collaboration. The propagandist outlook in fact combines respect for individuality with indifference to formal democracy. The respect for individuality arises from the dependence of large scale operations upon the support of the mass and upon experience with the variability of human preferences. The newspaper, the cigarette, the tooth paste, all depend upon a daily mass referendum. The possibility always looms that a new combination of appeals will supersede the old and push old tracts of fixed and specialized capital out of use.

This regard for men in the mass rests upon no democratic dogmatisms about men being the best judges of their own interests. The modern propagandist, like the modern psychologist, recognizes that men are often poor judges of their own interests, flitting from one alternative to the next without solid reason or clinging timorously to the fragments of some mossy rock of ages. Calculating the prospect of securing a permanent change in habits and values involves much more than the estimation of the preferences of men in general. It means taking into account the tissue of relations in which men are webbed, searching for signs of preference which may reflect no deliberation and directing a program toward a solution which fits in fact.

Such an approach places a premium upon candor and hard thinking rather than upon hypocrisy and formality. The older democratic doctrines allowed the nominal leader to escape his task of leadership by some procedural rigmarole: a "general will" was supposed to be "out there," and the leader's duty was to watch carefully for it to manifest itself through the machinery of balloting and legislative discussion. The focus of attention was shifted away from administration and reflection to hocus pocus, and behind the scenes or under the surface played the really determining forces. The removal of the recurrent sources of strain in interpersonal relations depends upon finding the relations which do in fact remove the strains, and this may involve mass consultations on a scale not implied in pure democratic theory.

With respect to those adjustments which do require mass action the task of the propagandist is that of inventing goal symbols which serve the double function of facilitating adoption and adaptation. The symbols must induce acceptance spontaneously and elicit those changes in conduct necessary to bring about permanent adaptation. The propagandist as one who creates symbols which are not only popular but which bring about positive realignments of behavior is no phrasemonger but a promoter of overt acts.

It follows that the management ideal is control of a situation not by imposition but by divination. The job is not to "put something over," but to find out what will stay put in social practise. This involves the cultivation of sensitiveness to those concentrations of motive which are implicit and available for rapid mobilization when the appropriate symbol is offered. The history of many social innovations, like the Boy Scout or the Girl Scout movement or the spread of parent-teachers associations and child guidance classes and clinics, is not a record of social imposition. Diffusion was due to the fact that their relevance seemed somehow to be self-evident on statement. Indeed Jordan has cogently argued in his *Theory of Legislation* that the invention of goal symbols which are popular, and which actually make an overt difference, is the act of legislation itself.

The propagandist takes it for granted that the world is completely caused but that it is only partly predictable, and he believes that one of the most potent causes of social change is the problem attitude itself, which so often produces the goal symbols capable of guiding adjustment. This means that the propagandist is able and anxious to apply the methods of scientific observation and analysis to the processes of society but that he is content to direct his creative flashes to final guidance in action.

HAROLD D. LASSWELL

See: COLLECTIVE BEHAVIOR; SOCIAL PROCESS; COERCION; AGITATION; DEMOCRACY; PUBLIC OPINION; POLITICS; PUBLICITY; LOBBY; INTERESTS; SYMBOLISM; PATRIOTISM; NATIONALISM; INTELLECTUALS; EDUCATION; LITERATURE; PRESS; RADIO; ADVERTISING; FREEDOM OF SPEECH AND OF THE PRESS; CENSORSHIP; ESPIONAGE; WAR; REVOLUTION AND COUNTER-REVOLUTION; SOCIAL REFORM.

Consult: Young, Kimball, and Lawrence, R. D., *Bibliography on Censorship and Propaganda*, University of Oregon, Journalism series, no. 1 (Eugene, Ore. 1928). For theoretical and analytical discussions: Lasswell, Harold D., "The Triple-Appeal Principle: a Contribution of Psychoanalysis to Political and Social Science" in *American Journal of Sociology*, vol. xxxvii (1931–32) 523–38, "The Measurement of Public Opinion" in *American Political Science Review*, vol. xxv (1931) 311–26, *Psychopathology and Politics* (Chicago 1930), and "The Function of the Propagandist" in *International Journal of Ethics*, vol. xxxviii (1927–28) 258–68; Biddle, William W., "A Psychological Definition of Propaganda" in *Journal of Ab-*

normal and Social Psychology, vol. xxvi (1931–32) 283–95; Jordan, E., *Theory of Legislation* (Indianapolis 1930); Young, Kimball, *Social Psychology* (New York 1930); Brown, Harold Chapman, "Advertising and Propaganda" in *International Journal of Ethics*, vol. xl (1929–30) 39–55; Bernays, E. L., *Propaganda* (New York 1928), and *Crystallizing Public Opinion* (New York 1923); Dewey, John, *The Public and Its Problems* (New York 1927); Rassak, J., *Psychologie de l'opinion et de la propagande politique* (Paris 1927); Lumley, F. E., *The Propaganda Menace* (New York 1933); Lee, Ivy L., *Publicity* (New York 1925); Lenin, N., *Agitation und Propaganda, ein Sammelband*, Marxistische Bibliothek, vol. viii (Vienna 1929); Erdmann, Karl Otto, *Die Kunst Recht zu behalten* (Leipsic 1924); Schultze-Pfaelzer, G., *Propaganda, Agitation, Reklame* (Berlin 1923); Wolfe, A. B., *Conservatism, Radicalism and Scientific Method* (New York 1923); Mannheim, Karl, *Ideologie und Utopie* (Bonn 1929); Lippmann, Walter, *Public Opinion* (New York 1922); Plenge, Johann, *Deutsche Propaganda: die Lehre von der Propaganda als praktische Gesellschaftslehre* (Bremen 1922); Strong, E. K., "Control of Propaganda as a Psychological Problem" in *Scientific Monthly*, vol. xiv (1922) 234–52; Stern-Rubarth, Edgar, *Die Propaganda als politisches Instrument* (Berlin 1921); Higham, C. F., *Looking Forward: Mass Education through Publicity* (London 1920); MacPherson, William, *The Psychology of Persuasion* (London 1920); Sorel, Georges, *Réflexions sur la violence* (5th ed. Paris 1921), tr. from the 3rd ed. by T. E. Hulme (New York 1914); Bauer, Wilhelm, *Die öffentliche Meinung und ihre geschichtlichen Grundlagen* (Tübingen 1914); Michels, Roberto, *Zur Soziologie des Parteiwesens* (2nd ed. Leipsic 1925), tr. by E. and C. Paul as *Political Parties* (New York 1915) p. 130–35; *Readings in Public Opinion*, ed. by W. Brooke Graves (New York 1928); For studies of specific propagandas: Lewinsohn, Richard, *Das Geld in der Politik* (Berlin 1931); Merriam, Charles E., *The Making of Citizens* (Chicago 1931); Bauer, Wilhelm, *Die öffentliche Meinung in der Weltgeschichte* (Potsdam 1929); Brown, John Mason, "Propagandist Theatres" in *Theatre Arts Monthly*, vol. xiii (1929) 129–42; Lauterpacht, H., "Revolutionary Propaganda by Governments" in Grotius Society, *Transactions*, vol. xiii (1928) 143–64; Thimme, Hans, *Weltkrieg ohne Waffen* (Stuttgart 1932); Lasswell, Harold D., *Propaganda Technique in the World War* (New York 1927); Delaisi, Francis, *Les contradictions du monde moderne* (Paris 1925), tr. as *Political Myths and Economic Realities* (London 1925); Chapman, John J., *Practical Agitation* (rev. ed. New York 1909); Fischer, Louis, *Why Recognize Russia?* (New York 1931) ch. vi; Levin, Jack, *Power Ethics* (New York 1931); Hicks, John D., *The Populist Revolt: a History of the Farmers' Alliance and the People's Party* (Minneapolis 1931), especially ch. v; Childs, H. L., *Labor and Capital in National Politics* (Columbus, O. 1930); Odegard, Peter H., *The American Public Mind* (New York 1930), and *Pressure Politics, The Story of the Anti-Saloon League* (New York 1928); Herring, E. Pendleton, *Group Representation before Congress* (Baltimore 1929); Curti, Merle E., *The American Peace Crusade*, vol. i– (Durham, N. C. 1929–); Stewart, Frank M., "Propaganda Methods of the National Civil Service Reform League" in *Southwestern Political and Social Science Quarterly*, vol. ix (1928–29) 15–37; *Professional Patriots*, ed. by Norman Hapgood (New York 1927); Bent, Silas, *Ballyhoo* (New York 1927); Dunn, Robert W., *The Americanization of Labor* (New York 1927) ch. xi; Chase, Stuart, and Schlink, F. J., *Your Money's Worth* (New York 1927); Merz, Charles, "Propaganda against Mexico" in *World Tomorrow*, vol. x (1927) 152–55; Pierce, Bessie L., *Civic Attitudes in American School Textbooks* (Chicago 1930), and *Public Opinion and the Teaching of History in the United States* (New York 1926); Schönemann, Friedrich, *Die Kunst der Massenbeeinflussung in den Vereinigten Staaten von Amerika* (Berlin 1924); Creel, George, *How We Advertised America* (New York 1920); Gruening, E. H., *The Public Pays* (New York 1931); Sinclair, Upton, *The Brass Check* (Pasadena, Cal. 1919); Willis, Irene Cooper, *England's Holy War* (London 1928); Vehse, Otto, *Die amtliche Propaganda in der Staatskunst Kaiser Friedrichs II.* (Munich 1929); Rühlmann, Paul, "Seelische Abrüstung" in *Preussische Jahrbücher*, vol. ccxi (1928) 203–15; Benoist, J., "La politique allemande aux frontières" in *Revue des sciences politiques*, vol. l (1927) 515–38, vol. li (1928) 94–112; Lote, R., "Le germanisme d'après-guerre dans l'est de l'Europe" in Université de Grenoble, *Annales, Section Lettres-Droit*, n.s., vol. iii (1926) 13–36; Got, A., "L'organisation de la propagande allemande" in *Mercure de France*, vol. clxxiii (1924) 598–612; Hayes, Carlton J. H., *France, a Nation of Patriots*, Columbia University, Council for Research in the Social Sciences, Social and Economic Studies of Post-war France, vol. v (New York 1930); Mousset, Albert, *La France vue de l'étranger* (Paris 1926); Kloss, H., "Französische Sprachpolitik" in *Deutsche Rundschau*, vol. ccix (1926) 184–89; Millack, W., "Französische Propaganda in Danzig, 1807–13" in Westpreussischer Geschichtsverein, *Zeitschrift*, vol. lxv (1925) 91–109; Harper, Samuel N., *Civic Training in Soviet Russia* (Chicago 1929); Schneider, Herbert W., and Clough, Shephard B., *Making Fascists* (Chicago 1929).

PROPERTY is a euphonious collocation of letters which serves as a general term for the miscellany of equities that persons hold in the commonwealth. A coin, a lance, a tapestry, a monastic vow, a yoke of oxen, a female slave, an award of alimony, a homestead, a first mortgage, a railroad system, a preferred list and a right of contract are all to be discovered within the catholic category. Each of these terms, meaningless in itself, is a token or focus of a scheme of relationships; each has its support in sanction and repute; each is an aspect of an enveloping culture. A Maori claiming his share of the potato crop, a Semitic patriarch tending his flock, a devout abbot lording it vicariously over fertile acres, a Yankee captain homeward bound with black cargo, an amateur general swaggering a commission he has bought, an adventurous speculator selling futures in a grain he has never seen and a commissar clothed with high office in a communistic state are all men of property.

In fact, property is as heterogeneous as the societies within which it is found; in idea, it is as cosmopolitan as the systems of thought by which it is explained.

An abstract term, indigenous to a way of thought, has meanings and compulsions of its own; the institution of property is inseparable from the verbal symbol through which the mind attempts to capture its actuality. The word appeared first as a Latin adverb. *Propter*, which smells of remote folkways, meant in accordance with custom. It blossomed out as the substantive *proprietas*, was intellectualized by Roman lawyers, battered around during the Dark Ages and given a home in colloquial French. At the Norman Conquest it became an unobtrusive immigré into English; under the influence of Christian doctrine it was Anglicized; and in the quaint forms of "proprete," "propriete," "propirte" and "proportie" it was used to characterize a feudal privilege or relationship. In the turmoil of the seventeenth century, when ancient liberties were transmuted into a generic liberty, it was enlisted as an idiom of apologetics in the cause of Parliament against the crown. It became "the right of property," the "highest which a man can have in anything," and independent of "the courtesy of another." In the eighteenth century, as the successor to estates, it came into popular usage. As it became presumptuous for the state to direct the affairs of trade, it was caught up into the language of individualism. In time, by dint of repeated use, a "property in" became simply a property; and, with metaphorical significance worn away, it came to denote an objective reality. A creature of its own intellectual history, the word belongs to a culture, to a society and to a vocabulary. The hazard of reading the associations of the word into the subject of inquiry constantly attends its use; at best it is a darkened glass wherein to exhibit passing systems of ownership.

If the word is to be employed away from home, property must be exalted into an abstraction; yet it is not easy to find the least common denominator for a series of facts which sprawl across diverse societies. In a world of the checkerboard each person might have his absolute dominion over tangible things, and the sum of all the rights would be property. In a human nature untarnished by culture the phenomena might be rested upon an instinct for possession and explained in the tropismatic terms of stimulus and response. But existence is more than basal metabolism; the chromosome is converted into personality under the directive impact of environment, circumstance and convention; every urge which reaches out toward possession and enjoyment is shaped by the life of the community. The desire for food is to be satisfied, not by a pure chemical diet of calories and vitamins, but by particular foods prepared in specific ways. The clothing, housing, amusements, arts and consolations by which men seek to make humdrum lives tolerable, all bear the touch of vogue. The apparatus of production, in its concrete reality of field and mine, factory and bank, movie palace and beauty shop, is an expression of the accumulated knowledge and technology of a people. Even natural resources, far from being fixed and finite, are creatures of the state of the industrial arts. About every great need—food, sex, work, parade, worship, defense—a group develops its own unique ways of accomplishment. Such usages endow object and office with worth and fix the conditions under which wealth may be appropriated. In essence property is a conditional equity in the valuables of the community.

The mark of a particular society always attaches to a property. An owner is concerned with trinket, vineyard or power, not for what it is in itself, but for what the community allows him to extract from it. In one society a string of scalps are a badge of honor, in another a mere reminder of the ways of savages. The touch of superstition gives value to a rabbit's foot, the bone of a reputed saint and Dr. Wiseman's Panacea-for-Everyill; at the coming of science their places are taken by the test tube and the guinea pig. The march of invention subdues waste land with dry farming, converts a flash of lightning into a great industry, and keeps the catalogue of natural resources in perpetual flux. In one age a moral revolution outlaws the theater, in another it consigns the traffic in alcoholic beverages to oblivion. Under industrialism the fact of property is as fresh as the morning newspaper, the ticker tape and the latest judicial utterance. A curious twist in social habits leaves strange anomalies in its wake; a beggar, under his code, disposes of his street corner to a fellow craftsman; a Scotch chief for a consideration sells to the lowland lord "a better protection than ever the king can offer"; a university transmutes the income from an endowment into a salary for professorial service. Among every people convention limits the opportunities which property affords; the law, resting upon custom, disburses ownership between individuals and

the community; and morality restrains even the pleasure of a man "to do as he will with his own." As a thing apart property is only an academic norm.

Authorities as diverse as the psalmist, the biologist and the Fabian have reported property among the animals. The wasp, the solitary bee, and the honey drone save food. Ants, living in communities, make a virtue of thrift and defend their frontiers against aggression; a number of species keep "slaves" for their skill in digging or their secretions. Such birds as magpie, jackdaw and crow take an amateur fling at the acquisitive art and lay up treasures of decrepit trinkets. And in general, especially during the breeding season, animals will defend domicile or territory to the last howl or bite. It is plausible to dub these practises "property." But all such acts are mere aspects of a larger round of behavior. The storing of food by the wasp is an incident in the reproductive cycle. If nests are changed, the bee continues its labors; but if the substituted article is in a different state of completion, the poor dumbbell can neither repeat nor skip a stage. The nimble winged birds meet the rigors of winter by migration and exhibit no taste for collection. The squirrel is never sure where his treasure lies buried and leaves its rediscovery to chance. Whether it is the way of animal behavior or a behavioristic way of studying animals, it seems reasonable to explain such phenomena by instinct, stimulus and response and the fulfilment of the generative urge. Even among the ants slavery seems to rest upon a division of labor based upon physiological difference; and the intricate antics of termites are no more than a reiterated round of mechanistic behavior. In all of this there is no element of tradition, no adaptation of custom to events, no variation in conduct with the passing generations and no characteristic of the folkways. A suspicious analogue alone enables man to find property in the animal kingdom.

Among primitive folk property is embedded within the mores. The tribe is an overgrown family rather than a state in microcosm: its elementary life affords no such luxuries as abstract rule and legal system; it is held together by the intimate ties of kinship and ceremonial. The headman is father or brother to his people; the line of descent—father to son, mother to daughter, uncle to nephew—determines social position and inheritance; the stranger is received into the clan by adoption. The compulsion of blood makes the terms "public" and "private" singularly inappropriate. The mark of property is most manifest in intertribal relations; the group lays exclusive claim to hunting grounds, images, dances, songs, incantations and gods and with weapon and tabu defends communal possessions against invasion. In common enterprises the fact of kinship or the fiction of brotherhood—perpetuated by church and court even to this day—is basic to the division of work and of booty. In an island community a master determines how the canoe is to be built, is responsible for its repair, exercises authority on the fishing trip and takes the lion's share of the catch. Each of the co-owners has an obligation to work on the boat, the privilege of his customary seat and the right to a fixed portion of the takings. Whether the object of joint ownership is a fertile river valley, a grove of date palms, a hunt of the buffalo, a clubhouse, a celebration of the harvest, a spell of magic or a descent upon a neighboring tribe, the actions and perquisites of the participants are neatly defined.

In every society a minimum of valuables —dress, tools, beads, blankets—are severally owned. As the patriarch, the young buck and the medicine man turn position, prowess and magic to account, the catalogue is lengthened; but personal privilege never escapes bondage to tribal custom. An uncle must support a nephew whose future labor is his due; a headman receives gifts and dispenses largess; the acquisition by a chief of wives with dowries may be a disguised tax levied in support of tribal service and ceremonial. After land has passed into individual possession, the rights of the commune still survive in an assortment of claims upon the crops. As private equities grow in importance and number, the owner is limited to a single harvest of grain and the gleanings must be left to the poor. The right of man to help himself to necessities takes precedence over the injunction, "Thou shalt not steal." Trade emerges unobtrusively as an exchange of presents; and long after generosity has come to be measured out on the expectation of return, profitable deal is affected to be polite gift. Among different peoples personal and communal rights are put together after many patterns; but, always and everywhere, property is an accepted medley of duties, privileges and mutualities.

From the musty records of antiquity the institution stands out in sharper relief. In the Near East individual equities were established in lands, in chattels, in persons and in moneys. It was chiseled into stone and brick that the

land belonged to Pharaoh, Hammurabi or Darius. But grants which were little more than leases took on the qualities of ownership; and, within the limits of the king's capricious pleasure, his favorites ruled as monarchs over their estates. In theory, at least in Egypt, all men were equal before the king; in fact, there were castes of serfs and slaves. Equities in their persons were divided between nobles, who employed them as agrarian laborers or as artisans, and the monarch, who conscripted their services in the building of roads, monuments and temples. The presence of social inequality made it possible to disguise as polygamy a servile relationship; women acquired by raid or purchase adorned the couch of a potentate or did menial work in his establishment. A property in moneys had everywhere to be stubbornly won against the prejudices of a strong rural tradition. Among Semitic peoples a loan with interest was at first prohibited, then limited to sharp deals with strangers and at last accorded a qualified tolerance. The Hebrews had a sabbatical year in which all debts were legally forgiven; and where debtors held political power, vested rights in moneys were strictly limited. As commerce grew, a greater indulgence was allowed to the interest on capital by making it an undisclosed item in the price of goods. Property in general, and slavery in particular, could not escape the contagion of the prevailing notions of absolutism. But principles are weakened in practise; and the fact was always far to the left of the law.

In Greece our current interest attaches not so much to what property was as to what was said about it. An agrarian had given way to a commercial society; a relative equality of possessions, at least among those accounted citizens, had been replaced by large estates; the noble pirates of Homeric days had been succeeded by traders whose avarice knew no bounds; and large manufacturing establishments had arisen, manned by metics, freedmen and such like. For a debt a man might still be delivered into bondage, but law and custom were stripping the master of his despotic power over his slaves. A suffrage based on income had been broadened with the emergence of new forms of wealth; a social restlessness prevailed among classes in the community but not of it; and the privileges of the exclusive club of the *polis* were threatened. The philosophers, in the manner of a discussion on the agora, commented upon the passing show—and by later generations they were lifted from the side lines to Olympus.

The thinkers, in their concerned detachment, were on the side of the ancient standards and gilded into verbal gold an opinion which had been long in the making. A tribal origin had created an organic conception of the community; the course of events had resolved the society into classes, and custom had assigned to each rank its privileges and duties. The man of wealth was expected "to sacrifice often and on a lavish scale," "to entertain numerous strangers and that in a sumptuous way" and to pay to the state heavy contributions for "the rearing of studs, the training of choruses, and the direction of gymnastic schools." The requirements were not such as philosophers turned rulers would impose, and the customless ways of commerce helped the newly rich to evade performance; but public opinion had long associated social obligation with the possession of wealth. The thinkers looked back to an agrarianly golden age, gathered up such traditional wisdom, selected the best of contemporary opinion, added a dash of wishful thinking and produced the ideal commonwealth. The most exalted rank was reserved for guardians and warriors. In deliberation and defense they were to give themselves exclusively to the service of the state and were to enjoy such prestige, comforts and excitements as wise men would choose for themselves. Below them artisan, merchant and farmer had each his place and his office. Although such proprieties were at the expense of the liberty of freedman and slave, little is said about the perquisites which go with stations of low degree. The authors of the utopia doubtless preferred to temper the exactions of masters through the inculcation of duty rather than to abridge their privileges by law. A property which can be exploited only within a moderate mode of life precludes a severe treatment of slaves. The thinkers agree that "without the necessities of life" it is impossible "to live virtuously." Plato, oblivious to his class consciousness, would have wealth held in common—among his elect. Aristotle, with an Hellenic realism, would anticipate the outcome of communistic quarrels over meum and teum by establishing individual equities in advance. At the base of argument lie the kindred principles that man attains his highest development in society and that custom accords protection to his rights. Property is a mere instrument which in its every manifestation is to be justified, limited and enjoyed by reference to the good life which it is meant to serve.

The contribution of Rome came, not from

the spectators, but from the actors themselves. If its genius fell short of garnering high ideals into literary classics, it was equal to the task of hammering the stodgy fact of property into a hardheaded law. A corporate body, styled the Senate and people of Rome, reduced conquest to a system, made of taxgathering a business enterprise, bought off the urban citizens with rights to bread and circuses and established a commonwealth upon imperial administration. To the tramp of the legions across Britain and Gaul and along the Pontic shore, a diversity of customs, beliefs and nations were welded into a world state, and the resulting security conferred respectability upon possessions. As there was one Rome, one Caesar and logically and eventually one god, so was there to be one law, *semper ubique et ab omnibus*, and all men were to be equal before it. A work of communal authorship, a millennium went into its making.

The weaving of the fabric began in orthodox fashion. In ancient customs, of which the Twelve Tables are a symbolic fragment, the law was written down in great elementary formulae. As in all primitive attempts at abstraction, "thou shalt" and "thou shalt not" were uncompromising absolutes. *Res publica*, an exacting overlord, imposed upon subjects a rigid military discipline and qualified freedom and wealth with liability to conscription. Woman belonged to man for use and enjoyment, but the duty of bearing children made her an instrument of an aggressive state. In his miniature domain the patriarch was king and priest. The patria potestas, plenary as adjective and substantive could make it, extended to wife, children, *familias* and chattels. The services and the earnings of all went into the common pool; whatever any dependent had of necessities, leisure or liberty was a paternal gratuity. A Brutus could condemn his own son to death—and receive the plaudits of his peers.

It is a far cry from the Twelve Tables to the Justinian Code. Under the unceasing impact of events the abiding letter of the law was released from its austere spirit. As a father became incapacitated, a son with power was to act in his stead—and a stern definition of capacity was softened as manners became gentler. As an incentive to enlistment soldiers were exempted from ancestral control—and it is an impotent exception which does not beget its kind. The jurisdiction of the father must not invade the *res publica*—and one after another affairs of the household were affected with an interest to the state. In the end the authority to marry and to divorce was replaced by a veto; the right of alienation and adoption was hedged about with peradventures; and the power over life and death had dwindled into the privilege of reporting offenses to the magistrates.

In like manner authority over slaves was depleted by a recurring gloss upon an eternal text. The mass of slaves were persons of low degree suited to menial employment. But within the ranks were captives from Asia Minor, skilled in the law, medicine and the arts; Greek scholars, useful to men of affairs who required ghost writers or aspired to culture; unfortunate citizens who had pledged their bodies for debt; and, after the first generation, servants whose bodies bore the blood of their masters. Involuntary servitude was mitigated, not so much by what the law forced as by what the master found it to his advantage to concede. The slave became the agent of his master. It was convenient for him to appear to act for himself in dirty little deals in which the noble Roman did not wish to show his hand; so he was encouraged to engage in pecuniary ventures of his own. He might, chattel as he was, hold chattels of his own, make his master his debtor and purchase his own freedom. Thus a norm of slavery was disbursed into a miscellany of only half servile relationships. Nor was a sacrosanct control over lands and chattels immune to the conspiracy of circumstance and logomachy. As early as the Twelve Tables a public interest in private possessions was recognized; the city owner could not build to the line; the pathway across the field was to be kept open; access to water from private wells was not to be denied. The growth of commerce brought in contract, introduced usages of trade and transformed a customary into a pecuniary institution. As time passed, a most pretentious absolute was resolved into separate rights.

Nothing was ever formally abolished; novelty appeared in the inconspicuous garb of the mores. Logical concepts became living words to serve the passing occasion; principles, relaxed so far as concrete instances made imperative, became heavy with exceptions; and neat distinction, categorical push and subtle fiction kept departures under cover. The growth of the code was shaped by the interests it served. In a society in which military force was subdued into the pursuit of gain, privilege could be qualified only for the sake of privilege, and the law could rise no higher than the maxim, "so use your own

as not to injure another's." Only a Seneca, in terror of the playboy Nero, could find compensation for a fortune won by the chisel in a retreat to moral philosophy. In "an oblique satire upon the vices of his own age" he creates an age of innocence in which "money, person, and position" are all chattels "prone to perish and of uncertain tenure." The Romans could not practise what the Greeks had preached; but in the anomaly of a person who was at once paterfamilias, slave of the emperor and minister of state lies a silent revolution.

In the Middle Ages property was the adventitious product of event, conflict and apologetics. The decline of Rome was attended by an almost complete break between ideal and fact. The political authority was stripped of its power, symbols of order lost their compulsions, and the great society fell apart into disordered communities. In their minds men came to despair of civil society, fixed their hopes upon the City of God, condemned material things as worldly and damned human nature with original sin. In their acts they were tempted by the devil, yielded to the lusts of the flesh and reached out after material possessions. A people who had known better days were driven back upon the land for an elemental existence and were expected to conduct themselves as a community of saints. Amid the confusion barbarian chieftains established upon physical might a competitive regime; and the church, appropriating the prestige and trappings of Rome, used its control over the keys of heaven to found a spiritual order. At the beginning the way of the flesh, the warrior and the rich man was a right-less might; that of the spirit, the monk and salvation a might-less right. In a continuous process of give and take the ruthlessness of nobles was curbed, the asceticism of the church lost its austerity, the customs of the folk became conditions of possession, and a truce was patched up between inescapable fact and impossible ideal. In a superb formula, which made up in comfort what it lacked in logic, things temporal were endowed with symbolic value and in their instrumental character received into Christian society. In the mediaeval commonwealth property bore the mark of the resolution of a great antithesis.

In the unconscious symbolism of the times, "the house of God is tripartite; some pray, some fight, and some work." As the heavens declare the glory of God, so do estates proclaim the stations to which it has pleased Him to appoint men. The clergy came to be a first estate. In the means of salvation it controlled a popular necessity. It established a confessional, set up moral standards for conduct, imposed penances for sin, excommunicated, withheld Christian burial, closed churches and even denied to a whole people the consolations of religion. It dispensed charity, received fees for masses, accepted foundations in honor of the dead and lured material possessions into the spiritual fold. Its dominion, whether over souls or goods, was vested in Holy Church: the perquisites of bishop or abbot were his by virtue of the office he held in trust. The monk continued to take the vow of "poverty, obedience, and chastity"; but obedience was made tolerable by the rules of the order and poverty was mitigated through membership in a wealthy corporation. A hereditary caste, affecting a vanishing military office, constituted a second estate. Under a feudal regime, whose untidy ranks fell away from king to knight, the overlord accorded to his vassals a none-too-dependable protection and exacted in return dues of produce, entertainment, attendance on his person and a corvée fixed by custom at forty days. As again trade began to run its course, guilds were formed for the worship of God, the adoration of the saints—and the fabrication of wares. The close fraternity enabled tanners, drapers and barber-surgeons to exploit their mysteries; and in time rich burghers won for themselves, by the side of lords spiritual and temporal, a third estate.

To men of rank such properties were of serious concern, and no activity was without its incidence upon the institution. Clerical celibacy was prompted in no small measure by the desire for guarding the possessions of the church against the dissipating influence of family ties. The right to give in holy matrimony was exercised rather toward the enjoyment of wealth than the union of bodies; primogeniture was a device to keep estates intact; the elementary formula of Christian marriage was a prop to the established order. The length of apprenticeship and the limit upon numbers enhanced the vested interest of the artisan in his craft. In time coercive origins were forgotten; the structure of estates was furbished out with vow and oath, homage and fealty, vestment and ceremonial, and its sprawling actuality was written down in the trim lines of an establishment.

In a feudal society land naked of service was unthinkable. The lord, clothed with the propriety of an estate, enjoyed a miscellany of rights in a miniature agrarian commune. He accorded

to his villein security in possession, left him free of interference in his agricultural work and exacted as tribute a share of the crop, a measure of personal service and a toll of the increment of cattle, chickens and pigs. By means of banalities, or bans upon outsiders, the seignior enjoyed his innocent little rackets; grain must be ground at the banal mill, bread baked at the banal oven and grapes crushed at the banal press. The right "to exploit justice" was a commodity of value; it was the "liberty" of my lord to fine the alewives twice a year for giving short measure; he might possess one half or one quarter of all the justice in the village. The price for redress came to be fixed; the spoken insult at four sous, the lie direct at five, a bloody wound at twenty.

In England, where the manor exhibits such arrangements in sharpest outline, a conquest had been superimposed upon a village community. The exactions of the upper class met the stubborn fact of ancient rights; and the unequal privileges and obligations became the slowly made terms of a continuing relationship. Even if the some who work were of no estate, they were "bound to" and had equities in field and village. An impecunious society had to accept serfdom as a substitute for slavery. The villein might, even before *Domesday Book*, be beholden to different masters in different ways. His tenure was a variable compound of particulars, and whether he was servile or free was wholly beside the point. The survival even beyond Tudor times of "common" as prefix to such words as pasture, altar, prayer, scold and callings, attests a residuum of properties in the commonwealth which private investment could not take away.

In the writings of the monks, who enjoyed a monopoly of apologia, this conglomeration of properties was converted into a divine ordination. In an organic community all good Christians were severally members one of another. External possessions, of no inherent worth, were to be justified only from their "character of things useful to our end." They were "subject to man," who might "use them for his necessity" but was not "to set up his rest in them or to become idly solicitous about them." Every man was to enjoy as much of "goods of fortune" as served for "instruments to acts of virtue"; and had duties and perquisites in accordance to the station ordained for him. Thus a comfortable dialectic diluted the communism of the early church into a doctrine of stewardship, and the very imminence of the mediaeval deity enabled responsibility for inequalities in wealth to be placed upon divine shoulders. In such an explanation a circular logic served the double purpose of defending the status quo and of providing a standard by which grosser abuses were to be condemned. At least upon parchment, in a Christian commonwealth the Greek idea of office had been united with the Roman norm of order.

In a process of organic change the feudal order was commuted into "private property." The ideas of the atom and of quantity appeared to turn the heavens into laws and measurements. A unit of value supplied a pecuniary measure for all wealth. The acquisition of precious metals supplied the means for a national currency. The traffic in wares acquired importance and made its way up in the world toward respectability. To a market, enlarging its control over industrial activity, men brought first their goods, then their services and finally their estates. The serf, freed from bonds and stripped of landed rights, was elevated into the state of wage slavery. The proprietor, liberated from obligation and deprived of equities in his tenants, became a landlord. All rights in possession were freed of collateral claims; all interests in his person were consolidated in the individual. In a great untanglement liberties were dissociated from properties. At last as seller or buyer, investor or enterpriser, master or servant, a man was conditionally free to do as he willed with his own. But if there was to be employment, sales or consumption, the severally owned elements had to be drawn together into an organization. This task was to be effected through mutual understandings between interested parties; and contract became the institutional complement to liberty-and-property. The drift was toward a system agglomerated out of atomic services and possessions. In short, with custom lingering to help over the hard places, individualism was in the making.

The emerging proprietary order demanded peace and security. The market was the organizer of wealth and the arbiter of values; if it was to perform its continuous office with neatness and dispatch, there had to be certainty in respect to possession and obligation. A man owns as far as he can do; his equity holds so far as it is accorded protection; a promise is potential performance so far as it is enforceable. Under the negligent supervision of the legislature this task of precise definition and adequate protection fell to the courts. By the art of the jurist, with its arsenal of neat and subtle

tricks, realty was fitted out with such perplexing niceties as the rule in Shelley's Case. Personalty was persuasively accommodated to the newer forms of wealth which commerce had produced. An ancient writ of assumpsit, with help from mercantile custom, the Roman code and sheer improvisation, was elaborated into a law of contract. The domain of the suit for damages was extended. Judges set forth in opinions the merits of ingenuous legal remedies which chancery could offer. A series of decisions gave to the landowner protection against the trespasser, but not to the merchant against the rival who invaded his trade. It subdued commercial warfare with a rule of fair competition and allowed goodwill in custom to be capitalized. It made a conspiracy of an association of business men to enhance their prices or of workers to raise their wages. It exacted specific performance from the person who had covenanted to sell his house, but not from the laborer who had contracted to dispose of his services. In the end, in its empirical way, the judiciary reduced the uncertain fact of ownership into specific rights, privileges, powers and immunities, vested in particular persons and validated in distinctive ways. A system of property is an abridgment of the liberties of the persons excluded. Yet the sanctions of justice were so generally accepted that a personal resort to violence was rare, and even among gentlemen the art of using weapons fell into neglect. As a result the market, which gave and took away, was blessed with the borrowed halo of law and order.

The state of peace, in which the occasional presence of sheriff or deputy was a mere reminder of the law, rested upon the popular respect for property. A saint might regard money as the root of all evil; a professional Christian might look upon Mr. Worldly Wiseman as an inexplicable phenomenon; a historian might regard the patience of the dispossessed as the marvel of human society; and a reformer might denounce ownership as a theft against nature. But to a people who had just been given business, new continents and the machine to play with, property was an object of reverence. A society-on-the-make found it easy to construct, not one, but a number of arguments in its defense. John Locke, venturing timidly to defend the institution by proclaiming its rightful origin, insisted that whatsoever a person had "mixed his labor with and joined it to something that is his own" he thereby "makes his property." As an unexpected empire of commerce came with a bewildering rush, his limitation of ownership to "as much as one can make use of to any advantage of life" was forgotten; and rising mercantile interests were endowed with an apology for primitive forms of ownership.

As God by virtue of being the Great Artificer was the Supreme Proprietor, so man in his lesser capacity had title to his own creation. To Adam Smith "the property which every man has in his own labour" was "the original foundation of all other property"; to David Hume the convention existed "to bestow stability of possessions and to insure the peaceable enjoyment" of what one "may acquire by his fortune and industry"; to William Blackstone, the Great Commentator, it seemed that nothing "so generally strikes the imagination, and engages the affections of mankind, as the right of property." As business consolidated its control over industry, a version of this argument, revised and refined to meet the exigency, justified capital by showing that wages were fixed by the specific productivity of labor. It was, however, equally plausible to appeal to Nature and to Nature's god; to endow ownership with such majestic adjectives as "inalienable, immutable, and indefeasible," and to establish the institution within the Order of Nature itself. And, to make the case inconsistently complete, an appeal was made to function; property was identified with liberty; private possession was made the cause of prosperity, the advance of culture and the progress of mankind. In a grand apologia, society became "a joint stock company established in the interests of property-owners."

In America lawyers employed the phrases of English philosophers to guard the frontiers of a rising industrialism against invasion. The Declaration of Independence was justified as "the act of reasonable men defending their natural rights against the usurping king who had broken his covenant." In the constitution, which was "the supreme law of the land," a "fundamental division of powers" was effected between "the forces of democracy" and "property-owners." In its provisions the federal government was put in control of the currency, property was not to be taken for public use without just compensation, and the states were forbidden to pass acts impairing the obligations of contract. After the Civil War, for the protection of the emancipated Negroes, an injunction against the taking of life, liberty or property without due process of law was imposed upon the states. Nearly twenty years later "the right to an occupation" was read into the words of this inviting formula. In the

New World there had not been overmuch of feudal nonsense; and in a vanishing culture of free land, emerging industry and personal opportunity, liberty and property had been inseparable; liberty was the means to the acquisition of property.

In a society in which petty trade faded gradually before big business, an easy gradation led from person to corporation and from right to privilege. The rhetoric of democracy provided a plausible verbal disguise for the cause of property; and in the name of freedom of contract the United States Supreme Court declared invalid many acts of social legislation and established a judicial review of the findings of administrative commissions. The constitutional protection accorded to vested right was at the expense of the regulatory powers of government. It is incorrect to say that the judiciary protected property; rather they called that property to which they accorded protection. In a transition as gradual as the course of events which gave it protective coloring, the rights of man were being converted into the immunities of corporations. The constitutional position of property in America—an aspiration only partially realized—represented the independence of the business system from political discretion.

In all its activities and for all of its necessary strength the state was to know the voice of its master. The oft repeated injunction "let it alone" was addressed, not to the judiciary, but to the legislature. Its reiteration was an acknowledgment of the potential power possessed by the more popular arm of the government. It was to be interpreted as a command, not to abstain from all exercise of authority, but only from acts subversive to intrenched interests. The state might encourage the useful arts by the issue of patents of monopoly, grant a limited immunity from competition through the protective tariff, make a decorous use of the public domain to stimulate private enterprise and in genteel fashion help worthy causes along with subsidies. It would have been ideal if its powers could have been arrested at the frontiers of the province where a man might—so far as an unruly market would let him—do as he pleased with his own. But the equities of the state in the social establishment survived; it could exercise eminent domain to appropriate property for public use; it might employ the raising of revenue as a means of control; it was at liberty, at least if the judiciary concurred, consciously to promote the safety, happiness and prosperity of the people. If its powers were not used in their amplitude, it was because its rulers believed that the greater good lay in their more reasonable exercise. As irony would have it, the persons whose properties were made secure affected to look upon the policy of the state as laissez faire.

As events went their hurried way, the market threw off the shackles of custom, and capitalism began to dispute the claims of individualism. The liberation of thought from ancient dogma, the march of science, the exigencies of trade and the ingenuity of courts conspired to enlarge the province and change the character of ownership. Equities of value were recognized in the good will of laborers toward their employer and in the response of customers to the display of a trademark. The broadcaster was accorded a right of way "on the air"; the ephemeral interest of the publisher in news was made property for a quarter of a day. A proprietorship which had rested in solid comfort upon such tangibles as realty and personalty declined. Where petty trade still persisted, a farm or shop might be saddled with lien or mortgage; and the legal rights accorded the creditor disturbed the integrity of individual ownership. As enterprises grew larger in scale, a possession which had once been nine points in the law was detached from ownership, and the swashbuckling captain of industry was succeeded by an officialdom whose members held each his office-in-trust, his realm of discretion and his responsibility. As the corporation came into general use, its devices were elaborated and refined, ownership was resolved into an assortment of equities, and perquisite and obligation were variously combined. A catalogue of securities, lengthening with legal acumen and the years, distinguished bond from stock, divided each genus into species and in purposive ways distributed to the various classes rights to vote for directors, preferment in claims upon income and liability to assessment. The legal distinction between proprietor and creditor was confused; the actualities upon which equities rested were smothered beneath a heap of paper; and only a wise man or a court of last resort could tell with what valuables a man had been endowed by a certificate. The existence of such devices as the holding company and the voting trust invited a pyramiding of ownership and made possible the control of gigantic enterprises by administrators who had only small investments in them. The effect of all of this was to blur the privity which an individualistic state had read into property.

Equities were still vested in persons; but they were attributes of arrangements which ramified to the ends of the social order. The market alone, with its stamp of pecuniary approval, could give or withhold wealth. A valid title, however material might be the objects to which it pertained, was a poor compensation for a utility which had gone. The transitory touch of fashion could strip of its value as a possession a hat, a chair, a mineral spring or a residence section. The relentless march of technology could take from laborers their trades; create industries about the automobile, the moving picture and the radio; and convert waste land into a great metropolis. The democracy discovered in universal suffrage a political asset; in countries which could not find jobs for willing workers the dole became a charge upon national wealth; taxation was generally employed to divert private income into such social services as schools and playgrounds; and shorter hours, compensation for accident and working standards were through legislation made items in the costs of production. All properties, whether in lands, securities, goodwill, patents or intangibles, were at the mercy of a state which could desert the gold standard, engage in open market operations and manage its currency. A farflung division of labor had delivered all wealth into captivity to an empirical collectivism.

Long before capitalism was established, signs of strain and stress were remarked. Fault lines came increasingly into evidence in the structure of ownership. The managerial group escaped responsibility to investors; dabbled in securities of their own corporations; and, with a nice appreciation of their own merits, voted to themselves bonuses. In what had gradually come to be positions of trust they disported themselves in the grand tradition of personal ownership. The separation of finance from industry created the absentee proprietor, the speculator and the investment banker. As a result authority was divorced from responsibility, and power was removed far from the sources of knowledge. The mechanisms of the system proved inadequate to the demands of order. The progress of the useful arts went its turbulent and undirected way. An overdone competition broke down standards of fair play, glutted markets with unwanted goods and put in jeopardy the livelihood of the workers. In the bankruptcies which followed equities were liquidated and new properties created. The failure of the gears properly to engage was at first regarded as a lapse from normalcy, then set down as a phase of the economic cycle and eventually recognized as a manifestation of the failure of capitalism to domesticate industry. The immediate interest of the individual was interlocked with the system; the workers were dependent upon its continuous operation for their weekly wages; the people, through savings banks, insurance companies and a partial diffusion of ownership, had given hostages to the status quo; even the state was dependent for its necessary revenue upon taxes whose source was personal possession. The prevailing disorder prevented the realization and appropriation of a large part of the potential wealth of the community. But instability was most manifest in an antithesis between prevailing opinion and current fact. In the period following the World War the regime of industrialism was often spoken of as rugged individualism; and in high quarters it was assumed that, with a little tinkering, a scheme of control developed out of petty trade could be made to govern big business.

The supremacy of a capitalism was brief even as human systems go. Its properties began to be transformed long before it had brought all industrial activity within its dominion. An incipient commercialism had worked well enough so long as trade was local, shops were small and custom fixed the limits and cushioned the shock of change. But as the division of labor became continental and the compulsions of the market were freed of restraints, evidence of failure in performance could no longer be ignored. As early as the fourth decade of the twentieth century heroic measures were being taken to conserve arrangements commonly regarded as ancient institutions. In Italy, with concessions enough to keep the proletariat quiet, a Fascist regime was set up. In England, as the price of exemption from revolution, the ruling group taxed itself out of one quarter of all its income, and through the dole the lower classes acquired a substantial equity in the commonwealth. In the United States innovations made their appearance under cover. An era of prosperity, which was one of the most finished products of the art of the speculator, was followed by a severe and protracted depression. An unwillingness to accept a general liquidation of ownership as the price of a fresh start set the stage for a voyage into the unknown. In a reconstruction finance corporation a socialization of losses pointed toward state capitalism. In a national recovery administration, which aimed at "self-government in industry"—a technical term for

control by the managerial group—the move was in the direction of business socialism. In general capitalism was too intrenched in interest and idea to be formally overthrown. The state was called in to protect investments and employment, and novelties won acceptance as prop and support to individualism. The proprietary order was made over through the efforts of its supporters to save it.

The leftward drift, however, was too strong to be completely withstood. In Russia, where a dynastic state had been overlord to an agrarian commune, neither individualism nor capitalism had obtained a real foothold, and the machine system was introduced under other than business auspices. There, with the tyranny of the state to supply the impulse and the dialectic of Karl Marx to point the way, a group of revolutionists proclaimed a united soviet of socialist republics. In early evangelical days the zealous leaders, themselves creatures of czarist oppression, adhered rather strictly to a hardheaded but uncompromising equality, and the habits of popular discipline imposed by the departed regime made possible its success. But in time generations came into power who learned the creed of a humane materialism, not through rebellion and exile, but out of schoolbooks. Then, as increasing wealth raised living standards, the primitive communism was tempered to more prosperous times. It was discovered that general terms, such as capitalism and socialism, solve no concrete problems and that the equities of persons in the commonwealth had to be reduced to specific arrangements. Inheritance, however, ceased to be a key to possessions; and in general perquisite and prerogative attached to the offices which men held. But a more indigenous symbol must be enlisted for an analysis of the engaging associations of privilege and obligation which followed. The word property has no passport to cross the frontiers of the collectivist state.

WALTON H. HAMILTON
IRENE TILL

See: ORGANIZATION, ECONOMIC; CAPITAL; CONTRACT; LAW; CAPITALISM; INDIVIDUALISM; NATURAL RIGHTS; LIBERTY; COMPETITION; SOCIALISM; COMMUNISM; ANARCHISM; INHERITANCE; OWNERSHIP AND POSSESSION; CORPORATION; FORTUNES, PRIVATE; SLAVERY; STATUS; CULTURE.

Consult: Malinowski, Bronislaw, *Crime and Custom in Savage Society* (London 1926) p. 17–21; Hobhouse, L. T., Wheeler, G. C., and Ginsberg, M., *The Material Culture and Social Institutions of the Simpler Peoples*, London School of Economics and Political Science, Studies in Economics and Political Science, Monographs on Sociology, no. 3 (London 1915); Beaglehole, Ernest, *Property*, London School of Economics and Political Science, Studies in Political Science and Sociology, no. 1 (London 1931), and works there cited; Larkin, Paschal, *Property in the Eighteenth Century with Special Reference to England and Locke* (Dublin 1930); Hamilton, W. H., "Property —According to Locke" in *Yale Law Journal*, vol. xli (1931–32) 864–80; McIlwain, C. H., *The Growth of Political Thought in the West* (New York 1932), especially p. 161–63, 176–77, 383–85; *Property, Its Duties and Rights*, ed. by Charles Gore (new ed. New York 1922); Tawney, R. H., *The Acquisitive Society* (New York 1920) ch. v, and *Religion and the Rise of Capitalism* (London 1926) p. 137–50; Wallas, Graham, *The Great Society* (London 1914) ch. xii; Hobson, J. A., *Wealth and Life* (London 1929) p. 141–66; Hawtrey, R. G., *The Economic Aspects of Sovereignty* (London 1930) ch. i; Clay, Henry, *The Problem of Industrial Relations, and Other Lectures* (London 1929) ch. xii; Ely, Richard T., *Property and Contract*, 2 vols. (New York 1914); *Readings in the Relation of Government to Property and Industry*, compiled by S. P. Orth (Boston 1915); Commons, John R., *The Legal Foundations of Capitalism* (New York 1924); Veblen, Thorstein, *Absentee Ownership and Business Enterprise in Recent Times* (New York 1923); Berle, A. A., and Means, G. C., *The Modern Corporation and Private Property* (New York 1932). For the legal material see the bibliography under OWNERSHIP AND POSSESSION.

PROPERTY TAX is a tax levied upon that body of economic goods and rights of the taxpayer which is generally used for the purpose of producing a recurrent flow of goods and services, known as income, and which under ordinary circumstances is expected to remain intact in the course of the income yielding process. The property tax is not, as the term might erroneously suggest, a tax paid out of property. It really aims to reach the income derived by the owner from his possessions and uses property merely as the basis of assessment on the assumption that it constitutes an adequate index of taxable capacity.

The classification of property for fiscal purposes has usually followed legal traditions. Three methods of classification stand out as of historical importance. The Roman law emphasized as the true, or so-called quiritarian, property the *res mancipi*, consisting of land and the capital associated with land, such as houses, slaves, cattle and agricultural implements. The feudal law distinguished between real and personal property, including in the former certain incorporeal rights but excluding cattle and agricultural capital. The feudal distinction is still followed in the United States, although it is so modified by statute that it varies widely in the separate states, especially as applied to roads, bridges, railway tracks, telegraph lines, gas and water mains, ferries, mineral rights and

franchises. On the continent modern law generally distinguishes between movables and immovables.

The property tax is levied either upon the property as a whole or upon particular pieces or classes of property. In the former case it is a general property tax; and since it is assessed on the individual according to the mass of the property owned by him, it is called, in the United States at least, a tax in personam, i.e. a personal tax. Where the tax is imposed on particular items or classes of property, it is a specific property tax and, as in the case of the land tax, is called in the United States a tax in rem. A more appropriate term to describe this levy would be "semipersonal tax," because the tax although levied on some particular thing relates to and is intended to be paid by some person—the owner. It is semipersonal in contrast to an impersonal tax, like a stamp tax, which is levied on a thing or transaction irrespective of the person involved and which is paid now by the seller, now by the buyer, according to the changing prescriptions of the law. A general property tax may be either recurrent or paid once and for all. In the latter case it is called a capital levy (*q.v.*), because it is presumably levied on the capital value of all property.

Where a property tax is assessed on specific categories of property, it acquires a distinct terminology. The class may be broad, like real estate as opposed to personalty or movables as contrasted with immovables; or it may be somewhat more restricted, as where real estate is divided into lands and improvements or personalty into tangibles and intangibles. The distinction may be still more minute, as where land is classified into agricultural property, city plots, forests and mines; or where tangibles are classified into money, furniture, cattle, tools, ships, cars, machinery and stock in trade; or intangibles into mortgages, stocks and bonds, franchises and the like. In all these cases the distinctive mark of the property tax is that it is assessed according to market, or selling, value.

The property tax has everywhere followed a definite course of development. The origin of the tax is closely associated with the emergence of the idea of individual ability to pay, measured in terms of property. The oldest type of property tax is the land tax, since land was the chief form of property in primitive communities. Gradually other forms of wealth became significant: first farm houses, cattle and horses, mills, improvements and agricultural implements; then utensils, furniture, apparel, weapons and ornaments; finally, with the growth of urban life, stock in trade, money and commodities. One by one these items were included in the assessment lists, and the property tax reached the second stage of its development, consisting now of the land tax plus a series of specific taxes on other forms of wealth. In time these supplementary forms of property began collectively to rival land in importance, and it proved to be more convenient to make a summation of a man's entire property and to assess the mass of his wealth as a lump sum. When this third stage was reached, ability to pay was measured by total property, stated in terms of its selling value. The general property tax became the chief source of public revenue. It remained so for generations or even for centuries in every civilization of which there is adequate knowledge—Greece, Rome, the various countries of mediaeval Europe and the early American commonwealths.

In the course of time, however, personal property underwent more complications and refinements. Intangible wealth developed. It became more difficult to prevent evasion, and one form of personalty after another disappeared from the assessment lists. This constituted the fourth stage in the development of property taxation. As it became increasingly difficult to reach all these classes at a uniform rate, attempts were made, first with intangibles and then with tangibles, to assess particular categories at lower rates in the hope of bringing them back into the tax lists. Thus the tax became a classified property tax, which amounted virtually to a reversion to the second stage, for the classified property tax is nothing but a series of specific property taxes.

This attempt, although it was in some instances protracted, finally failed of its purpose. As a consequence evasion was followed by exemption, as the acknowledged fact became crystallized in law. First certain classes of intangible personalty, like mortgages, were exempted, then all kinds of intangible personalty and finally all classes of tangible personalty. Thus the fifth stage was reached, wherein nothing was left except real estate. The general property tax disappeared and reverted to its original form of a tax on real estate. What had started out as a semipersonal tax, or tax in rem, and in the meantime had developed into a personal tax, again became a semipersonal tax. In England the process was completed at the end of the seventeenth century when the old subsidy

and commonwealth assessment once more became the land tax. Later on indeed, when the changing economic basis of society and the need of greater revenues disclosed the insufficiency of the mere land tax, the property tax was supplemented in some countries, as in revolutionary France, by additional taxes in rem; in other countries, as in Great Britain, by a new personal tax on income. But there was no return to the general property tax.

In new countries like the United States there was the same development, although obviously somewhat belated. The earliest property tax was the land tax, first according to area, as in Vermont and the Carolinas, then according to fertility or mode of cultivation, as in Connecticut and Ohio, and finally according to value, in virtually all the provinces and states. The second stage, that of specific property taxes, was reached in New England in the early eighteenth century and in the newer states at the beginning of the nineteenth. The general property tax came toward the end of the eighteenth century in New York and somewhat later in the south and west. By the middle of the nineteenth century it was applied universally. But the process of disintegration soon set in, and by the end of the nineteenth century there was a well defined movement toward the so-called classified property tax. In the second decade of the twentieth century intangible personalty was exempted in a number of states and replaced by an income tax. In 1933 the final stage was reached when tangible personalty as well was exempted in New York City (including about 80 percent of the total State assessment), the property tax thus again becoming a tax on real estate. The movement is now rapidly proceeding. In the less industrially developed states the third stage is merging into the fourth and intangible personalty is being taxed at a lower rate or replaced by the income tax. In the more advanced states the fourth stage is merging into the fifth, with tangible personalty suffering a similar fate. Movables, like ships, rolling stock, money and itinerant flocks, become almost impossible to locate; immovables, like machinery, fixtures and stock in trade, are reached by the business tax; non-productive property, like clothing, jewelry, furniture, libraries and pictures, are considered more and more in the light of expenditures rather than of wealth yielding a taxable surplus. The result is that virtually the only tangible personalty still subject to the property tax consists of farmers' livestock and agricultural implements; this has obvious elements of discriminatory taxation. As a consequence there tend to remain as the personal tax the income tax and as semipersonal taxes in rem the real estate tax and the corporate or business tax. The property tax, except on real estate, will in all likelihood soon disappear in everything but in name.

The reasons for the decay and disappearance of the general property tax as the principal source of revenue are administrative, economic and social. Administratively, intangible property is easy to conceal and difficult to assess. Economically, the assessment of property leads to denudation of forests, to the waste of natural resources or to inequality in the case of securities with the same capital value but divergent yields. Socially, property becomes increasingly defective as a criterion of ability to pay. As business life undergoes transformation stock in trade gives way to profits as an evidence of prosperity. Professional earnings and corporate salaries escape if spent immediately. The net result is that in theory as well as in practise property no longer responds to the ideas of equality and uniformity and thus loses its claim to justice.

The chief surviving example of a specific property tax in the United States is the real estate tax. Although the basis of the land tax was everywhere at first area, followed in turn by gross produce, net yield and finally by selling value, the feudal system under which land could not be bought or sold led throughout Europe to the adoption of the rental, or yield, basis. In England under the system of tenths and fifteenths the fifteenth of the land rental was deemed equivalent to the tenth of the selling value of personalty. In France the *taille réelle* was likewise assessed on yield. In the United States, however, under more dynamic economic conditions land rentals, although sometimes serving as the criterion of assessment, soon gave way to capitalized rent, or selling value, so that the real estate tax is today a property tax, in contrast to the situation in Europe, where it is a yield, or rentals, tax.

The advantages of the American system are that selling value does not necessitate so elaborate a survey and valuation, that it automatically takes account of the so-called unearned increment and that it hits unimproved land held for speculation. The advantages of the European system are that yield responds more rapidly to changing economic conditions and that it is in closer harmony with the idea of ability to pay. Accordingly in the rapidly growing cities of Ger-

many and Australia and New Zealand there is a movement to substitute property for produce in the land tax, whereas in certain parts of the United States and Canada, especially as a result of the recent depression, there is a reverse movement to substitute yield for property as the criterion. The property tax through its regularity favors the state; the yield tax through its more sensitive adjustment favors the individual. As economic conditions become more similar throughout the world, the ultimate result may well be a compromise between the two systems.

Outside of America the property tax is found as an important source of revenue only in some of the Swiss cantons. Even here, however, it is in process of being replaced in part or in whole by the income tax. In a few countries, like Germany and Holland, the property tax is utilized as a minor source of revenue in order to supplement the income tax. Instead of providing for the differentiation between earned and unearned incomes by a variation of rate, as is now almost universal in other countries, the same result is achieved, but with considerably more complexity, by taxing all incomes at the same rate and then imposing an additional tax on property, the income from which is thus tapped twice. There seems to be little disposition to follow this example in the rest of the world.

EDWIN R. A. SELIGMAN

See: TAXATION; GENERAL PROPERTY TAX; LAND TAXATION; CAPITAL LEVY; PROPERTY.

Consult: Seligman, Edwin R. A., *Essays in Taxation* (10th ed. New York 1925) ch. ii; Moll, B., *Zur Geschichte der Vermögenssteuern* (Leipsic 1911); Parieu, M. L. P. F. Esquiron de, *Histoire des impôts généraux sur la propriété et le revenu* (Paris 1856); Enneccerus, L., *Vermögenssteuer, fundirte Einkommensteuer oder Erbschaftssteuer?* (Marburg 1893); Fux, B., "Die Vermögenssteuer" in *Handbuch der Finanzwissenschaft*, ed. by W. Gerloff and F. Meisel, vol. ii (Tübingen 1927) p. 133–58; Vogel, E., "Die theoretischen Grundlagen der Vermögensbesitzsteuer im System der Ertrags- und Einkommensbesteuerung" in *Finanz-Archiv*, vol. xxvii (1910) 569–653; Baltes, E., "Die deutschen Vermögenssteuern" in *Finanz-Archiv*, vol. xxxii, pt. 2 (1915) 199–325; Winter, C., *Die Vermögenssteuern der deutschen Bundesstaaten und der schweizerischen Kantone* (Geithain 1915); Jensen, J. P., *Property Taxation in the United States* (Chicago 1931).

PROPORTIONAL REPRESENTATION. The term proportional representation is used to designate the various electoral devices which aim to secure a legislative body reflecting with more or less mathematical exactness the strength of the groups in the electorate. As a concept it came into general use in the mid-nineteenth century when under the sway of utilitarian philosophy reformers placed their faith in mechanical devices as aids to the functioning of democratic institutions. The underlying rationale of proportional representation is the desire to prevent the exclusion of minorities from the benefits of the state—a rationale based on the democratic premise that in the absence of some means of protection minorities may be exploited by the majority.

Nineteenth century parliamentary experience revealed certain basic defects in the traditional systems of representation. Where each district returned a single member or several members according to a majority or plurality vote, important minorities often failed to secure representation. The size of legislative majorities was frequently greatly exaggerated by the single member district plan and occasionally a minority of the voters returned a majority of representatives, as in the British elections of 1886. In districts where one party predominated voting had been discouraged, and in the doubtful districts important leaders were sometimes defeated. A failure to reapportion the districts at regular intervals had resulted in gross inequalities, while reapportionment was sometimes accompanied by deliberate efforts to secure party advantages by the practise of gerrymandering. To remedy these defects various schemes of proportional representation have been devised.

Under practically all of the leading systems of proportional representation multimembered districts are used. Limited voting is a scheme whereby the voter is restricted to voting for some given number less than the number to be elected from the district. The main drawback of the system is that it may be manipulated by well disciplined parties as it was in Birmingham, England. Under the cumulative voting plan the voter has as many votes as there are candidates to be elected from the district, but he may distribute them in any manner that he sees fit. He may concentrate them on a single candidate or he may distribute them among several candidates. As this system has worked in Illinois, it requires the parties to limit the total number of candidates and even then the results are not always fair. To many proportional representation means the single transferable vote, or the Hare plan. According to the Hare rules the voter indicates his preferences among the various candidates by marking his first choice and his succeeding choices with the appropriate nu-

merals. The first step in the count, the determination of the quota, involves dividing the number of valid ballots by the number of candidates to be elected plus one and completing the quotient to the next round number. All candidates having more than the quota are declared elected and their surplus ballots are transferred to the next available choices. After this is done the low men are eliminated in turn and their ballots transferred in the same manner until the offices are filled. Experience has shown that the Hare plan gives complete freedom to the voters, cannot be manipulated by the parties and secures the representation of groups in proportion to numbers; on the other hand, it is regarded by many as complicated.

A great variety of list systems of proportional representation are to be found on the continent of Europe. All of the plans used have some method, more or less refined, for assignment of seats to the various lists in proportion to the votes received. In parliaments where there is a fixed number of seats the method devised by the Belgian mathematician d'Hondt has been adopted widely. The basic principle underlying this method is the allotment of seats in succession to the lists which show the largest number of votes per seat were they allotted the seats in question. In Belgium, Sweden, Denmark, Norway and Switzerland, where this method has been employed, it has been found that it confers a slight advantage on the large parties. Under the German electoral law of 1920 the quota for the election of a deputy to the Reichstag was arbitrarily fixed as 60,000. As many deputies were allotted to each constituency list as quotas attained in its vote. The remainders left over were grouped by regions and seats were allotted to the regional lists according to the same quota. The unused regional votes were added together and counted in the same fashion toward the election of national lists. Except for a minor rule the law carried out the principles of proportionality to a logical conclusion. In contrast to the Hare plan, all of the list systems, particularly the German plan, give the voter little or no discretion in choosing particular candidates. This feature of the list plans tends to strengthen the party organizations and has given rise to some dissatisfaction.

Historically the movement for the establishment of some form of proportional representation may be traced to the French National Convention of 1793, although at that time no definite action was taken. In 1820 the French mathematician Gergonne published an article on political arithmetic ("Sur les élections et le système représentatif" in *Annales de mathématiques*, vol. x, 1819–20, p. 281–88), and an English schoolmaster, Thomas Wright Hill, proposed and applied to the elections of a private society a plan which closely resembled the single transferable vote system. At the suggestion of the latter's son, Rowland Hill, the first public application of this system was made in 1839 in Adelaide, South Australia, without the use of ballots. The movement for proportional representation in Switzerland was initiated by Victor Considérant, who in 1842 proposed a list system of voting to the Geneva council. In the United States Thomas Gilpin published a pamphlet (*On the Representation of Minorities of Electors to Act with the Majority in Elected Assemblies*, Philadelphia 1844) outlining a list plan of proportional representation. Twelve years later in Denmark the first public proportional representation election was carried out by ballot. The Danish minister of finance, Carl Andrae, worked out the provisions for a system which was very similar to Hill's except that it provided for the use of ballots. In the following year an English barrister, Thomas Hare, published a pamphlet outlining a plan closely resembling the Danish system, although apparently he reached his conclusions independently. In English speaking countries the single transferable vote plan has come to be associated with Hare's name.

When Hare's plan was praised by John Stuart Mill as "among the very greatest improvements yet made in the theory and practice of government," world wide attention was called to the idea of proportional representation. The actual spread of the system, however, was slow. In 1861 an imperfect system of proportional representation, called the limited vote, was adopted for the elected members of the Council of Malta. In 1867 this same system was applied to the three-membered parliamentary constituencies in Great Britain. Subsequently the limited vote was tried for a number of uses in such widely different communities as the Swiss canton of Vaud, the state of New York, Brazil, Spain and Italy. Other results of the agitation were the adoption of cumulative voting in 1870 by the state of Illinois for its lower house and by the British for school board elections, the introduction of the single non-transferable vote by the Free City of Hamburg in 1879 and the first trial of a list system of proportional representa-

tion for local elections in Serbia in 1888. Beginning in 1891 the list plan spread to many of the Swiss cantons, and in 1899 as a result of the socialist threat of a general strike it was incorporated in the Belgian constitution for national elections. By 1914 it was also used for national elections in Finland, Cuba, Sweden, Portugal and Bulgaria. The World War gave a great impetus to the movement and all of the newly created states adopted proportional representation almost without discussion. The movement likewise swept through Switzerland, Germany, Austria and Norway, apparently marking a temporary revival of faith in democratic mechanisms.

Agitation in England for the adoption of a thoroughgoing system of proportional representation has met with little success. A society for the promotion of such reform was founded in the 1880's by Lord Courtney and Earl Grey. Subsequently important political leaders like Viscount Cecil, Sir John Simon and Philip Snowden came out in favor of the system. Tasmania in 1896 was the first English speaking community to try the single transferable vote. Following the British act of 1918 the eleven (later nine) university members of the House of Commons have been chosen according to the same plan. The year 1918 also marked the beginning of proportional representation in Ireland, where the first trial was made in the city council elections of Sligo. The Irish Free State Constitution of 1922 extended the system to the Dail and *Seanad*. In Great Britain full application has met with firm resistance. The Liberal party as a party was not interested in the reform until it was reduced to a minority position. On the other hand, many of the Labour party leaders now think that the single member district plan may tend to benefit them again as it did in 1929. The two larger parties are more interested in strong government than in a system of representation which is mathematically just.

In France the movement for the adoption of proportional representation has been led by such diverse political leaders and groups as Jaurès, Briand, Poincaré, the Republican Federation and the Socialist party. A proportional representation scheme was passed by the Chamber of Deputies in 1919 but was rejected by the Senate. A compromise system adopted in the same year has sometimes erroneously been referred to as a proportional representation scheme, but it was in fact a majority bloc or general ticket plan. After two trials the plan was abandoned and the country returned in 1927 to the single member district plan with the double balloting arrangement to insure majority elections. The defenders of proportional representation, including Poincaré and the Socialists, failed to take a determined stand for it in 1927. It appears that many of the French deputies, anxious to gerrymander the districts against the Communists, felt that their own fortunes were more secure under the old *scrutin d'arrondissement*. While there are a dozen or more groups in the Chamber of Deputies, usually not more than four or five candidates contend for a given seat. The Radical Socialists in particular argue that the old plan suits French electoral customs.

In the United States a serious movement for proportional representation got under way shortly after the publication of Mill's ideas on the subject. The adoptions of limited and cumulative voting schemes were the result of agitation by Simon Sterne, Senator C. R. Buckalew, Joseph Medill and others. Later, academic men like John R. Commons and civil service reformers like William Dudley Foulke championed the proposal. The Progressive movement stimulated interest in the idea, and following 1910 a number of initiated proposals for proportional representation were presented to the voters in Oregon. The adoptions since 1915 of the Hare plan in cities having the council manager form of government were in part the result of the promotional activities of C. G. Hoag and G. H. Hallett, connected with the Proportional Representation League. The Hare plan has been tried in eight American cities at different times, but at present it is in operation in only three, Boulder, Colorado, Cincinnati and Hamilton, Ohio. The use of the Hare plan in Kalamazoo, Michigan, met with legal difficulties after two elections. The Supreme Court of the state in the case of Wattles *ex rel* Johnson *v.* Upjohn [211 Mich. 514 (1920)] declared the plan unconstitutional on the ground that the vote must be of equal potential value as to each of seven candidates. In Sacramento, California, application of the plan was likewise forbidden by the courts [People *v.* Elkus, 59 Cal. App. 396 (1922)], which held that it violated the constitutional right to vote at all elections. These decisions, difficult to explain on logical grounds, have retarded the spread of the system. In Ashtabula and Cleveland, Ohio, where the courts upheld the plan under the home rule section of the constitution, the voters rejected

the system after trying it a number of years. In spite of many obstacles the agitation for proportional representation continues, particularly in large centers like Philadelphia and New York.

One of the common criticisms of proportional representation is that it tends greatly to increase the number of parties and thus makes the formation of legislative majorities very difficult. A careful examination of political conditions in a number of countries before and after the adoption of the reform shows that no such generalization is warranted. In Belgium the Catholic party maintained its parliamentary majority for many years before and after 1899. The multiparty system in Germany antedated the electoral laws of 1918 and 1920. In Switzerland one new important party was encouraged by the law of 1919, but the foundations of this party had been laid before the electoral change was made. Cumulative voting has not produced minor parties in Illinois, and the American city manager communities which have used the Hare plan have not witnessed the rise of many small parties. The nature of the party system depends not so much upon the system of representation as upon social, economic, religious, racial, linguistic and political conditions existing in a given country at a given time.

A number of claims have been made by the proportionalists which have not always been realized in practise. It was hoped that because it would lessen the number of wasted votes the reform would stimulate interest in voting. Since its adoption in Switzerland average participation in elections has been 20 percent higher than under the old system. The influence of proportional representation upon voting interest in republican Germany is difficult to estimate because many other factors, such as the form of the government and the party system, underwent transformations at the time of its introduction. In communities which have adopted the Hare plan the changes in voting records are likewise difficult to analyze. The Irish Free State Senate election of 1926 was not marked by increased voting. In American cities the Hare system has not succeeded in raising the total number of votes cast.

An ideal system of representation would impress the voters with its fairness, encourage the selection of able representatives, give expression to all important opinions and at the same time facilitate the formation of a workable government. Proportional representation has not secured all of these objectives. Indeed no system of representation will of itself secure these ends. Where the political parties have put up able candidates, as in Belgium, Switzerland and Denmark, proportional representation has made the election of these candidates comparatively certain. In American cities where active citizens' groups have nominated civic minded candidates, as in Cincinnati, the Hare system is generally held to have worked well. The plan does away with the need for a primary election, eliminates ward politics and insures fairness to all groups. On the other hand, the list systems used in such countries as Italy, Poland and Germany have not prevented the establishment of dictatorships. Some modified form of functional representation, such as prevails in Italy, appears to be popular with countries ruled by dictators.

Faith in proportional representation, which was so strong in the nineteenth century and which was vigorously revived in the years immediately following the World War, seems to have waned in many places in recent years. But where democratic institutions have held intact, there are still movements for the adoption or preservation of the principles of proportional representation.

HAROLD F. GOSNELL

See: REPRESENTATION; DEMOCRACY; PUBLIC OPINION; MAJORITY RULE; MINORITY RIGHTS; PARTIES, POLITICAL; ELECTIONS; LEGISLATIVE ASSEMBLIES; FUNCTIONAL REPRESENTATION.

Consult: Hoag, C. G., and Hallett, G. H., *Proportional Representation* (New York 1926); Great Britain, Royal Commission on Systems of Election, *Report*, and *Minutes of Evidence*, Cd. 5163 and 5352 (1910); Humphreys, John H., *Proportional Representation* (London 1911); Saripolos, Nicolas, *La démocratie et l'élection proportionnelle*, 2 vols. (Paris 1899); Duguit, Léon, *Traité de droit constitutionnel*, 3 vols. (2nd ed. Paris 1921–23) vol. ii, p. 571–95; Commons, John R., *Proportional Representation* (2nd ed. New York 1907); Harris, Joseph P., "The Practical Workings of Proportional Representation in the United States and Canada" in *National Municipal Review*, vol. xix (1930) 335–83; Mill, John Stuart, *Considerations on Representative Government* (3rd ed. London 1865); Williams, John F., *The Reform of Political Representation* (London 1918); Barthélemy, J., *L'organisation du suffrage et l'expérience belge* (Paris 1912); Sterne, Simon, *On Representative Government and Personal Representation* (Philadelphia 1871); Krafft, A., and Leresche, A., *L'électeur et le renouvellement du conseil national d'après le système proportionnel* (Lausannne 1919); Andrae, Poul, *Andrae og hans Opfindelse forholdstals Valgmaaden* (Copenhagen 1905), tr. by Vaughn Meisling as *Andrae and His Invention, the Proportional Representation Method* (Copenhagen 1926); Horwill, George, *Proportional Representation, Its Dangers and Defects* (London 1925); Breton, Jules Louis, *Contre la proportionnelle* (Paris 1909); Ander-

son, W., "The Constitutionality of Proportional Representation" in *National Municipal Review*, vol. xii (1923) 743–62; Gosnell, Harold F., *Why Europe Votes* (Chicago 1930); Finer, Herman, *The Case against Proportional Representation*, Fabian Tract, no. 211 (London 1924); Braunias, Karl, *Das parlamentarische Wahlrecht*, Institut für ausländisches öffentliches Recht und Völkerrecht, Berlin, Beiträge nos. 18, 18a (Berlin 1932); Zurcher, A. J., *The Experiment with Democracy in Central Europe* (New York 1933) ch. v.

PROSECUTION. Public prosecution is a proceeding conducted by the state against persons charged with criminal acts. It thus implies the existence of a public criminal law which has suppressed private vengeance. In its operation it is an interacting system of rules of criminal procedure, the substantive criminal law and various administrative factors.

Legal historians have differentiated sharply between two great classic systems of prosecution: the "inquisitorial," which has generally prevailed on the continent of Europe, and the "accusatorial," which has predominated in English speaking countries. The principle underlying the former is not only that infractions of the criminal law are offenses against the state, but that responsibility rests directly upon the state to proceed against offenders, secure evidence of guilt and inflict punishment. Among its principal features have been the secret inquiry to discover the culprit and the employment of torture to obtain confessions. Primarily the product of the later Roman and the canon law, the inquisitorial system has been described by Esmein as more scientific, complex and rigorous than the accusatorial system and thus better designed to meet the needs of social repression. The dominant characteristic of the latter system is the principle of popular accusation, freely exercised by all persons, with the state umpiring the ensuing controversy as to guilt. The litigious criminal proceeding thus became in its classic form a judicial duel between complainant and defendant before an impartial court with a jury of the accused's peers to determine the outcome. It is probable, however, that institutional commentators have emphasized unduly the inherent differences between the two systems. The state plays an important and active role in both. Unquestionably, Anglo-American criminal procedure has frequently utilized inquisitorial practises and the continental technique has likewise been materially influenced by accusatorial methods. At all events the so-called "mixed" system, now prevalent in varying forms in western countries, is an amalgam of certain important features of both classic procedures. It involves the use of the public prosecutor, the preliminary examination, trial before a court and jury characterized by the principles of confrontation and publicity, and rendition of judgment on the issue of guilt, which is subject to judicial review by a superior court.

The development of criminal prosecution has always been affected by prevailing political ideals and theories of punishment. When concern for the general security has been the social desideratum, harsher procedural devices have usually found favor. In general constitutional democracies have tended to view with suspicion inquisitorial methods and have sought to safeguard individual freedom against arbitrary or repressive conduct by agents of the state. When punishment has been popularly viewed as in the nature of satisfaction to the injured party, accusatorial practises have generally predominated. The ascendancy of the theory that crimes are offenses against the state itself rather than mere private injuries to its members is one of the outstanding developments in modern systems of criminal prosecution.

Roman prosecution was based upon the accusation. The issue was between accuser and accused and was limited to the formal allegations of the accuser, upon whom lay the burden of presenting the evidence of guilt. In early times criminal cases were tried before the kings or before such boards as the *quaestores parricidii* or the *duumviri perduellionis*. Popular courts had jurisdiction in cases referred to the people through *provocatio*, or appeal. In the *judicium publicum*, or popular assembly, the *populus* itself was judge and jury, the magistrate serving merely as the president. In the later republic *quaestiones* were often appointed as courts for the trial of particular crimes. Because of the increase of crime and the inconvenience of appeal to the popular court the *quaestiones* came to be permanent tribunals for the disposition of the more common crimes. There was a separate *quaestio* for each crime; each *quaestio* was created by a special statute designating the offense over which it had jurisdiction and the appropriate procedure; the presiding magistrate was called *quaesitor*. Judgment was rendered by *judices*, whose chief similarity to the modern jury lies in the fact that they did not constitute a permanent tribunal but were chosen specially for each case, the accused exercising the right of challenge. In the older popular courts the right

of accusation belonged only to certain magistrates, whereas any citizen had the privilege of instituting a criminal proceeding before the *quaestiones*.

Under the empire the distinction between judicial and executive power gradually lost its significance. The old popular courts were abandoned, a system of permanent courts with a regular process of appeal was established, the *quaestiones* underwent substantial modification and eventually disappeared and the voting *judices* finally ceased to function. Both emperor and Senate frequently exercised criminal jurisdiction or conferred judicial powers upon designated officials. Inquisitorial elements were introduced, including new methods of instituting proceedings, the use of special investigators for the discovery of crime, the employment of torture to extort confessions and increased activity of the judge at trials. Although traces of the accusatorial procedure were still to be found, notably the right of free accusation and the absence of the public prosecutor, the spirit which had permeated the administration of justice under the older institutions was modified greatly. Political absolutism had undermined the democratic procedure.

The forms and functions of primitive Germanic criminal procedure were accusatorial, shaped largely by the concept that the most effective method of punishing offenders was to leave them to the private vengeance of the person injured or of his kinsmen or friends. The first step toward a more orderly system of law enforcement was the substitution of the public contest for the unofficial skirmish. Nevertheless, primitive juristic institutions, such as trial by battle, compurgation and the ordeal, while conducted in accordance with prescribed forms, were merely very crude substitutes for private war predicated upon the belief that divine aid could be relied upon for the ascertainment of truth and the protection of the innocent.

During the twelfth and thirteenth centuries, under the influence of the later Roman precedents, an inquisitorial procedure developed in the ecclesiastical courts. The church borrowed most of its procedural elements from secular institutions, speedily adapting them to meet its own distinctive needs. Relying originally upon the principle of free accusation, ecclesiastical criminal procedure as early as the ninth century had permitted notorious crimes to be prosecuted by the judge without requiring an accuser. The difficulty of proving notoriety and the absence of a public prosecutor eventually led to papal legislation allowing the judge, on proof of ill fame, to proceed officially against the suspect. Thus was evolved a form of official prosecution, *processus per inquisitionem*, with the substitution of the inquest for older methods of proof. Inquisitorial methods received special application in the Holy Inquisition, which was not, as has sometimes been popularly supposed, the source of the inquisitorial procedure. The judges of the Inquisition who were papal delegates resorted to the most drastic procedure of the canon law, often withholding from the accused the names of witnesses, restricting or prohibiting the right of counsel and receiving testimony from questionable sources.

The inquisitorial technique of the canon law influenced profoundly the administration of criminal justice in the continental secular jurisdictions. The French development, which is the most important, is typical. At first the *processus per inquisitionem* could be used only with the consent of the accused. But during the thirteenth century under the term *aprise* there developed a form of official prosecution applicable to crimes of common knowledge and to cases where the offender was captured in the act. The judge, thus "apprised" of the facts, could proceed by inquest without formal accusation or the consent of the accused. It was not long before the *aprise* and the inquest were merged. The accusation itself gradually fell into disuse and was replaced by the "denunciation," whereby the complainant denounced the suspect, produced or named the witnesses and left further prosecution to the judge. Canonical methods of taking evidence found favor also. The information was made to the judge or his delegate; the witnesses were then summoned and questioned secretly and apart; their depositions were reduced to writing and formed the principal material for use at the inquest, if it were decided that further confrontative action should be had. The inquest necessitated the reappearance of witnesses for the purpose of oath taking.

By the thirteenth century the punishment of crime had come to be viewed as primarily the concern of the sovereign. The rise of this concept led to another important development: the advent of officials specially charged with the duty of denouncing culprits and thus initiating the judicial process. The conversion of the royal procurator fiscal, originally a steward or business agent of the king, into an official prosecutor marked the triumph of the inquisitorial system.

Thenceforth the procurator assumed fundamental significance as the denunciator of crimes, the producer of witnesses and the supervisor of the prosecution, subject to rules embodied in royal ordinances. The accused could be questioned on oath; and since conviction was justified only by conclusive proof, harsh practises were often used in order to force confession. During the fourteenth and fifteenth centuries a distinction grew up between "ordinary" and "extraordinary" procedure. Torture, secrecy, documentation and restricted opportunities of defense were salient characteristics of the latter. In course of time the ordinary procedure became obsolete and the more oppressive practises were resorted to in the prosecution of all serious crimes. Popular acquiescence in the severity of the inquisitorial procedure is probably to be explained by the desire for security after the devastating wars and social anarchy of the Middle Ages.

The codification of French criminal procedure effected by the famous Ordinance of 1670 embodied the essential features of the inquisitorial system. For more than a century it exerted marked influence on the course of criminal law administration. The precedence of the royal over the seigniorial and ecclesiastical jurisdictions was definitely established and a uniform procedure set up which was sufficiently detailed to prevent local usages from becoming greatly diversified through subsequent judicial interpretation. The liberal political and social philosophy of the eighteenth century, however, with its emphasis on tolerance and humanity in dealing with crime, set in motion forces destined to alleviate the prevailing rigors of law enforcement. The writings of Montesquieu, Delolme, Beccaria and Voltaire pilloried the inhumanity of a system which consistently favored the prosecution to the disadvantage of the defense and glorified the English procedure with its ideals of private prosecution, publicity, liberty of defense and trial by jury. Accusatorial methods were in harmony with the spirit of the revolution and in 1791 the Assembly passed a law importing into French procedure many cardinal features of the English system. Particularly noteworthy were the virtual abolition of the institution of public prosecutor, the introduction of partial private prosecution, the creation of a justice of the peace or examining magistrate, the setting up of a modified system of grand and petit juries, the adoption of the doctrines of orality and publicity and the repudiation of the evidentiary system of "legal proofs." During the Napoleonic era, however, with foreign wars imperiling national security, the desire for social stability again became predominant. The old principle of authority was reasserted in the enactment of the Code of Criminal Examination of 1808, which forms the basis of contemporary French criminal procedure. The code was essentially a compromise between the two classic systems of procedure; the petit jury was retained but official prosecution was restored as the crux of the criminal judicial process.

The present machinery of public prosecution in France is centered in the *ministère publique*, an administrative hierarchy chosen by the executive on the nomination of the hierarchic head, the minister of justice, and organized to conform to the needs of the particular tribunal in which it must function. In the trial of *contraventions*, or minor offenses, before a *tribunal de simple police* the prosecutor is the local *commissaire de police*. In the higher courts of first instance, such as the Tribunal Correctionnel, which tries *délits*, or infractions of an intermediate grade, and the Cour d'Assises, which disposes of the gravest offenses known as *crimes*, and in the superior courts (Cour d'Appel and Cour de Cassation), the prosecuting department is known as the *parquet*. At every Cour d'Appel and Cour d'Assises all the functions of the *ministère publique* are vested in a *procureur général* and his substitutes, the *avocats généraux*, who personally supervise the proceedings; in the lower courts the prosecutors are the *procureur de la République* and his subordinates. The *procureur général* also exercises general supervision over the *police judiciare*, who deal with crime detection and investigation. Subordinate to him in this respect and directly controlling criminal investigation activities within an *arrondissement* are the *procureur de la République* and an official of the *police judiciare* called a *juge d'instruction*. The latter has extensive powers in respect to the arrest, detention and interrogation of witnesses, domiciliary searches and seizures and preliminary examination of suspects. As the objective guardian of the law, the *ministère publique* has virtually absolute control over the initiation, management and continuance of prosecutions. The theory of private prosecution still survives, however, in a procedure by which a person injured may constitute himself a *partie civile* before a *juge d'instruction*, who must thereupon investigate the complaint even though the

prosecutor has refused to act and whose decision is subject to judicial review.

Probably the most important survival of the inquisitorial system and the feature of French criminal procedure which distinguishes it markedly from Anglo-American methods is the preliminary inquiry. The *juge d'instruction* visits the scene of the crime, investigates personally all the circumstances and conducts a secret examination of the suspect, who may be represented by counsel but whose interrogation is thorough and searching. If the evidence is deemed sufficient to justify further action, the case is sent to the indicting tribunal, the Chambre des Mises en Accusation. At the trial the prisoner is subjected to another stringent examination by the presiding judge and must satisfy the jury that he is not guilty; the procedure of cross examination of witnesses is practically non-existent.

The French legislation of 1808, with its emphasis on official prosecution, has had a far reaching influence upon the criminal codes of other continental countries, notably Belgium, Germany, Italy, Spain, czarist Russia and the Swiss cantons. Virtually everywhere there are the public prosecutor and the familiar division of procedure into two stages: the preliminary examination with its rules borrowed from the inquisitorial system and the ideal of jury trial with its accompanying accusatorial safeguards. There is a growing tendency, however, to encroach upon the province of the jury or to transform it into a board of professional and lay judges, as evidenced by recent legislation in Germany, Fascist Italy and Soviet Russia (*see* JURY).

The accusatorial system has its outstanding embodiment in the English administration of justice. Save in certain classes of offenses, criminal prosecutions are in theory left to the agency of private individuals. Proceedings are instituted in the name of the crown but there are no legally constituted local prosecuting officials either in courts of summary jurisdiction or in courts of trial; nor is there any uniform method of conducting prosecutions. During the nineteenth century, however, there evolved a partial system of public prosecution which led to the enactment in 1879 of the Prosecution of Offences Act creating the Office of Director of Public Prosecutions. Prior to that time it had become customary for certain offenses to be prosecuted by the law officers of the crown (the attorney general and the solicitor general) and for the home secretary to direct the solicitor to the treasury to furnish the police legal advice and assistance in the prosecution of other important crimes. The legislation of 1879 therefore merely sanctioned and amplified machinery which had developed informally over a period of years as a result of a continuous series of adaptations to prevailing needs. It preserved the right of private prosecution, subject to broad powers of intervention and control by the director of public prosecutions.

In actual practise, while many offenses are still prosecuted through private initiative, the great majority of important prosecutions are now conducted either by the police or by the director. Certain less important prosecutions are undertaken also by government departments and municipal and county authorities. The director prosecutes all crimes punishable by death and all cases in which it appears to him that the public interest requires his participation or in which he is specially ordered to proceed by the attorney general. Although statistically the number of "public prosecutions" is comparatively small, the significance of the director's office lies in its defense of criminal appeals, its restraining influence over private prosecutors and the outstanding importance of the cases in which it does participate. Ordinary crimes involving the professional criminal class are prosecuted by the police. Provisions for legal assistance in the conduct of a "police prosecution" depend on local custom, the character of offense involved and the prevailing usages of the court in which the case is pending. In courts of summary jurisdiction, which now dispose of a large number of indictable offenses formerly triable only before juries, clerks to the justices of the peace or to the police magistrates often assist in the presentation of evidence. In important or difficult cases the police in many larger boroughs are represented by their own solicitors; in Greater London these solicitors are paid out of police funds and act under instructions from the commissioner of police; in some larger provincial cities they are specially employed by the corporation and devote all or a large part of their time to the management of prosecutions. Again, such work is performed by the town clerk, by one of his deputies or by a special solicitor nominated for each case by the local police establishment. In some prosecutions, especially those disposed of on circuit and in courts of quarter sessions for counties, trials are conducted by counsel freely chosen by the

prosecuting solicitors. In other cases, notably those tried in the metropolitan area and in courts of quarter sessions for boroughs, an attempt is made to select counsel in rotation from among local barristers in attendance at the sessions. "Private prosecutions" are conducted by solicitors employed by private complainants, assisted by the police.

The essentially litigious nature of English criminal procedure is doubtless the consequence of the survival of primitive ideals of private war, the historical development of the jury and the English distrust of innovations and habit of adapting time honored governmental mechanisms to existing needs. Even in England, however, certain severities and inquisitorial tendencies have existed. The grand jury has always functioned as an agency of public inquiry into crime. For several centuries justices of the peace exercised investigatory powers of a sort entrusted in continental countries to the police and public prosecutors. The methods of the old Star Chamber were often a contradiction of accusatorial ideals. Prior to the Restoration the technique of stringent judicial cross examination was closely akin to the continental interrogatory. Before 1837 persons accused of felony were denied full right of counsel. Prior to the establishment in 1907 of the Court of Criminal Appeal there was no right of direct appeal from a judgment of conviction. In recent years the tremendous growth of summary jurisdiction over indictable offenses has undermined the jury.

Criminal procedure in the United States is fundamentally accusatorial. The guaranties and safeguards set up for the protection of defendants are the products of English jurisprudence. The outstanding administrative difference between English and American methods lies in the American adoption of the public prosecutor. Following English precedent, the office of attorney general was established in nearly all the colonies by the seventeenth century; when the county prosecuting attorney first appeared in Connecticut in 1704, his principal function was to assist the colonial attorney general. The practise was soon taken up in other colonies and subsequently in the states. At present the constitutions of thirty-eight states provide for the office and in others it is statutory. In all but five states the method of choice is by election; the term is from two to eight years.

The unique character of the American prosecuting attorney lies in his virtual independence of administrative or judicial regulation. The attorney general's control over the office is usually limited to a general grant of supervisory power; in a few states, however, the governor may in certain cases supplant local prosecutors by the attorney general. In most states the prosecutor is now paid a fixed salary; but in jurisdictions where the fee system is still in effect his income may depend wholly or in part upon the number of convictions or indictments. In the preparation of cases the prosecutor is often handicapped by inadequate police assistance. As the mainspring of law enforcement he frequently takes the initiative in crime detection and investigation.

Recent surveys have demonstrated the prosecutor's almost dictatorial control over criminal proceedings. His broad investigatory and discretionary powers have minimized the importance of the preliminary examination, in which small effort is now made to conduct an adequate judicial inquiry into the circumstances of the crime. In twenty-four states proceedings may, with certain exceptions, be initiated by information, or by accusation of the prosecutor, without the intervention of the grand jury; in most of these states the information has superseded the indictment in the great majority of prosecutions. Even where the grand jury is used it has usually fallen under the prosecutor's domination. The recent decline of the petit jury has been due largely to the prosecutor's practise of "bargaining" for pleas of guilty to lesser offenses and to his widespread use of the *nolle prosequi* or other methods of discontinuance. The prosecutor's role in politics has also profoundly affected the judicial process. Frequently young and inexperienced, generally poorly paid and selected for political reasons, bent upon attaining personal preferment, the American prosecutor has been caught up in the seething caldron of politics and controlled by the entangling forces which encompass him.

Much recent criticism of prosecution in the United States has centered around procedural rules which are said to be outworn and unduly technical and thus productive of delay, miscarriages of justice and general ineffectiveness in administration. Proposed reforms, some of which have been adopted widely, include simplification of indictment forms and alternative use of the indictment or information, uniform interstate rendition laws, regulation of bail bonds, rendition of jury verdicts by five-sixths vote, new rules to speed up appellate procedure, enlarged judicial control of the trial,

waiver of jury trial by the defendant, judicial control of the selection of the jury, new rules relating to the insanity defense and more stringent regulations pertaining to probation, parole and pardon.

Any comparison of the effectiveness and integrity of criminal prosecution under various "systems" involves consideration of many elusive factors and raises difficult questions. Partisans of continental justice contend that it is thorough, expert and unencumbered by hypocritical legal fictions which delay or defeat the detection and punishment of crime. Its critics assert that it is at hopeless variance with the juristic ideals of Anglo-American countries. Opponents of the English ideal of private prosecution stress its lack of uniformity and the probability that many offenses go unprosecuted because of the inability or unwillingness of persons injured to carry on prosecutions. Its advocates emphasize its comparative freedom from the strife of the party system and excoriate the baneful influences of politics on American law enforcement.

The chief obstacle in the path of objective comparative analysis is the paucity of reliable data as to the actual working of continental systems. It is necessary to view the operation of the administrative and judicial process from "benind the scenes." Available sources of information are at best inconclusive and unrealistic. Idealized concepts have fostered uncritical assumptions and hindered unbiased observation and interpretation. Are life and property any more secure in France than in England? Is the influence of the administration in continental countries comparable to subterranean political forces in the United States? Have causes similar in nature contributed to the recent decline of the jury? To what extent do the more obscure psychological and administrative factors operate to adjust the complexities and idiosyncrasies of the several systems to prevailing ideals of justice in the western world? Answers to these and like questions cannot be given with any degree of assurance. Certain it is, however, that no test of the efficiency of any system of prosecution based wholly upon the proportion of convictions to offenses will commend itself to an individualistic society, in which the principle of the protection of private rights overshadows the ideal of public security.

PENDLETON HOWARD

See: JUSTICE, ADMINISTRATION OF; PROCEDURE, LEGAL; LAW ENFORCEMENT; CRIMINAL LAW; CRIME; PUNISHMENT; COURTS; MUNICIPAL COURTS; JUSTICE OF THE PEACE; APPEALS; JURY; GRAND JURY; EVIDENCE; ARREST; POLICE; CIVIL LIBERTIES; BAIL; SELF-INCRIMINATION; HABEAS CORPUS; PUBLIC DEFENDER; DOUBLE JEOPARDY; JUDICIAL INTERROGATION.

Consult: FOR GENERAL BIBLIOGRAPHY: Social Science Research Council, Committee on Survey of Research on Crime and Criminal Justice, *A Guide to Material on Crime and Criminal Justice*, by A. F. Kuhlman (New York 1929).

FOR ANGLO-AMERICAN PROSECUTION: Stephen, J. F., *A History of the Criminal Law of England*. 3 vols. (London 1883) vol. i; Pollock, Frederick, and Maitland, F. W., *The History of English Law before the Time of Edward I*, 2 vols. (2nd ed. Cambridge, Eng. 1899) vol. ii, ch. ix; Holdsworth, W. S., *A History of English Law*, 10 vols. (3rd ed. London 1922–32), especially vol. iii, ch. vi, vol. v, p. 155–214, vol. ix, p. 222–45; Maitland, F. W., *Justice and Police* (London 1885); Howard, Pendleton, *Criminal Justice in England* (New York 1931); Lieck, Albert, *Justice and Police in England* (London 1929); Cleveland Foundation, *Criminal Justice in Cleveland* (Cleveland 1922); Missouri Association for Criminal Justice, *The Missouri Crime Survey* (New York 1926); Illinois Association for Criminal Justice, *The Illinois Crime Survey* (Chicago 1929); United States, National Commission on Law Observance and Enforcement, *Report on Prosecution*, Report no. 4 (1931); Willoughby, W. F., *Principles of Judicial Administration* (Washington 1929); Pound, Roscoe, *Criminal Justice in America* (New York 1930); Moley, Raymond, *Politics and Criminal Prosecution* (New York 1929), and *Our Criminal Courts* (New York 1930); Baker, Newman F., "The Prosecutor—Initiation of Prosecution," and De Long, Earl H., and Baker, Newman F., "The Prosecuting Attorney—Provisions of Law Organizing the Office" in American Institute of Criminal Law and Criminology, *Journal*, vol. xxiii (1932–33) 770–96, and 926–63.

FOR CONTINENTAL PROSECUTION: Esmein, Adhémar, *Histoire de la procédure criminelle en France* (Paris 1882), tr. by John Simpson as a *History of Continental Criminal Procedure*, Continental Legal History series, vol. v (Boston 1913); Strachan-Davidson, J. L., *Problems of the Roman Criminal Law*, 2 vols. (Oxford 1912); Jolowicz, H. F., *Historical Introduction to the Study of Roman Law* (Cambridge, Eng. 1932) ch. xviii; Radin, Max, *Handbook of Roman Law* (St. Paul 1927) ch. xxvi; Garraud, René and Pierre, *Traité théorique et pratique d'instruction criminelle et de procédure pénale*, 6 vols. (Paris 1907–29); Faustin-Hélie, A., *Traité de l'instruction criminelle*, 8 vols. (2nd ed. Paris 1866–67); Goyet, Francisque, *Le ministère public* (Paris 1926); Guillot, Adolphe, *Des principes du nouveau Code d'Instruction criminelle* (Paris 1884); Wright, A. C., "French Criminal Procedure" in *Law Quarterly Review*, vol. xliv (1928) 324–43, vol. xlv (1929) 92–117; Garner, J. W., "Criminal Procedure in France" in *Yale Law Journal*, vol. xxv (1915–16) 255–84; Montluc, Léon de, "Criminal Procedure in France and England" in Society of Comparative Legislation, *Journal*, n.s,. vol. xii (1911–12) 157–74; Ploscowe, Morris, "Development of Inquisitorial and Accusatorial Elements in French Procedure" in American Institute of Criminal Law and Criminology, *Journal*. vol. xxiii

(1932–33) 372–94, and "La procédure criminelle dans l'Italie fasciste" in *Revue des sciences politiques*, vol. lv (1932) 497–523; Schmidt, Eberhard, *Fiskalat und Strafprozess* (Munich 1921); Carsten, Ernst, *Die Geschichte der Staatsanwaltschaft in Deutschland bis zur Gegenwart*, Strafrechtliche Abhandlungen, no. 299 (Breslau 1932); Zelitch, Judah, *Soviet Administration of Criminal Law*, University of Pennsylvania, Law School series, vol. v (Philadelphia 1931).

PROSELYTISM. The term proselyte was coined to designate those Gentiles who in order to become naturalized Jews passed through the threefold rite of circumcision, baptism and offering, accepted the full obligations of the Mosaic law and thereby acquired the hope of a share in the life of the world to come. Their action sprang from a deliberate choice; and, although individual Jews sought to persuade individual Gentiles to adopt this course, there was no general religious policy, much less a religious organization directed to this end. In the second century A.D. the would be proselyte in Palestine was even asked his motives and warned of the penalties and obligations incurred in becoming a Jew. Here proselyte was a technical term, used by the converts as well as of them. In spite of this, however, the description in *Matthew* XXIII: 15 of the zeal of the scribes and Pharisees in compassing sea and land to make one proselyte has given to proselytism its essentially derogatory connotation: the deliberate attempt to induce an individual to adhere to some sect or tenets other than those in which he was reared. Furthermore the term has generally come to imply individual or subterranean activities rather than overt organized missionary activity or propaganda and to denote in the main activities conducted in a man's own national milieu rather than among less developed peoples.

Missionary zeal is evoked only by religious ideas or institutions which by reason of their universal rather than their strictly national or social significance cause the believer to hold that the god or creed or church has a claim upon the unbeliever, that the unbeliever has a need of the god or creed or church, and not infrequently that the believer has a supernatural commission to convert the unbeliever. Accordingly, while certain other cults accept and even encourage the homage of new worshipers who are not born to them, the phenomenon of proselytism is confined almost exclusively to early Zoroastrianism, Buddhism, Judaism, Christianity, Manichaeism, Islam and to the various sects within these religions which have claimed to hold revealed truth in a more primitive or purer or generally better form. Within this group of religions the impulse to proselytize is not found at all times or in all members. Many men have no desire to interfere with the lives of others, whatever their theoretical duty in the matter, and each of the religions in question has had static phases or has reached a static equilibrium. Although Islam reveals vigorous proselytizing energy in present day Africa, during most of its history it has been on the whole indifferent to any sustained efforts at persuasion; and, while occasionally coercing, has in general been content merely to assign an inferior status to non-Moslems. In Christianity, while the impulse to conversion was strong in the first three centuries and has reemerged at repeated intervals, the Greek Orthodox bodies have in general assumed the national and non-universal character of ancient Greek religion.

Proselytism flourishes in those religions which rest upon a systematic theology and body of revelation. The sacred literature in which this theology and revelation find expression plays an important part in their dissemination. Another factor conducive to proselytism is the existence of an organized hierarchy, as in Christianity, Manichaeism and Sassanian Zoroastrianism, or of a monastic class exclusively preoccupied with religious matters, as in Christianity and Buddhism. Propaganda may likewise be carried on by secular persons, notably in Judaism and in Islam, in which latter this function has been performed in the main by merchants.

Proselytism has sometimes been backed by force or by catering to interested motives, but in its essence it is an attempt to persuade. Like salesmanship it appeals to men in the mass as well as individually and uses addresses and the written word as well as personal talk. But as in salesmanship the address and the written word endeavor to strike an intimate note and to make the individual hearer or reader feel that the message is specially directed to him. Like salesmanship it professes to give a plain statement of important facts which are in danger of being overlooked; and like salesmanship it has to create many of the needs and desires which it professes to satisfy. Except where they have been suitably instructed, men do not fear either pyorrhea or damnation; both perils have to be depicted in colors which cause marked uneasiness. The success of both appeals results partly from the absence or vagueness of ideas in the hearer on the subject at issue, but partly also from the fact that the needs so indicated

often correspond to notions and feelings present in or under his level of consciousness. Thus Zoroastrianism touched the resentment of the honest farmer against the hillman bandit; Buddhism, the uncertainty and dissatisfaction left by scholasticism and asceticism; Christianity, the desire for security here and hereafter and for an understanding of the universe and of man's new status therein.

Methods vary according to circumstances. Persuasion depends on argument or on what passes as such, reenforced often by appeals to a sacred literature, by supposed miracles and their recounting and by works of charity. These modes of persuasion, as recorded, for example, in the religious dialogues of Buddhist, Jewish and Christian literature, are used by men who come from a group within the social group or represent such an alien group elsewhere. They may be either foreign settlers—rulers or soldiers or merchants or missionaries or slaves—or men whose religious loyalties mark them off from society as a whole. If they are persecuted or under social condemnation, they will usually operate in an unostentatious way, as the early Christians did in the Roman Empire; if they have an accepted or dominant position, as the Christians had after the time of Constantine, they will operate openly and according to circumstance will compel men to join them.

Much depends on the personality of the proselytizer; if he is dynamic enough, many will follow him whatever he says; *credo in Newmannum* was a phrase in Oxford in early Tractarian days. The conviction thus resulting is often emotional rather than logical, and the acceptance of the new faith may be general rather than specific. It follows that the religion so transmitted is not passed on intact; no man who has undergone even the most passionate conversion can jettison all his old mental furniture, and the man who adheres in a somewhat hazy conviction that the new religion is, generally speaking, better may part with very little. So religions change, sometimes through deliberate attempts of proselytizers to meet local needs and to talk a language intelligible to their hearers, but more often through the inevitable pressure of circumstances and the sheer impossibility of translating articles of belief. A neophyte has a new point of view and not unfrequently a new zeal, and in consequence he is often unpopular with the body which he has joined; adhesion may be actually discouraged, as in Judaism after the failure of Bar-Kochba's revolt, when a proselyte came to be regarded as a potential traitor, the Jewish religion having become the one surviving expression of national unity and feeling.

Until fairly recent times corporate religion has been an aspect of tribal or civic or national life; in many primitive communities as in the civilizations of Greece and Rome there has been no divorce of civil and religious authority. Domestic worship was the householder's affair and, scandal apart, secure from interference. But the attempt to interest others in a new cult might be interpreted as a breach of social solidarity; the charge on which Socrates was put to death was in part that of abandoning the gods of the city in favor of alien deities. Ancient Rome often repressed what it regarded as attempts to play upon popular superstition and controlled firmly all new religious groupings within the community; this was a matter of public order, cared for by the Senate and magistrates and not by the priestly colleges. So when Christianity became the state religion, paganism and heresy appeared antisocial and their practise and propagation were made criminal.

Proselytism has thus evoked persecution. Even where this has not been the case, it has often engendered vehement hatred and a curious readiness to believe improbable stories about the proselytizers. Grave and serious men have stated in good faith that the High Anglican clergy include Catholic priests acting on secret orders from Rome. Proselytism like salesmanship encounters resistance, only much stronger resistance, inasmuch as men dislike to be disturbed in old ideas, suspecting in a queer unreasoning way those who would unsettle existing group attachments. And yet proselytism persists even into the predominantly secularistic modern culture, manifesting itself as clearly among the opponents as among the defenders of traditional credos.

ARTHUR DARBY NOCK

See: CONVERSION, RELIGIOUS; APOSTASY AND HERESY; CULTS; SECTS; FANATICISM; MILITARY ORDERS; MISSIONS; REVIVALS, RELIGIOUS; PROPAGANDA; COERCION; PERSECUTION.

Consult: Moore, G. F., *Judaism in the First Centuries of the Christian Era*, 3 vols. (Cambridge, Mass. 1927–30) vol. i, p. 323–53, and vol. iii, p. 108–14; Schürer, Emil, *Geschichte des jüdischen Volkes im Zeitalter Jesu Christi*, 4 vols. (4th ed. Leipsic 1901–11), tr. by John Macpherson, Sophia Taylor and Peter Christie, 5 vols. (Edinburgh 1886–90) division II, vol. ii, p. 291–327; Strack, H. L., and Billerbeck, Paul, *Kommentar zum neuen Testament aus Talmud und Midrash*, 4 vols. (Munich 1922–28) vol. i, p. 102–13, 924–31, and vol.

ii, p. 715–23; Weber, Max, *Gesammelte Aufsätze zur Religionssoziologie*, 3 vols. (2nd ed. Tübingen 1922–23) vol. iii, p. 376–78, 435–42; Eliot, Charles N. E., *Hinduism and Buddhism*, 3 vols. (London 1921) vol. i, sects. 4–5, 7, 23–24, and ch. xii; Stoop, E. G. M. J. de, *Essai sur la diffusion du manichéisme dans l'Empire romain*, Université de Gand, Faculté de Philosophie et Lettres, Recueil de Travaux, no. 38 (Ghent 1909); Arnold, T. W., *The Preaching of Islam* (2nd ed. London 1913); Macdonald, D. B., *Aspects of Islam* (New York 1911) p. 250–87; Nock, A. D., *Conversion* (New York 1933).

PROSTITUTION may be defined as the practise of habitual or intermittent sexual union, more or less promiscuous, for mercenary inducement. It is thus characterized by three elements: payment, usually involving the passing of money, although gifts or pleasures may constitute equivalent consideration; promiscuity, with the possible exercise of choice; and emotional indifference, which may be inferred from payment and promiscuity.

The element of hire need not presuppose a gain by the prostitute herself. In primitive societies this was often not the case. Where the system of marriage by purchase flourished, a woman's body belonged to her parent before marriage and to her husband after. Along the Ivory Coast, among several American Indian tribes and among the Bakoko of the Cameroon, parents and husbands prostituted their women for gain to themselves. In the case of certain African tribes, although the terms of hire were not agreed upon in advance, the paramour, if discovered, was obliged to pay the husband for trespassing on his property right; enterprising Kaffir wives would seduce unsuspecting males in order that their husbands might profit.

The substitution of the rights of a god for the rights of a husband led many primitive and ancient peoples to the practise of religious prostitution. Among the Ewe and Tshi speaking peoples on the African west coast, for instance, the priestesses considered themselves the wives of the god whom they served, and their sexual excesses, dedicated to the god, were not regarded with reproach. In India from about the tenth century the "dancing girls" in the temples practised somewhat similar rites.

It was among the Semitic peoples, however, that religious prostitution seems to have been particularly prevalent. *Hierodouloi*, or inferior temple ministrants, expressed religious rites by sexual connection in the worship of Ishtar, Astarte, Mylitta, Baal, Moloch and other deities in Egypt, Babylonia, Syria, Phoenicia, Canaan and Arabia. In theory at least union with these temple prostitutes was considered in no sense a private indulgence but a means of attaining intimacy with the goddess herself; money paid to the ministrants was not a payment for the service but an offering to the goddess. In some cases the *hierodouloi* were temporary: the sexual practises were associated with special festivals or with prenuptial rites to stimulate fertility in the women who offered themselves or to stimulate virility in the men who patronized them; or they were necessarily temporary because of nomadic pursuits. In Biblical times, however, there were certainly permanent *hierodouloi* consecrated to the service of the goddess. The *hierodouloi* were not always females. Among the Canaanites in particular there were male devotees, sodomitic connection with whom would, it was supposed, transfer blessings to the worshipers.

It was because of its religious significance that prostitution was so vigorously condemned among the Hebrews: it represented the worship of a foreign deity. There is a law in *Leviticus* (XIX: 29) forbidding fathers to turn their daughters into prostitutes, and in *Deuteronomy* (XXIII: 17) forbidding daughters to become prostitutes. Since heathen priestesses were often prostitutes, the death penalty was prescribed for any Hebrew priest's daughter who became a prostitute (*Leviticus* XXI: 9). Particularly harsh were the Biblical condemnations of male prostitutes, or sodomites (*Deuteronomy* XXIII: 17). The severity of the Hebrew injunctions against both male and female prostitution was possibly increased by the difficulty in eradicating it from the worship of Yahweh. The verbal proscription of prostitution did not of course eliminate it: the story of Judah and Tamar in *Genesis* XXXVIII: 14–26 indicates the conditions at the beginning of the Biblical period; at the end harlots were so numerous that they had a market place to themselves.

In contrast with the moralistic attitude of the Hebrews was the naturalistic attitude of the Greeks. Ritual prostitution as it flourished at Corinth in the worship of Aphrodite, although its expressions apparently were more gross than among the Hebrews, was not condemned. This difference in sexual morality was an outgrowth in part of the difference in marriage customs. Greek marriage had no connection with the emotions of love or sex; the Greek wife was a housekeeper and a bearer of lawful heirs, not a sexual companion. To supply this sexual inti-

macy there was the class of hetaerae, a word which means companions. In the best sense the hetaerae were Athenian girls of good but indigent families who revolted against marriage within their class. Some were Corinthian and Ionian adventuresses who came to Athens in search of fortune. The higher class hetaerae, being full citizens, were by no means common prostitutes; they formed free unions with men who maintained them. As such no stigma attached to their position, and they sometimes attained high estate. To be sure not all extramarital relations among the Greeks were on so lofty a plane. Slave women, prisoners of war, were subject to purchase and sale, and a traffic in them was carried on not only to supply individuals with concubines but to supply brothels (*porneia*) with licensed prostitutes. Unfortunately the euphemistic term hetaerae came to be applied also to this low class of prostitutes, who were hardly comparable to the free born "companions."

In Rome, even before the Christian era, the absence of sacred prostitution and the constantly increasing numbers of slave women combined to place prostitution on a relatively low level; the Roman *bonae mulieres* never held a position comparable in dignity to that of the Greek hetaerae, and Roman men generally carried on their meretricious relationships in seclusion. Prostitutes (*meretrices*) were legally required to register, and once on the register their names could never be removed. Compelled to wear distinctive raiment and bright hued wigs, they were subject to various civic disabilities. The registered prostitutes carried on their trade in *lupanaria*; but since the laws concerning registration were enforced laxly, there were great numbers of unregistered prostitutes. Their position became lower and lower as more stringent laws were passed during the later republic to prevent corruption of the blood by intermarriage of citizens with prostitutes, their descendants or relatives and to prevent women of the higher classes from becoming prostitutes. The conversion of Rome to Christianity had less effect upon prostitution than might be supposed, the emperors continuing to derive benefit by way of tax upon all persons subsisting by prostitution. The early church fathers, although they condemned unchastity in general, tried to reserve for the prostitute a road to repentance. They succeeded in inducing Theodosius and Valentinian to abandon the tax on bawds and to suppress brothels, but the tax on prostitutes was not abolished until the fifth century. Justinian, aided by his wife, herself a reformed prostitute, undertook the work of redeeming prostitutes and punishing their exploiters.

Throughout the Middle Ages there was vacillation in policy toward prostitution. Although temporal as well as spiritual authorities often condemned and even punished it harshly, the profits which it brought to both made their efforts half hearted and spasmodic. In England during the Anglo-Saxon period the kings ordered prostitutes either to leave the land or to suffer death. In 1161, however, Henry II legalized houses of prostitution near London. When the church gained complete jurisdiction over moral offenses, it inflicted penance for breaches of the code and deprived prostitutes of consecrated burial. But since the minor church officials charged with the enforcement of ecclesiastical discipline were often corrupt and since the friars were among the best customers of prostitutes, the regulation of prostitution was usurped by municipalities, which sought to eradicate it because of its association with crime. On the continent the early mediaeval kings, while approving the system of concubinage, proscribed prostitution. Despite the enactment of repressive legal measures, however, other laws recognized the trade by requiring prostitutes to wear a distinctive badge. Everywhere the regulation was largely local and in part extralegal. In the Germanic cities, as in some of the French provincial towns, brothels constituted a sort of public service and even figured in the hospitality tendered to important guests. Brothels under municipal protection were found in the thirteenth century in Augsburg, Vienna and Hamburg. The occasional "reform movements" in the Middle Ages were limited in time and place and rested not upon social policy or sustained attitude but upon local feuds and jealousies over the profits accruing from prostitution. Paul Lacroix has likened the position of mediaeval prostitutes to that of mediaeval Jews: they were persecuted socially, civilly and ecclesiastically, yet all classes were glad to have recourse to them and recognized their indispensability.

The welter of mediaeval regulations may be understood only as an interaction of three separate social desires. The first related to the integrity of the family: for reasons of religion and property the wives and daughters of citizens had to be protected, and the brothel, satisfying vicious impulses outside the home, was one

means of protection. This explains why it was sometimes built at public expense, why provision was made for maintaining a sufficient number of inmates, particularly from abroad, why prostitutes were distinguished in dress and why visitors were entertained at these public houses. The second aim in regulating prostitution was to prevent the brothel from becoming a center of disorder. For that reason brothels were in charge either of some special official or of a responsible citizen; or licensed prostitutes, after the manner of other guilds, themselves protected their monopoly interests. The third interest in mediaeval regulation was financial. Secular and church authorities alike shared in the profits of this lucrative enterprise.

What the desire for virtue, order and money could not bring about was accomplished by fear. The beginning of the modern era introduced a new and dominating consideration in regard to prostitution. This was the epidemic of syphilis which broke out in southern Europe toward the end of the fifteenth century and swept northward in the sixteenth. Regardless of its time and place of origin—a much disputed point—syphilis had never been known in so virulent a form: it has been estimated that during the first decade of its prevalence one third of the population of Europe died from its effects. Added to this fear was the influence of the Reformation. The reformers had inveighed against the manner in which the church had handled the problem of prostitution and upon gaining ascendancy did what they could to remedy the abuses. This in turn spurred the church itself, in the Counter-Reformation, to further efforts. Fear, reenforced by a sturdier moral attitude, led at first to a sternly restrictive policy. Laws and decrees ordered the closing of the brothels in Ulm in 1531, in Basel in 1534, in London (i.e. in Southwark) in 1546, in Paris in 1560 and in Nuremberg in 1562. In addition to closing the houses, possibly because their closing did not diminish prostitution to the degree that had been hoped, laws were enacted for the more rigorous punishment of prostitutes, such as the Paris ordinance of 1635 providing that without formal trial they should be whipped, shaved and banished for life, and the Act of the Commonwealth in England in 1650.

Restrictions on the activities of prostitutes did not suffice to control the disease which they transmitted, and accordingly, toward the end of the seventeenth century, suppression began to give way to sanitary control. By an edict of 1684 Paris recognized the necessity of treating diseased prostitutes. In 1700 Berlin began to require that an official surgeon examine prostitutes fortnightly. The idea of registration of prostitutes, first suggested in Paris in 1765, was put into effect at the close of the reign of Louis XVI; but the system of medical examination of prostitutes, begun in 1798, was not administered satisfactorily until 1810. By the second decade of the eighteenth century the Paris police had developed the plan of confining prostitutes in houses specially licensed for the purpose. Since 1843, when the morals service was reorganized, prostitution in Paris has been limited to licensed brothels or to houses of accommodation where prostitutes at large are compelled to resort. Clandestine prostitution is punished with such severity that notoriously debauched prostitutes find it advisable to register.

By the opening of the twentieth century systems of regulation, not unlike the Paris system, were established by the police in all the large cities of France. There was official regulation of prostitution, rather as a matter of police administration than as legal enactment, in the cities of Belgium, Austria, Hungary, Russia, Italy, Spain, Portugal, most of Germany, two Scandinavian countries and in many cities of the Orient. Despite its wide development the system of state regulation was not without opposition. This opposition emanated in the beginning from England, a country which from the time of Henry VIII had suppressed brothels. In 1864, however, Great Britain enacted the Contagious Diseases Prevention Act, which provided among other things for the compulsory medical examination of prostitutes in certain military and naval districts in order that the presence of venereal disease might be detected. At first considered an ordinary measure for the well being of the armed forces, the real significance of this regulation was not realized until 1869, when an amendment provided for the more frequent examination of prostitutes and extended the system to London. Had the act applied to both sexes and had it been a community wide attempt to fight disease, some degree of success might have followed. As it was, its futility as a public health measure and its menace as an extension of police power were immediately apparent. A campaign of organized opposition was launched under the leadership of Josephine Butler, Harriet Martineau, Mary Carpenter and other prominent women, resulting in the abolition of the regulations in 1886. The opponents of the

regulative act in England became much incensed at the resolution of a medical congress in Vienna in 1873 which, in harmony with the almost universal opinion of physicians at that time, demanded an international law for the examination of prostitutes and the licensing of houses of ill fame. In 1875 therefore the International Federation for the Abolition of State Regulation of Vice was organized, which sponsored a series of international congresses. The opposition to state regulation was given another fillip by the exposure, in the late 1870's, of vast corruption in the system of regulation in Brussels, long considered a model. In 1899 the Belgian minister of health called a conference at Brussels, attended by representatives of thirty-three nations, which recognized the insufficiency of the whole system of administrative measures. Soon thereafter the International Society of Sanitary and Moral Prophylaxis was founded, and it in turn instituted national societies. Three years later under the same auspices a second conference was held at Brussels.

Except for a short lived experiment in St. Louis in 1870–74, official regulation of vice never gained a foothold in the United States. Many American cities, however, did tolerate districts in which prostitution flourished and was in effect regulated by the police. Beginning about 1905 "committees of fourteen" and "vice commissions" were organized in many of the larger cities, and their reports invariably recommended the abolition of segregated districts. Chicago is supposed to have led in the closing of its "red light district" in 1912, and during the next five years some thirty cities followed suit. Depending upon local politics and police administration, the abolition of segregated districts remains more or less complete.

The efforts of conferences and societies to abolish the state regulation of prostitution in the various countries were greatly fortified by a recognition of the international implications of vice. From the early Middle Ages the desire to protect women citizens from debauch had led to a demand for foreign prostitutes. In the eighth century St. Boniface, writing to an English synod to discourage English women from making pilgrimages, declared: "There is scarcely a town in Italy, or in France, or in Gaul where English prostitutes are not to be found." Migrations of women for purposes of prostitution were fostered by foreign wars and religious crusades; some of the female camp followers of secular and religious armies remained abroad to practise their profession. Doubtless with the passing of the centuries the demand for foreign prostitutes developed and the means of satisfying it became organized. Not until the 1870's, however, was the theory enunciated that government regulation of prostitution promotes international traffic in prostitutes. This recognition of the international aspects of vice regulation led to two types of effort at control: national enactments against the so-called white slave traffic and world wide cooperation to eliminate it.

National enactments may be illustrated by the British Criminal Law Amendment Act of 1885 and the Mann Act (White Slave Traffic Act) in the United States. Allegations made in 1880 that English women were being consigned to continental brothels led to an official British investigation and to the enactment in 1885 of measures against procuration, which put an end to traffic from England to the continent. In the United States the Immigration Commission in 1907–09 made an investigation into the "Importation and Harboring of Women for Immoral Purposes," which established that many women and girls were being imported into the country and distributed throughout the states for purposes of prostitution, that some of the victims were unwilling but that most were willing, that they were purchased by letter or through agents abroad for prices ranging from $200 to $2000. This investigation led to an amendment of the immigration law and the enactment in 1910 of the White Slave Traffic Act, placing severe penalties on the transport in interstate or foreign commerce of women or girls for immoral purposes. These federal measures, which succeeded in breaking up the organized commercial traffic to and within the United States, were supplemented by state legislation inspired by the disclosures of the local vice commissions. Between 1911 and 1915 forty-five states passed laws prohibiting third persons from profiting financially from prostitution, and punishing those guilty of forcing women and girls into prostitution, those guilty of pandering and those subsisting on the earnings of prostitutes.

More direct cooperation for the suppression of the white slave traffic began in 1899 with an unofficial congress in London called by the National Vigilance Association. This congress led to the organization of national committees acting independently of the governments but in agreement with them; it led also to a preparatory conference in Amsterdam in 1901, a second unofficial congress in Frankfort in 1902 and, more

important, an official conference summoned by the French government in 1902. This conference at Paris resulted in an international agreement, signed by thirteen nations in 1904 and later adhered to by others, providing for a central authority in each country to consider information concerning procuration of females for immoral purposes abroad. Six years later the French government called another conference, which went much further than its predecessor: thirteen nations promised to make the procuration of women and girls punishable, extraditable and subject to vigorous prosecution.

The World War emphasized anew the dangers of uncontrolled venereal disease and raised doubts concerning the effectiveness of official activity. Accordingly, in 1919 the League of Nations (Covenant, art. 23*c*) was entrusted with general supervision over the execution of agreements with regard to the traffic in women and children. The League not only appointed a permanent officer to keep in touch with all matters relating to the traffic but in 1921 summoned an international conference at Geneva, attended by representatives of thirty-four nations. This conference suggested a new draft agreement, requested that the League Council set up an advisory committee and urged that governments be invited to make annual reports of conditions. In September, 1921, a convention, supplementary to the previous international agreements and carrying into effect the recommendations of the Geneva conference, was signed by representatives of thirty-three states. An Advisory Committee on the Traffic in Women and Children (later a part of the Advisory Commission for the Protection and Welfare of Children and Young People) was thereupon established. It has made several reports, has integrated some of the official and unofficial activities in relation to the traffic and has made possible the publication of two elaborate inquiries by a special body of experts into the conditions of prostitution and the traffic in women and children in Europe, North and South America and the East.

Significant as these international efforts have been, the numerous and repeated resolutions of the Assembly, the Council and the Committee on the Traffic in Women and Children indicate how far short the measures fall. The point of national resistance is the governmental regulation of prostitution. The French government, for example, has frequently reiterated that "the system of prostitution . . . considered in its administrative aspect, remains . . . a purely domestic matter." The League has therefore never directly and officially recommended the abolition of licensed houses, even after its special body of experts had declared that "the existence of licensed houses is undoubtedly an incentive to traffic both national and international. The inquiries made by us not only confirm this fact but show . . . that the licensed house becomes in some countries the centre of all forms of depravity." The main contributions of the League have been the information it has supplied, the impetus this information has given to bettering local conditions in certain countries and the realization of international interdependence in combating prostitution.

The limitations on the function of the League must not obscure the fact that through its activities and those of unofficial cooperating organizations the twentieth century has witnessed a swing away from the sanitary regulation of prostitution toward the development of a more effective type of control. According to the report of the Committee on the Traffic in Women and Children, which was made in 1927 and supplemented in 1930, thirty countries have no system of licensed houses of prostitution: Australia, Bolivia, Bulgaria, Canada, Cuba, Czechoslovakia, Danzig, Denmark, Dominican Republic, Estonia, Finland, Germany, Great Britain, Hungary, India, Latvia, Luxemburg, Monaco, the Netherlands, New Zealand, Nicaragua, Norway, Poland, Rumania, San Marino, South Africa, Sweden, Switzerland, the United States and Uruguay. Of these, three, Czechoslovakia, Latvia and the Netherlands, have not completely abolished licensed houses in all their towns or communes. Only eighteen countries appear to have a system of licensed houses: Albania, Argentina, Austria, Belgium, Brazil, Egypt, France, Greece, Guatemala, Italy, Japan, Jugoslavia, Panama, Peru, Portugal, Salvador, Siam and Spain. Three of these, Austria, Greece and Jugoslavia, were in 1927 considering abolition or limitation of the number of licensed houses. In Japan opposition to licensed prostitution has gained considerable headway during the past few years and several prefectures have taken steps locally to abolish the Yoshiwara, or prostitute quarter. A few countries which have no licensed houses, including Bulgaria, Estonia, Finland, Latvia and Poland, exercise some supervision over prostitution, usually through registration.

State regulation has the advantage of recognizing the hygienic dangers of prostitution and

of seeking to control them. The weakness of the system lies in its failure to attain the end for which it was designed and in the new set of evils to which it gives rise. At best, state regulation by no means achieves its aim of supervising all prostitutes. The younger and less debauched women, who are generally most averse to registration and who can easily escape detection, are certainly not likely to be free from infection, for a prostitute seems rarely to escape venereal disease for more than two or three years after entering the profession. In order to effect a satisfactory degree of regulation there must be a special body of police agents; to entrust this duty to the ordinary police provides opportunities for intimidation and blackmail, a temptation to which even special "morals police" are not immune. Moreover, registration, even when it is fairly extensive, has three inherent drawbacks: first, the system encourages continued prostitution, in that a woman once registered so loses caste as to find it more difficult to win her way back to respectability; second, the system of licensed brothels recognizes the pecuniary interest of third persons, an interest which itself makes for the increase of prostitution; third, the system discriminates against women who may be only the innocent carriers of an infection caught from a man who remains a free agent and a menace to other women. In fact elaborate surveys indicate that the frequency of syphilis and gonorrhea among women in the United States is only 4.86 per thousand; among men, 10 per thousand.

If sanitary control is not a satisfactory method of attacking prostitution, the problem still remains to be solved. The answer turns upon the causes of prostitution. It has been held by many criminal anthropologists, including Lombroso, that one important cause is biological, that prostitutes are of a distinct type physically, mentally and morally. Even if anthropometric knowledge were so precise as to show some biological basis of selection among women of the same social class who take up prostitution, there are yet many acquired characteristics which must be taken into account and which tend to vitiate the theory. The economic factors associated with prostitution suggest that prostitutes are recruited by attraction rather than by compulsion. One element may be wages that are below the level of subsistence, but case analyses show this to be but rarely a causal factor. The economic origin of prostitution manifests itself rather in women who are close to the economic margin and who feel that the difficulty and monotony of their life can be lessened and their desires satisfied only through exploiting the sex function. This theory is supported by the fact that the number of prostitutes varies with seasonal and casual labor: in certain employments women look upon prostitution as a regular source of incidental income. Cyclical economic changes too seem to vary the volume of prostitution; it has been said that "morals fluctuate with trade." More subtle in their implications are what may be termed the social causes of prostitution, usually classified under the headings of housing, personal relations and public attitude, education and recreation.

Many practical suggestions have been brought forward to eliminate these causes, economic and social, and thereby to decrease prostitution. An aid in deflecting the economic bases of prostitution would be the improvement of the material conditions of the wage earning class, especially of young women. Many of the social causes are now in the process of elimination or mitigation Living conditions have improved through modern housing schemes and the sanitary laws which have necessitated them. A growing recognition of the need of the community to supervise family and personal relations more minutely is manifest in the world wide interest in juvenile courts, in the gradual tightening of marriage laws and in the liberalization of divorce laws, and in the establishment of marriage advice bureaus. Moreover the very lack of supervision, the much discussed breakdown of authoritarian standards of right and wrong and the change in attitude toward the conventions of sexual morality may afford means of emotional gratification apart from prostitution. In the field of education and recreation much has been accomplished through such legal and administrative measures as the supervision of dance halls, cafés and other public places of amusement and through the work of the social hygiene movement with its program of sex education and sex enlightenment. Finally, the increasing establishment in all countries of venereal disease clinics has been an important factor in combating prostitution and its effects. An encouraging example of what can be done in this direction is Soviet Russia with its system of prophylactoria for the social and economic as well as the physical rehabilitation of prostitutes.

Most of the economic and social causes of prostitution, however, are associated with industrialism and urbanization. The problem of con-

trol was essentially different before the industrial revolution because in the small cities regular houses of prostitution and their inmates could be known. When London had a population of 35,000 and Paris a dubious 200,000, when many important towns had no more than 5000 inhabitants, the distinction between the vicious woman and the virtuous was clear and unmistakable. In the great modern cities there is no basis for singling out by abode or dress even the avowedly professional prostitute; the part time prostitute, the occasional or selective prostitute, although presenting the same problems as the professional, is seldom distinguishable at all. The city has not only concealed the supply but increased the demand. Young men drift to the city from the country or small towns or from abroad because of the greater comfort and vocational opportunity it offers. The breach of home ties and the anonymity of city life with its absence of the restraining check of neighbors' opinion, combined with low wages and loneliness, conduce to meretricious association rather than to marriage. Obviously in a struggle with these larger social forces law can play some part in eliminating the third party interest in prostitution and in damming the sources of international supply. Medicine can play an effective role in emphasizing and helping to exterminate the infectious consequences of prostitution. Education can make individuals aware of the specific dangers and the community conscious of the general evil. But the realization is growing that the economic origins of prostitution cannot be eliminated by the mere provision for physically adequate wages so long as there remain vast discrepancies between individuals in material wealth, that the social seeds of prostitution cannot be sterilized so long as they lie at the roots of an industrial society. Prostitution is not a disease of the social organism; it is merely a symptom of the disease.

GEOFFREY MAY

See: SEX EDUCATION AND SEX ETHICS; MARRIAGE; RELIGIOUS INSTITUTIONS; CORRUPTION, POLITICAL; COMMUNICABLE DISEASES, CONTROL OF.

Consult: Bloch, Iwan, *Die Prostitution*, 2 vols. (Berlin 1912–25), vol. ii in collaboration with G. Loewenstein; Sanger, William W., *The History of Prostitution* (New York 1858); Lacroix, Paul, *Histoire de la prostitution*, 6 vols. (Paris 1851–53), tr. by S. Putnam (rev. ed. New York 1931); Sorge, Wolfgang, *Geschichte der Prostitution* (Berlin 1920); Flexner, Abraham, *Prostitution in Europe* (New York 1914); Woolston, Howard B., *Prostitution in the United States* (New York 1921); Westermarck, Eduard A., *The History of Human Marriage*, 3 vols. (5th ed. London 1921); Briffault, Robert, *The Mothers*, 3 vols. (London 1927); Ellis, Havelock, *Sex in Relation to Society*, Studies in the Psychology of Sex, vol. vi (Philadelphia 1927) p. 217–361; Amos, Sheldon, *A Comparative Survey of Laws in Force for the Prohibition, Regulation, and Licensing of Vice* (London 1877); Miner, Maude E., *The Slavery of Prostitution* (New York 1916); Marchant, James, *The Master Problem* (New York 1917); New York Committee of Fifteen, *The Social Evil*, ed. by E. R. A. Seligman (2nd rev. ed. New York 1912); Appleton, Paul, *La traité des blanches* (Paris 1903); Waterman, Willoughby C., *Prostitution and Its Repression in New York City, 1900–1931* (New York 1932); Reckless, Walter C., *Vice in Chicago* (Chicago 1933); Winter, Ella, *Red Virtue* (New York 1933) p. 182–94; Ellis, Havelock, *The Task of Social Hygiene* (Boston 1912); Worthington, George E., and Topping, Ruth, *Specialized Courts Dealing with Sex Delinquency* (New York 1925); May, Geoffrey, *Social Control of Sex Expression* (New York 1931); Harrison, L. W., "Prevention of the Spread of Venereal Disease by Treatment of the Infectious" in *Journal of Social Hygiene*, vol. xv (1929) 193–228; League of Nations, Committee on Traffic in Women and Children, *Report of the Special Body of Experts*, Publications, 1927.IV.2, 2 vols. (Geneva 1927), and Commission of Enquiry into Traffic in Women and Children in the East, *Report to the Council*, Publications, 1932.IV.8 (Geneva 1933).

PROTAGORAS. *See* SOPHISTS.

PROTECTION. In economic discussions the term protection, when used without qualifying phrases, refers to a form of governmental interference with foreign trade. Opinions differ as to what specific form of interference is meant. The orthodox view, still widely held, designates as protectionist only those measures which are intended to change the course of trade as distinct from measures directed to other objects, such as the creation of revenue. Cobden, for instance, persistently pointed out that free traders "ask for nothing which involves any change of taxation of any kind," that free trade "does not require that one shilling of taxation should be removed, which goes solely to the Queen's exchequer" (speech of January 15, 1845; *Speeches on Free Trade*, London 1903, p. 127). According to this definition free trade is the only alternative to protection. Yet for certain purposes, such as the elucidation of the factors which have favored protection, it appears advisable not to lump together all types of measure intended to influence foreign trade. From this point of view the criterion by which protectionist commercial policy is distinguished from non-protectionist, but still active, policy is its bearing upon the supply of commodities in the community: the spearhead of protectionism is turned against the "danger" of a large supply.

Broadly speaking, the organized communities of antiquity as well as the cities and states of the earlier Middle Ages were eager to retain within their borders as large a commodity supply as possible; Francis Bacon aptly termed this a "policy of plenty." With regard to foreign trade it amounted to a restriction of exports, although imports were to some extent encouraged at the same time. During the Middle Ages there were innumerable export prohibitions, while import prohibitions were few and often entirely absent. Customs duties, not an important element of this policy, worked mainly in the same direction. Commercial treaties aimed at securing imports, granting exports only by way of compensation. The contrast between this policy and that which followed has made the former appear much stranger than is theoretically justifiable. The practical measures to which it led were, it is true, rather short sighted, but the essential underlying idea is the logical corollary of the view that the aim of economic activity is the satisfaction of human wants, through material things in the first place. This does not mean that commercial and industrial rivalries played no part in the pre-protectionist period; their effects, however, were different from those found under protectionism. In the field of commerce the old methods sought to make a community the "staple" for commodities, which of course favored their importation. Industrial rivalry might have been expected to turn against commodities, but in view of the prevalent opinion upon that subject craft guilds and municipal authorities usually confined themselves to measures against foreign artisans.

The rise of protection broke through this phase of commercial policy. If the older policy was found almost everywhere—in towns all over the European continent and in countries with strong royal governments like England or Sweden—protectionism ended by becoming even more ubiquitous. The fact that the change in opinion was so general suggests that it must be traced back to some fundamental economic transformation of universal import. Perhaps the most significant innovation of this type which could be expected to effect a change in the attitude to commodities was the spread of money economy. Indeed as long as trade meant the giving away of commodities in exchange for those received, it was scarcely conceivable that it would be considered advantageous to acquire as few commodities as possible in exchange for those given away. But when people began to think in terms of money exchange, they came to look upon money as the aim and end of trade; imports then became dangerous as depleting the community of "treasure," while exports were invaluable as increasing the stock of money. Even where the accumulation of a stock of money was not the primary desideratum, foreign imports came to be regarded as a serious threat to home production and employment, once their importance to consumption had been lost to sight. It is virtually impossible, however, to trace chronologically the connection between the spread of money economy and the shift to protection; both processes were gradual, and the change in mental habits did not follow immediately upon the change in actual conditions.

The first clear manifestations of protectionism on which definite information is available date from the early thirteenth century in the towns of northern Italy, the most highly developed region of western Europe during the Middle Ages. Traces of protectionism can also be detected a century later in Belgium, another center of mediaeval industrial life. It appears to have gained a permanent foothold in England and France about the middle of the fifteenth century, while economically backward countries, like Sweden, remained upon the old basis throughout the sixteenth century. But from the seventeenth century on scarcely any country escaped the transition to protection, a development which constituted one of the foremost aspects of mercantilism. It must not, however, be assumed that protectionism completely displaced the policy of plenty; on the contrary, national commercial policy as a whole remained for a long time a medley of regulations based upon a variety of old and new principles or upon none at all. As late as the opening of the nineteenth century hundreds of export prohibitions were still on the statute books; it was only as a result of tariff reforms after 1815 that the professed policy of the mercantilist period was integrated into a consistent whole.

It has been suggested above that the pre-protectionist system was subject to criticism even upon its own premises. Hampering exportation was of course not at all conducive to a plentiful supply of commodities within a community, because such restrictions acted as a check on production. This objection was stated with remarkable clarity by the English writers of the mid-sixteenth century who made an important advance in the understanding of economic processes in recognizing that consumption draws

not upon a stock of goods, fixed once for all, but upon a continuous flow of production. This view did not of itself lead to a protectionist position, as is clear from the case of Adam Smith. Yet in stressing the importance of production it created a basis for protection; and when combined with the fear of an unsalable commodity surplus, this production emphasis was magnified into a hypostasis of production as an end in itself, a belief most characteristic of mercantilism.

In one sense, however, protectionism and 'productionism" are plainly incompatible. The most important method of stimulating production is to reduce the costs involved, to depress the prices of the elements entering into the production process. With regard to non-agricultural raw materials, which were usually plentiful, the achievement of this condition met with little difficulty but was under the circumstances comparatively unimportant. Much more far reaching was the maintenance of low wages. But an insoluble dilemma presented itself in the case of such elements as were themselves the result of a production process. Either the price of these elements must be kept down, with a resultant check upon their production; or their production must be encouraged through measures against their importation, so that the consequent increase in their price would raise the cost of other products.

The most important branch of production to which this difficulty would apply was agriculture. The pre-protectionist policy had embraced virtually all commodities, but it had everywhere centered upon foodstuffs, particularly wheat. It is not surprising therefore that it was retained for a much longer time in agriculture than elsewhere. After a while this discrimination was justified by arguments along protectionist lines; a plentiful supply of foodstuffs was viewed in the same light as that of raw materials and machinery, for it was a condition of low money wages. Few if any countries on the European continent changed their grain policy before the seventeenth century, and many retained it more or less unchanged through the eighteenth century, although a blending of anti-export and anti-import regulations was also very common. The most important continental power, France, was one of the most conservative in this respect. Until the middle of the eighteenth century the old export prohibitions applied in France even to the interprovincial grain trade; with regard to foreign exports the change in attitude came considerably later. It is usually stated that the physiocrats undermined the old system, but it should be noted that in application to agriculture Napoleon accepted it emphatically; only in 1819 did the French grain policy definitely turn against imports instead of exports. The one notable exception to the persistence of pre-protectionism in agriculture was England. Already in the first half of the fifteenth century, before English protection acquired any importance for industry, remarkable official utterances attacked cheap corn, which almost everywhere else was at that time considered a great blessing. England gradually drifted into a policy of high agricultural protection, culminating in an export bounty on wheat established on a firm basis in 1689. Another, although much less important, instance of protection, which laid bare the internal contradictions of the system, was the encouragement to shipping, often detrimental to production for export.

While protectionism did not introduce the use of commercial policy as a weapon of international struggle, it multiplied and intensified the measures taken against the economic welfare of other countries. The prevalent view was that there could be no economic progress except at the expense of another country; and the new policy therefore laid the foundation for the trade and colonial wars which raged with few interruptions from the middle of the seventeenth century to the downfall of Napoleon. On the other hand, the prevalence of smuggling, made possible in part by the general inefficiency and corruption of the official apparatus, limited the practical effectiveness of the system; and the universal eagerness to export prevented the trade wars from interfering to any considerable degree with trade even between belligerents.

Although the thought of protection must naturally occur to those who live under a money economy, that fierce onslaught on protection, laissez faire, succeeded in achieving results which were long of very great importance. The new ideas emerged before the industrial revolution in England had radically affected the structure of society; and up to a point it was the sheer intellectual power and moral force of laissez faire ideas which made people doubt the value of principles followed for many generations. The final victory of free trade in Great Britain, however, was brought about in large part by that country's industrial superiority and owed much to the belief, studiously fostered by the Anti-Corn Law League, that only by admit-

ting foreign corn free of duty was it possible to reap all the benefits of the industrial hegemony of the country.

It was precisely this consideration which paved the way for a revival of protectionist ideas elsewhere. The notable advocates of nineteenth century protection on the continent as well as in the United States were united in their eagerness to ward off British competition by erecting tariff walls; they looked upon British free trade as a means of reducing all other nations to hewers of wood and drawers of water, and upon British sponsorship of international free trade as a Machiavellian trick of kicking down the ladder by which England had reached her supremacy. The only way to attain equal status with Britain was thought to be protection; and British industrial success therefore became one of the principal arguments for the new protection of the nineteenth century.

The really important reason for this new protectionism was the general reaction against the philosophy of laissez faire. Its economic tenets contained little that was new, and its practical methods were but a refinement of the old; but its basic political and social philosophy presented in some elements a direct contrast to much of the earlier thought. To the economics of protectionism the United States made the most notable contributions. In his *Report on Manufactures* (communicated to the House of Representatives December 5, 1791; latest edition in 1913 in 63rd Cong., 1st sess., Senate Document no. 172) Alexander Hamilton supplied an exceptionally able review of the arguments for protection, although he added few original ideas. A century later Simon Patten in his *The Economic Basis of Protection* (Philadelphia 1890) emphasized the dynamic view more strongly than had ever been done before and struck out along new lines in devising arguments for a permanent rather than a transitional system of protection. Neither these writers nor Henry Carey made much impression upon European economic thought as compared with Friedrich List, who had, however, been considerably influenced by his stay in America. Most of the leading protectionist writers merely restated mercantilist arguments, with the one significant difference that they stressed the importance of production more than had been done in the earlier period, when commerce and navigation were in the foreground partly because of the genetic connection between mercantilism and mediaeval town policy.

The social philosophy of the new protectionists merits much more attention. The general social ideas of mercantilism and laissez faire were to a large extent similar, inasmuch as both were based upon the concept of natural law and shared the mechanistic approach. In conscious opposition to the rationalism of the seventeenth and eighteenth centuries, the conservatism and romanticism of the nineteenth looked upon the state, not as a mere aggregate of individuals but as an autonomous entity governed by fundamental and more or less unalterable historical laws rather than by economic considerations affecting individual behavior. This view is most typical of List and constitutes the key to his influence. He was one of the first to construct a series of "stages" of economic evolution. In order that an economy might pass from the "agricultural" stage into the "agricultural-manufacturing" or the "agricultural-manufacturing-commercial"—by that time reached only in Britain—industrial protection appeared to him indispensable; before and after that transition it was pernicious, as agricultural protection always is. His objections to the "school"—the laissez faire economists—cut much deeper when he contended that they were concerned with exchange values instead of productive power and that the power of creating wealth was much more important than wealth itself. It was of course the infant industry argument in another garb; but it served also as the intellectual basis of all modern labor legislation and as such was one of the fundamental ideas of the nineteenth century.

Curiously enough the emergence of List and Carey coincided with the peak of free trade in Europe. At the beginning of the 1840's the British tariff was greatly simplified, and in 1846–49 the British corn laws were abandoned; in 1860 the Cobden-Chevalier treaty between England and France was concluded, and its immediate consequence was the introduction of complete free trade in Britain. It also paved the way for international developments: the great system of commercial treaties created in the 1860's under French leadership brought Europe, especially through the accession of the German Zollverein, nearer to free trade than ever before or since. Almost all the countries of the world, with the exception of the United States and Russia, were profoundly influenced by this movement, and it was felt even by them.

The following decade witnessed the rise of the new protectionism in practise; the turning

point came in 1878–79, when Austria, Germany and Italy went over to protection. The transition was prepared by two important developments: the downfall of Napoleon III, removing an influence which had for various reasons favored liberal ideas in the international field; and the appearance of American agricultural competition, a change at once more profound and swift in its action than the former. Protection thus came to mean agricultural duties in the first place, a situation indicative of the limited influence exercised by protectionist writers, most of whom, and List more than anyone else, had deprecated agricultural protection. It became necessary therefore to work out the principles of a "solidarity system," extending protection to both industry and agriculture; this was obviously an impossible task, for a system of uniform protection for all is theoretically nothing but a complicated and roundabout form of free trade. It is not surprising therefore that the arguments in its favor brought forward by Bismarck in 1878 were not very different from those advanced in England in 1549 for solidarity in export duties: "What reason is it that youe should be at large and I to be restreined? Ether let vs all be restreined together, or els let vs all be at like libertie" (Hales, John, *Discourse of the Common Weal of this Realm of England*, ed. by E. Lamond, Cambridge, Eng. 1893; reprinted 1929, p. 56). In practise of course the solidarity system was decidedly unlike free trade: it was impossible to balance the various duties so as to favor equally even forms of production for the home market; much less could the adverse effect of import duties on the volume of exports be entirely eliminated or distributed. Whatever else it accomplished, the solidarity system therefore impeded international trade; indeed the idea of national self-sufficiency gained more ground in the period preceding the World War than it had under mercantilism. The dominant idea of the new protectionism as of the old was, however, not national autarchy but the restriction of imports simultaneously with an expansion of exports. Far more self-consistent was another motif, especially noticeable in Germany around 1900—the attempt, contrary in spirit to List's teaching, to reverse a trend toward lopsided industrialism. The ideal of a many sided, harmoniously developed, national economy was very old; it had, for instance, a significant place in Hamilton's system. In view of the spectacular expansion of German industry, however, it was now brought to bear in favor of agriculture somewhat on the lines of England under mercantilism. Although, generally speaking, protection never has impressed economists nearly as much as free trade had during the previous period, in Germany a good many of the professional economists, notably Adolf Wagner, upheld this view, defending the *Agrar- und Industriestaat* against the *Industriestaat*; their influence, however, counted for little in the adoption of the new policy.

The factors which brought about a shift in policy were of a different order from those considerations which are supposed to sway the judgment of the academic mind. The more important of the real factors can be observed quite clearly. To begin with, there occurred a change in the balance of the true or assumed interests of various social classes. In this connection must be noted first of all the almost universal absence of an organized consumer opinion. Although the great organizations of labor democracy, the trade unions and the socialist parties, have long adhered to free trade, their attitude has naturally been that of producers, so that their ability and later even their willingness to act as upholders of free trade have not been particularly strong. Agriculturists remained free traders so long as protection was confined to industry; and in general before the 1870's in countries other than Great Britain they had little fear of foreign competition and therefore small inducement to embrace protection. For this reason the rise of American agricultural competition, which converted one of the largest and most influential classes to protectionism, was of outstanding importance to the commercial policy of the European continent. On the other hand, the importance of independent merchants, who as distinct from industrialists were the natural upholders of free trade, diminished steadily from the middle of the nineteenth century. Most interesting of all was the position adopted by the industrialists. That representatives of such trades as stood to gain by specific duties should have asked for them was only to be expected; but that so little was heard from the export industries was surprising. Instead of demanding the abolition of duties which could not fail to damage them, their representatives usually confined themselves to requesting special favors of another kind, if any at all. To some extent this may be explained by the growing feeling of solidarity between business leaders in different branches of industry who wanted to show a united front, especially against labor. But the

question still remains as to why the interests of producers for the home market should always have prevailed among them, even in countries to which industrial exports were of vital importance. The answer appears to be that under a system of money economy the ordinary man, when not influenced by private or sectional interests, is at heart a protectionist. The laissez faire creed, strenuously, uncompromisingly, even intolerantly upheld as the only possible road to economic salvation, seems to have been the only force which could counterbalance this tendency; and when the general ideas of economic liberalism became undermined, free trade went inevitably by the board. It is scarcely fair to inquire whether an intensive and tireless propaganda imbued with the spirit of Cobden and Bright could have stemmed the tide, for the intellectual basis of free trade had ceased to exist.

Another factor in the rise of the new protectionism was the changes which supervened in international political relations. It is generally believed that economic causes have been the most fruitful source of international complications, but in actual fact the sequence has been more commonly reversed. It is international enmity and jealousy which engender the feeling that a competition is intolerable which would otherwise have been considered beneficial. Broadly speaking, the intensification of nationalism before and still more after the World War has led to economic antagonism and thereby to protection, which in its turn has aggravated political belligerency. In addition, protection, like free trade, is to some extent self-propagating. The adoption of protection by one important country induces an immediate reaction in almost all other countries, partly by force of example, but for the most part through the difficulties which it creates for them; and the next step is imitation, which wipes out part of the trade not already destroyed by foreign duties. Besides the reduction of both imports and exports as a result of protection may create for the products which still enter the channels of trade a somewhat more favorable exchange ratio than would have obtained if foreign protection were confronted with free trade; so that even upon theoretical grounds it is not always easy to say whether protection is better fought by free trade or by protection. In such a situation, however, theoretical arguments are quite immaterial, for elemental forces compel a policy of retaliation, of "not taking it lying down," of trying to make other countries see the error of their ways by imitating them. Moreover under widespread protection commercial treaties draw country after country into the system: a free trade country, unable to grant tariff concessions, finds it difficult to secure important reductions in foreign tariffs.

This does not imply that all countries have become protectionist at the same time or to the same extent. Many causes have contributed to such national differences, political factors being perhaps paramount. Causes of an economic character have of course also been operative. Thus countries of a pronounced commercial cast, like the Netherlands and Denmark, have been slow to embrace protection. Partly for the same reason the smaller countries have usually been more interested in free trade than the larger ones. This is one of the few features in the entire history of protection which may be called reasonable; for, *ceteris paribus*, the importance of the home market increases with the size of population, so that a large country may enjoy many of the benefits of free trade without resorting to foreign trade at all. It has been well said that the greatest victory of free trade was the permanent elimination of tariff walls separating the thirteen colonies upon the creation of the United States.

The important developments of the protectionist period between 1878 and 1914 centered around commercial treaties, a whole network of which was erected under the leadership of Germany. The central European treaty system, inaugurated in 1891, reduced somewhat the duties imposed during the preceding decade and thus was to a certain extent free trade in spirit; it was followed, however, by a treaty system based upon the German tariff of 1902, which transformed treaty making into a powerful mechanism for protection. Tariffs were carefully framed so as to restrict what could be given away by treaty. Numerous duties were raised in order to allow at most a return to the old basis as compensation for reductions in the tariffs of other countries; but this was a game which everyone could and did play, with the result that tariffs rose all along the line. The use of maximum or minimum, or general and conventional, duties usually intensified the rise. The most-favored-nation clause, which in the 1860's was regarded as an instrumentality for the extension of free trade, was now so manipulated as to counteract that tendency as much as possible. Tariffs were made more detailed, in order to

prevent reductions accorded to one country from benefiting other parties admitted to the most-favored-nation clause. The same result was sometimes achieved by attaching special conditions to the reductions granted, as in the famous case where it was provided that butter must be made of milk coming from cows grazing at a specified minimum altitude above the sea level in order to prevent lowland countries from profiting by the reduced duty. When the special condition becomes a quota, so that the reduced duty is limited to a stipulated volume of imports, the clause is retained in little more than name. The same is very largely true of the reciprocity condition, by which reductions are extended to third parties only if they offer equivalent compensation.

Besides treaties many other measures were pressed into the service of protection. Railway rates were arranged so as to favor exports, either explicitly or implicitly; in Germany they were even used to shelter the eastern parts of the country from the competition of the western section. Veterinary control of imported meat and pork hampered or shut off their importation. To a very large extent trademark and patent regulations compelled production of the respective articles within the consuming country. Most important were drawbacks, operating as virtual export bounties and often supported by direct bounties. Of these the enormous bounties on beetroot sugar in the countries of continental Europe furnished a very strong stimulus to beetroot cultivation and sugar production but created at the same time one of the most thorny questions of international commercial policy in the 1880's and 1890's, when the opinion was widely held that this system was unfair; the Brussels convention of 1902 abolished many of these bounties.

While on the European continent few countries, apart from Belgium, the Netherlands and Denmark, remained outside the new protectionist movement, Great Britain continued to uphold the principles of free trade. Even here, however, strong influences were at work to reverse a policy of which Britain had been the foremost champion. The abolition of the old colonial system emancipated the British colonies from subservience to the ideal of a self-sufficient empire; but contrary to the hopes of free traders, the self-governing dominions turned increasingly toward protection for their own industries. Although by the end of the nineteenth century imperialism was gaining ground, they gave preference to British manufactures merely by raising the tariffs against imports from other countries. In Britain this move met with sympathetic response in many circles at the same time that foreign competition, especially from Germany, caused much uneasiness and antagonism. The Boer War tended to cement the union between the mother country and the colonies, and in 1903 Joseph Chamberlain called for a return to protective tariffs, including duties on foodstuffs. He based his appeal upon imperialist as well as protectionist arguments of the usual type, but for the time being his campaign was unsuccessful.

In retrospect pre-war protection appears to have been comparatively mild. Prohibitions had disappeared more or less completely, and customs duties were seldom entirely prohibitive. Although it no longer operated in the direction of free trade, the most-favored-nation clause as a rule prevented discrimination against particular countries; so that, despite the multiplicity of important protective measures, trade followed largely the same channels as would have prevailed under free trade.

The World War created a totally different situation. Since it was mainly a trade war, trade entered largely in the consideration of both parties; and since it was waged with unexampled ruthlessness, few measures of coercion in the economic field were left unused. In a sense the World War resembled the continental system of the early nineteenth century, but with one profound difference. The continental system was a trade war on intensely mercantilist or protectionist lines, in which an attempt was made to prevent exports from enemy countries and to "vanquish them by excess" through enforced imports. In the World War, on the other hand, the belligerents were bent upon literally starving their enemies. While "plenty" had been the bugbear of pre-war times, every war government was eagerly attempting to draw supplies to its own country and to stop leakages to enemies or even neutrals. In this respect the policy of the war years was remarkably similar to that of the pre-protectionist or mediaeval period. Export prohibitions became the order of the day; trade agreements granted exports only as a favor in compensation for imports; cargoes were seized on the high seas and unloaded in the ports of belligerents. Under the stress of an exceptional scarcity and an unprecedented rise in prices, both of which yielded enormous profits to business, humanity for a short time returned to the

view that goods are a blessing rather than a curse.

In the post-war period protection has passed far beyond its pre-war level; and since Great Britain's formal adoption of protection in 1931 virtually no country is on a free trade basis. A restrictive policy has finally been developed which has had no counterpart for a century; and almost every conceivable device has been used to check imports and to encourage exports. Import duties have been increased almost without interruption and have been changed without notice; they have been supplemented by a host of other measures—state monopolies of foreign trade, import prohibitions, import quotas and foreign exchange or "clearing house" regulations, which may be used to reduce the funds available for purchases abroad. On the other hand, exports have been encouraged by bounties and state credits. Repeated attempts have been made to remedy the situation through international conferences, but resolutions have proved of no avail; commercial treaties have frequently been made but have seldom been retained. In this period the obstacles to trade have not remained on paper, as was often the case in earlier times; for the increased efficiency of state administration has reduced smuggling to insignificance, and the power of the government over banking and foreign exchange has given it an influence unheard of before the twentieth century. The story of protection ends at the present moment with its victory all along the line, although it is impossible to say how long it will last.

The causes which have brought on post-war protectionism are on the surface. The international political situation has been an important factor. The treaties which ended the war set up a number of new states, each with its own economic vanity, with the result that customs lines were lengthened by 11,000 kilometers. A great country, Russia, broke away from the orbit of the western economic system and instituted a state monopoly of foreign trade as of most other economic activities. Political antagonism between former belligerents long prevented a return to the old forms of intercourse, while reparations and war debts relegated to the background ordinary trade considerations in commerce. Purely economic factors also were influential. All branches of production had flourished in the hothouse atmosphere created by the trade and monetary policies of the war years; an abrupt transition to freedom of trade would have meant short shrift to wartime industries. The drastic decline of prices in 1920 caused new difficulties to industry; and when industry recovered, agriculture was severely hit. The great depression which set in with full force in 1929 affected every branch of economic activity more disastrously than any crisis in the memory of man; and the governments responded by trying whatever was nearest at hand to ease the situation temporarily, without regard for ultimate consequences. The result has been an unprecedented dislocation of international trade.

At present therefore the economic incidence of protectionism is an exceedingly timely topic. While there are numerous studies of the influence of protection on single industries, few attempts have been made to elucidate inductively the effects of a protective system as a whole. One of the few works in this field is that of the Swedish Tariff and Treaties Commission, some of whose conclusions may be of general validity. The study is based upon a comparison of the development of Sweden in the quarter century preceding the World War, under a solidarity system of the usual type with somewhat lower duties than the German one, with that of some of the neighboring countries, especially Denmark, which remained on a free trade basis.

The industrial expansion of Sweden, which in this period had been marked, is to some extent due to protection. This certainly was the cause of the growing preponderance of such industries as were the direct beneficiaries of protective duties. The importation of foodstuffs and manufactures was reduced and that of raw materials increased. Since imported raw materials went in the first place to protected industries they became largely dependent upon imports, while export industries remained on the basis of domestic materials; the connection of this development with commercial policy appears clear. There was a plainly discernible tendency to carry the manufacturing process further toward the finished products stage and toward greater diversification. More industries appear to have been working for the home market than would otherwise have been the case; the size of the market was thus reduced, as a result of both foreign and home protection, and the cost of production was raised. Not a few young industries may be regarded as the offspring of protection; but the number of cases where the infant industry argument has held good, that is, where protection fulfilled its object and became superfluous, was very small.

The conclusions with regard to agriculture are more clear cut. Production of vegetable

foodstuffs was increased in the south of Sweden, while similar districts in Denmark showed a different development; with regard to animal foodstuffs, which were exported and could scarcely profit by protection, the situation was reversed. In this field there can therefore be no reasonable doubt as to the effects of protection versus free trade. In the central portion of the country cereal crops declined, although probably less than they would have under free trade. In money value the total output of agriculture was probably increased less in Sweden than in Denmark, if the same prices are used for both countries; in other words, agriculturists considered both as producers and as consumers appear to have lost more than they gained by protection. It is not at all improbable that the effects of the pre-war solidarity system in other countries were similar.

ELI F. HECKSCHER

See: ECONOMIC POLICY; TARIFF; CUSTOMS DUTIES; INTERNATIONAL TRADE; FREE TRADE; COMMERCIAL TREATIES; MERCANTILISM; IMPERIALISM; NATIONALISM; COLONIES; COLONIAL SYSTEM; COLONIAL ECONOMIC POLICY; MERCHANT MARINE; AGRICULTURAL POLICY; FOOD SUPPLY; CORN LAWS; SUGAR; EMBARGO; EXPORT DUTIES; EXPORT CREDITS; EXPORT ASSOCIATIONS; CHARTERED COMPANIES; DRAWBACK; BOUNTIES; SMUGGLING.

Consult: Grunzel, J., *Economic Protectionism*, ed. by E. von Philippovich (Oxford 1916); Gregory, T. E. G., *Tariffs, a Study in Method*, London School of Economics and Political Science, Studies in Economics and Political Science, no. lxii (London 1921); Morini-Comby, J., *Mercantilisme et protectionnisme* (Paris 1930); Heckscher, Eli F., *Merkantilismen*, 2 vols. (Stockholm 1931), tr. into German by Gerhard Mackenroth, 2 vols. (Jena 1932) vol. ii, pt. iii; Ashley, Percy, *Modern Tariff History* (3rd ed. London 1920); Bosanquet, Helen, *Free Trade and Peace in the Nineteenth Century*, Institut Nobel Norvégien, Publications, vol. vi (Christiania 1924); Verein für Sozialpolitik, *Die Handelspolitik der wichtigeren Kulturstaaten in den letzten Jahrzehnten*, 4 vols., Schriften, nos. xlix-li, lvii (Leipsic 1892–93), *Beiträge zur neuesten Handelspolitik Deutschlands*, 3 vols., Schriften, nos. xc–xcii (Leipsic 1900–01), *Beiträge zur neuesten Handelspolitik Österreichs*, Schriften, no. xciii (Leipsic 1901), and *Neue Grundlagen der Handelspolitik*, 3 vols., Schriften, no. clxxi (Leipsic 1925–26); Taussig, F. W., *The Tariff History of the United States* (8th ed. New York 1931), and *Some Aspects of the Tariff Question*, Harvard Economic Studies, no. xii (3rd ed. Cambridge, Mass. 1931); Sweden, Tull- och Traktatkommittén, *Betänkande angående tullsystemets verkningar i Sverige före Världskriget* (Report on the effects of tariffs in Sweden before the World War), 2 vols., Utredningar och Betänkanden, no. xxxvi (Stockholm 1924).

PROTECTION, DIPLOMATIC. *See* DIPLOMATIC PROTECTION.

PROTECTORATE. A protectorate is said to exist when one state, by treaty, surrenders to a stronger state a considerable measure of the control of its foreign relations or a right of intervention in its domestic affairs in return for guaranty of protection. Actually the term is less a description of a status than a category for classifying a number of anomalous international relationships, and it has even been applied to some which are not governed by international law at all. The classic protectorate is conceived to be an international personality standing somewhere between the fully sovereign state, supposedly unrestricted in the control of its foreign and domestic affairs, and the vassal state, which is hardly more than an autonomous province with some vestige of international relations. In practise a neat differentiation is impossible and the term has been employed to cover the situation of a multitude of diverse communities, from Cuba to Kelantan.

Analogies to the modern protectorate have been sought in the alliances concluded by the Romans, particularly in the type called *foedus iniquum*. The terms of these *foedera* varied considerably, those with the *civitates foederatae* (Marseille, Utica and Rhodes among others) being closest to the modern protectorate. The subordinate states lost all control over foreign affairs, but they were exempt from the jurisdiction of the Roman provincial governor and retained their language and internal administration. In return they agreed to furnish war vessels to Rome. The first recognizable protectorates, however, are to be found in the fourteenth century of the present era. The feudal institution of suzerain and vassal influenced to some extent the legal form of these early protectorates. There was a tendency to confuse the ruler who held his lands of another with the state under protection, as in the case of the relationship between Genoa and France established in 1395, wherein France regarded itself as suzerain and Genoa as partner in an unequal alliance. Yet almost from the beginning a fairly clear distinction between the feudal relationship of suzerainty and the international relationship of protection is apparent. A small state, believing its independence to be in danger, would seek the protection of a larger state. The latter would extend it by granting "letters of protection," sometimes in exchange for a guaranty of military support, as in the case of Florence and Monaco in 1424; sometimes without any expressed consideration, as in the case of Venice and the

Republic of Pogglizza in Dalmatia in 1444. This type of protectorate was not considered as infringing in any way upon the sovereignty of the protected state. It was regarded as a relationship of alliance rather than of subordination.

With the rise of the system of national states the institution of protectorate underwent considerable change. Beginning in the sixteenth century it was used by France as a preliminary to annexation. Treaties of protection were made by France with Cambrai, Metz, Toul and Verdun in 1551, the Duchy of Bouillon in 1606, Colmar in 1635 and Strasbourg in 1681; and all of these places were later absorbed into the kingdom of France. More widespread was the use of the protectorate as an important instrument in the politics of the European balance of power. Louis XIV employed it frequently, concluding treaties of protection with Transylvania in 1643, Württemberg in 1644, Modena in 1647 and Hamburg and Mecklenburg in 1663. It came into especial favor during the Napoleonic wars. Among the protectorates which were made and unmade were those of France over Genoa in 1797; of the French, Italian and Helvetic republics over Valais in 1802; of Prussia and Saxony over Danzig in 1807; of France over the Swiss Confederation in 1803; of France over the Confederation of the Rhine in 1806.

The treaties concluding the Napoleonic wars produced the two most interesting examples of the role played by protectorates in maintaining the balance of power. In order to prevent Austria from securing complete control of the Adriatic, the Ionian Islands were placed under the protection of Great Britain. The protectorate was terminated when Great Britain ceded the islands to Greece in 1863. A quarrel between Prussia, Austria and Russia over the possession of the city of Cracow was also solved by the creation of an independent Republic of Cracow under the protection of these three states; in 1846 the republic was annexed by Austria. One more example of the establishment of a protectorate in the interest of the European balance of power occurred in 1878 when the independent principality of Montenegro was placed under the protection of Austria in order to withdraw it from the influence of Russia.

These were the last true protectorates to be established in Europe. The unification of Italy and Germany eliminated almost all of the very small European states. The smaller states which were left had consolidated their territories; and where it was necessary to protect them either for their own sake or for the sake of the balance of power, the institution of neutralization was resorted to. Switzerland, Belgium and Luxemburg were placed under this regime at various times during the nineteenth century. These states retained the fullest degree of external and internal independence and in addition enjoyed an international guaranty against invasion.

The break up of the Ottoman Empire brought about a new development. Various provinces in the Balkans revolted, were granted autonomy and were placed under the protection of one or more states. These situations were altogether anomalous. The provinces were nominally a part of Turkey and yet were protected by other powers. The provinces of Moldavia and Wallachia achieved this sort of status under the protection of Russia in 1829, were placed under international protection in 1856 and became the independent state of Rumania in 1878. Serbia was placed under international protection in 1856 and achieved independence in 1878. Equally anomalous were the situations in Egypt and Bulgaria; these were made vassal states under the suzerainty of the sultan, the former in 1840 and the latter in 1878. Whether either of them could be considered as international personalities was long a matter of dispute, but there could be no doubt that both possessed more attributes of sovereignty than many so-called protectorates.

In European politics the protectorate was generally a compromise measure and a stage on the road either to independence or to annexation. The game for the maintenance of the balance of power led to the invention of new devices for compromise. The World War produced only a single bit of European territory which could be regarded as a protectorate, the Free City of Danzig. The constitution of the Free City is under the protection of the League of Nations, but its foreign relations are conducted by Poland—a unique division of two of the usual characteristics of the protectorate. There remains but one state in Europe which can be definitely called a protectorate, the Republic of San Marino under the protection of Italy. Two others are sometimes put in that category: Andorra, a curious survival of the Middle Ages, a feudal fief rather than a state, controlled by two co-seigniors, the bishop of Urgel on behalf of Spain and the prefect of Pyrénées-Orientales on behalf of France; and the principality of Monaco.

But while the institution of protectorate

languished in Europe, it flourished in other parts of the world. The experience of the British in India and the Dutch in the East Indies showed it to be an excellent substitute for military action and occupation in furthering imperialistic aims. Well into the twentieth century the subjugation of vast areas in Asia and Africa proceeded by this means. Military action insufficient to effect a complete conquest was often enough to force a native ruler into concluding a treaty of protection. The danger of interference with the protected country by another European state was obviated by the assumption by the protector of the control of the foreign relations of the weaker country. At the same time a measure of control over its domestic affairs was assured by the appointment of a "resident," or "adviser." This was the course taken with scores of oriental states—Oman, Nepal, Annam, Tonkin, Morocco, Zanzibar and many others. Inevitably these protectorates degenerated further and further toward the condition of annexed territories. The outstanding exception is Egypt, which became a British protectorate in 1914 and achieved substantial independence in 1922.

This use of the protectorate as a stage on the road to annexation was so effective that it tended to develop into habit. When the interior of Africa was opened up European states made treaties of "protection" with primitive tribes which were not states in any sense of the term. In the beginning these so-called colonial protectorates were intended to furnish an inchoate title to the region prior to effective occupation. This purpose is clearly reflected in the French term *occupation en protectorat*. Often areas inhabited by tribes under protectorate were designated as "spheres of influence" by treaties with other states. But even after occupation had taken place, the form of the protectorate sometimes continued to linger on in fictional guise. This occurred particularly in the French and German colonies, where the resulting status was known as an "administrative protectorate." Its announced purpose was to permit autonomy to the indigenous inhabitants. In reality it was used in cases where the benefits derived from a territory would not compensate the mother country for the costs of administration. The British colonial protectorates of Uganda and Nigeria possess no internal autonomy and are subject to the legislative power of the crown in Council under the Foreign Jurisdiction Act, 1890. It has been stated that one advantage of maintaining the form of protectorate in these cases is that the mother country would not bear any responsibility under international law for the acts of persons residing in the territory. Since a colonial protectorate cannot be considered as an international person, this contention cannot be true. Perhaps the one reason for the survival of the British colonial protectorates is that annexation might result in the automatic application of certain British statutes which the Colonial Office would not care to see applied in these territories.

In America the protectorate has appeared in much more subtle guise and stripped of its traditional name. The Monroe Doctrine created a situation approximating the mediaeval type of protectorate, but by unilateral declaration instead of by treaty. The motivating force was fear of annexation by other powers. In the present century the United States has concluded treaties with several Central American states, and particularly with Cuba and Haiti, which many European writers have regarded as virtually establishing protectorates. In these cases the motive was neither fear of absorption by other powers nor the desire to proceed to annexation. The intention was to furnish a protection for invested capital and thus to further economic rather than political imperialism. It was enough therefore to impose a very small measure of restriction over the conduct of foreign affairs and internal administration by the weaker state.

The details of the various types of protectorate relationships may be best considered in three typical cases: a true protectorate, Morocco; a border line case between protectorate and colony, Kelantan; and a quasi-protectorate, Cuba.

By a treaty of March 30, 1912, a French protectorate was organized in Morocco, excluding the Spanish zone and Tangier. The French government possesses the right to maintain military forces in Morocco. It is represented by a resident general who is the sole intermediary of the sultan in relations with foreign states. The sultan undertakes not to conclude any treaties without the consent of the French government. French diplomatic agents and consuls are charged with the representation and protection of the subjects and interests of Morocco in foreign countries. The sultan may not contract any loan or grant any concession without the authorization of France.

The state of Kelantan in the Malay Peninsula is bound to Great Britain by an agreement establishing a regime denominated a protectorate but with greater limitations on its freedom of

action than exist in the case of Morocco. Under this agreement the British government may appoint advisers, whose advice the rajah of Kelantan must follow in all matters of administration other than those touching the Moslem religion and Malay custom. No officials other than natives may be appointed without the consent of the British government. The latter undertakes not to interfere with the internal administration of Kelantan "so long as nothing is done in that State contrary to the treaty rights and obligations that His Majesty's Government have with foreign Governments and so long as peace and order are maintained in the State of Kelantan, and it is governed for the benefit of its inhabitants with moderation, justice and humanity." The House of Lords has held that Kelantan is a sovereign state and cannot be sued in a British court without its consent [Duff Development Co. *v.* Government of Kelantan (1924) A. C. 797]. Several of the Law Lords expressed the opinion that they would not consider Kelantan a sovereign state but felt that they were precluded by a statement from the Colonial Office to the effect that the government recognized it as such.

Cuba is unquestionably a sovereign state, yet certain provisions of its treaty with the United States have led some writers to class it as a protectorate. Cuba may not enter into a treaty which impairs or tends to impair its independence. It may not contract any public debt for the payment of which its revenues are insufficient. The United States may intervene to preserve Cuban independence or to maintain a government adequate for the protection of life, property and individual liberty.

The essential characteristic of the true protectorate is that it is a relation under international law. As expressed by the Permanent Court of International Justice: "The extent of the powers of a protecting state in the territory of a protected state depends, first, upon the treaties between the protecting state and the protected state establishing the protectorate, and, secondly, upon the conditions under which the protectorate has been recognized by third powers as against whom there is an intention to rely on the provisions of these treaties" (*Publications of the Court*, Series B, no. 4, p. 27). The powers may be so extensive that the treaty of protection will be the death warrant of the international personality of the protected state. If, however, this international personality continues to subsist, certain legal consequences will result. The protected state will not necessarily become a belligerent in a war between the protecting state and a third state [The Ionian Ships (1855), 2 Spinks 212]. Treaties concluded by the protecting state will not become applicable to the protected state unless especially made so. Even where the diplomatic relations of the protected state are carried on by its protector, the former will often grant the exequatur to foreign consuls. Nationals of the protected state do not possess the nationality of the protecting state.

Internally the protected state usually retains a fairly complete measure of autonomy. The most usual restriction is against contracting debts without the consent of the protecting state. Control over the appointment of administrative officers is often exercised in order to prevent the appointment of nationals of other states. Interference with cultural autonomy is rare. The revenues of the protected state do not flow into the treasury of the protector. Tribute has disappeared. But an important device for economic domination is found in the customary provision requiring the consent of the protecting state to any grants of concessions. By this means the latter is enabled to reserve the exploitation of natural resources for its own nationals.

Despite its recent use as an instrument of imperialistic expansion, the protectorate has at times fulfilled a useful purpose. In earlier times it often tended to preserve the independence of small states. The continued existence of Monaco is perhaps the best example. Often it has served for a time to effect a compromise of the conflicting claims of larger states. When brought about by such a situation, however, the relationship has proved particularly unstable, since, when some means of satisfying the claims on one side have been found, the protectorate has given way to annexation, as in the case of the Republic of Cracow. The protectorate has been especially valuable in furnishing the subject races of the Ottoman Empire with a means of transition towards independence. Even where protectorates have been set up as a form of annexation, as in Asia and Africa, the legal form has helped in some measure to preserve the cultural autonomy of the native populations.

Nevertheless, the protectorate seems destined to disappear. In Asia and Africa it has found a rival in the mandates system. In Europe it may still be revived as a solution of the minorities problem. The creation of a number of small states, Eastern Galicia, the Polish Corridor, Vilna, under the protection of the League of

Nations might be envisaged, although the example of the turbulent history of the Free City of Danzig would seem to discourage such action. Economic imperialism may perhaps continue to use the quasi-protectorate as an instrument of expansion.

A. H. FELLER

See: IMPERIALISM; BACKWARD COUNTRIES; COLONIES; COLONIAL ADMINISTRATION; INTERNATIONAL ADVISERS; INTERVENTION; MONROE DOCTRINE; ANNEXATION; SPHERES OF INFLUENCE; SOVEREIGNTY.

Consult: Bornhak, Conrad, *Einseitige Abhängigkeitsverhältnisse unter den modernen Staaten*, Staats- und völkerrechtliche Abhandlungen, no. 5 (Leipsic 1896); Engelhardt, Édouard, *Les protectorats anciens et modernes* (Paris 1896); Boghitchévitch, M., *Halbsouveränität* (Berlin 1903); Willoughby, W. W., and Fenwick, C. G., *Types of Restricted Sovereignty and of Colonial Autonomy* (Washington 1919); Fenwick, C. G., *Wardship in International Law* (Washington 1919); Heilborn, Paul, *Das völkerrechtliche Protektorat* (Berlin 1891); Sirmagieff, H. G., *De la tradition, de ses conditions et de ses effets . . . de la situation des états mi-souverains* (Paris 1889); Fiore, Pasquale, *Nel protettorato coloniale e delle sfere d'influenza* (Naples 1906); Fedozzi, Prospero, *Saggio sul protettorato* (Venice 1897); Gairal, François, *Le protectorat international* (Paris 1896); Hachenburger, Marcel, *De la nature juridique du protectorat* (Paris 1896); Despagnet, F. C. R., *Essai sur les protectorats* (Paris 1896); Pischel, Richard, *Der Begriff der Suzeränität* (Greifswald 1897); Stubbs, Charles, *Suzerainty* (London 1882); Baty, T., "Protectorates and Mandates" in *British Year Book of International Law*, vol. ii (London 1921) p. 109–21; Rutherford, G. W., "Spheres of Influence; an Aspect of Semi-Suzerainty" in *American Journal of International Law*, vol. xx (1926) 300–25; Hershey, A. S., *The Essentials of International Public Law and Organization* (rev. ed. New York 1927) p. 182–98 and bibliography.

PROTESTANTISM. While the term Protestantism is derived from the protest lodged by a group of German princes and cities against an edict of the Diet of Speyer (1529), it is generally used to designate all the religious movements and organizations in the West which reject the authority of the Roman Catholic church. It includes movements as widely divergent in time as Lollardry and American Unitarianism and as divergent in character as orthodox Lutheranism and Quakerism. A positive characteristic common to all Protestant churches is difficult to define. They possess no common doctrinal basis, although the tenets of the sole authority of the "word of God" and of "justification by faith" were widely held by early Protestants and although reliance upon the Scriptures as "the sole guide of faith and practice" continues to characterize the major part of the movement. In the sphere of practise simplicity of worship, the right of private judgment in matters of belief and conscience and the principle of voluntary association are, despite significant exceptions, general features of Protestantism.

From the point of view of social history Protestantism may be defined as the religious phase of modern, western civilization. In its interrelation and interaction with other elements and forces in that civilization it appears both as a conservative and as a creative factor—conservative in its transmission of traditional modes of thought, conduct and social organization; creative in its liberation of human interests and in its provision of a dynamic sense of reality and life. It appears both as the product of other social movements, such as nationalism, individualism, democracy and capitalism, and as one of the sources of these movements.

The various types of Protestantism exhibit the conservative and dynamic, the passive and productive aspects in different degrees. Three main types may be distinguished despite the division of the movement into hundreds of denominations. In the institutional type represented by Lutheranism and Anglicanism the religious community is regarded as coextensive with the natural, family, racial or national group; the church has institutional character as the divinely established guardian and teacher of the faith and administrator of the sacraments, and it is subject to political control. In the sectarian type, represented in an extreme form by the early Anabaptists and Quakers but also by later Baptists, Independents and Congregationalists, the church is a voluntary association of believers, separated from the state, subject to democratic majority rule in matters of faith and practise and devoid of sacramental character. The Calvinist type exhibits some of the features of each of the others. It also conceives of the church as coextensive with the natural community but does not readily yield control of the church to the state; in its internal organization it makes some concessions to the democratic principle but subordinates the local congregation to the institution and the laity to the clergy. In later Protestantism the types are no longer so sharply defined as in the earlier years, since the democratic movement and the separation of church and state under political auspices have forced many institutional churches to approximate the sect type, while the growth of tradition and social habits has given the sects a somewhat institutional character.

The institutional Protestant churches have in general played a conservative role in western civilization. Lutheranism and Anglicanism intended to reform the Roman church, not to supplant it with a new type of Christianity, while Calvinism was only slightly more radical. The Protestant state churches of German and Swiss principalities and cities, of England, Scotland, New England, the Netherlands and the Scandinavian countries not only maintained the fundamental Catholic doctrines of the Trinity and of the deity and dual nature of Christ but also required the adherence of all citizens to these and to the additional Protestant tenets, as set forth by them. They invoked the civil power to secure theological and moral conformity and applied the principle of toleration only in so far as the tactics of their conflicts with Catholicism and sectarianism made it serviceable or in so far as they were forced to accept it as a result of that conflict. In the economic sphere institutional Protestantism was no less conservative, seeking to perpetuate moral, ecclesiastical and political control of commerce and industry. Variations of policy were due less to differences in fundamental attitude than to differences in the relation of the churches to the civil powers and in the economic character of the societies with which they dealt. Thus Lutheranism, which was more dependent than Catholicism on the state and which flourished in predominantly agricultural countries, committed the control of the economic life more completely to the state than did Calvinism, brought less pressure to bear on the state to secure this control and adjusted its own theories of economic and political morality more slowly to the interests of commercial and industrial classes. Yet in the case of Calvinism, no less than in that of Lutheranism and Anglicanism, Protestantism functioned as the medium through which the authority of the Catholic church was transferred to the state rather than as an agency through which the principle of collective authority was destroyed. While the process varied greatly in different areas, the results were similar.

In their later phases these institutional and semi-institutional types of Protestantism have exhibited the conservatism characteristic of established religions in general. As the religious functions of certain national cultures they have supported the authority of the prevailing governments, the rights of the dominant classes and the current social standards. Their resistance to political innovation is illustrated by the Anglicans and Presbyterians in seventeenth century England, by the New England Puritans in Jeffersonian America and by the Lutherans in republican Germany. They enforced the duty of obedience to the laws and to accepted moral standards through the addition of religious sanctions, as in the cases of the oath, the practise of slavery and the mores of national war.

At the same time institutional Protestantism, particularly the Calvinist type, has exhibited dynamic and innovative as well as conservative characteristics. In spite of its desire to do no more than reform the mediaeval church system it went far toward destroying the effectiveness of that system in the northern countries of Europe by its rejection of the papacy and of the authority of tradition. As a result economic, political and religious interests which had been held in check not only by external ecclesiastical authority but also by traditional modes of thought and religiously sanctioned customs were liberated. Furthermore the exigencies of conflict compelled institutional Protestantism to place greater emphasis upon the right of private judgment than was strictly consistent with its fundamental attitude and thus to open the door not only to sectarianism but to those secularistic movements which repudiated Biblical as well as ecclesiastical authority. Having rejected a part of the traditional system of thought and conduct Protestantism was unable to halt further disintegration.

Many of the radical effects of the Reformation which are ascribed to Calvinism are in reality due to the sectarian movement, either directly or through its influence upon the Calvinist churches in the Anglo-Saxon countries. Whereas the innovations effected by the institutional and semi-institutional churches constituted in the main a relaxation of older restrictions and a simplification of the system of collective control, the movement initiated by the sects was positive and dynamic. Freedom of the individual conscience, separation of church and state, elimination of direct or indirect church control of the social life, rejection of all but Biblical authority and free interpretation of the Bible under the guidance of the "spirit" or the "inner light" became not merely devices of social strategy but genuine expressions of an individualistic, anti-authoritarian temper. This temper may have been an outgrowth of the situation of the groups in which sectarianism arose, for these were largely lower class, had little hope of achieving political power and were profoundly suspicious

of all collective authority; but at the same time it was cultivated by the revival of the "inner life" which had manifested itself first in Catholic mysticism and had affected the Lutheran and Calvinist Reformation. Sectarianism was revolutionary rather than reformatory in character. It sought to destroy hierarchical organization and clerical authority in the church, to practise complete equality and democracy in the religious community and to substitute individual experience for collective creeds. Although its primary interest lay in the liberation of the religious life, it undertook, as Anabaptism upon the continent and as Independency in England, to reconstruct the state, largely for the sake of this interest but also under the impetus of millenarian expectations. It was quickly crushed in central Europe, surviving only in the pacifist Mennonite movement, but it developed great strength in England, where it deeply influenced habits of thought and reasserted itself after the Restoration in non-political forms, particularly in Quakerism. In the greatly modified form of Pietism and Methodism the sectarian tendency exerted influence upon the social thought of most of the Protestant countries. In America both the earlier and the later sectarian development came to be even more decisive in molding the religious life and organization and, indirectly, the political modes of thought. This was due to the character of the immigration, to the mode of settlement in small, independent units, to the continued influence of frontier conditions and to the separation of church and state which both sectarianism and the democratic movement demanded, and which forced even institutional churches to adopt semisectarian organization.

Despite its conservative continuation of Catholic dogma and mediaeval conceptions of heaven and hell, Protestantism in all its branches has tended to call forth or reenforce the modern concentration upon this-worldly values. The doctrine of justification by faith centered attention upon the present anticipation of future salvation, while the belief in predestination and election released men from the sense of pressing yet unfulfillable demands made for the sake of remote goals. In later Pietism and evangelicalism the immediate experience of salvation was emphasized, while in the revolutionary and mystical sects the hope of impending social as well as personal transformation of life was central. Furthermore the Protestant tendency to abolish peculiarly religious callings and to recognize all worthy labor as divine vocation lent new significance to economic and other mundane pursuits. Common to all Protestants, this tendency was again most pronounced in the sects and least developed in the institutional type. A further positive element contributed by Protestantism to the break up of mediaeval and the rise of modern modes of thought was due to its concentration of interest upon the Scriptures and the consequent substitution of Hebrew views of the dynamic character of history and reality for static mediaevalistic conceptions, which had been derived largely from Hellenism. The Biblical conceptions of history as a progressive movement from creation to final redemption and of God as dynamic will rather than eternal perfection merged with other influences tending in the same direction to create modern attitudes of thought and to stimulate in Protestantism itself a zeal for the fulfilment of the divine will in time. These conceptions were doubtless more effective in Calvinism and sectarianism than in Lutheranism and Anglicanism and were partly responsible for the greater activity of the former.

The interaction of this religious phase of modern culture with other social tendencies within the modern period presents the mixed pattern observable in all similar situations. On the one hand, Protestantism appears as a function of the rising national state, which in establishing its autonomy through the rejection of papal and imperial claims required, first, the separation of the national churches from the Roman authority and, secondly, the subjection of the separated church to the state. This result, however, was gained partially in France without so complete a separation from Rome as would justify the application of the term Protestant to the Gallican church; while in the case of the Anglican church the aptness of the term remains a matter of dispute. Yet the Protestantism of Germany, the Netherlands and Scotland as well as of the Swiss cities was greatly encouraged by the rise of nationalism and was determined in its organization and character largely by the feudal or bourgeois interests which held the leadership in the state. On the other hand, the Protestant spirit played no small part in encouraging nationalism, partly through the influence of Old Testament conceptions of the chosen people, transferred from the Jews to the Christian nations, and partly through the fact that it supplied the national community with a sense of mission, as the democratic dogma was later to do.

The relation of the Protestant movement to

democracy is also highly complex. The institutional Protestantism of Lutheranism and Anglicanism has on the whole been inimical to democratic movements and has allied itself from the beginning with the remnants of the feudal order. Semi-institutional Calvinism was prevented from going far in the direction of democracy by its attitude of suspicion of the natural man and by its alliance in the countries of its origin with the middle, commercial classes. But in those regions in which the civil authority was favorable to Catholicism it supported popular revolts, and both its class character and its doctrine of original sin made it favorable to aristocratic or mixed aristocratic-democratic government, since in Calvin's words "the vice or imperfection of men renders it safer and more tolerable for the government of men to be in the hands of many." It was this attitude in Calvinism which led Lord Bryce to regard the Constitution of the United States, with its system of checks and balances, as largely a product of Puritanism. Both of these types of Protestantism tended, however, to resist democratic ideas based upon the conviction of the goodness and the innate rights of the natural man. Sectarianism, on the other hand, not only cooperated with the democratic movement but prepared for it to no small extent, as has previously been pointed out. It was partly responsible for the form which the democratic movement took in the Anglo-Saxon countries, in which no violent explosions like the French Revolution were necessary and in which a less rationalistic spirit than was evident in France guided the development of democratic institutions. As a result of the success of the democratic movement the institutional churches were forced to make major adjustments in polity and mode of support, while the sects were able to maintain their original form of organization.

The relation between capitalism and Protestantism is subject to diverse interpretation. The geographical, social and historical coincidence of the religious and the economic movements indicates a relationship in which, with the Marxians, the economic may be regarded as the dominant force or, with Max Weber and his followers, the religious may be assigned the creative role. From one aspect it appears that institutional Protestantism was slow to relax the mediaeval restrictions on commerce, trade and banking and that it was allied with great agrarian interests. Its attitude toward the new capitalism was only slightly less favorable than that of mediaeval Catholicism. Yet when the commercial interests and the middle classes became the ruling groups in the state, it was forced to make its adjustment to them, and from the beginning it gave them as much liberty as its general principle of resigning all political and economic control to the state allowed. Calvinism, however, was not only interested in preserving moral and social control of the economic life but was far more aggressive in promoting direct and political measures for the exercise of that control. Yet indirectly it furthered capitalism by encouraging attitudes and practises which promoted capitalist development. The concept of secular calling as divine vocation encouraged business men to pursue their work without the inhibitions created by the view of commerce as inherently sinful and with a sense of divine and human approval. The practise of "intramundane asceticism," in Weber's phrase, prohibited luxuries and self-indulgence while calling for diligence and so promoted the accumulation of capital. The Old Testament doctrine of prosperity as the reward of virtue made commercial success an index of righteousness and poverty a probable badge of vice. Yet Calvinism with the aid of these doctrines and practises could at best produce the small capitalism of the petty bourgeoisie; the high development of modern capitalism must be traced to other sources, connected so far as the history of thought is concerned with the Renaissance and the Enlightenment. Under the influence of this capitalism Calvinism itself has been modified, yielding in Geneva to the demands of the commercial groups for the relaxation of restrictions on interest and in England to the demand that the clergy be excluded from meddling in civil affairs. Sectarianism, arising in lower economic groups, was in general more favorable to the development of capitalism than either of the other types, preparing for the rise of the principle of laissez faire by its consistent demand for the separation of church and state, for the elimination of all ecclesiastical influence in non-religious matters, and, more positively, by its espousal of the right of private judgment and of the authority of the individual conscience. Modern capitalism, which like democracy has been most highly furthered by eighteenth century rationalism, is associated more definitely with those elements of Protestantism which have also come under the influence of that rationalism; while Protestantism remains divided in its attitude toward this development, following the lines of class cleavage in its organization and its social ethics. In the United States Protestantism,

still rural to a large extent, is in general a middle class religion; this fact is doubtless traceable in part to its character, which in turn has been modified by its middle class leadership. The history of American immigration must also be held partly responsible for the situation.

H. RICHARD NIEBUHR

See: RELIGIOUS INSTITUTIONS; REFORMATION; SECTS; PURITANISM; QUAKERS; SOCIAL CHRISTIANITY; CAPITALISM; COMMERCIALISM; BOURGEOISIE; INDIVIDUALISM; DEMOCRACY; NATIONALISM; STATE.

Consult: Troeltsch, Ernst, *Die Bedeutung des Protestantismus für die Entstehung der modernen Welt* (2nd rev. ed. Munich 1911), tr. by W. Montgomery as *Protestantism and Progress* (London 1912), *Die Soziallehren der christlichen Kirchen und Gruppen*, Gesammelte Schriften, 4 vols. (Tübingen 1912–25) vol. i, tr. by Olive Wyon, 2 vols. (London 1931), and *Protestantisches Christentum und Kirche in der Neuzeit*, Die Kultur der Gegenwart, ed. by Paul Hinneberg, pt. i, sect. iv, vol. i (2nd ed. Berlin 1909) p. 431–755; Acton, J. E. E. D., *The History of Freedom, and Other Essays*, ed. by J. N. Figgis and R. V. Laurence (London 1907); Weber, Max, *Die protestantische Ethik und der Geist des Kapitalismus*, Gesammelte Aufsätze zur Religionssoziologie, 3 vols. (2nd ed. Tübingen 1922–23) vol. i, tr. by T. Parsons (London 1930); Tawney, R. H., *Religion and the Rise of Capitalism* (London 1926); Gooch, G. P., *English Democratic Ideas in the Seventeenth Century* (2nd ed. by H. J. Laski, Cambridge, Eng. 1927); Hall, Thomas Cuming, *The Religious Background of American Culture* (Boston 1930)

PROUDHON, PIERRE JOSEPH (1809–65), French socialist leader. The son of a Besançon cooper, Proudhon is one of the few French socialists of genuinely plebeian origin. Through a scholarship from a local fund, the *pension Suard*, he was enabled to continue his studies after graduating from the *lycée*; but in accepting this aid he vowed that he would remain faithful to the cause of those whom he called his brothers and comrades.

His pamphlet entitled *Qu'est-ce que la propriété?*, which was published in Paris in 1840 (tr. by B. R. Tucker, Princeton, Mass. 1876), created a sensation. It was here that he declared that "property is theft" and that it was from any point of view "impossible." This declaration won him the hatred of bourgeois society and at the same time the admiration of the young revolutionaries who were then flocking to Paris, among them Karl Marx. Soon, however, Proudhon discovered that communism was repulsive to him, and in his *Système des contradictions économiques, ou philosophie de la misère* (2 vols., Paris 1846) he sought to find a middle course between the socialist theories and the theories of classical economics. His solution might be called that of a "mutualist bookkeeper," seeking the road to utopia through the organization of free credit and equitable exchange. When the Revolution of 1848 broke out, Proudhon was chosen deputy and tried to start a "people's bank" as a way of realizing his scheme of free credit. He protested against the attempts of Louis Blanc to put the power of the state, acting through decrees, at the service of the working class.

What Proudhon feared above all was any meddling on the part of the state, even on the part of a democratic state; he was fundamentally antipathetic to the principle of authority. This explains the violent struggle he waged against the church—the school of obedience—in *De la justice dans la révolution et dans l'église* (3 vols., Paris 1858). Following the eighteenth century *philosophes* Proudhon showed how religion, by misusing the spirit of transcendental idealism, had prevented the producers of wealth from organizing justice on the earth.

Proudhon was, however, very much devoted to the institution of the family, being closer on this point to Bonald and to Auguste Comte than to Fourier or Enfantin. He believed that this institution was necessary for the rearing of just and honest citizens, who would in turn be able to organize equitable relations of exchange between groups of producers. He was thus sympathetic to the doctrine of federalism. "The twentieth century," he declared, "will open the era of federations." Proudhon's individualistic trend is surprisingly enough linked up with a sociological approach. He lists among his discoveries what he calls "the metaphysics of the group," which involves the idea that collective force is something more than the sum of the individual forces. Similarly, impersonal reason, which finds its field in history, may, according to him, proceed along paths which are accessible only with difficulty to individual reason.

Proudhon's paradoxical position in the history of sociology may be summed up thus: he forced collective reason to consecrate personal rights and assigned to the community the goal of protecting individual equality.

Toward the end of his life, upon the refusal of a group of workers to make common cause with the bourgeois candidates of the republican opposition and their justification of this secession in the *Manifeste des 60*, Proudhon believed that this group would be torchbearer of the idea which was so dear to him, mutualism. It was

then that he wrote his *De la capacité politique des classes ouvrières*, which was published in 1865 a few months after his death. It was especially through this book that Proudhon exercised an influence upon the French workers who took part in the first meetings of the International. Here they defended his solutions, which aimed at the organization of free credit and equality of exchange without the intervention of the state and without the dictatorship of the proletariat. These Proudhonian formulae were completely opposed to those which Karl Marx sought to have adopted. And it was Marx, who had at first admired in Proudhon the enemy of property, who later applied himself to demolishing Proudhon's prestige and counteracting his influence.

In the socialist parties after 1870 the influence of Proudhon seemed to have been totally eclipsed by that of Marx. But when Marxism itself was subjected to a revisionist criticism and the question began to be asked whether the dictatorship of the proletariat or the omnipotence of a class state could truly solve all economic problems, many remembered Proudhon and the federalist solutions which he had put forward. Thus French syndicalism under the leadership of Fernand Pelloutier, author of the *Histoire des bourses du travail* (Paris 1902, new ed. 1921), often fell back upon the traditions of Proudhon in order to shake loose from Guesdism and to defend the autonomy of the syndicalist movement. Also the theoreticians of revolutionary syndicalism, who are opposed to all compromise, often invoke *De la capacité politique des classes ouvrières* or even *La guerre et la paix* (2 vols., Brussels 1861) to justify appeals to violence, which are necessary, according to them, in order to burn the bridges between the bourgeois world and the working class. At the same time the cooperators, who are more pacifically inclined, declare that in trying to organize exchange in a more equitable fashion they are realizing part, at least, of the mutualist program cherished by the inventor of the people's bank.

C. Bouglé

Works: *Oeuvres complètes de P.-J. Proudhon*, vols. i–xi (new ed. by C. C. A. Bouglé and Henri Moysset, Paris 1923–32).

Consult: *Proudhon et notre temps* (Paris 1920); Droz, P. J., *Proudhon* (Paris 1909); Pirou, Gaëtan, *Proudhonisme et syndicalisme révolutionnaire* (Paris 1910); Puech, J. L., *Le proudhonisme dans l'association internationale des travailleurs* (Paris 1907); Diehl, Karl, *P. J. Proudhon, seine Lehre und sein Leben*, 3 vols. (Jena 1888–96); Dana, Charles A., *Proudhon and His "Bank of the People"* (New York 1896); Lu, Shi Yung, *The Political Theories of P. J. Proudhon* (New York 1922); Mattfeldt, Rudolf, *P. J. Proudhons Theorie des Kapitals und sein soziales Kreditsystem* (Berlin 1920); Bouglé, C. C. A., *La sociologie de Proudhon* (Paris 1911), and *Proudhon* (Paris 1928); Bourgeois, Nicolas, *Les théories du droit international chez Proudhon* (Paris 1927); Duprat, Jeanne, *Proudhon, sociologue et moraliste* (Paris 1929); Labrusse, Laurent, *Conception proudhonnienne du crédit gratuit* (Paris 1919).

PROUTY, CHARLES AZRO (1853–1921), American interstate commerce commissioner. Prouty practised law from 1882 to 1896 and during eight years in this period was reporter of decisions of the Supreme Court of Vermont. In 1896 he was appointed a member of the Interstate Commerce Commission, which he served as chairman from 1912 to 1913. The commission was being shorn of its powers by court decisions; Prouty saw the need for more effective regulation of railroad rates and the inadequacy of enforced competition to protect the public. In numerous addresses and magazine articles, distinguished by vigor of style and excellence of quality, he advocated arming the commission with greater authority—power to prescribe rates for the future, limitation of judicial review, and more effective enforcement provisions. He supported President Roosevelt's legislation of 1906 and the movement for federal valuation of railroads and regulation of their capitalization. The importance he attached to valuation induced him to resign from the commission in 1914 to become its director of valuation and he remained in charge of the work until his death. During the World War he served in the railroad administration; he favored a continuance of government operation for a period after the war in order to give that policy a fair test. Prouty was outspoken in demanding adequate public control of railroads, was fair toward the legitimate needs of the carriers and made a considerable contribution to the theory and practise of regulation.

D. Philip Locklin

Works: "Railway Discriminations and Industrial Combinations" in American Academy of Political and Social Science, *Annals*, vol. xv (1900) 41–50; "A Fundamental Defect in the Act to Regulate Commerce" in American Bar Association, *Report*, vol. xxxi (1907) 486–504; "The Valuation of Railroads" in *Nation's Business*, vol. ii (1914) no. ii, p. 38–40; *Address . . . before the Associated Industries of Massachusetts. . . . The Railroad Problem* (Boston 1920); "Railway Pooling—From the People's Point of View" in *Forum*, vol. xxiv (1897–98) 446–60.

Consult: *Railway Age*, vol. lxxi (1921) 110.

PRYNNE, WILLIAM (1600–69), British political pamphleteer and legalist. Prynne's first interest, when on leaving Oxford he took up residence in Lincoln's Inn, was theology, particularly the defense of Calvinism against the Arminian doctrines then winning popularity. For writing the *Histriomastix*, the historic expression of Puritan disapproval of the stage, and other pamphlets attacking the bishops, whom he regarded as encroaching upon the prerogatives of the king and the liberties of the subjects, he was mutilated and imprisoned; but even in prison he continued to arouse public opinion against such menaces to liberty as the tax of ship money. Released by the Long Parliament in 1640, he put his pen at its disposal and by frequent pamphlets, in which he cited mediaeval precedents, he defended the ideal of the limited monarchy. His attacks on the army led to his expulsion from Parliament and brief imprisonment in 1648. During the Commonwealth he published tracts filled with historical lore directed against the rule of Cromwell, in defense of tithes and in protest against the readmission of the Jews into England. His advocacy of the restoration of Charles II and his reputation as a scholar won for him the post of keeper of records in the Tower. Here, to preserve manuscripts from further destruction, he worked amid great discomfort, sorting, deciphering and editing records. His interest in "venerable antiquity" was not that of an antiquarian: above all he wished to prove that Parliament and king were the historic co-rulers of England.

For while he believed that "the High Court of Parliament and the whole Kingdome which it represents may . . . be truely and properly said, to be the Highest Soveraigne Power of all others, and above the King himselfe," yet he considered it but "the great Councell, . . . originally called and authorised to sit by the King's Writ Alone." The king was "both the Head, the beginning, end, and the foundation of Parliament," in which he and the two houses formed coordinate parts. Monarchy, he found by diligent study of the past, was "the best of Government, whiles it keepes within the bounds which Law and Conscience have prescribed."

The zeal for precedents likewise characterized Prynne's views on the relation of church and state. Whether episcopal or presbyterian, the church must recognize the superiority of the civil government. During the 1640's, when the reorganization of the church's polity was discussed by Parliament and the Westminster Assembly, Prynne along with such other Erastians as John Selden declared Parliament the final authority in ecclesiastical matters; for, although he was called an anti-Erastian by Figgis, he resembled Erastus in his advocacy of a comprehensive church and in his belief that patriarchs had had power to make laws for the church not as priests but as rulers. His legalistic attitude found expression in Aristotle's dictum, which Prynne wished to apply to ecclesiastical affairs as well: "Men are better governed by laws, which continue constant, impartial . . . than by men whose passions, interests, and private ends for the most part bias them all along."

ETHYN WILLIAMS KIRBY

Important works: *Histriomastix, or, The Players Scourge, and Actors Tragedy* (London 1633); *Soveraigne Power of Parliaments and Kingdomes* . . . (London 1643); *A Plea for the Lords: Or, A short, yet full and necessary Vindication of the Judiciary and Legislative Power of the House of Peeres* (London 1648, new ed. 1658); *The Sword of Christian Magistracy Supported* . . . (London 1647); *Prynne the Member Reconciled to Prynne the Barrester* . . . (London 1649); *Brevia parliamentaria rediviva* (London 1662).

Consult: *Documents Relating to the Proceedings against William Prynne in 1634 and 1637*, with a Biographical Fragment by the late John Bruce, ed. by S. R. Gardiner, Camden Society, Publications, n.s., no. 18 (London 1877); Holdsworth, W. S., *A History of English Law*, 10 vols. (3rd ed. London 1922–32) vol. v, p. 405–07; Kirby, Ethyn Williams, *William Prynne* (Cambridge, Mass. 1931); Gooch, G. P., *English Democratic Ideas in the Seventeenth Century* (new ed. by H. J. Laski, Cambridge, Eng. 1927) p. 99–100, 264–65.

PSELLOS, MICHAEL (1018–*c.* 1078), Byzantine philosopher and statesman. Psellos by virtue of his great erudition, varied talents, catholic interests and prodigious intellectual activity was one of the most eminent men of the Byzantine Empire. He wrote on all subjects—philosophy, history, law, theology, medicine, astronomy, music, alchemy and the occult sciences. A poet and a prosodist as well, he was a good orator and was chosen to deliver the funeral orations for several patriarchs. He was admirably trained in the classic literature and thoroughly imbued with its spirit and was one of the most illustrious professors at the University of Constantinople, which was reorganized about 1045. "Consul of the philosophers," he was the first to teach there the philosophy of Plato, which he defended vigorously against the attacks of the partisans of Aristotle. His *Chronographie* (ed. with French translation by Émile Renauld, 2 vols., Paris 1926–28), which deals with the history of the

Byzantine Empire from the accession of Basil II in 976 to the end of the reign of Michael VII Ducas in 1077 and which is marked by a picturesque narrative style, keen observation and valuable information, is one of the most remarkable products of Byzantine historiography. Unfortunately Psellos' ambition and vanity led him into politics. He was the influential adviser of Constantine IX Monomachus and prime minister of Constantine X Ducas and of Michael VII Ducas, whose education he directed. His predilection for intrigue, his genius for being all things to all men and his unscrupulousness have detracted singularly from his glory. He loved the court and the world too much but had none of the qualities of a statesman.

CHARLES DIEHL

Consult: Rambaud, A. N., *Études sur l'histoire byzantine* (3rd ed. Paris 1922) ch. iii; Zervos, Christos, *Un philosophe néoplatonicien du XIe siècle, Michel Psellos* (Paris 1919).

PSYCHIATRY, long the art of observing and perhaps influencing the course of mental disorders, has recently tended to become the scientific study of peculiarities of personality and of interpersonal relations. It appeared as a medical discipline in the Hippocratic writings, about 400 B.C. The Greek physicians made good clinical observations and evolved some rational therapeutic techniques, but psychiatry as such survived the demonology and witchcraft of the Middle Ages only in Arabian medicine. It began anew in western Europe with the humanitarian reforms of Pinel and was furthered by his pupil Esquirol in France, by Rush, Bond and Kirkbride in the United States, by Tuke in England, by Fricke and Reil in Germany and by Morgagni, Chiarugi and d'Aquin in Italy. The first periodical in psychiatry, *Magazin für psychische Heilkunde*, was founded by Reil and Kayssler in 1805. The *Annales médico-psychologiques* appeared in 1843, the *Allgemeine Zeitschrift für Psychiatrie* and the *American Journal of Insanity* (now the *American Journal of Psychiatry*) followed in 1844. About this time Dorothea Lynde Dix was spreading humanitarian attitudes toward persons suffering from mental disorders. By 1860 nursing personnel was being trained in England and the era of the modern mental hospital had begun. Mechanical restraint of patients by chains, handcuffs and camisoles gave way to seclusion. Here and there a beginning was made in the classification of patients on the basis of their mental condition and probable development, and special facilities were provided for patients in the early stages of mental disorders and those whose cases were considered hopeful.

What there was of treatment in the institutions of the nineteenth century was in principle physiological. The affiliation of psychiatry in medicine was with neurology, on the assumption that mental disorders manifested perhaps obscure but none the less definite diseases of the nervous system. Of late the association of psychiatry with physiology is also reflected in the work of psychiatrists who specialize in glandular therapy. As early as the seventeenth century Maxwell was accumulating data on hypnosis, which Mesmer expanded greatly in the eighteenth century and Bertrand and Briand rendered reputable in the early years of the nineteenth. Charcot undertook to give a physiological explanation to hypnotic phenomena, an attempt which Bernheim successfully contested in favor of the hypothesis of suggestion, which is personal rather than physiological. Meanwhile Janet attacked the problem of the milder mental disorders by the experimental method and convincingly demonstrated the actuality of alternating (multiple) personality, extraconscious mental processes ("subconscious") and psychogenetic amnesias (specific losses of memory arising from factors significant to the person). This work was expanded, particularly in the matter of multiple personality, by Prince. Following the current medical ideals, much effort was wasted in attempting to square these phenomena with the terms of neurophysiology, the irrelevancy of which was first clearly indicated by Breuer and Freud in the *Studien über Hysterie*.

Shortly after the publication of this volume Freud invented the method of investigating by free association and began the elaboration of psychoanalysis, the effects of which on psychiatry, although still somewhat circumscribed, promise to be profound. The psychoanalytic work on the milder mental disorders paralleled a tendency inaugurated in the United States by Adolf Meyer, who enunciated in 1906 the dynamic conception of dementia praecox by emphasizing the explanatory importance of symbolic operations by the person rather than the physiological activity of his neurones. These developments, not fundamentally divergent, went far to raise psychiatry from a subordinate position in medicine. The emphasis placed on the crucial conception of personality then

brought psychiatry nearer to the social sciences.

These twentieth century changes, which include as practical consequences therapy of many mild and some severe mental disorders, also fostered the mental hygiene movement and a growing appreciation of the possibilities of psychiatry for individual and social welfare. The medical profession, however, emerging from a phase of biochemical investigations following on the failure of microscopic pathology to resolve its problems, has been rather slow to appreciate the new role of this discipline. Medical education, heavily biological in its foundations, has become depersonalized and medical curricula have little place for the social sciences and psychobiology. As a result well trained psychiatrists are largely products of postgraduate training, and their proportion among those dealing with mental disorders and related problems and among the teachers of psychiatry is still rather small. The American Psychiatric Association has recently taken active interest in the problem of training and competence for practise and is seeking to improve standards and to encourage appropriate modifications in the medical curricula.

The theoretical background of psychiatry includes all that is known of persons and their interactions. In practise, however, it has dealt largely with aggravated instances of personal disharmony, the social demand for its services being based on a desire to obtain security from dangerous persons and to restore the unusually aberrant to commonplace living. So far as psychiatry has been preoccupied with the mental life it has tended to follow the prevailing schools of psychology, with increasing interest in conative systems. Disorder of the emotional life in the mentally deranged is too striking to be ignored, but there are at present some who adhere to fundamentally cognitive approaches. The psychoanalytic and related schools, however, have accomplished such solid results by dealing with the evolution of motives in those who suffer from mental disorders that this principle bids fair to dominate the psychiatry of the future. Current dynamic psychiatry sees the person as the resultant of physiological, psychobiological and situational factors. Physiological factors include native endowment, the interplay of nutrition and needs, and disease and injury. The psychobiological factors comprise the evolution of differentiated personality; acculturation in successive epochs of personality growth; inhibitions and facilitations historically effective and manifesting themselves in the present in conflicts of motivations; characterizing drives; energy partition in activities; sensitivity to events; ease of personal contacts; speech and gesture, including emotional expression. The situational factors include the actual interpersonal opportunities and handicaps in turn reflecting the interplay of culture and its participants, the changing institutional setting of life and the abundance or restriction of opportunity for new experience. Mental health, meaningful only when it refers to interpersonal adjustment, is that balance among these factors which permits a positive progression in terms of the total situations through which the individual lives. Mental disorder, an aberration from the state of mental health, can result from factors in any or all of the categories mentioned. Defective endowment may limit or arrest growth of personality or bring on premature senescence; defective nutrition may halt development or lead to recessive changes; disease may disable the organism. The psychobiological factors making for mental disorder arise from specific warping influences bearing upon the person at any time from birth onward; these may bring about such imbalance of growth by experience that unfortunate motivation may develop; and explicit and implicit interpersonal activity may cause lack of self-esteem, dissatisfaction with life, chronic anxiety or persistent fatigue and inertia, which may manifest themselves objectively in symptoms of mental disorder. The situational factors are involved most simply in the cases of defectively endowed individuals subjected to excessive demands and of superior individuals subjected to privation. They are present more obscurely in instances in which the adolescent finds himself incapacitated for the demanded adjustive growth because of powerful inhibitions incorporated in him beyond his remedy. As long as the culture configuration of a group is relatively static and the young do not leave its area, mental disorders from situational causes appear to be few. In the contemporary scene, however, particularly in the case of those who come from remote parts to the great urban centers or who undergo abrupt change of social status, the effects of personality warp and the new situational factors may be disastrous. Also because of factors in the culture pattern problems of adjustment of both heterosexual and homosexual motivations assume singular importance for psychiatry.

For many years psychiatry was largely pre-

occupied with humanizing the treatment of persons confined in asylums and mental hospitals, a work by no means finished; it has only gradually entered upon the tasks of public enlightenment and prevention. The experience of hospitals for convicted criminals suffering mental disorders turned the attention of psychiatrists to the problem of the personal origins of criminal behavior, and concomitantly, following pioneering work by Healy, juvenile delinquency became an object of psychiatric study. Correctional schools, penitentiaries and parole departments now seek the aid of psychiatrists, and child guidance clinics supervised by psychiatrists have spread rapidly. Specially trained social workers have become an indispensable part of these clinics, and mental hospitals and dispensaries are beginning to employ them to secure the extensive data needed by the psychiatrists and in some cases to aid in treatment. The field of general social work is being permeated by the psychiatric viewpoint; like all other fields of psychiatric endeavor it suffers from dearth of competent instruction and inadequate preparation of personnel. Education has evinced some curiosity as to the possible contributions of psychiatry and special schools and special classes for maladjusted children have been organized, with or without psychiatric direction. As a result of these developments the demand for psychiatric services exceeds the available personnel, the more so in that the specialty has become a fairly attractive field of private practise since the public has grown less superstitious about mental disorders.

Psychiatry has many limitations, not the least of which is the enthusiasm that has led to exaggerated claims as to current accomplishments. The best psychiatry is still more of art than of science; and however much this may be deplored, it can be remedied only by extensive research. Many disorders can be remedied by competent psychiatrists, but the process is difficult and the costs are often prohibitive. The prolonged interview method of psychoanalysis can scarcely achieve a durable result in the simplest problem under sixty-five to ninety hours, and in difficult cases of obsessional and parergastic disorders five hundred or even a thousand hours may be required. Much can often be accomplished in the way of improving maladjustments, without completely eradicating them, by methods derived from psychoanalysis, for example, "attitude therapy," and in the socialization techniques worked out in the institutional care of parergastic patients. But some of the problems which come to the psychiatrist arise primarily from the difficulties of gifted individuals in an unsuitable milieu, and these are sometimes insoluble because of factors inhering in the contemporary social and economic organization. Moreover it is often impossible to correct personality warp in the less gifted because there is nothing attractive to offer the sufferer. Therefore the psychiatrist, primarily concerned with needless wastage of human ability, cannot but envisage a changed social order under which these problems will no longer exist.

HARRY STACK SULLIVAN

See: PERSONALITY; CHARACTER; MALADJUSTMENT; MENTAL DISORDERS; MENTAL HYGIENE; PSYCHOLOGY; ABNORMAL PSYCHOLOGY; PSYCHOANALYSIS; MEDICINE; CHILD, section on CHILD PSYCHOLOGY; SOCIAL WORK; CRIMINOLOGY; ALIENIST.

Consult: Kornfeld, S., "Geschichte der Psychiatrie" in *Handbuch der Geschichte der Medizin*, ed. by Max Neuburger and Julius Pagel, 3 vols. (Jena 1902–05) vol. iii, p. 601–728; Bramwell, J. M., *Hypnotism: Its History, Practice and Theory* (2nd ed. London 1906); Janet, Pierre, *L'état mental des hystériques* (2nd ed. Paris 1911), tr. by C. R. Corson as *The Mental State of Hystericals* (New York 1901), *The Major Symptoms of Hysteria* (2nd ed. New York 1920), and *Les médications psychologiques*, 3 vols. (Paris 1919), tr. by Eden and Cedar Paul as *Psychological Healing*, 2 vols. (London 1925); Breuer, Joseph, and Freud, Sigmund, *Studien über Hysterie* (Vienna 1895, 2nd ed. Leipsic 1909); Freud, Sigmund, *Die Traumdeutung* (8th ed. Vienna 1930), tr. by A. A. Brill as *The Interpretation of Dreams* (new ed. New York 1933), and *Sammlung kleiner Schriften zur Neurosenlehre*, 5 vols. (1st–3rd ed. Vienna 1920–21), tr. by Joan Riviere and others as *Collected Papers*, 4 vols. (New York 1924–25); Jones, Ernest, *Treatment of the Neuroses* (London 1920); Jung, C. C., *Contributions to Analytical Psychology*, tr. from German by H. G. and C. F. Baynes (London 1928), and *Collected Papers on Analytical Psychology*, tr. from German by C. E. Long (2nd ed. London 1917); Ferenczi, Sándor, *Bausteine zur Psychoanalyse* (Vienna 1927), tr. by J. I. Suttie as *Further Contributions to the Theory and Technique of Psychoanalysis* (New York 1927); Prince, Morton, *The Dissociation of Personality* (2nd ed. New York 1908); White, William A., *Foundations of Psychiatry* (new ed. New York 1921), and *An Introduction to the Study of the Mind* (Washington 1924). For bibliography, see, *Jahresbericht über die gesammte Neurologie und Psychiatrie*, published annually in Berlin since 1910; and bibliography of MENTAL DISORDERS.

PSYCHOANALYSIS began as a device for treating various forms of "nervous" disorders. It developed into both a technique of exploring mental life and an explanation of its perceptions and findings by means of an elaborate theory

regarding the growth, the structure and the dynamics of the mind. This theory Sigmund Freud, the inventor of psychoanalysis, designates as metapsychology. It is "a dynamic conception which reduces mental life to the interaction of reciprocally propelling and repelling forces." Neither the theory nor the technique of psychoanalysis has been developed in a straight single line. At least two important variants from the Freudian scheme, and a number of minor ones, dispute some of its practical and most of its theoretical postulates. The important variants are those constructed by Alfred Adler of Vienna and Carl Jung of Zurich. Adler calls his variant "individual psychology"; Jung calls his "analytical psychology." All schools make use of a method of diagnosis and research in principle the same. This method might be called the essential psychoanalysis—Freudian and non-Freudian alike. It consists in bringing to mind feelings, events and fantasies that had been put out of the mind because they were disagreeable, and in replacing them, as Freud wrote, "with acts of judgment which might result either in the acceptance or rejection of what had formerly been repudiated."

Of the three major sects of psychoanalysis, the Freudian is prior in time and in importance, and richest in consequences for the social sciences. Its founder, Sigmund Freud, is a physician whose preliminary training was in chemistry, botany and physiology. Freud studied cerebral anatomy under Meynert, and began his professional career as a clinical neurologist in 1881. His own practise and his collaboration with the Viennese physician, Breuer, awakened him to the advantages of studying hysteria and other neuroses from the psychological point of view; and in 1885, shortly after he had been appointed docent in neuropathology at the University of Vienna, Freud went to Paris to study under Charcot. His findings led him to believe that [illegible] was an unconscious but prime factor in neur[illegible] and that Breuer's method of using hypno[illegible] reawaken, and thus purge the [illegible] is forgotten emotions was inadequ[illegible] or pe[illegible]nent cure. In order to cure, [illegible]d found, he must have the conscious co[illegible]eration of the patient. The latter could by means of his "free associations" recollect with more or less difficulty forgotten far off events of his life, most of them "purposely" forgotten, that is, repressed. When the patient could consciously remember and face all such events realistically he was cured. Ten years Freud worked alone with his method, formulating his results into his psychoanalytic conception of human nature. About 1906 a number of others joined him—especially Adler and Jung, Ernest Jones, Sadger, Stekel, Ferenczi, Rank and Brill. In 1908 these and others formed the International Congress of Psychoanalysis, which has met biennially ever since. It now has branches all over the world, with hundreds of members who are specialists of psychoanalysis and pay a religious deference to Freud as their teacher and leader.

Into the making of the Freudian metapsychology there enter a number of components of variable importance. Psychoanalysis is much more an undirected growth than a rational construction, and its organization is by no means distinguished for logical consistency and strict scientific method. To those who identify science with precise measurement and rigidly controlled experimentation, psychoanalysis is not, and never can be, a science. Yet it regards the mental life as a strictly determined mechanism, and while it employs no quantitative formulae, it makes constant use of the concept of quantity in regard to affect or emotion. Unable thus far to experiment as the biologist or even the conventional psychologist experiments, psychoanalysis has a procedure and a material which are not merely empirical, but are particularistically empirical—personal, autobiographical. Its basic device, that of free association, was first used by Wundt for normal minds and extended to the abnormal by Kraepelin and Aschaffenburg.

The material which the psyc[illegible]analytic method elicited led to inno[illegible]ative infe[illegible] regarding its causes. The[illegible]ferences [illegible] conditions of psychoa[illegible]ysis were [illegible] agents in their own v[illegible] [illegible]ruth, and criter[illegible] [illegible]pounded, as they [illegible]fiable insights into ment[illegible] [illegible], partly of analogies, guesses, ch[illegible] and figures of speech, and referring a[illegible] the submerged and opaque part of [illegible] psyche, they naturally became obje[illegible]se faith and subjects of bitter cont[illegible]y, far closer to the dogmas of a cult than [illegible] theories of a science. Nevertheless, they have undergone continuous revision in the light of clinical experience as well as of study chamber reflection, and if Freud's followers are conspicuous for accepting his successive and often inconsistent deliverances somewhat as faithful Catholics accept the ex cathedra pronouncements of the

pope, Freud himself has never ceased to modify his own opinions.

In spite of this, the Freudian view of the structure and unfolding of the human psyche is, within its limitations, remarkably stable and consistent. Mind and body are to it separate and distinct, but interdependent, forms of "energy," interacting with each other in definite and determined ways. Somehow a transformation of the chemical energies of the biological organism, mental energy or the psyche manifests itself in "instincts." These instincts are urges seeking satisfactions appropriate to their natures, and avoiding frustrations. Satisfactions produce pleasure; dissatisfactions pain. The aboriginal psyche is a pleasure-seeking, pain-avoiding constellation of unconscious drives and urges, whose being and striving are thus governed by the "pleasure principle." They reveal phylogenic traits and are perhaps attributable to the accumulations of evolutionary change. Various and distinguishable though they are, they fall ultimately into two contradictory modes of instinctual propulsion. One is Eros, or "the libido," the sexual impulse, the combining, constructive urge. It is coordinate with a human being's whole body, but focalized now at this organ, now at that; and it follows a definite order of focalization from birth through puberty. As such, Eros is neither exclusively male nor exclusively female; the human infant, having two parents, inherits sexuality from both and is bisexual *ab ovo*. The other propulsion is the Death or destructive instinct. This is the urge toward

ortles ness, inertia and disintegration, the

correlate of the tendency of non-

rial ener v to dissipate itself to the

ible level, nd of the energy of or-

fall back t "the peace of the in-

ld" and "resto conditions to what

efore life by its

y backward trend, every

impulse, whether directed tow-

ward, is an expression of the Death

tension and conflict between the

Eros and Death. These two instincts

every particle of living substance,

qual proportions." They are fused

ich a way that Eros dominates

most part Death impulses are

nally, through the libido. But

n be defused, and it is possible

stinct may manifest itself as

highest degree of fusion is

that of the unborn organism in the mother's womb. The womb is as nearly perfect an environment as can be found, where adjustment is utter and pleasure maximal. Birth is a hurt and a pang; with it, through the impact of the external world, come pain and consciousness. The intrauterine psyche, the instinctual psyche, is unconscious. The substance of mental heredity, both transmitted and acquired, it is altogether affirmative, entirely without negation, hesitancy or doubt, without morality or restraint. It is without logic or consistency, composed of opposite yet fused strivings simultaneously seeking their contradictory gratifications. It is timeless, since "unconscious processes remain indestructible. Nothing can be brought to an end in the unconscious, nothing can cease or be forgotten." And it is unverbalized: "the unconscious idea is of the thing alone." Freud calls this primordial elemental mind stuff the Id.

With birth two basic modifications of the Id begin, the first of which is the Ego, the second the Super-ego. Both are consequences of the impact of the external world upon the Id. Adjustment to this world involves the operation of "the reality principle," which is the opposite of the pleasure principle. The world imposes itself upon the unwilling, intransigent Id. First and last the world consists of the mother, father, sisters and brothers of the newborn, then of the things and ideas associated with them. The Ego is constructed by means of the developing infant's perceptual responses to all these. Hence the Ego is the locus of the Id's adjustment to the world, the seat of anxiety, repression and dreams, the substance of sanity and reason, the finder of the Id's safe way to satisfaction in the world, through controlling or transforming the one or the other or both. Consciousness, though transitory and changeful, is an attribute of the Ego. It receives ideas from the Id itself as well as impressions from the external world which es to it through perception.

sonality takes form in terms of the d of some one phase of the libidinal rel onshi of the growing human to itself and to the memb s of its family. Normally, there are three phases of the movement of the mobile libido. The first is that of infancy and lasts from birth to the fifth year. In this phase the child's field of response is its own body and the libido, first generally distributed, focalizes at the various points of its own body which Freud calls erotogenic zones. This focalization constitutes auto-erotism. It occurs at the mouth, the anus

and the urethra; sex pleasure is attained in sucking, swallowing, kissing, or biting the thumb, the toe, the hand, the arm, and the like and in expelling, retaining, showing, handling, faeces and urine. The child is said to be anal erotic or oral erotic, and its activities are said to have a sadistic color. Its stage of development is at this time "narcistic." Later, the genitals (penis or clitoris) take precedence over mouth, anus and urethra as erotogenous zones. Gratification is won not only by masturbatory manipulations, but by exhibiting, comparing, inquiring and imagining. The child enters the allo-erotic stage when it makes use, actually and in fantasy, of whatever accessible objects it may find to replace its own bodily parts. Especially, its libido is turned to the mother and father.

It is during this "early genital" period that the Oedipus and castration complexes become manifest. These complexes are universal, and foremost among the individual recapitulations of race-life of which the Id so largely consists. In boys the Oedipus complex comes first as an unconscious incestuous mother love with corresponding feelings of rivalry and hostility toward the father. This is followed by a fear of being robbed of the penis by the father, and perhaps by an awakening of an inherited incest tabu through fears aroused by actually-experienced threats of punishment for masturbation and the like. The condition is called the castration complex. In girls the sequence is reversed; the castration complex leads to the Oedipus complex. The girl tends to interpret her lack of a penis as a punishment and an inferiority which she endeavors to overcome by declaring she has a penis. Finally she acquiesces in her lack of a penis and wishes instead for a child. At the same time she turns against the mother, whom she holds responsible for her deficiency, and toward the father in unconscious incestuous love.

Both sexes form their Super-egos first as transformations of the Oedipus and castration complexes. In its final form, the Super-ego is the same thing as conscience. To a great extent unconscious and in contact with the Id, independent of and inaccessible to the conscious Ego, it is nevertheless an outgrowth and modification of this Ego. This comes about by the Ego's taking over to itself the parental attitudes toward libidinal gratifications. The child identifies itself with one or another parent and makes his or her attitude its own. In the degree that this attitude condemns instinctual urges it arouses and retains a sense of guilt. The intensity of this sense will vary inversely with the number and variety of symbolic and substitutive outlets for the Oedipus urge that the Ego can set up.

Thus, by the end of the fifth year, the unconscious libidinal Id, under the impact of the external world, has differentiated into a partly conscious, partly unconscious Ego and an unconscious Super-ego. Id, Ego and Super-ego together compose three dynamic systems whose confrontations and conflicts make up the subsequent life history of the individual. The individual now enters upon the "latency period." This period sees a steady strengthening of the "incest barrier," a modification of sexual aims into affection and respect for the forbidden parent, and an extension of these sentiments to the formerly opposed parent of the same sex. Friendships are formed beyond the immediate family circle. Auto-erotism and narcism diminish further. "Psychic dams" in the form of loathing, shame and moral and aesthetic ideation-masses build themselves up, and sexual energy becomes enchanneled in impersonal activities.

With the thirteenth year, the pubertal period sets in, and lasts until the nineteenth. At puberty, not only is the libido newly focalized in the genitals and copulation made the sexual aim, but the old infantile sexuality is reawakened and normally finds a place as preliminary to the sexual consummation. The whole formation of the Ego during the latency period is shaken by the new insurgence of libido. The Oedipus complex is reanimated and conflicts arise both in the Ego and the Id. But auto-erotism and narcism are also reawakened, and work toward the detachment of the adolescent from the parent. Homosexual trends manifest themselves in the form of crushes, gang organizations and the like, reenforcing this detachment. These are succeeded by genuine focalization of the libido on a member of the opposite sex. Now the personality has reached normal adulthood, and the Id, the Ego and the Super-ego have found an equilibrium, involving a maximum of pleasure and a minimum of pain which should endure throughout life.

But such an equilibrium is always precarious. It is an inner condition which the Ego maintains
ıst the undue pressure from the Id and
ssion from the Super-ego, amid changing
ds of the outer world. Even in the most
ɔersonality its upkeep involves the es-
ɹt of a variety of behavior patterns

which need only become a little exaggerated and dominant to cause abnormality. These behavior patterns are in effect the Ego's defense mechanisms against upset. They are processes establishing substitute channels for the discharge of sexual energy or transforming the energy itself, inhibiting its flow and damming it up. So they terminate or avoid "pain."

Seventeen such mechanisms have been distinguished. One is "fixation." It consists of an arrest of some part of the developing libido at one or another of the foci of infantile sexuality. It may result from undue strength or weakness in the libido, or a deficiency in the Ego coupled with difficulties of adjustment to reality which provoke a clinging to the infantile stage. Fixation is usually accompanied by "regression," which consists in the recoil of the libido to an earlier or lower level of development, as a rule, to a fixation. At such a level it gratifies itself in fantasies rather than through persons and things, and lives in a state of "introversion." But the most fundamental and central of the mechanisms is "repression." Not only does repression thrust conscious ideas out of consciousness; it also keeps what never was conscious from becoming so. Its appearance is coincident with the differentiation of the Ego from the Id, and its function is to defend the psyche from pain and danger. Sometimes repression is reenforced by "reaction-formations." These are conscious ideas and actions opposite in nature to the repressed ones. They are to be observed in such traits as oversensitivity to pain and suffering among unconscious sadists, as undue anxiety about the well being of a person one wishes dead, as exaggerated concern about sexual "purity," and the like. Generally repressed ideas arising from the level of the unconscious Ego or of the Id seek to reach consciousness in other ways than the closed one. Most of the remaining mechanisms consist of such ways.

Of these one is "displacement," which occurs whenever the emotion or affect attached to a repressed idea or activity passes over to another, not repressed. Displacement is recognized by the disproportion between the intensity of the affect and the character of the idea. "Symbolization" is a displacement in which the emotion shifts from the repressed object to another unconsciously recognized as similar to it. "Transference," the shift of the libido from one to another, is also a case of displacement. "Projection" consists in externalizing wishes and ideas whose acceptance by consciousness would be painful; persons who see everywhere obscenity, dishonesty or the like, project.

"Isolation" is a process of so dissociating an idea from its dynamic context that it may remain in consciousness without pain. In the same mode may be set "undoing," which consists in treating some painful experience as if it had not happened; the Christian Science attitude toward disease is a form of undoing. "Conversion" transforms repressed drives and the action repressing them into bodily symptoms, such as tics, hysterical paralyses and the like. "Condensation," on the other hand, is the compenetration and fusion of all sorts of experiences into a single configuration. This mechanism is especially characteristic of dreams.

The reverse of projection are "introjection" and "identification." The first is a sort of psychic assimilation of an object by the Ego. The second is the self-definition of the Ego in terms of some other person, initially the father or mother. If identifications are too numerous and incompatible, the result is "multiple personality." Identification is the mechanism underlying grouping. The primal relations are jealous and hostile; but as these relations involve pain and danger, they are repressed, whereupon "just" and other friendly social attitudes develop as reaction-formations. Each member of the group identifies himself with the others, via the prior identification of himself with the leader, who thus replaces the parent of the family group. Through identification the Ego is enabled to withdraw libido from the Id and enchannel it in non-sexual activities. Such enchannelment is "sublimation," which "desexualizes" or "inhibits the aim" of the instinctual urge, directing it toward "higher" social ends. In "rationalization" the Ego disguises the Id's pursuit of libidinous pleasure by attributing to it motives and purposes which would be acceptable to the Super-ego and describing them as so conformed to reality as to make the illogic and inconsistency of the individual's conduct and opinions appear rational to himself. Rationalization is a component of "idealization," a process of "sexual overestimation," basic to "the peculiar state of being in love," endowing the love object with every excellence and subordinating the Ego to it.

These seventeen mechanisms delimit the manner in which the configuration of psychic constituting the Id, the Ego and the

Super-ego are adjusted to one another and to the external world. Throughout life their action patterns enter into the essential "unconscious fantasy," and give dreams their peculiar structures. Unconscious fantasies begin at about the third year. Many are universal and typical, and are lived through, like the Oedipus and castration situations, regardless of actual experience. They involve unconscious idealizations of realities, like "the mother imago," and the unconscious sense of guilt. Other fantasies turn on procreation, birth, seduction or assault, and prenatal well-being. They are inherited ideas, by which every individual "reaches beyond his own life into the experiences of antiquity" and possesses "prehistoric truth." In addition to such unconscious inherited fantasies each Ego has environmentally stimulated conscious ones, which may be repressed like experiences of the actual, and with the same consequences.

These and all other unconscious mental activities come to light through the study of neurotics and particularly through the analysis of dreams. In dreams repressed wishes are released and receive a vicarious gratification. The function of dreaming is to protect the sleeper from being awakened. This is accomplished by reshaping painful external stimuli, and relaxing the Ego's vigilance against the drives of the Id. Such relaxation is never complete. The Ego "censors" the original urges, and thus distorts their form. The process of distortion constitutes the "dream work." That involves, in addition to the mechanisms of displacement, condensation and symbolization, dramatization (in which the sequence is prevailingly visual), and secondary elaboration—a sort of rationalizing of the basic dream so as to harmonize it with the conscious Ego. Dream work goes on even after waking. The part of the dream which the dreamer remembers is called the "manifest content." Its meaning, the unconscious wishes it fulfills, is called the "latent content." It is deciphered by means of psychoanalytic free association. Many dream symbols are so constant and recurrent as to be racial. They are found also in folk and fairy tales, and in myths.

The dream is the foremost avenue into the unconscious and thus a prime instrument in determining the dynamic ground-plan of personality. Others are the "absences of mind," the forgettings, the accidents, the mannerisms, the slips of tongue or pen, the mistakes, irrelevancies and the like, which compose "the psychopathology of everyday life." Still others are wit and humor, with their dreamlike mechanisms and their equally wish fulfilling purposes.

In all, Freudian psychoanalysis discerns four basic types of adult character, permanently set by the end of the fifth year of life. Each is a reconstruction of the form of libidinal behavior prevailing up to that time—anal, oral, urethral or genital—especially through reaction-formation, symbolization, identification and sublimation, under pressure from the Super-ego. The "anal character" exhibits orderliness, parsimony and obstinacy; in the "oral," optimism and generosity predominate as a result of the transformation of well-defined and unbroken sucking pleasure, while pessimism, impatience and social dependence follow from the reverse. A "urethral erotism" develops later into ambition, envy and the like. The "genital character" is one well-adapted to society and ruled by the "reality principle." It is the character of normal adulthood. Although traces of both the Oedipus and castration complexes and sets from the anal, oral and urethral levels survive in it, they are properly subordinated, and the character is "stable." Neurotic or unstable character is formed by the presence of one or more dominant fixations with the consequent regressions and their bodily and mental character-symptoms.

If individuals escape this instability, society as a whole has thus far not escaped it. For its constitutive culture depends upon imposed self-denial and forced labor, both of which are accepted by the exploited classes for four reasons. The first is religion. Freud describes religion as the "universal obsessional neurosis of humanity," which began in the Oedipus complex and consists of neurotic survivals rooted in infantile repressions. The second is narcotics, which render men anaesthetic to the pangs and pains of life. The third is art, which supplies a substitute decreasing their intensity. The fourth is science, which distracts us from their hurt. These assuagements are servants of the pleasure principle, but cannot overcome the reality principle, which brings us suffering through our own bodies, through the outer world and through the social order, even though these are recreated by Eros into the forms of culture. What with the basic conflicts between Eros and Death, between the personal Super-ego and the Ego, between the cultural Super-ego and the personality, civilization must always be a burden and neuroses its frequent consequence.

Carl Jung's "analytical psychology" sets the psychoanalytic material in a framework at once

more conventional, abstruse and hypostatic than Freudianism. It takes over many of the Freudian mechanisms and concepts but interprets them with a more agreeable metapsychology. For Jung, as for Freud, the driving force in human conduct is libido, but Jung's libido is the entire stream of psychic energy of which the sexual is only a part. Its movement is a flow between the two poles of the unconscious and the conscious, which are opposites, one gaining what the other loses, and vice versa. The unconscious is to consciousness the background without which the latter can be neither distinguished nor defined, the reservoir of ancestral memories whose contents are general, timeless possibilities of individual and racial experience, related to the course of the sun, the rotation of the earth, the rhythm of the constellations and the goal of the instinctual drives. This content possesses forms which mystics contemplate and to which schizophrenics turn inward. They are gods, saviors, demons, animals, embodied in the myths of the race and appearing in the dreams and fantasies of the individual. They are the archetypes and *imagos*; collective images which enter individual experience. Their totality Jung calls "the collective unconscious."

The flow of the libido, which is the unfolding of life, involves movement and stoppage, direction, and expansion or contraction. Up to the third or fourth year of life its goals are nutrition and growth and the child is in a pre-sexual stage; from the fourth year to puberty its stage is pre-adolescent; after puberty its flow is that of maturity. Development consists in a continuous widening of the libido's range through critical points of struggle by the old against the new. Movement and stoppage in this development are defined as "progression" and "regression"; direction as "introversion" and "extraversion"; critical struggle as "transformation" and "symbol making." So long as the range of the libido widens continuously and flexibly, there is progression. Should, however, the libido become fixed by deficiency or excess at some phase of its movement, should it be dammed up or inflated, regression exists. Its signs are stereotypy of conduct, irritability, the feeling that life is empty. These disappear when the libidinal flow is again liberated and life pursues its goal. Its direction may be inward toward the unconscious or outward toward the world. Jung's name for the inward flow is "introversion," for the outward, "extraversion." Both are normal, the extravert being daring, open, ready, adjustive, and the introvert cautious, reflective, shy, withdrawn. Either may become abnormal by excess or defect. Then these qualities become exaggerated, and their possessors are regressive and neurotic.

The function of analysis is to reinstall the individual life-stream harmoniously in the general stream of life and so restore its direction and goal. This task the analyst approaches by attacking the mannerisms, the family relationships, the dreams and the fantasies of individuals, through "conscious fantasy" or introversion. Such introversion brings to light symbols wherein the arrested movement and the lost direction of the libido are restored. The symbols are in fact "psychological mechanisms for transforming energies" which bring back the free confluence of the conscious with the unconscious. Symbols thus are unifications of opposites, "images in which all parts of the soul exist."

The fantasy which attains these images is the "transcendent function" of adjustment to the unconscious. It is the reverse of what by analogy should be called the "ciscendent functions" which Jung uses to define his psychological types. He distinguishes four such functions: sensation, intuition, thinking, feeling. Each function, in so far as it dominates, characterizes a type, and each type may be either introverted or extraverted. The thinking and feeling types are rational, the sensation and intuition types, irrational. There is also a mixed type composed of rational and irrational elements. The defining dominant function in each draws the libido away from its opposite, which Jung calls the "inferior function." Thus, where the dominant is intuition, the inferior is sensation; where the dominant is sensory thinking, the inferior is intuitive feeling, and so on.

Taken together, the functions are the soul, the dynamic complex within the psyche which is the totality of all mental *quales*. Among its significant contents are the "anima" or female component of the male unconscious, the "animus" or male component of the female unconscious, and the "persona," which is the system of adjustments to the environment corresponding to the Freudian Ego. Normal development calls for the projection of anima and animus outward, upon persons of corresponding sex. Lacking such projection, the persona is projected and homosexuality obtains. If none of the three is projected, images from the unconscious flow up into the personality and inflate it. Such inflation

is a sign of inadequate adjustment to the life situation. The fantasies, as always, serve to compensate for the inadequacy, which consists in too little libidinal attachment to reality.

In the first instance, none of these processes is individualized. Individualization, the creation of conscious personality, is the process wherein the persona, anima, and animus define themselves, and the functions of mind distinguish themselves as such from their objects. It comes about in the course of normal growing up, and its health is conditioned by its vital connection with the unconscious, from which it is an emergence and into which it returns.

To Alfred Adler the metapsychologies of Jung and Freud are abhorrent. His inferential structures do not wander so far from their origins in observation, are comparatively free from hypostases, and quite from personification. His system of individual psychology is simpler, more logical and more one-sided than Freud's or Jung's, and at first blush more plausible. Like Jung, he employs many, but not the same, Freudian conceptions of the mechanisms of conduct, but gives them still another meaning. He sees psychology as an interpretation of the interaction of the individual with society. With the unconscious he has no concern, and libido does not figure in his theories. His dynamic units are "feelings of inferiority," "organ inferiorities," "compensations" for such inferiorities, "purposes," "goals," "life plans," "feeling of community." Character and conduct, normal, peculiar or neurotic result from the interplay of these units, and their interplay follows from the relation of the individual to his group.

This relation begins as an inferiority. Adler had shown as long ago as 1907 that weakness in some organ of the body and its consequent functional inferiority may be psychologically compensated and even overcompensated. By training or exercise a functional superiority may be attained without modification of the organic deficiency. The growing child is among its elders as a weak organ in the body. It is helpless, dependent, the inferior of its elders in every respect. The female holds, in our man's world, a position like that of the child. In both the position generates feelings of inferiority which initiate compensating movements of self-assertion, demands for acknowledgment and for attention. These movements and demands are focused at the point of felt inferiority. They are self-centered, self-regarding and self-gratifying. Their sum is a will to power regardless of the social order or its values. Their end justifies their means to them, and their consequence may be neurosis.

They are only a special case of the generally compensatory character of human behavior. For man as such is an inferior organism—this is why he has a mind which functions basically to compensate for sentiments of inferiority and insecurity. In this compensation consists the masculine protest. Among neurotics it takes the form of pretenses and fictions and inertias and evasions of reality (such as the Oedipus complex). It delimits perception and understanding, defines ambitions even in the sexual life, making Don Juans of men who feel sexually inferior and prostitutes of women who desire revenge for being females.

Often conscious, the masculine protest is usually not realized as the cause of its effects. Nor can its endeavor to disregard society succeed. The individual comes into dynamic relations with society principally at three points: his chosen calling, his friendships, his sex life. Failure at any of these points is intolerable and is excused or nullified by a system of self-justifying pretexts or subterfuges which compose neuroses so long as they are due only to egotism and fear, and become psychoses when these sentiments degrade to complete discouragement. The causes of discouragement are summative. They begin in early childhood and are functions of the child's family relationships: orphancy, being an only child, a girl alone among boys or vice versa, may easily lay the foundation of a neurosis. The relationships often determine the choice of a goal. This choice of a goal is not a realistic one, but reflects an imaginative fiction. Nevertheless, it is the "principal conditioning factor in life," at once the urge toward perfection and the enemy of reality. Often hidden even from consciousness, the goal or life-plan manifests itself in posture, carriage, expectations, memories, fantasies and dreams. It causes intolerance, dogmatism, avarice, envy and pleasure in the misfortune of others; it may grow far beyond the requirements of self-preservation.

Protection against these hypertrophic trends can be accomplished only by liberating and strengthening the "eternal, real, physiologically-rooted community feeling"—the true source of love, tenderness, friendship and love of neighbor—and by consciously destroying the will to power. This is the task of education. All educa-

tion is really mental hygiene. To do its work it must assume that every character possesses purposive unity and then must examine its earliest memories not only for their fictions and power drives but for their greatest social value, and interpret its dreams and fantasies so as to lay bare their relation to reality.

HORACE M. KALLEN

See: PSYCHOLOGY; PSYCHIATRY; ABNORMAL PSYCHOLOGY; CHILD PSYCHOLOGY; EDUCATIONAL PSYCHOLOGY; CONSCIOUSNESS; PERSONALITY; MENTAL DISORDERS; MENTAL HYGIENE; SEX EDUCATION AND SEX ETHICS.

Consult: Freud, Sigmund, *Sammlung kleiner Schriften zur Neurosenlehre*, 5 vols. (1st–3rd ed. Vienna 1911–21), tr. by Joan Riviere and others as *Collected Papers*, vols. i–iv (New York 1924–25); Abraham, Karl, *Selected Papers*, tr. from many sources by Douglas Bryan and Alix Strachey, International Psycho-Analytical Library, no. xiii (London 1927); Brill, A. A., *Psychoanalysis, Its Theories and Practical Application* (3rd ed. Philadelphia 1923); Holt, E. B., *The Freudian Wish and Its Place in Ethics* (New York 1915); Jones, Ernest, *Psycho-Analysis* (New York 1929); Mitchell, T. W., *Problems in Psychopathology* (London 1927); Levine, Israel, *The Unconscious* (London 1923); Northridge, W. L., *Modern Theories of the Unconscious* (London 1924) ch. iv; Jastrow, Joseph, *The House That Freud Built* (New York 1932); Nachmansohn, M., *Die wissenschaftlichen Grundlagen der Psychoanalyse Freuds* (Berlin 1928); Jung, C. G., *Wandlungen und Symbole der Libido* (2nd ed. Vienna 1925), tr. by B. M. Hinkle as *Psychology of the Unconscious: a Study of the Transformations and Symbolisms of the Libido* (New York 1916), *Contributions to Analytical Psychology*, tr. from many sources by H. G. and C. F. Baynes (London 1928), *Seelenprobleme der Gegenwart* (Zurich 1931), *Psychologische Typen* (6th ed. by A. Langenegger, Zurich 1930), tr. by H. G. Baynes (London 1923), and *Das Unbewusste im normalen und kranken Seelenleben* (3rd ed. Zurich 1926), tr. by H. G. and C. F. Baynes in *Two Essays on Analytical Psychology* (London 1928) pt. i; Hinkle, B. M., *The Re-creating of the Individual* (New York 1923); Adler, Alfred, *Über den nervösen Charakter* (4th ed. Munich 1928), tr. by Bernard Glueck and J. E. Lind as *The Neurotic Constitution* (New York 1917), *Praxis und Theorie der Individualpsychologie* (4th ed. Munich 1930), tr. by Paul Radin (rev. ed. London 1929), *The Education of Children*, tr. by Eleanore and Friedrich Jensen (New York 1930,) *The Pattern of Life*, ed. by W. B. Wolfe (New York 1930), *Menschenkenntnis* (4th ed. Leipsic 1931), tr. by W. B. Wolfe as *Understanding Human Nature* (New York 1927), and *The Science of Living* (New York 1929); *Guiding the Child on the Principles of Individual Psychology*, ed. by Alfred Adler and tr. by Benjamin Ginzburg (New York 1930); Wittels, Fritz, *Freud and His Time*, tr. from German ms. by Louise Brink (New York 1931); Healy, William, Bronner, A. F., and Bowers, A. M., *The Structure and Meaning of Psychoanalysis as Related to Personality and Behavior*, Judge Baker Foundation, Publication no. 6 (New York 1930); Hitschmann, Eduard, *Freuds Neurosenlehre* (2nd ed. Vienna 1913), tr. by C. R. Payne (New York 1913); Kranefeldt, W. M., *Die Psychoanalyse: psychoanalytische Psychologie* (Berlin 1930), tr. by R. M. Eaton as *Secret Ways of the Mind* (New York 1932); Maylan, C. E., *Freuds tragischer Komplex: eine Analyse der Psychoanalyse* (Munich 1929); Wohlgemuth, Adolf, *A Critical Examination of Psychoanalysis* (London 1923).

PSYCHOLOGY. Contemporary psychology may be approached through a retrospect of its origins, for psychology has a long past, if only a short history. Of scientific psychologists in the modern sense there have been at most three generations. But the antecedents of the problems with which they deal appear clearly in Greek speculation and less clearly in all stages of primitive soul lore. To emerge as an independent discipline psychology had to be freed from the dominance of theology and philosophy, to await the maturity of the biological sciences and finally to become differentiated from physiology.

Although the most prominent fact in psychological experience is the physical basis and conditioning of mental life and although the body has always been an object of observation, yet it is not surprising that much time elapsed before psychology reached scientific maturity. The body is definite and palpable, but what goes on within the body is sufficiently obscure to invite conjectural and fantastic interpretations. These tend to be conditioned by the prevalent conception of mind or psyche; for to his reflective self man is psyche. This "spirit" principle, by whatever name it is known, is conceived as a fusion of urges and emotions, as intelligence, as a mystic essence, as a soul with a future or a past. Psychology thus begins as soul lore, as "psychosophy." The psychosophic stages continue under the theological tutelage and through long centuries develop dialectic subtleties; these strongly influenced the pioneer thinkers of the Renaissance, and their echoes are still heard. Until this stage was superseded, there could be no naturalistic psychology.

Despite persistent spiritualizing the bodily conditioning of psyche was never altogether neglected. Aristotle defined psychology as the study of the soul and its "accidents." He postulated a "nutritive," a "sensitive" and a "rational" soul. For the longest period of its development psychology was shaped by the needs of philosophy. To the philosopher mind was the rational endowment, through which the world becomes knowable and reflection possible. Such knowledge or intuition, or belief or faith, usually

regarded as transcending the worldly premises, posited a "spirit" behind the scenes; even the bodily processes were referred to "animal spirits." The increasing recognition of the bodily structure led to a collateral mechanistic view of mental action. This position is represented by Descartes, who stands at the most distant portal of approach to modern psychology.

Descartes' solution is mixed. He accepts corporeal animal spirits communicating with an incorporeal soul which he locates—since mind must be unitary—in the obscure pineal gland, as the only single organ in the bilaterally symmetrical brain. The "spirits" there seek memories which the mind desires. For him, as for Geulincx, Malebranche, Leibniz and others, God becomes an acceptable cause where physiological explanation stops. Such mingling of observation with mystic interpretation seems unintelligibly foreign, offering but a meager hint of future orientation.

The more progressive English psychology followed an empirical bent. Hobbes appears indeed as the precursor of modern social psychology. Living an active life in turbulent times, he developed a psychology to explain human nature on a large scale. To him the "natural" state of man was "solitary, poor, nasty, brutish and short." The transformation by the processes of civilization proceeded by control through fear and the desire for honor and regard. Competition led to cooperation, to refraining from robbery in order to avoid being robbed. Self-interest he regarded as the dominant motive of human conduct, as did likewise in later days Bentham and the utilitarians. While mainly concerned with the social complication, Hobbes considered the physiological sources: the primal impulses of hunger, thirst and sex and the bodily basis of the mental movement. This last he conceived to be a form of physical motion; as the motion died out, the sense impression faded into a memory. Memories were organized by the coherence of ideas; the "cohering" came to be known as "association." Back of the coherence is intent; there is guided and unguided thought, the latter the freer imagination. Although fragmentary, there is here the groundwork of an empirical psychology.

The associational clue gave direction to British psychology, which was concerned less with the ultimate nature of the mind or its relation to body than with its observable processes. This tradition began with Locke and became explicit and mature in Hartley. Two problems were uppermost: how contact with the world was established, and how on the basis of sensation ideas were developed. Both involved the issue as to what was innate and what acquired. The solution was sought, not in a hypothetical entity but within the body-mind, yet with interest focused upon the upper level conscious processes. There was as yet slight recognition of a genetic series from reflex to reason.

Opposing the then current doctrine that certain ideas were inherent, Locke saw the mind as originally a *tabula rasa*, a blank slate. What the mind came to know or believe or feel or do, depended upon its experience. There were two sources of knowledge: sense, and intellect or reflection. There was nothing in the "intellect" that was not previously in "sense." Sense impressions supplied the data for perceptions and, by reflection, for ideas. The "repeating" and "joining" composed the mental movement—what generations later James called "the stream of consciousness"—in which the "association of ideas" sets the central flow.

Berkeley's *An Essay towards a New Theory of Vision* (1709), appearing just after Newton's *Opticks* (1704), may be regarded as the first treatise dealing in a modern manner with a specific psychological problem. Berkeley demonstrated that "distance" was a judgment based upon the sense feelings in the muscles of convergence; that secondary criteria, light and shade, entered; that relations of size and distance were likewise the result of experience and not, as Locke thought, an immediate datum; that the perception of a coach was the joint issue of hearing it, seeing it, entering it, by "natural, necessary or customary association"; that by extending the same process to sets of perceptions and ideas—the perception particular but the resulting concept general—the content and meaning of experience emerged.

Hartley developed the implications of associationism. He was groping for a physiological psychology. The nerve processes he described as vibrational ("vibratiuncles"), and their dying out as giving rise to images, including the afterimages. He described the "laws" of association as bonds established through contiguity in space, succession in time and contrast in relation. He applied these fusions to the elements of sensation, to perceptions of objects, to actions, to emotions and to concepts and ideas, from simple to abstract. The indefinitely complex content of the psychic life he explained as composed of pleasures and meanings by way of secondary

associations and affections. Hartley's psychological method consists throughout in deriving the complex from the simple.

Associationism held its influence upon systems of psychology well into the nineteenth century. It was elaborated into a complete and systematic formulation by the utilitarian philosopher James Mill; it was transformed into a "mental chemistry" by John Stuart Mill; and finally Alexander Bain assimilated it into the developing trend of physiological psychology.

Leadership in philosophical psychology passed in the eighteenth century to Germany. The most notable philosopher-psychologist had been Leibniz, whose conceptions of mind were abstract and theological. His solution of the body-mind relation, in opposition to Descartes' dualism, was a parallelism: mind and body keeping time like two clocks, through a divine "preestablished harmony," without further intervention or control. There is but one substance—hypothetical monads—from a material particle to a complex state of consciousness, or God Himself.

Although Wolff was but a generation later than Leibniz, whose parallelism he followed, he regarded mind far more empirically. He is considered to be the father of "faculty" psychology. He pictured the mind, although ever a unity, as functioning in distinct capacities, now remembering and then imagining, each being a power (faculty) as well as a process. Knowing and feeling were the primary faculties. Wolff's psychology was the dominant one of his day and gained prestige through its acceptance by Kant, who, however, glorified reason and opposed the reduction of higher mental processes to simpler functions in the British manner. Although he shared practical interests, Kant sought always for the philosophical ultimates; on the whole his views sent psychology back into the fold of philosophy.

A later and extreme issue of faculty psychology appears in the thirty odd cranial "organs" of Gall, which his associate Spurzheim called phrenological. Although the scheme was as grossly false as it was ambitious, it made articulate the assumptions underlying faculty psychology. Incidentally, this ready diagnosis—a forerunner of applied psychology—resuscitated the pseudo-psychology which has ever led a parasitic life upon the universal interest in the unusual manifestations of mind and the delineation of character.

Gall's work was influential in bringing the body-mind issue to the test of physiological proof in the functions of the cortex. Flourens had developed as early as 1825 a technique of extirpating portions of the animal brain and noting the resulting losses of function. His conclusions seem amazingly correct a hundred years later. Although he recognized divisions of function (*action propre*), he insisted on the unity, or integration (*action commune*), of cerebral function and opposed with vigor Gall's wholly unscientific conclusions. The active period of "brain localization" was inaugurated by Broca's discovery of the speech center in 1861; this was followed by a rapid increase in the understanding of the cerebral organization, particularly the differentiation of the motor zones and of specific sensory areas. Today the topic is once more prominent under refined methods combining psychological and physiological techniques. That mental action is determined by neuronic organization is a cardinal principle of all modern psychology. The solution of the problem first answered in terms of souls or animal spirits lies in neurology.

The early nineteenth century saw a distinct advance in all the collateral disciplines upon which psychology depends and in psychology itself, including the ever influential academic tradition. The leading psychologist was Herbart, who developed a mathematical form of exposition, perhaps in answer to Kant's challenge that psychology could not become a science until it became quantitative. His formulae were such in form only; they were based on assumptions, not on findings. Ideas, Herbart maintained, not only followed one another but competed for recognition, for what later was called the final pathway. They had different measures of vigor: some were active, well above the threshold; others weak and near or below it, to all intents "subconscious," in later terminology. An important value in Herbartian psychology is this recognition of the dynamic, urgelike processes animated by a search for meaning and purpose as set by experience. The apperception mass, embodying that experience, guides the learning process; and learning receives attention, for Herbart's was the first explicitly educational psychology, formulated in theory and applied in practise. The reform of teaching by object lessons, by emphasis upon meaning rather than rote information, by the study of growth levels, and the naturalistic pedagogical methods of Pestalozzi and Fröbel all derive from Herbart.

Likewise a pioneer contribution was the work of Fries, who introduced the fertile idea that

anthropology, as an exhibit of how men think and feel and live, is itself a demonstration in psychology, showing in varied stages of culture both the empirical source and the empirical expression of the psychic life. The ethnological reports of world travelers, of Humboldt particularly, presented a picture of how variously the common psychic nature may be expressed. Here as elsewhere the group life is recognized, a partial foreshadowing of the later "folk psychology" of Steinthal and Lazarus. The latter movement inaugurated the racial and anthropological psychology, including the study of cults, customs and belief systems, of which the English counterpart appears in Tylor and later in Frazer's *Golden Bough* (1890).

The two dominant sources of present day scientific psychology are the experimental method and the principle of evolution. The nucleus of investigation was in the physiology of the senses. The pioneer psychophysiologist, Johannes Müller, summarized his position in an epigram: "No one can be a psychologist who is not a physiologist." The notable discovery in 1811 that the posterior roots of the spinal cord contained sensory and the anterior, motor nerves afforded an insight into the plan of function. There followed the principle of "specific nerve energy," developed by Müller in one direction, by Bell in another; the determination of the rate of travel of the nerve impulse, which Helmholtz measured shortly after Müller declared it beyond human capacity to determine; and a wealth of investigations into the sensory mechanisms. Each stage in the formation of the visual world was studied minutely. Wheatstone's stereoscope (1838) demonstrated the principle of binocular depth perception; the functions of the eye muscles were plotted; the kinaesthetic sense was recognized; the unique working of the auditory mechanism in speech and music was analyzed. This thorough survey of sense capacity reached its climax in the two brilliant works of Helmholtz on vision and hearing (*Handbuch der physiologischen Optik*, Leipsic 1867, 3rd ed. 3 vols. Hamburg 1909–11; tr. by J. P. C. Southall, Rochester 1924–25, and *Die Lehre von den Tonempfindungen als physiologische Grundlage für die Theorie der Musik*, Brunswick 1863, 4th ed. 1877; tr. by A. J. Ellis, 2nd ed. London 1885), which finally established what was native and what acquired in the sense data. All these accomplishments formed important data for the psychology which was then clearly in the making.

Through the exploration by E. H. Weber of the dermal senses (1834 and 1846) the skin, with its abundance of temperature, texture, spatial and motor data, became a recognized psychological organ. The same investigations developed the measurement of sensibility, which Fechner called Weber's law, and upon which in 1860 he developed an elaborate system of psychophysics.

Fechner experimented endlessly with lifted weights, determining the "just perceptible difference" in proportion to the initial weight. An ounce in a pound he showed to be an "equally perceptible" increment with two ounces in two pounds. He determined next a graded series of "equally perceptible differences" and announced the general psychophysical law that proportional amounts of stimulus are needed to produce equal units of sensation. Fechner, a curious combination of mystic and scientist, thought or hoped that he thus had found a common measure of the physical and the psychical which would make psychology mathematical. He also applied experiment to aesthetics—another pioneering enterprise. The immensity of labor expended on the elaboration of this problem seems out of all relation to its intrinsic importance; but it did establish an experimental technique. What it neglected was the vital fact that senses have developed for biological use. Little more was proved than the existence of a relativity of value —a relativity applicable equally to physiological effects and to psychological impressions.

In the transition to a distinctly modern naturalistic psychology two influential psychologists deserve mention—Beneke and Lotze. Beneke, whose views accord with those of Herbart but are more cogently naturalistic, used the expression "psychology as a natural science" as the title of his opus (1833). He emphasized the "wholeness" of the mentally reacting organism and accepted the associational procedures as valid but not adequate for explanation. Mental life consists of inherent, basic functions; these include emotional as well as intellectual trends. Experience develops and modifies their expression, each reaction leaving its traces, which affect the next response. The "faculties" were rejected by Beneke as abstract creations. Lotze was medically trained and had the physiological data at his command. He covered a wide range in his *Medicinische Psychologie* (Leipsic 1852) but in his later years turned to philosophy. His contributions to physiology are notable: he seems to have been the first to use the term physiological psychology. Lotze's best known contribution is the doctrine of "local signs,"

demonstrating how the registry of impressions is correlated with the control of movement. His pupils, notably Brentano, Stumpf and G. E. Müller, became leaders in the experimental movement. Of all the psychologists in the philosophical tradition Lotze stands closest to the moderns.

The physiological emphasis, the experimental approach with its rich implications and the coordinating idea that the scattered and comprehensive mass of data concerning mental action were all contributory to a unified psychology met in the determination of Wilhelm Wundt to establish a physiological psychology. The Wundtian renaissance turns upon a technique: the establishment of the experimental method, which has subsequently been extended far beyond its original employment. This contribution remains its permanent distinction. Wundt's work contains also a project of organization: a confederation of the several provinces covering the many sided interests and phases of mind. But the program of psychology in Wundt's day was academically limited. It has grown vastly and in unforeseen directions, dividing psychologists into specialists, particularly in applied fields. There have come to the fore active conflicts of opinions and issues not then on the horizon.

Wundt's own psychological doctrine has long been superseded. It is now classified in the museum of historic systems under the rubric of structuralism. Its central idea was that psychology was to be prosecuted as a technical analytic study, directed by controlled introspection and reduced to quantitative form, of the structure, or existential content of consciousness. Because of its emphasis on existential content, Woodworth speaks of the system as existentialism; since it reduces all psychic processes to their elements, Boring calls it elementarism. Even the feelings were introspectively analyzed into a paradigm of six qualities in oppositely paired dimensions. The mental life was conceived as a matter of compounds, blends and reactions and the set up of a psychological experiment was patterned after one in physics or chemistry, with the Hipp chronoscope in the place of honor instead of the test tube.

Wundt's activity recognized another source of psychological knowledge besides experiment. He studied the psychological record, which he called *Geschichte*, and late in life prepared an extensive *Völkerpsychologie*, a study from the psychological angle of the evolution of the cultural stages of mankind. The Wundtian influence is, however, represented chiefly in the publications issuing from the Leipsic laboratory. The contributions of Wundt and of his school are far too rich and detailed for summary. They represent the transformation of psychology under a new technique, comparable to the transformation of biology following the introduction of the microscope. The studies in sensation in which physiologists had encroached upon the psychologist's domain gave the keynote; they provided the impetus for new methods in the investigation of mental processes as they appear in consciousness: discrimination, imagery, memory, comparison, judgment, concept forming and every variety of mental product and process. The later Gestalt psychology is a laboratory product.

The innovation of the Leipsic laboratory attracted two such diverse and gifted psychologists as William James and Stanley Hall and through their following transferred the active center of psychological research to America. Yet each of these leaders, and each distinctively although both in a spirit of liberalism, moved away from and beyond the Wundtian program, even as they spread the message of its significance. The literally loyal follower was Titchener, Oxonian in habit of mind, Teutonic in method, American by residence. To Titchener psychology remained a pure laboratory science devoted —as was physics to the laws of matter—to the establishment of the principles and data of the introspective domain. Surrounded on all sides by the applicational extensions, he held firmly to the technical pursuit of analytical problems, confident, with an a priori conviction, that there alone lay the secret of the mental structure and the proper occupation of a psychologist.

Of the second dominant source of modern psychology, biological evolution, it may be said that if the concept of evolution is recent, the biological approach to psychological problems has always existed. It is in fact the core of all naturalism. But this biological motive was overshadowed in the past by other doctrines, mainly moralistic in temper, and in later thought by the mechanistic and abstract conceptions into which a primarily academic psychology sought to imprison the psyche. Aristotle, Descartes, Hobbes, Hartley, Herbart, Müller, Beneke, Lotze, all gave varied emphasis and expression to the biological motive. Indeed even the term physiological psychology incorporates the broad view that psychology is but the biology of the

mind. Yet the biological viewpoint never dominated and only occasionally became directive; the psychologist was not wholeheartedly a naturalist until the insight of Darwin established the principle of evolution and the wide implications of that enlightening principle had become a common possession. Within a remarkably short period all the sciences of life were recast in a biologico-genetic mold, particularly psychology. Herbert Spencer anticipated Darwin in applying evolutionary concepts to psychology. Spencer presented theoretical generalizations; Darwin patiently supplied the evidence. The latter's *The Expression of the Emotions in Man and Animals* (London 1872) represents an evolutionist's solution of an intrinsically psychological problem. Postevolutionary psychology is in every way distinctive and itself completes the naturalistic evolution of psychology. From then on the biological criterion and reference claim consideration in every problem, even though the actual investigation is experimental or sociological.

The biological emphasis centered upon function through the leading idea that behavior, like endowment, is an expression of the adjustment of organism to environment, in which the better adjusted survive. The movement away from structuralism has come to be known as functionalism; it leads directly to an adjustment psychology—which is a more cogent name for it—finding what the mind is in what it does. This pragmatic view characterizes the American movement in psychology. It was above all William James' *Principles of Psychology* (2 vols., New York 1890), with its sweep and power and vivid vitality of presentation, which spread the doctrine of the mind as an active moving power —what Woodworth later called "dynamic" psychology. James was a naturalistic analyst, interested in the fauna and flora of the mind and their interpretation, ready to find his data in space perception, in instincts and emotions, in reservoirs of energy and in the varieties of religious experience or in mediums and revelations.

The neglect of the biological clue led to a protest against the Wundtian psychology. James found it dull and meaningless from the beginning. Hall definitely regretted that psychology had taken its model from physics and not from biology. Dewey and Angell by precept and practise gave the functional view currency, and substantially all current psychology is functional in scope and purpose.

The biological postulate which holds that the clue to mental behavior lies in the genetic series, from infusoria to man, infant to adult, reflex to reason, is most directly expressed in the modern study of animal behavior, which at the same time affords a convincing example of the convergence of evolutionary concept and experimental method. It has made the white rat a psychological property, but does not imply that rat psychology can be transferred to human behavior. In the shifting concepts of animal behavior the entire succession of views of the psychic life may be found reflected—from Aristotle's naïve views of animal powers to Descartes' theoretical automata, to the anecdotal assemblage of "animal intelligence" of the Victorian period, down to the experimental studies under a biological interpretation initiated by Lloyd Morgan and Thorndike and giving the animal laboratory a parallel place with the human.

The results of experimentation upon animal behavior appear in the revision of the accredited views of two leading problems: instinct and learning. The criteria of instinct—primary urge, specific trend, pattern, fixity, innateness—have become more flexible. The demonstration that the ready-to-act "instincts" of the infant are few and that the effect of early experience is decisive, the questioning of the validity of any enumeration of instinctive tendencies—by Thorndike in terms of concrete responses, by James in one set of urge trends, by McDougall in a more socialized set, by Freud in a quite divergent scheme—indicate that a unified concept is still to be sought. Instinct is involved in the problem of learning. Animal as well as child psychology supplies the data. The stages of response—impulsive reaction, trial and error, insight—bridge the gap between reflex and plan; the approach of simian patterns of solution to human ones is demonstrated. The awaiting of maturation before instinctive tendencies can find motor outlets at command is demonstrated in Gesell's investigations. There emerges a far more complete and correct picture of mental evolution than was ever before available.

Evolution placed the emphasis on origins; it introduced comparative psychology; it sponsored child psychology—Darwin himself wrote the biography of an infant in 1877; it provided direction for racial and social psychology; it gave the genetic a richer meaning, from hierarchies of neurones to stages of civilization. Among the issues of naturalistic psychology is the substitution of "behavior" for "consciousness." Behavior had already been accepted as the sum-

mary of psychic activity when Watson's behaviorism emphasized the importance of carrying the objective attitude as far as possible. The attempt totally to eliminate conscious behavior from consideration and the rather startling pedagogical and social consequences which Watson drew from his premises are extreme interpretations; they may be dismissed without affecting the core of behaviorism. A naturalistic psychology is inherently behavioristic.

The Darwinian influence, which was so potent in the theoretical orientation of psychology, also furthered the practical phase of modern psychology. Directly under Darwin's inspiration Galton introduced the study of human variations and the ranges and distributions of human qualities derived from them. Their extension by Cattell inaugurated the entire psychology of individual differences, a problem which Wundt pronounced *ganz amerikanisch* when Cattell proposed it to him.

Mental testing arose jointly from Galton's "anthropometric" scheme and from the need in education of separating normal and subnormal children by a reliable method; the latter was the starting point of Binet's investigations.

These many aspects of human variability developed under the rapidly increasing knowledge of the mechanism of heredity. Galton's *Hereditary Genius* (London 1869) was an early contribution. In an attempt to gauge human intelligence and qualities generally the need of a measure to determine rank in one proficiency in its relation to another led to the method of correlation under the leadership of Pearson, an associate of Galton. The curve of distribution and the criterion of correlation have come to represent the quantitative temper of psychology; they provide an instrument of wide application to social as well as individual relations.

Applied psychology, once established under the auspices of the pragmatic temper, pursues its own varied course; it has resulted in a psychotechnic, notably in the industrial field. But whether in the rating of school children or in so specialized a problem as the psychology of advertising or so general a one as fitting a job to a man or a man to a job, it is the presence of the personal factor of adjustment which defines the general nature of the problem. Presumably the complex stresses and specializations of modern life would have developed an applied psychology even had no theoretical psychology existed; its rapid growth to a professional vocation has profoundly influenced the scope of psychology. It may prove, as Yerkes proposes that the future will recognize two types of specialists: psychologists and psychotechnicians.

Closely allied to applied psychology but possessing a distinctive source in the pathological phases of psychic behavior is the clinical approach, or the approach of abnormal psychology. Like general psychology this discipline has a long past and a short history. Its temporal span reaches from explanations by demon possession to demonstrable changes in cortical cells. The modern viewpoint is neurological. The clinical approach is opposed to, and is in a quite different camp from, the academic approach. It recognizes that the abnormal is but the extreme of the normal. Psychological principles find their confirmation in the abnormal, and the abnormal itself contributes important demonstrations to psychology. Mental disorders are at once human liabilities and nature's experiments. The enrichment of modern psychology through the inclusion of the abnormal is distinctive of twentieth century advance.

In the same progressive years which marked the establishment of the neurological basis of psychic variation—the discovery of the influence on behavior of the endocrine glands and the related basic functions of the autonomic nervous system is a notable contribution—appeared the new approach of psychoanalysis. Where the apostle of determinism by the autonomic nervous system approaches mental function "from below," through the influences exerted by the rudimentary structures, the psychoanalyst approaches it "from above," through the internal complications associated with the highest cortical layers. The principles of psychoanalysis are equally significant in clinical psychology and in the shaping of the concept of psychology itself. Psychoanalysis challenges the adequacy of the entire accredited approach, posits a motivation of the total psyche as the mainspring of behavior and proposes an entirely novel set of mechanisms and intimate psychic relations (complexes). It focuses upon urges and the emotional life. Although acceptance of the various parts of the Freudian system by psychologists has been limited, its influence upon popular thought has been pervasive.

Clinical psychology should not be dismissed without an indication of the parallel development of psychiatry. Mental disorders and abnormal manifestations of mind have insistently demanded attention. There is a parallel problem of deciding how far disorder of mind is mental

or physical. The psychological approach in diagnosis and treatment has been established without abandonment of the as yet unknown physiological origin of the functional nervous disorders, the psychoneuroses. The modern era begins with Charcot, who utilized the hypnotic condition which Braid had rescued from the misleading conception of Mesmer. Charcot together with Janet, his successor, gave a clear exposition of the play of psychological urges and mechanisms in the disordered mind. Kraepelin, Bleuler and Freud represent the development in Teutonic lands of a similar approach. The convergence of these points of view is responsible for the institution of clinics in the service of the law and for the vigorous "mental hygiene" movement.

Both in clinical and in normal psychology the question constantly arises as to how far the explanation of individual conduct can be complete without reference to that vast system of social institutions and traditions which envelops individual life and in which individual life finds its dominant expression. Whether or not a fully developed individual psychology would account for all of the collective relations and manifestations which react upon the individual, a special social approach is necessary for a grasp of the reactions of the individual in the concrete social context as well as for an understanding of the psychological impact of social institutions upon the individual. It is this approach which has created the discipline of social psychology, which places a new emphasis upon the various branches of psychological investigation (abnormal psychology and applied and educational psychology in particular) but which serves to mediate between psychology and the specifically social sciences. An analysis of the concepts and methods of this discipline is elsewhere considered (*see* SOCIAL PSYCHOLOGY). This discipline leans heavily upon the biological and functional approach discussed above. Experimental methods, although they have been slow to develop, are now also finding fruitful application in this field.

The shifting concept of the human psyche forms the core of the history of psychology, the determinant of its present status and its future career. It is now possible to view the retrospect and prospect alike from the position of clarity and so much of unity as may be established by a resolution of the apparent and real conflicts of present day psychologies. The result of the emergent evolution in this concept is that psychology has been established as the scientific study of the motives and mechanisms of behavior and their organization according to a naturalistic scheme. Certain phases and specialties within the psychological domain are predominantly studies in motivation, others in mechanisms of low and high degree; and still others are focused upon organization. But it is all one endeavor—to see the psyche soundly and to see it whole. As inevitably as there is one physics, there is one psychology.

Recent systems of solution offer conclusive demonstration of this trend. Behaviorism proposed the S-R (stimulus-response) formula as the simple pattern of all behavior and assumed that this formal statement was adequate. It ignored the vital factor of the organism, which decisively, and in each type of organism distinctively, determines which of all the physical and generally environmental forces shall act as a stimulus (S), and what the manner (including the absence) of response shall be. The true formula is S-O-R, stimulus-organism-response. The "Gestaltist" recognized that the integration pattern—which is the Gestalt—is present from the outset. Accepting the same emphasis, others speak of an organismic psychology; still others emphasize that since all behavior is active, the "act" psychology, the completing motor phase, is the proper point of approach and the consummation of behavior is the unit of response. The behaviorist in common with all genetic psychologists finds the clues of the psychic pattern in the beginnings, in "primitive" primary psychology. But to assume that the "conditioning" which there takes place remains the pattern of complex behavior is a fallacy and is so rated by the Gestaltist.

The Freudian psychology is clearly a motivation system; it seeks the motivations in the intimate primal drives, tracing their issues in the most complex and disturbing of cerebral functions. Accepting this as the leading idea of psychoanalysis, it appears valid and far reaching, in some respects the most transforming of all the recent contributions and by far the most comprehensive in its vast implications and applications. The doubt arises—and it is a crucial one—whether the Freudian mechanisms are real or only the hypothetical fictions assumed in support of one very specific theory of origin. The enlargement and correction of the motivation scheme by Jung, the complementing of urges in goals by Adler and the emphasis upon the social competition and personal status, dom-

inant in recent literature, are in line with progressive psychoanalytical insight and point the way to a comprehensive summary of behavior in terms of motivation.

Despite the crisscross of opinion, the conflicts in definition and method of contemporary psychologies, the unitary purpose and even a consistent formulation are increasingly apparent, indeed imminent. In contrast to the irregular and handicapped course represented in the historical development, the present outlook is clear and unhampered. The major battles have been won, but no sooner have they been won than other dissensions have appeared, some as disturbing interludes of aggressive or uncompromising movements, far too cultlike in their singleness of aim; others as constructive critiques leading to corrected concepts and more profitable modes of advance.

The shifting scope of psychology is unique as compared with the accredited unity of the basic sciences, but not if its proper parallel is in the social sciences, subject from base to apex to human complications. Psychology is both basic to the social sciences and one of them. As a basic science it must come to terms with its unprofitable contentions and its obsolete "isms." Because of its comprehensive scope and its applicational field it will inevitably, like medicine, divide into specialties, but with a common scientific naturalistic basis. Psychology is both made and in the making; its future, once its interludes and extravagances are overcome, seems promising if not secure.

JOSEPH JASTROW

See: SOCIAL PSYCHOLOGY; BEHAVIORISM; GESTALT; COMPARATIVE PSYCHOLOGY; ABNORMAL PSYCHOLOGY; PSYCHIATRY; PSYCHOANALYSIS; EDUCATIONAL PSYCHOLOGY; CHILD PSYCHOLOGY; METHOD, SCIENTIFIC; MECHANISM AND VITALISM; BIOLOGY; EVOLUTION; HEDONISM; PERSONALITY; CONSCIOUSNESS; INSTINCT; HABIT; MENTAL HYGIENE; MENTAL DISORDERS; MENTAL TESTS; VOCATIONAL GUIDANCE; FATIGUE.

Consult: Boring, E. G., *A History of Experimental Psychology* (New York 1929); Murphy, Gardner, *An Historical Introduction to Modern Psychology* (2nd ed. New York 1929); Pillsbury, W. P., *The History of Psychology* (New York 1929); Garrett, Henry E., *Great Experiments in Psychology* (New York 1930); Bernhard, E. A., *Philosophische und naturwissenschaftliche Grundlage der Psychologie*, Bibliothek für Philosophie, vol. xxxii (Berlin 1930); *A History of Psychology in Autobiography*, ed. by Carl Murchison, 2 vols. (Worcester, Mass. 1930–32); *The Foundations of Experimental Psychology*, ed. by Carl Murchison (Worcester, Mass. 1929); *Psychologies of 1925*, ed. by Carl Murchison (3rd ed. Worcester, Mass. 1928); Heidbreder, E. F., *Seven Psychologies* (New York 1933); Driesch, Hans, *The Crisis in Psychology* (Princeton 1925); Ford, Adelbert, *The Story of Scientific Psychology* (New York 1933); Warren, H. C., *A History of the Association Psychology* (New York 1921); Baldwin, J. M., *History of Psychology*, 2 vols. (New York 1913); Brett, G. S., *A History of Psychology*, 3 vols. (London 1912–21); Hall, G. S., *Founders of Modern Psychology* (New York 1912); Klemm, O., *Geschichte der Psychologie* (Leipsic 1911), tr. by Emil Carl Wilm and Rudolf Pintner (New York 1914); Dessoir, Max, *Abriss einer Geschichte der Psychologie*, Die Psychologie in Einzeldarstellungen, vol. iv (Heidelberg 1911), tr. by Donald Fisher (New York 1912); Siebeck, H., *Geschichte der Psychologie*, 2 vols. (Gotha 1880–84); Estey, Grace, *A Bibliography on Psychology* (Gardner, Mass. 1926); Louttit, C. M., *Bibliography of Bibliographies of Psychology, 1900–1927*, National Research Council, Bulletin no. 65 (Washington 1928). For current reference see *Psychological Abstracts* (1927–) and the reviews of various branches of psychology in *Psychological Bulletin* (1904–), both of which are published monthly in Lancaster, Pennsylvania.

PUBLIC ACCOUNTS. *See* ACCOUNTS, PUBLIC.

PUBLIC ADMINISTRATION. *See* ADMINISTRATION, PUBLIC.

PUBLIC CONTRACTS. In earlier times, when governments were almost entirely law enforcement agencies, their very limited expenditures were confined largely to the cost of personal services. Modern governments, however, which spend vast sums for supplies, materials and equipment, are usually the largest business corporations within their territories. Included in the governmental budgets are appropriations for such purposes as the housing, clothing and feeding of the public wards in penal, correctional and eleemosynary institutions; the construction and upkeep of school and university buildings and the purchase of textbooks and educational supplies; the building and maintenance of great hard surfaced highways; the operation of playgrounds and recreation centers; the purchase and servicing of huge fleets of all types of motor equipment used in public works activities, law enforcement, fire extinguishment and, in the federal government, in the operation of the postal system; the maintenance of the water supply system and any other public utilities under government control; the purchase of food and clothing for the relief of the unemployed; and, finally, the huge expenditures for military or naval establishments.

The governments of the United States—federal, state and local—spend in normal times more than one billion dollars a year for material

goods. The average government normally allocates from 20 to 30 percent of its current operating budget for supplies, materials and equipment. As might be expected, the handling of contracts for materials has long been one of the bulwarks of the spoilsman. Consequently it has been necessary to buttress the award of public contracts with every possible legal safeguard in order to prevent the dissipation of public funds. The federal government and practically all states now require, by constitutional or statutory provision, that competitive bids on all contracts be solicited by advertisement in newspapers "of general circulation" for a stated period before the bids are opened and the contract is awarded; that the bids must be submitted sealed and must be opened and announced in public at the time and place stated in the advertisement; and that the contract must be awarded to "the lowest bidder" or the "lowest responsible bidder." Such legal restrictions are intended to open competition to all interested parties and to close the door to "the faithful few," who may belong to the inner circle of the administration in power or who may be liberal contributors to campaign funds. Because relatives of awarding officials have often been involved in scandals, practically all governments as a preventive measure now prohibit contracts to individuals or corporations in which the awarding officials are interested financially or otherwise.

The awarding officials do not always have full discretion in determining which is the lowest responsible bid. Some states grant by law a price differential as high as 5 percent in favor of "local bidders" or "firms doing business within the state." This restriction, while helpful to local contractors who are also taxpayers, sometimes penalizes all taxpayers for the benefit of a few. Many states also stipulate by law that the state government and all local governments must purchase the products of penal and correctional institutions at the prices fixed by the institutions, regardless of any more favorable prices from private producers. This situation has been aggravated since the passage of the federal Cooper-Hawes Act subjecting the interstate shipment of prison made products to control by any state which wished to bar them; thus each state has practically been compelled to consume its own products through distribution and sale to its local governments.

Another set of restrictions, devised by most governments to protect the public against irresponsible contractors, require that all bids on public contracts be accompanied by cash, certified check or surety bond in a stated percentage of the amount of the bid, as a guaranty that the bidder will sign the contract if it is awarded to him. When the successful bidder signs the contract, he must offer new or additional security as a guaranty that he will fulfil his contract obligations. As an additional safeguard against default on construction projects, most governments make only "progress payments," whereby a part of the amount due the contractor at each stage of construction is withheld until the project is completed. Since the public is almost invariably the loser through delay and extra cost in cases of default, many governments now require prospective contractors to "pre-qualify" before they can submit bids for the construction of buildings or highways. Under this method each interested bidder must answer a questionnaire relating to his past construction experience, the extent of his financial resources and the type and adequacy of his construction equipment and must also supply satisfactory references. Prequalification of contractors is required by a number of state highway departments and by some local governments in Pennsylvania and New York and has recently been legalized for use by state or local government in Wisconsin.

One of the abuses most difficult to control is "collusive bidding," which usually occurs in connection with contracts for commodities. When competitive bids are opened and announced, it is sometimes found that all bids are the same, indicating that the bidders have agreed upon the price in the hope that the government will apportion the business or rotate the present and future contracts among the various competitors. As a safeguard against collusive bidding the majority of laws on public contracts reserve to the government the right to reject all bids and to readvertise. "Balanced bidding" is another device whereby certain contractors may secure an unfair advantage over their competitors. This type of bidding occurs when the government is contracting for a large number of items and a wide range of commodities for repair and maintenance purposes, and when a government official may notify a favored contractor that certain items in the list will be needed in small quantities or not at all. By quoting a low price on such items and a relatively high price on the more important items, such a contractor may submit the lowest bid for the total lot of items and thus secure the award. To prevent balanced bidding many governments

reserve the right to award separate contracts for each item and to the lowest bidder on each.

All materials entering into construction and all goods delivered on commodity contracts are subject to inspection by the government's representatives before payment is made. Although this requirement tends to increase the cost of construction and the cost of government services, it has proved necessary to insure that the public shall receive what it contracts and pays for. But this safeguard, like many others, is difficult to enforce. Many scandals have arisen as a result of the acceptance of inferior goods by dishonest inspectors, who split the differential profit with the contractor.

The political strength of organized labor is reflected in the provisions, commonly found in all public contracts, that the contractor must pay his working forces at the prevailing rate of wages. The established wage rates as fixed by labor unions are usually paid also when public works construction is carried on by government employees. In some cities, for example, Chicago, the labor unions wield such political strength that the government can employ only union members and is prevented in some cases from using labor saving equipment. Under the National Industrial Recovery Act of 1933 federal contractors were required to conform to the codes established by the administration as to hours of labor and rates of wages.

The restrictions on the methods of award and administration are almost universally applied to all types of public contract. In the most common type of construction contract the government agrees to pay the amount fixed in the contract when the project is completed satisfactorily, and the contractor furnishes all labor and materials, subject to inspection by the government. In another type the government furnishes part or all of the materials, while the contractor furnishes the labor and assumes responsibility for carrying out the specifications of construction under government inspection. Commodity contracts, by which the government purchases material for use in carrying on any public service, are also of many different kinds. That most frequently used is the lump sum contract, by which the government agrees to accept a fixed quantity of a certain commodity as specified in the contract and to pay a definite price. But commodity contracts may be indefinite as to quality, quantity, price, length of contract or place and frequency of delivery. By the use of contracts which are indefinite as to quantity and time of delivery governments may drastically curtail the space requirements and the expense of maintaining warehouses, since the contractor furnishes the storage space and delivers as the government requires.

"Cost-plus" contracts came in for much criticism during and after the World War. Because of the extreme urgency of securing vast quantities of commodities without delay, the federal government authorized many contractors to furnish goods or to complete construction projects at cost plus a certain percent of profit or at cost plus a fixed sum. The cost-plus contract is conducive to extravagance and waste; since the contractor's profit is in direct ratio to the cost, he is encouraged to spare no expense. This type of contract is now seldom employed and in some governments, for example, in the state of Montana, it is prohibited by law; at present its use is confined almost entirely to payment for extra work on a construction project not included in the original contract and specifications. Such extra work is furnished on a "force account," by which the contractor places his forces at the government's disposal, being reimbursed for the actual costs of his labor, use of machinery, insurance and other overhead expenses, plus a certain percentage of profit.

Centralized purchasing has been widely adopted as a means of centralizing the responsibility of awarding public contracts. It has been introduced by forty-two states, by approximately fifty counties and by more than two hundred cities in the United States. By executive order of the president of June 10, 1933, an Office of Procurement was to be established on January 1, 1934, to contract for all the requirements of the federal government, including public works construction projects. By the centralized purchasing plan the supplies, materials and equipment needed for all or the majority of the branches of a government are purchased and contracted for by one office instead of by each department separately. The need for specialization is recognized, however, by the appointment in the large and well organized government purchasing office of a special buyer for a given commodity line, whose function is to keep informed on sources of supply, market conditions and other factors so that he can most advantageously meet the needs of all branches of the government. Contracts for public works construction are usually exempted from control by the central purchasing office and are instead awarded by the public works department in

cities, by the state highway department in states or by that department which is to supervise and maintain the project after its completion. The purchasing of equipment and supplies for the public school system and for educational institutions is also generally removed from the central purchasing office, although the school authorities usually maintain such an office for their own requirements. Cincinnati has successfully demonstrated the benefits of coordinated purchasing by combining the needs of the city, the board of education and the county and by buying more than one hundred commodities common to the needs of all three governments on joint contracts with standard specifications. Cooperative purchasing also has great possibilities for future economy, as is shown by the record of the Michigan Municipal League in buying fire hose, lamp bulbs and other staple articles on joint contracts for many of its member cities.

A long and extensive experience with centralized purchasing has proved conclusively that this method will reduce the cost of material on an average from 10 to 15 percent, thus leading to proportionately reduced expenditures for supplies, materials and equipment or to the procurement of more commodities for the same outlay of public funds. In order that this end may be achieved the administration of the purchasing office must be free from political control. Many governments have adopted centralized purchasing in theory, only to flaunt its observance by the appointment of a political partisan as purchasing agent, by discouraging the adoption of standard specifications or by crippling its administration through interference with the award of contracts. The situation in this field of public administration is, however, improving definitely and the present trend is decidedly in the public interest.

The regulation of public contracts in other countries has likewise advanced considerably. A few isolated instances of the letting of contracts for public works by competitive bidding have been traced to ancient times. Plutarch records that the temple works, waterworks and the repair of the walls of Athens were let in this way. There was no provision for the competitive award of public contracts in the economy of the Middle Ages; but it began to come into use as early as the sixteenth and seventeenth centuries, although it did not become common until the destruction of the guilds established the freedom of commerce and industry. In the transition to modern times there was employed a form of oral bidding in a sort of public auction. Colbert, who introduced the submission of written bids on work on the royal domains, has been hailed as the founder of the modern method. The French law of 1833 is generally regarded as the earliest continental national provision.

The tendency of subsequent legislation has been to depart from the requirement of award to the lowest competitive bidder. In some countries, however, there are no national laws regulating the letting of public contracts. In Belgium and Denmark the various governmental ministries establish their own regulations; and in England also there are no rigid legal restrictions, the usual practise being the issuance of invitations to tender to firms on the government lists. In no country of the world has centralized purchasing been adopted to so great an extent as in the United States. In some governments of England and in other countries the central purchasing authority for a given commodity is entrusted to that branch of the government which is normally its largest user. In some countries, for instance, France and Italy, government contracts have been awarded to groups of workmen who have organized for the purpose of obtaining this work.

RUSSELL FORBES

See: EXPENDITURES, PUBLIC; PUBLIC WORKS; PUBLIC EMPLOYMENT; ADMINISTRATION, PUBLIC; ACCOUNTS, PUBLIC; SUBSIDIES; WAR ECONOMICS; CORRUPTION, POLITICAL.

Consult: Forbes, Russell, *Governmental Purchasing* (New York 1929), with bibliography p. 351–57, *Centralized Purchasing* (New York 1931), *Purchasing Laws for State, County and City Governments* (New York 1931), *The Organization and Administration of a Governmental Purchasing Office* (New York 1932), and *Purchasing for Small Cities* (Chicago 1932); Monteith, R. J., and Burack, A. S., *Methods and Procedure in Federal Purchasing* (Boston 1933); Thomas, Arthur G., *Principles of Government Purchasing* (Washington 1919); Crowell, John Franklin, *Government War Contracts* (New York 1920); Shealey, R. Preston, *The Law of Government Contracts* (2nd ed. Washington 1927); Huber, Franz C., *Das Submissionswesen* (Tübingen 1885); Beutinger, Emil, *Das Submissionswesen* (Leipsic 1915); Schmidhuber, Wilhelm, *Das öffentliche Submissionswesen des Auslandes*, Reichsverband der deutschen Industrie, Veröffentlichungen, no. 40 (Berlin 1928); Bergemann-Gorski, F. K., *Das Verdingungskartel* (Berlin 1931); Jèze, G., *Cours de science des finances et de législation financière française* (6th ed. Paris 1922) pt. i, ch. iii.

PUBLIC DEBT. The term public debt, as used in fiscal literature, refers to those financial obligations of the state which have their origin in

an act of public borrowing; that is, in a voluntary transaction between the state as borrower and the private holder of capital as lender. It does not therefore include debts originating from other obligations, as, for example, debts in the form of unpaid salaries of public officials, retirement pensions, amounts owed on contracts for public works and for supplies and indemnities due for damages. Nor does it cover obligations arising out of forced loans, issues of paper money with compulsory circulation or any other financial operation which lacks the essential characteristics of an act of borrowing. It is advisable moreover to confine public debts proper to the so-called commercial debts; that is, debts contracted between the state and the private lender. Financial commitments of one state toward another, such as war indemnities imposed by a victorious state upon the conquered or loans made by one state to another in the pursuit of a common war or of any other common political goal, do not constitute a part of the public debt proper. These are political debts and by reason of their origin and character are subject to a treatment different from that accorded the debts owed to private lenders (*see* LOANS, INTERGOVERNMENTAL). These distinctions are not always observed in the official financial accounts, and before valid comparisons of the relative rate of public indebtedness of the respective countries may be undertaken, a clear conception of the particular meaning various governments attach to the term public debt is of the utmost importance. Finally, it should be observed that it is incorrect to use the term loan in the sense of extraordinary revenue or receipts; a loan involves simply a cash entry and necessarily creates as its counterpart a corresponding item of indebtedness.

Of the numerous occasions which induce states to contract debts the three outstanding are the covering of a budgetary deficit, the construction of public improvements and the pursuit of war. It is the prevailing opinion among fiscal writers that the covering of deficits should not be effected by resort to public borrowing. It is held that current public expenditures arising in the ordinary course of state activities within the fiscal period should be met by the ordinary receipts of taxes, the revenues derived from public domain and public enterprise within the particular period. To this end most states draw up an annual budget of expenses and receipts; a balanced budget is regarded as the fundamental condition of sound financial administration. If in the course of the year the yield of the public revenues is not sufficient to meet the commitments which fall due, governments frequently resort to borrowing for very short terms, such loans to be repaid immediately with ordinary receipts.

It is difficult to lay down general principles as to the social and economic soundness of public loans contracted for the purpose of construction of public utilities or for provision of funds in times of war. The general division of such loans into productive, when used for construction purposes, and unproductive, when used in pursuit of war, is frequently untenable. Under a democratic regime many public works are undertaken for opportunistic political reasons; they are without social utility and hence unproductive. On the other hand, a loan contracted for the purpose of waging a defensive war which assures to a people political independence and cultural continuity must be regarded as ultimately productive.

In periods of economic depression many suggestions have been put forward to the effect that public borrowing should be used to combat unemployment through the construction of public works, a device which would at the same time exercise a steadying influence upon national production. With the latter purpose in view others have advocated the use of government bonds as a means of managing the national currency and thereby of controlling the price level. The central bank would be authorized to purchase the bonds in the open market and thus increase the quantity of money in circulation. On the other hand, if it were deemed advisable to reduce the volume of money in circulation, the central bank would sell the government bonds in its portfolio and retire from circulation a certain quantity of paper money. These considerations, however, lead into the major problems of managed currency and controlled economy, which go beyond the scope of this discussion.

Financially a public loan is nothing but a technical device. Whenever a very considerable expenditure must be made in a short time, it becomes practically impossible immediately to assess the individual citizens with the full charge through the method of imposts and taxes. It is more practical and more equitable to divide the total charge into several fractions, one of which will be paid off each year through annual revenues. By the device of a loan the government at once procures the resources requisite

to the expenditure. For a certain number of years the government will pay through the annual imposts and taxes the costs for interest and for the amortization of the capital. Borrowing is thus a financial device whereby receipts of imposts and taxes are anticipated.

Moreover, as the proceeds from public loans are ordinarily applied to the construction of improvements whose usefulness extends to future generations, it is only just that the financial burden involved in such operations should be borne by future taxpayers. This is a legitimate procedure, provided it is not abused so that future generations are saddled with a burden of which the present generation should bear its share. In practise most governments tend to misuse the device of the public loan; and for this reason financiers are frequently at loggerheads with the government authorities about the use of loans and the determination of circumstances which justify the appeal to public credit. In times of war the loan device—to which recourse must be had—presents the inconvenience of ultimately putting the heaviest financial burden of the war on the shoulders of the non-possessing classes, which have not subscribed to the war loans. It should be mentioned, however, that following the World War the general bankruptcy of the borrowing governments caused the holders of war loan bonds to suffer enormous losses and thus deprived them of the initial advantages accruing to them as a result of war loan policies.

Public loans may exercise a great influence on the national economy of a country. If the loan is contracted within the country, it absorbs capital funds which might have been used for economic production. The important thing then is to bear in mind the purpose for which the funds are borrowed. The creation of public improvements by means of a loan is advantageous to the national economy in spite of the diminution in the capital funds available for production. If the loan is contracted abroad, it may exercise a favorable influence upon the balance of payments in putting at the disposal of the borrowing country resources of gold or foreign exchange which may be necessary, for example, for carrying through a scheme of monetary stabilization. In time, however, it may exercise an unfavorable influence upon the international balance of payments by reason of the charge for the interest and the repayment of the capital. External public borrowing is of great importance to new countries which have great natural wealth to exploit but which do not have the mobile capital for the construction of public improvements indispensable to the exploitation of the natural resources.

Juridically a public loan is a contract in the proper sense of the term; that is to say, a meeting of the minds setting up a juridical obligation on the part of the state to pay the interest and to restore the capital at the rate, the time and in the money agreed upon. A government is not authorized to modify of its own will, unilaterally, the conditions stipulated. Monetary devaluation, if undertaken with a deliberate view to reducing the burden of indebtedness, or any repudiation of a formal juridical promise, such as the unilateral reduction of the rate of interest, the modification of the conditions of amortization or the refusal to pay in the kind of money stipulated, constitutes state bankruptcy.

The establishment of an effective system of public credit presupposes, from the economic side, a developed industrial and commercial organization, the availability of liquid capital in considerable amounts, a wide diffusion in wealth among the various classes of the population, an abundant monetary circulation and a well organized capital and money market. From the social and political point of view it presupposes internal and external peace, an advanced constitutional and administrative organization capable of making a distinction between state and king, between the public finances and royal finances, between the public credit and the personal credit of the governing heads, and a high morality on the part of the political and administrative personnel. From the financial standpoint it involves the recognition of the fundamental principle that taxation is the normal source of public revenues, a well ordered fiscal system to inspire the confidence of the investing public, a regular administration of expenses and receipts (a budget), a detailed control of this administration and wide publicity for financial affairs generally.

It is thus clear that public credit is essentially a product of modern times. With the exception of the small Italian commercial republics, the German trading cities in the Middle Ages and the Netherlands in the early modern period the general political and economic prerequisites for the development of an effective system of public borrowing were almost wholly lacking up to the end of the eighteenth century. There was, to be sure, occasional borrowing by the state in the preceding centuries; but as the state was

personified by the ruler, such borrowing was based exclusively on his personal credit. The monarch was free to dispose of the borrowed funds and he used them for waging war, for displays of lavishness or, very rarely, for public works. The personal credit of the rulers was as a rule weak; the loans were consequently very difficult to negotiate and were of very slight importance, usually running for short terms and with very irregular service. Kings arbitrarily went into bankruptcy. The successors of a monarch did not consider themselves juridically bound by the commitments of their predecessors. In the absence of a regular flow of royal revenue to assure the repayment of the loans the lenders incurred great risks and frequently insisted on obtaining tangible securities from the king in the form of crown jewels, the royal domain, provinces and sometimes even the physical surrender of a great personage. The loans were contracted from private individuals or from banks with limited resources. The public did not subscribe directly. In order to attract lenders the ministers inserted all sorts of complicated and onerous provisions in the terms of the loan. The interest rates were always very high and the prices of issue very low.

The loans were very unpopular with the economists and financiers, who condemned them as extravagant, and with the general population, who resisted the usurious rates and other burdensome terms. In France in the eighteenth century bankruptcy was demanded by public opinion, advocated by the courts of justice and recommended by political philosophers, such as Montesquieu. It was as a reaction against these proposals of bankruptcy that the French constitutions of the end of the eighteenth century proclaimed that the public debt was sacred. In England the kings, in order to carry on the wars of the eighteenth century, frequently borrowed abroad, ordinarily giving as security the proceeds of a tax; or else they borrowed from the great financial or colonial establishments, like the Bank of England and the South Sea Company, in exchange for privileges. The American War of Independence was financed for England as well as for the United States by Dutch bankers. It was only in the course of the Napoleonic wars that Pitt established British public credit by declaring that the only solid basis of public credit was the will and ability of the people to pay taxes. England was followed by France, where the system of public credit was established after the restoration of peace, political stability and sound financial administration after the fall of Napoleon. With the development of the proper economic, financial and political conditions other countries followed the example of England and France in establishing public credit as a more or less permanent feature of their financial administration. In the nineteenth century there developed also the fundamental principles which are today universally accepted: separation of the personal credit of the sovereign from the credit of the state; permanence of the debt regardless of change of government; use of loans exclusively for expenditures of a public nature; regular servicing of the loans through the creation or increase of imposts and taxes; simplicity of the bonds (a central register for the public debt and negotiable form of certificates); facilities for trading (stock exchanges); improvement of technique (security guaranties, conversions, amortization and the like).

The expansion of public credit from the early nineteenth century was prodigious. It made possible the carrying out of enormous public works and the construction of public utilities. The trust in public loans was unlimited. The regularity in the payment of interest stimulated the thrifty to place their savings in government funds, the preferred investments of the public. During the World War enormous loans were contracted not only by the belligerent powers for war purposes but also by the non-belligerent states for meeting economic difficulties created by the state of war. These loans were a staggering burden to the taxpayers. With the exception of Switzerland and the Netherlands the burden of indebtedness was lightened in all countries through monetary depreciation or outright default, with disastrous results for the credit standing of some of the defaulting governments.

The expansion of public credit has led to the development of a set of definite methods and practises surrounding the business of floating of public loans and the management of public debt. These concern the type of money in which the loan is to be repaid, the interest rate, the due dates, repayment premiums, tax exemptions, guaranties and securities, the form of the bonds, the size of denominations and the methods of issue, conversion and amortization. The selection of the proper practises is not only of immediate importance in assuring the success of the loan but is also guided by the major consideration involved in public credit; namely, that of reconciling the interests of the lender in

NATIONAL DEBT IN SELECTED COUNTRIES*

COUNTRY AND DATE		AMOUNT IN 1,000,000 UNITS OF NATIONAL CURRENCY	PER CAPITA IN 1914 UNITED STATES DOLLARS
United States:	September 30, 1815	120	15
	June 30, 1870	2,050	53
	July 1, 1914	970	10
	June 30, 1933	21,370	137
Great Britain:	1818	840	196
	March 31, 1870	801	124
	March 31, 1914	650	69
	March 31, 1933	6,613	488
France:	January 1, 1816	369	3
	January 1, 1871	12,717	68
	January 1, 1914	26,784	124
	September 30, 1932	287,496	269
Germany:	December 31, 1875	†	
	March 31, 1914	4,918	17
	March 31, 1933	11,690	42
Italy:	December 31, 1872	8,788	63
	June 30, 1914	14,840	83
	March 31, 1933	98,125	123

* Excluding intergovernmental war debts.
† Less than 1,000,000 marks.

Source: FOR THE UNITED STATES: Treasury Department, *Annual Report of the Secretary of the Treasury on the State of the Finances*, for 1815, p. 20, for 1870, p. xxxv xlv, and for 1914, p. 201–15, and *Statement of the Public Debt of the United States*, for June 30, 1933. FOR GREAT BRITAIN: Committee on National Debt and Taxation, *Report*, Cmd. 2800 (1927) p. 236; Treasury, *Statement of the Total Capital of the Funded and Unfunded Debt . . . 1850–51 to 1869–70*, Parliament, Sessional Papers, 1870, vol. xli, no. 158; Board of Trade, *Statistical Abstract for the United Kingdom, 1913, 1917 to 1930* (1932) p. 140; Treasury, *Statement of Revenue and Expenditure . . . by the Chancellor of the Exchequer . . .*, Parliament, Sessional Papers, 1932–33, no. 96, p. 5. FOR FRANCE: Vührer, A., *Histoire de la dette publique en France*, 2 vols. (Paris 1886) vol. ii, p. 151–60; France, Statistique Générale, *Annuaire statistique 1914–15* (Paris 1917) p. 133*; France, Ministère des Finances, *Bulletin de statistique et de législation comparée*, vol. cxiii (1933) 55. FOR GERMANY: Statistisches Reichsamt, *Statistisches Jahrbuch fur das Deutsche Reich, 1921–22* (Berlin 1922) p. 367; *Jahrbücher für Nationalokonomie und Statistik*, vol. cxxxix (1933) 124. FOR ITALY: Direzione Generale della Statistica, *Annuario statistico italiano*, for 1886 (Rome 1887) p. 1002, and for 1914 (Rome 1915) p. 414; France, Ministère des Finances, *Bulletin de statistique et de législation comparée*, vol. cxiii (1933) 645.

terms of security of his principal and interest with those of the taxpayer, who is ultimately called upon to meet the burden of the public indebtedness.

It is both good tactics and honorable on the part of the borrowing state to promise and to assure to the lenders the security of the capital and a reasonable interest paid at set intervals which are not too far apart. In order to protect the creditor against the effects of inflationary currency depreciation the government may promise to meet the service of the debt in stable money through inserting a clause, "payable in gold coin" or "at the value of gold." This has been the practise in the United States, where the monetary experiences following the Civil War caused the widespread use of the gold clause in long term debt agreements. The gold clause was revoked by the Roosevelt administration in 1933 as part of its policy of lightening the burden of indebtedness made so much heavier by the drastic deflation in prices which commenced in 1929. In the absence of such a promise the debtor state may satisfy its obligations by payments in national currency, even though the money is depreciated, provided that the monetary depreciation is not carried through for the deliberate purpose of reducing the public debt. England and France, whose currency seemed safe from any depreciation, wrote their loans in the national currency. After the World War the currencies of nearly all the countries were devaluated. Yet most countries continue to borrow without a gold clause.

The rate of interest ought to correspond to the rate prevailing on the private money market

Patriotic loans, those with very small interest or without any interest at all, have been largely a failure. A patriotic loan has a demoralizing effect: it is an invitation to good citizens to carry a loan which the less socially minded refuse to assume. Occasionally, however, the appeal to patriotic sentiment may help to obtain a reasonable interest rate in time of crisis. The interest rate depends on the state of public credit; it is high in periods of crisis and instability, varying with the magnitude of the sums borrowed, the date of repayment and other terms. Interest is paid ordinarily at fixed and not too distant dates: payment every six months seems preferable to quarterly payments, which involve too much administrative work for the public treasury; annual payments do not attract the capitalists of the middle ranks, who comprise the most desirable clientele for government securities.

It is idle for a government to attempt to borrow at a rate lower than that which prevails commercially. Where such attempts are made the governments are usually obliged to offer to the lender special inducements, which generally prove very burdensome for contemporary taxpayers and for future generations. The most important provisions of this type are various forms of redemption premiums and tax exemption of government bonds. A redemption premium may be offered in the form of a loan issued below par; as, for example, when a 5 percent loan with a nominal value of 100, issued at 90, is redeemable at 100. The real rate of interest is not 5 percent but 5.55 percent $\left(\frac{100 \times 5}{90}\right)$, without counting the premium of 10 percent. A more proper form of redemption premium is presented when, for example, a 5 percent loan with a nominal value of 100 is issued at 100 and redeemable at 110. The interest is calculated on 100 and not on 110; the redemption premium is 10. Both devices are attempts at disguising the true cost of the loan. The former, however, is more objectionable, as its nominal interest rate is lower than the real one, and conversions are rendered more difficult. In practise the United States is virtually the only nation which has not resorted to redemption premiums; in some cases it has even issued loans above par, as in 1821 and in 1911. The policy of England under Pitt was for issue below par; it still follows this policy today, but more infrequently than formerly. The traditional policy of France is that of issue below par. The same was true of Italy up to 1914. During the World War the Italian loans were issued quite close to par.

Another device used by a government in its effort to stimulate the sale of bonds is the practise of attaching various money prizes to the loan issue. These are in effect very high redemption premiums, which are accorded not to every bondholder but to the holder of certain bonds chosen periodically by lot. The cost of the prizes is provided either through payment of a lower rate of interest than that prevailing in the private money market or by making the loan non-interest bearing. Such loans are in reality forms of lottery. They raise the same objections as the lottery: the subscriber is a player who ventures a stake. In the United States and England the floating of such loans is prohibited as tending to encourage the spirit of gambling. It is, however, frequently resorted to in other countries; for example, in Germany, Austria, Belgium, France, Italy.

Still another form of inducement held out to the investing public is the practise of exempting the holders of government securities from taxation. The exemption may apply only to certain specific taxes, such as a tax on securities, or to general taxes, such as the general income tax and the inheritance tax. From a social and financial point of view tax exemption violates the rule that individuals should be treated equally in the matter of fiscal charges. No doubt tax exemption is very often accompanied by a lower rate of interest than would have to be paid if there were no exemption. But this is not a proper defense. While the difference in the rate of interest is invariable, the benefits of tax exemption grow in proportion as the rate of taxation is later increased. Moreover in the case of a progressive tax, such as the income tax or the inheritance tax, the benefits resulting from tax exemption are all the more considerable if the beneficiary has a large income or a large fortune. This represents both an unjustifiable privilege and a considerable loss for the public treasury. For loans floated abroad, however, tax exemption is a defensible procedure. It is a guaranty against the establishment of discriminatory taxation of alien bondholders as a means of escaping the burden of meeting the interest and principal by the borrowing government. England since 1803 and Switzerland do not grant tax exemption although France and most other states do. The United States has made its war loans tax exempt.

Public loans may be secured on a personal basis, when a state undertakes to pay in place of

the borrowing state in case the latter defaults; this was true for instance of the Greek loans of 1833 and 1898, which were guaranteed by several of the great powers, and the Czechoslovak loan of 1932. Or the security may assume the form of real security, as when the yield of certain taxes or of certain monopolies is pledged for the payment of debt service. This was the current practise up to the beginning of the nineteenth century and is still followed very frequently, particularly by countries whose public credit is none too sound. But even in the case of personal security, the guarantor states demand that there be set up real securities sufficiently solid to render it improbable that they will have to make good on their personal guaranties.

The setting up of a real security for an internal loan, however, by no means guarantees the payment of the debt service. A parliament seldom hesitates to suppress this guaranty and go into default, under the pretext that necessity forces it to revoke the guaranty; in most of the states the courts cannot refuse to apply such legal revocation. When real security is provided for a foreign loan, the pledging of the receipts is usually accompanied by the setting up of a foreign control over the administration of the debt. But as a matter of fact no control organization can function if the debtor state desires to be rid of it. For it is accepted today that states should not intervene by force to collect even contractual pecuniary obligations for their nationals. In short, the respect for securities depends on the good will and good faith of the governments; there is no incontestable guaranty. In England up to the end of the eighteenth century a pledge of revenue receipts was arranged for every loan: the receipts pledged constituted the fund for the loan. Sometimes several loans and several guaranty funds were consolidated into one fund. By abbreviation the bonds of public loans are called public funds or consolidated funds (consols).

In order to maintain the selling value of the bonds the debtor state frequently provides for the organization of a maintenance fund in the form of a sinking fund, which supports the market for the bonds or else by legislation grants to the bonds special legal privileges. Among the latter may be mentioned the privilege given to taxpayers to pay certain taxes by turning in bonds at their face value. This, however, leads to an inopportune amortization of the public debt. Most often when this privilege is granted it is surrounded with limitations as to the character of the bonds, the amount of taxes payable with the bonds and the length of possession of the bonds by the taxpayer. Most of the states make use of this device when a crisis affects public credit. Very common also is the privilege of legal investment: obligations of the public debt are included in the securities which may be used for bonding or bail purposes or are put on the list of legal investments for trust funds. The collapse of government bonds in many countries after the World War ruined the persons for whom this type of legal investment had been prescribed by law. In certain countries, like France and Italy, the law provides that government bonds are unattachable by creditors: the creditors cannot take either the accumulated interest or the principal of the bonds held by their debtors.

In contracting a loan the borrowing government hands over to its lenders certificates of debt; these either are issued in the form of bonds registered in the name of the owner and thus protect the holder against loss or theft or are issued to bearer, which facilitates considerably the negotiability of such bonds. Occasionally in England no certificate is given: the name of the creditor is simply inscribed on the books of the public treasury. Payment of interest is usually provided through coupons detachable from the bonds and payable to bearer on presentation. In England when the creditor is simply inscribed on the books, he receives payment by check. In certain countries the registered form of bond is very much in vogue; in France the form made out to bearer is preferred by the public. The registered type offers advantages to the treasury with respect to collection of income and inheritance taxes; the negotiable form facilitates concealment and tax frauds.

The size of the denominations of government bonds varies in accordance with the class of investors to which the government appeals in soliciting subscriptions. For a very long time the states addressed themselves only to the large investors and issued large denominations. With the exception of the war period this has been the case in England up to the present. In France during the course of the nineteenth century the government sought to "democratize" public loans and to put out small denominations. Middle sized denominations are the most advantageous, for they provide an active market for bond transactions. This is the system followed in the United States. Whenever the government wants to promote the habit of

saving among the working class, it issues bonds in small denominations of 10 and 20 dollars. The small denominations bring the loan very close to paper money: the bonds become in effect government banknotes bearing interest.

There are two principal methods for the placing of loans: through direct appeal to the public or through the aid of the bankers. In countries enjoying a sound public credit system the method of public subscription is preferable: it is less burdensome to the treasury and lends itself less to speculation on the stock exchange. According to the needs of the treasury and the state of the financial market, subscription may be open for a certain time or it may be permanent. Public subscription may take place with preferential allotments for those who make the best offers; this is the system prevailing in England for the sale of treasury bills. Where the aid of the banks is invoked, their cooperation may take the form of bond selling at a definite price to the bankers, who in turn resell the bonds at their own risk to investors; or the bankers simply act as intermediaries in bringing together, through their offices, the investor and the treasury. The commission paid to the bankers varies with the nature of the services furnished.

In all modern states the public treasury maintains registers which list the loan issues; frequently only the long term issues are listed. It was England which first started these registers. They have existed in France since 1793. In France, Italy and some of the other countries they are called the Great Book of the Public Debt and assure not only the regular accounting of the loans but also uniform bookkeeping for the various categories of bonds. Ordinarily the registers are books with stubs; that is, the certificates given to the creditors are detachable and recorded on individual stubs. The registers are usually kept in duplicate in order to avoid any danger of destruction.

The fact that loans do not always carry a definite date of redemption gives rise to the distinction between perpetual and amortizable debts. In the former no date is fixed for the repayment of the capital. This does not imply that the state is legally entitled not to repay the capital; such an obligation would be regarded juridically as null and void, as are all perpetual obligations. It simply means that the government is free to fix the date of repayment at its own discretion. The perpetual form of debt would seem to be theoretically preferable; it allows the government to amortize at the time most convenient to the state of the public finances and to regulate the amounts which fall due in accordance with budgetary resources. In practise a perpetual debt is rarely repaid; there results such an accumulation of perpetual debts as to invite ultimate default or some form of repudiation. On the surface the perpetual form of debt seems advantageous in that it appears permanently to guarantee the creditors a certain rate of interest. This, however, is an error. If the cost of money on the market surpasses the interest rate of the loan, the sale value of the bonds drops. If the cost of money on the market is lower than the interest rate of the loan, the debtor state will carry through a conversion. In both cases the calculations of the lender are disappointed. Perpetual bonds are preferred by speculators because their market quotations on the exchange are subject to greater fluctuation. England and France have for a long time followed the method of perpetual loans; the former has now renounced the practise; the latter has remained more faithful to it.

In distinction from the perpetual debt an amortizable debt is one for which the loan contract fixes a date of repayment. This does not mean that there will necessarily be a true amortization; it may happen that the state will borrow the money with which to repay. There is then a repayment of the debt but not an amortization. Most of the states repay when the debt falls due but do not amortize. The date of redemption may be definitely fixed, undetermined or uncertain. It is undetermined when the government reserves the right to fix the date of redemption in the course of a certain period, for example, not before five years or later than twenty years; this arrangement is very advantageous, since it allows the state to choose the best time for amortization in accordance with the economic conditions of the country. The United States follows such a system. The date of redemption is uncertain in the case of annuity loans and tontines. These methods, which were practised in the seventeenth and eighteenth centuries by England and France, are very burdensome to the treasury; today they are out of use. The date of redemption should be chosen rationally in accordance with the period of usefulness of the expenditure covered by the loan. Naturally there are exceptions to this principle, arising particularly from the state of the financial market at the time of the loan. If at

such a time the lenders do not want to make long term loans, the government must be satisfied with short terms, standing ready to consolidate them when times are normal.

The flotation of short term loans running to one year as a maximum gives rise to a distinct form of public debt, the so-called floating debt. The floating debt answers a genuine necessity, that of meeting temporary shortages of cash in the course of the year. If the receipts of ordinary revenues do not synchronize with the disbursements, a revolving fund is necessary in order to sustain the treasury. This is the true purpose of the floating debt and short term loans, which are in fact often called ways and means advances, treasury bills or certificates of indebtedness. Because of the great facilities which it gives the treasury through its ready disposability on the capital market and also because of the low rate of interest paid to the lenders, the floating debt is often misused. The danger lies in the tendency to transform the treasury into a great deposit bank for the public, to the great injury of the commercial banks. When there is a considerable floating debt the treasury is open to sudden demands for repayment, which it does not know how to meet and which may involve it in serious difficulties. In periods of crisis the existence of a large floating debt leads usually to very severe measures, such as compulsory consolidation or the issue of paper money. It is better therefore to pay a higher rate of interest and to borrow for intermediate or long terms than to have recourse to a floating debt, except of course for the covering of temporary shortages of cash. Usually governments do not appreciate the dangers of a floating debt until it is too late.

There are various financial methods of amortization. One way is for all the certificates of a debt to be amortized in part at every interest date; thus each creditor receives periodically a sum which includes interest and a fraction of the capital. At the end of a certain period the creditors will gradually have been repaid. Under this method of repayment the creditor is faced with the task of reassembling his capital out of the periodical sums he receives—a task which is simple enough in the case of the institutional or large individual investor, but which may frequently result in the consumption of the capital of the small creditor.

A more frequent method of repayment is the total payment of certain bonds. The selection of the certificates to be amortized is made either by individual drawings or by drawings of series, a more simple and preferable way. Repayment may also be made by direct purchase on the stock exchange.

The financial resources for amortization arise exclusively from taxes. The use of the sinking fund with compound interest, as elaborated by Price at the end of the eighteenth century, in no way obviates the necessity of using taxation as the only source of amortization, as both the original grant with which the fund is created and the accumulated interest on the bonds purchased by the sinking fund are provided by the revenue from taxation. The only valid assurance of amortization is thus the tenacious and persevering desire on the part of the government, the parliament and the people to pay taxes for this purpose. Where such an intention exists, the sinking fund is superfluous; where it does not exist, the device is useless since it has no funds at its disposal. The taxes with which a government amortizes the debt may be either ordinary or extraordinary taxes; as, for example, a capital levy or a forced loan. Properly only ordinary taxes should be used. The capital levy and the forced loan are heroic although legitimate measures, but their use will meet with insurmountable obstacles. These methods may be regarded in fact as impracticable under the present capitalist regime. Where they have been employed, as in Germany, Italy and other countries, they have ended in failure.

The United States is the only nation which has followed rigorously a policy of amortizing the public debt. It has no perpetual debt: all its debt is amortizable in periods of five to twenty and ten to forty years. Its floating debt has always been quickly consolidated. After having yielded for a time to the mirage of a sinking fund with compound interest, the United States has followed since 1802 the only correct method, that of amortization by taxes. After all the great crises (the War of Independence, the Civil War and the World War) it has applied itself to extinguishing its debt almost entirely within twenty or twenty-five years. After the World War the only question discussed in this connection was how fast the redemption should be carried through.

England, which for a long time followed the policy of perpetual debts, adopted the type of amortizable debt at the beginning of the twentieth century. Here debts are either contracted as an amortizable debt or converted into such a form as soon as possible. Amortization is

carried through regularly by means of taxes. For the floating debt, which was frequently used during the World War, the English government adopted after the Armistice a skilful policy of consolidation and redemption. None the less, England resorted to partial repudiation in 1931 through the voluntary devaluation of the pound sterling and in 1933 through the rejection of the gold clause in the 5.5 percent 1945 loan.

In France amortization has never been practised save under exceptional circumstances and then through defective methods. Recourse has been had chiefly to loans in the form of perpetual rents, which still remain most favored. Even since the war the government has borrowed, every time it could do so, in perpetual rents, with the hope that it would never have to amortize. The sinking fund created by Napoleon was only a stabilization fund to maintain the value of the bonds. In 1816 a sinking fund with the device of compound interest was established, but it did not function regularly except for a few years. In reality it did not amortize the debt. In 1926, after the great financial panic, the necessity for amortizing in order to maintain the public credit came again to the fore. A sinking fund was organized and given a constitutional status with obligatory stated grants, but without compound interest. Little by little, however, this fund was robbed of its resources and deprived of effective power. France has misused the floating debt at all periods of its history, often bringing on severe financial crises as a result. During and after the World War it abused the floating debt to such an extent that this debt became for a time the most serious menace to the public finances of France (1926). The great accomplishment of the sinking fund of 1926 was the consolidation of the floating debt, a work which was, however, almost entirely undone in 1932–33.

The German Empire before the war preferred recourse to loans in the form of perpetual debt. Although amortization was declared to be obligatory for the government, this did not apply to the holders of the bonds; in other words, the government had to amortize when the bondholder asked for it, but not vice versa. During the war the floating debt was used to a great extent, but with consolidations every six months into a perpetual debt. After the war the debt was summarily wiped out with the collapse of the mark.

In the attempt to lighten the burden of the debt service governments frequently resort to the practise of converting the existing loans into loans carrying a lower rate of interest. It is obvious that the process of conversion is possible only when the existing interest rate is lower than the rate that had prevailed at the time the original loan was contracted. It is obvious also that the rate of interest fixed by the act of the loan cannot be reduced unilaterally by the treasury. The unanimous consent of the lenders is necessary, and in order that this operation may be legitimate the state must make it possible for its creditors to choose between the redemption of the obligation or the acceptance of the new bonds at a lower interest rate. The government must thus have the right to redeem the loan at any time. This right exists incontestably in the case of a perpetual debt, unless the act of the loan has stipulated a period before which redemption might not be effected—the so-called period of inconvertibility. In the case of an amortizable debt, except in the event of a contrary rule in the general civil legislation relative to the beneficiary of the term of a debt, the term must be interpreted in favor of the creditor as well as of the debtor; hence the date of redemption cannot be advanced unless there is an express provision in the loan act to this effect. This question has long been discussed in many countries. Only in rare cases can it be settled by the courts as far as the state is affected; conversion is decided by a law of parliament and most of the countries do not permit the courts to pass upon the validity of an act of parliament. In some countries, however, the courts have this power, for instance, in the United States, Rumania and Greece, and there this problem is of practical importance.

Granting that conversion is juridically feasible, certain conditions of a financial nature must be met before it can be successful. Conversion must be sufficiently advantageous for the holders of the bonds which are to be converted, otherwise they will demand redemption. The public treasury can increase the chances of success for the operation by putting pressure on those who hesitate: the period of the option might be made very short (eight to fifteen days, for example) and silence could be considered as an acceptance of conversion. Success is all the more likely when conversion is very simple: bond for bond, with reduced interest. Anything which the wide public cannot easily understand is calculated to cause the conversion to fail. When the public credit is very strong, the treasury might offer a deferred conversion, that

is to say, a conversion realized in several stages; for example, the immediate conversion of a 5 percent bond into a 4 percent bond and an automatic conversion at the end of five years into a 3 percent bond. In any case the treasury must not offer such future advantages to the holders as would cancel all the benefits of the operation for the state.

The practise of conversion is quite old in some countries. In England it is used frequently—and in a manner both simple and correct; the usual confidence of the English people in their governing authorities has made even very daring conversions successful, as, for example, the conversion of 1932. In France the first optional conversion was made in 1825. The first compulsory conversion dates from 1852, when the government resorted to it very timidly and with extraordinary complications. The most recent conversion, that of 1932, aroused considerable criticism. Conversion is practised also in the United States, Italy, Switzerland and Prussia.

Another but rarely used type of subsequent modification of the interest rate may take place under the following circumstances. In the course of a great crisis (a war or economic reconstruction) the public credit is weak and repeated loans are likely to be made. It may then be advisable for a government to promise the subscribers of a loan that if the interest rate on any of the later loans is higher, the higher rate will be given to them also. This is a means of inducing the investors, who otherwise might adopt a waiting attitude in the hope of securing better terms in later issues, to subscribe immediately. Such a promise was made during the World War by England and by France.

Government defaults form an important chapter in the history of public credit. Up to the end of the eighteenth century default as a means of wiping out public debts was the rule rather than the exception. During the nineteenth century a few great states, like England, France, the United States, took care scrupulously to respect their commitments. Most of the other countries, such as Austria, Spain, Greece, Portugal, Turkey, Russia, a number of South American states and several states in the United States, resorted to default. After the World War most nations lightened the burden of their debt either by monetary depreciation, as in Germany, France, England, Italy, Belgium, Austria, Hungary; by frank repudiation, as in Russia; or by partial repudiation through the depreciation of the currency and the abrogation of the gold clause, as in the United States in 1933. It was often the taxpayers who urged this step upon their governments. The creditors cannot enforce their claims against the state by recourse to the courts. A court can merely recognize the existence of the debt; a judge is not empowered to decide in what measure the state should sacrifice a particular public service for the service of the debt or to prescribe that the parliament shall raise taxes in order to assure its regular servicing.

The settlement of the claims against a state in default can be effected by a voluntary offer of a settlement by the debtor state to its creditors or by a friendly agreement between the debtor governments and the creditors, which may be brought about through the mediation of various associations of bondholders, such as exist in many countries. The latter seems to be the most advantageous method for all the interested parties and is most frequently used. In many countries "national associations of bondholders" have been formed for the special purpose of such negotiations. The first model is the Corporation of Foreign Bondholders, established in England in 1868; in France since 1898 there has been an Association Nationale des Porteurs Français de Valeurs Étrangères; in Switzerland there is the Société Anonyme Fiduciare Suisse; and steps were taken to form a similar association in the United States in 1933.

Another method of resolving the difficulties arising out of a state default is that of arbitration. A clause calling for arbitration may be written in as part of the contract; such clauses are becoming more and more frequent. Arbitration cannot, however, provide a definitive settlement. It can simply determine the legal status; for example, the meaning of a gold clause, as in the opinion of the Permanent Court of International Justice at The Hague in July, 1929, in regard to the Brazilian loans and the Serbian loans. But with regard to making effective a certain payment arbitration is quite inadequate: the debtor government may always allege that it does not have the resources necessary to assure the execution of the decision of the arbitrator. The parties must then fall back upon a friendly agreement. Still another way of settling the claims of creditors is the intervention of a power in favor of its nationals who are the creditors of the defaulting state. This method was formerly very common, as in the case of Egypt in 1876–80, Turkey in 1878–81, Greece in 1893 and 1898; since the beginning of the twentieth century

it has been virtually abandoned. The coercion used is purely moral but at times quite effective. It may be in the form of a threat by the government to prohibit the official listing of the bonds of the defaulting state on the national stock exchange or the refusal to authorize the floating of loans on the national market or to admit new loans to the official listing.

The distribution of the public debt among the successors of a dismembered state presents enormous practical difficulties. This practise, which was frequent before the World War, as in the division of the Ottoman debt after the creation of Bulgaria, Montenegro and Serbia in 1878, the division of the Swedish-Norwegian debt in 1905 and of the Transvaal and Orange Free State debt in 1901, grew in importance after the dismemberments resulting from the peace treaties which followed the World War. The task is one of the most difficult in international finance. The legitimate interests to be reconciled are those of the creditors of the dismembered state, who hold the certificates of the debt; those of the taxpayers of the dismembered state; those of the taxpayers living in the annexed territory; those of the taxpayers living in the annexing state. If the dismemberment has been for the benefit of several annexing states, the problem becomes more complicated: it is necessary to determine the share of each and the juridical responsibility of the succession states toward the creditors. Other factors which are frequently taken into consideration are the origin of the public debts, that is, whether they were debts contracted for economic or for political purposes; whether the debts are secured or unsecured; the economic significance of the annexed territories as compared with that of the total territory of the dismembered state. Only after careful study of the various factors involved in each particular case can a solution be attempted. In the event of a friendly redistribution of territory an equitable settlement can be obtained by negotiations and can be written into the treaty which brings about the redistribution. The difficulties will be far greater in the case of a dismemberment following a war: the victorious annexing state is little disposed to aggravate the enormous burdens which it must bear as a result of the war.

Characteristic of the modern period is the development of local public debts by provinces, cities and other political and administrative subdivisions. With a few exceptions, as in the case of the very large cities, the flotation of local public loans was scarcely resorted to until the middle of the nineteenth century. The rapid expansion of local public borrowing since then is closely connected with the process of urbanization and with the widening scope of municipal functions, which impose new financial duties upon local communities. Local public debts have thus arisen almost exclusively from economic and not from political causes, such as war or national defense. They are most often carefully controlled by the national governments. Limits are fixed beyond which the local authorities cannot go either through statutory limitation upon local indebtedness or through a system of individual administrative authorization of each loan. In the United States the state constitutions and the laws of the local legislatures have established strict regulations for the issuance of local loans. The local public debts are always amortizable, the form of a perpetual debt is reserved for the national government and the period of amortization is short. Amortization is genuine and not merely apparent as when debts are redeemed by means of new borrowing. The service of the local public debts is very often guaranteed by the pledging of local revenues, which may be organized for the particular purpose and conclude with the particular debt.

Except in the case of the large loans by individual federated states, by provinces and by large cities, all of which enjoy personal credit, local credit is arranged through financial institutions organized by national legislation and enabling the localities, large and small, to borrow on easy terms. Sometimes the state lends to the localities funds which it has itself borrowed. This is the English system of public works loans, and it has also been practised in France. In some countries special financial institutions with a strong credit backing are formed, which place large loans by means of public subscription and thus get funds which they in turn lend to the localities. This is the system followed in France through the Crédit Foncier, in Italy through the Cassa dei Depositi e Prestiti, in Belgium through the Crédit Communal and in other countries through similar institutions.

GASTON JÈZE

See: PUBLIC FINANCE; LOCAL FINANCE; MUNICIPAL FINANCE; LOANS, INTERGOVERNMENTAL; REPARATIONS; INDEMNITY, MILITARY; FORCED LOANS; FINANCIAL ADMINISTRATION; EXPENDITURES, PUBLIC; PUBLIC WORKS; WAR FINANCE; BUDGET; REVENUES, PUBLIC; TAXATION; CAPITAL LEVY; CREDIT; DEBT; MONEY MARKET; INTEREST; BONDS; INVESTMENT; INVESTMENT

BANKING; CENTRAL BANKING; FOREIGN INVESTMENT; INTERNATIONAL FINANCE; STABILIZATION, ECONOMIC; INFLATION AND DEFLATION; TAX EXEMPTION; SINKING FUND; LOTTERIES; MORATORIUM; REPUDIATION OF PUBLIC DEBT; DEVALUATION; INTERVENTION.

Consult: Adams, H. C., *Public Debts* (New York 1887); Jèze, Gaston, *Cours de sciences des finances et de législation financière française*, 2 vols. (6th ed. Paris 1922); Landmann, Julius, and others, "Der öffentliche Kredit" in *Handbuch der Finanzwissenschaft*, ed. by Wilhelm Gerloff and Franz Meisel, 3 vols. (Tübingen 1925–29) vol. ii, p. 479–603; Schanz, Georg von, "Öffentliches Schuldenwesen" in *Die Entwicklung der deutschen Volkswirtschaftslehre im neunzehnten Jahrhundert*, 2 vols. (Leipsic 1908) vol. ii, ch. xl; Cohn, Gustav, *System der Finanzwissenschaft*, System der Nationalökonomie, vol. ii (Stuttgart 1889), tr. by T. Veblen as *The Science of Finance*, University of Chicago, Economic Studies, no. 1 (Chicago 1895) bk. iv; Withers, William, *The Retirement of National Debts; the Theory and History since the World War*, Columbia University, Studies in History, Economics and Public Law, no. 374 (New York 1932); Ross, E. A., *Sinking Funds*, American Economic Association, Publication, Monographs, vol. vii, no. 4–5 (Baltimore 1892); Wuarin, Albert, *Essai sur les emprunts d'états* (Paris 1907); Dietz, F. C., *English Public Finance, 1558–1641* (New York 1932); Hargreaves, E. L., *The National Debt* (London 1930); Rietz, Arnold, *Englands Staatsanleihen nach dem Kriege*, Internationale Finanz- und Bankgeschichte, Forschungen, vol. ii (Berlin 1932); Martin, Étienne, *Histoire financière et économique de l'Angleterre (1066–1902)*, 2 vols. (Paris 1912); Great Britain, Public Record Office, *History of the Earlier Years of the Funded Debt, from 1694 to 1786*, C. 9010 (1898); Great Britain, Commissioners for the Reduction of the National Debt, *Report by the Secretary and Comptroller General of the Proceedings . . . from 1786 to 31st March 1890*, C. 6539 (1891); Lachapelle, Georges, *Le crédit public*, 2 vols. (Paris 1931–32); Vührer, A., *Histoire de la dette publique en France*, 2 vols. (Paris 1886); Marion, Marcel, *Histoire financière de la France depuis 1715*, vols. i–vi (Paris 1914–31); Martin, Germain, and Bezançon, Marcel, *L'histoire du crédit en France sous le règne de Louis XIV* (Paris 1913); Heyman, Hugo, *Die deutschen Anleihen* (Berlin 1911); Dewey, D. R., *Financial History of the United States* (11th ed. New York 1931); Bolles, A. S., *The Financial History of the United States, from 1861 to 1885* (2nd ed. New York 1894); Love, R. A., *Federal Financing; a Study of the Methods Employed by the Treasury in Its Borrowing Operations*, Columbia University, Studies in History, Economics and Public Law, no. 337 (New York 1931); Knox, J. J., *United States Notes* (3rd ed. New York 1894); Raymond, W. L., *State and Municipal Bonds* (2nd ed. Boston 1932); Seitz, H. K., *Schweizerische Anleihepolitik in Bund, Kantonen und Gemeinden* (Zurich 1915); Körner, Alois, *Grundriss des österreichischen Staatsschuldenwesens* (Vienna 1899); Saint-Germès, J. J. V., *La Société des Nations et les emprunts internationaux de l'Autriche, de la Hongrie, de la Grèce* (Paris 1931); Sack, A. N., *Les effets des transformations des états sur leurs dettes publiques et autres obligations financières*, vol. i– (Paris 1927–); Feilchenfeld, E. H., *Public Debts and State Succession*, Harvard University and Radcliffe College, Bureau of International Research (New York 1931); Stamp, J. C., *The Financial Aftermath of War* (London 1932); Seligman, E. R. A., *Currency Inflation and Public Debts* (New York 1921).

PUBLIC DEFENDER. The term public defender characterizes a practitioner or organization rendering specialized legal aid (*q.v.*) to poor persons accused of crime. According to varying usages in different communities such lawyers may be either public officials or representatives of private professional or beneficent groups. By the regularity of their practise for criminal defendants they are to be distinguished from casual volunteers or assigned counsel serving in particular cases by court order.

While the barbarous English criminal procedure still followed in the early nineteenth century largely deprived prisoners of counsel in felony cases, it was sooner perceived elsewhere that any penal system seeking just determinations must permit legal assistance to all defendants and should by some means furnish such assistance for those who lack funds. There has been in Scotland for over five hundred years a scheme for gratuitous defense of the needy, and officers who may fairly be termed public defenders have served in Spain for almost as long a period. Belgium, Denmark, France, Germany, Holland, Norway, Mexico, Argentina and other civil law countries provide more or less adequately for defense of the poor. After several rather unsuccessful experiments, England has put into operation, under legislation effective since the beginning of 1931, a broad discretionary plan for the assignment of barristers and solicitors, who receive moderate compensation from public sources.

In the United States it has been obvious that constitutional guaranties and statutory provisions urging equal justice are not self-executing. This has been emphasized by the strongly partisan attitude of public prosecutors, who often act under the belief that number or percentage of convictions will be taken as the measure of their successful public service. Consequently the plan of assigning defense lawyers to poor people has spread widely through the country. This plan still has supporters and certainly possesses merit in rural areas where regular public defenders could not be kept busy. Nevertheless, better opinion holds the assignment system to be unreliable in areas of congested population. Where this system provides adequate compensation, the judges manipulating it have more than once been accused of

favoritism in the making of assignments. Where, as is more common, no compensation or paltry compensation is prescribed, assignment of inexperienced or incapable practitioners frequently results, and there are likely to be gross violations of professional ethics in extraction of remuneration from relatives or friends of the clients. Incidental to this sort of temptation are playing for delay, presentation of unmeritorious defenses and fabrication of evidence. Further, where an assigned lawyer finds that he can get nothing for himself out of a case, he tends to lose interest and render perfunctory service or no service at all.

The first public defender system in the United States was established in Los Angeles county in 1914. Its operation promptly evoked warm approval. New York City, long a legal aid leader, followed in 1917 with its first definitely successful plan for defense of poor persons accused of crime. Connecticut, which previously had used compensated assigned counsel, adopted in 1917 a state wide system of public defenders, since bettered by careful amendment. Cook county, Illinois (for these purposes synonymous with Chicago), having failed in painstaking efforts to devise an effective plan for assigning defense counsel, instituted a public defender in 1930. According to most recent reports active public defenders are to be found from coast to coast, although many important communities have not yet joined the movement.

This newer method of safeguarding the poor in criminal cases has obvious potential advantages. Experienced men, working on adequate salaries and with proper personnel for thorough preparation of cases, can be expected to render more disinterested and competent service than volunteers or lawyers fitfully assigned to conduct criminal defenses. The businesslike public defender plan is calculated to give needy culprits real equality before the law. Attainment of this end has immeasurable importance in gaining popular approval and support.

But institution of public defenders is still often opposed with sincere vigor, as, for instance, at Cleveland as lately as 1931. One old objection, rarely voiced nowadays, is that a poor defendant is adequately safeguarded by a solicitous judge, a high minded prosecutor, the privilege against self-incrimination and so on. Experience has refuted this optimistic notion of semi-automatic justice. Another objection, applicable only where the defender is a public officer, points to a supposed anomaly in having representatives of the state on both sides of criminal litigation. Such dialectic proceeds from a false premise. It is not to be assumed that the state primarily desires conviction. The real aim is truth and justice, which can be at least fairly approximated under a properly balanced adversary system of litigation. The public defender supplies proper balance. Clogging of the criminal courts also has been feared, and the suggestion is put forward that long usage would make a public defender hard and unenthusiastic. Actual experience yields little evidence to support these objections. Far from causing delay and congestion, the public defenders have generally helped to clear dockets expeditiously. While their interposition tends to prevent ill advised or despairing pleas of guilty, they do not hesitate to urge these pleas in proper cases. Clients follow their advice because of confidence in the advisers' intelligent good faith and in their presentation of proper considerations for mitigation of punishment. This would scarcely happen if the lawyers came to lack human sympathy. Where a case must be tried, the public defender has no reason for dilatory tactics or sharp or overtechnical practises. He easily establishes and maintains good working relations with the prosecutor. Few or no complaints have been made, however, of any subservience by the defender. On the contrary, his honest advocacy tends to curb a prosecutor's undue partisanship. It is noteworthy that modern prosecutors when standing for reelection often emphasize the fairness of their records instead of the mere quantity of convictions. There is a substantial showing, statistical and otherwise, that the work of public defenders has actually made for celerity, economy, justice and satisfaction with criminal procedure.

Certain problems of detail should be noted. It has been urged with some soundness that public defenders are needed only in prosecutions for serious offenses and may be dispensed with in trials of minor charges before inferior courts. But investigations show that venal police, magistrates and lawyers sometimes combine to exploit large classes of alleged minor offenders. Such wholesale abuses might be detected and more promptly thwarted if a public defender's office exercised at least general scrutiny over lower court activities. A serious apprehension is that the position of public defender may become subject to such malign political influences as frequently affect the prosecutor's office. Already in the defender's brief history in the United States this apprehension has been realized to

some degree. It seems particularly well grounded where the position is elective. In New York City, in part at least for this reason, the defenders are lawyers employed by a reliable private legal aid organization. Private employment, however, suggests philanthropic assistance, which is highly distasteful to many self-respecting poor people; for this reason the Connecticut plan whereby public defenders are appointed by the judges of a strong superior court has much to recommend it. Yet the risk of burdening judges with anything which may be looked upon as patronage is by no means slight.

By and large the public defender innovation has so far proved to be a hopeful practical move in the faulty system of criminal procedure in the United States. Much good and no harm have been attributed to it. The institution is still young and requires careful critical scrutiny and adjustment. It seems likely to gain wider adoption and great permanent influence.

JOHN MACARTHUR MAGUIRE

See: LEGAL AID; JUSTICE, ADMINISTRATION OF; PROCEDURE, LEGAL; PROSECUTION; LEGAL PROFESSION AND LEGAL EDUCATION.

Consult: Goldman, M. C., *The Public Defender* (2nd ed. New York 1919); Smith, R. H., and Bradway, J. S., "Growth of Legal Aid Work in the United States," United States, Bureau of Labor Statistics, *Bulletin*, no. 308 (1926) ch. xi; Mishkin, Charles, "The Public Defender" in American Institute of Criminal Law and Criminology, *Journal*, vol. xxii (1931–32) 489–505; Barrow, A. M., "Public Defender: a Bibliography" in American Institute of Criminal Law and Criminology, *Journal*, vol. xiv (1923–24) 556–72; Pennsylvania Bar Association, *Report*, vol. xxxvii (1931) 238–40, supplemental bibliography; "Legal Aid Work in the Criminal Field" in American Bar Association, *Report*, vol. lvii (1932) 519–20, with partial bibliography.

PUBLIC DOMAIN

GENERAL ..... FRITZ HEICHELHEIM
NEW COUNTRIES ..... HERBERT HEATON
LATIN AMERICA ..... GEORGE MCCUTCHEN MCBRIDE

GENERAL. The relation between state and privately owned landed property at any given time is conditioned historically less by geographical factors, notwithstanding their importance, than by political and socio-cultural considerations, which exercise a determining influence on the land system in any particular culture and epoch. Conquest and political usurpation, legal confiscation, purchase, abandonment and voyages of discovery all have contributed to produce fluctuations in the extent of public domains, which have ranged from the most limited territories, sometimes only in part public property, to boundless areas subject to the absolute prerogative of the sovereign power. Garden land, fields, woodland, pasturage, mine regions and waste lands tend in varying degrees to come under state control. State ownership is favored moreover by certain topographical conditions; for example, countries in which agriculture depends on flood control and irrigation, as in Egypt, require a centralized land regime. The nature of the administration of a public domain is, in the last analysis, determined by its purpose, which is not always purely fiscal; frequently the profit motive is completely subordinated, consciously or unconsciously, to the achievement of some program of social reform or to the purpose of safeguarding the welfare of subjects, of a ruling caste or of a religious system.

Public domains antedate privately owned landed property. As early as the palaeolithic hunting and nomad culture individual hordes occupied territories set aside for hunting and plant collecting. Even today many hunting, fishing and pastoral tribes utilize landed property in this collective fashion. Among the Indo-Germans, Semito-Hamites, eastern Mongols and all agricultural peoples since the neolithic age, except under "wild field grass" husbandry, collective tenure persisted only in woodlands, pasture lands, water, mines and, sometimes for short periods, conquered territory in general. Such property was known as *ager publicus* in Rome and *Allmende*, or *Mark*, among the early Germans and was organized according to diverse schemes among the ancient Hellenes, Slavs, Indians, Arabs, Israelites, Aramaeans, Babylonians, Egyptians, Sumerians, Japanese, Aztecs and Incas. Vestiges of the institution are still extant. Fields and gardens and analogous permanent allotments of land under wild field grass husbandry became through utilization the special property of clans and, more rarely, of individuals. The ownership of state lands (*temenos* in Homer) was an inherent attribute of rulership and was regarded and generally accepted by all the above mentioned peoples as a primordial institution.

The ancient oriental urban civilizations of the

Egyptians and the cuneiform peoples were founded by warrior priest kings. Following the law of conquest the ruler and simultaneously a central state authority obtained almost all lands as a patriarchal domain to be administered according to a given scheme. Thereafter dues in kind or money had to be paid for the use of such lands as were not worked by compulsory labor under the bureaucratic system usual in mines and quarries, by slave and wage labor or by peasants and shepherds who, without capital of their own, were established as entrepreneurs on royal property and assisted with cash, seed and stock loans at high interest rates. The royal title to a piece of land, with or without dependent peasants, might be transferred in precarious tenure to nobles, temples or soldiers. In Egypt this practise often led to enduring hereditary feudal possession of great territories, while in Mesopotamia private ownership developed in this way. An extensive official organization using written bookkeeping methods administered state possessions in connection with local and central state granaries and workshops for the finishing of raw products. This system, which had its sanction in religion, obtained in so far as it could withstand crises and particularistic feudal trends. In contrast to the principles of the ancient Orient, Romans, Hellenes, Iranians, Israelites and all other descendants of the Indo-Germanic-Semitic migrations of the second millennium B.C. divided conquered arable territory among their own nobles and freemen. There remained as public domain only uncultivated land and the chief's share. In Israel under oriental influence both became royal possessions centrally managed. In early Hellas and Italy the king's share generally disappeared with the elimination of the monarchy by the nobility; Sparta and Macedonia were exceptional in this respect. Down to the fourth century B.C. uncultivated and conquered land was allotted whenever possible among citizens or colonists for their private use. Sooner or later these allotments led to private ownership with rights of alienability, as in the cases of the Spartan and Attic *kleroi*, the land settled under the so-called west Locrian settlement law and the Roman *ager publicus*, sometimes on the payment of taxes. Generally there remained as public domain only mining regions (Attic Laurion), salt deposits (Ostia), forests, pasture land and the quasi-public temple properties (Delos, Delphi, Eleusis).

In the area stretching from India to the mouth of the Rhine and from the Sahara to the Danube the period beginning with Alexander and ending with Augustus created conditions whose consequences may still be observed. The domains of Persia, which had retained the character of an ancient oriental empire, and the conquered territories of the Roman Republic served extensively as a base for the Hellenic city-state colonies and military villages and for Roman colonies and allied cities. The colonizing impetus was especially pronounced in the centrally administered state domains of the Seleucids in Asia and the Antigonids in Macedonia and Hellas, in the revolutionary Sparta of Agis, Cleomenes and Nabis and under the Ptolemies in Palestine and Transjordania. On the other hand, the Ptolemaic empire in Egypt reestablished thoroughly the land monopoly of the pharaohs, excluding gardens, vineyards, orchards and building sites as well as the Greek communities of the Nile. Simultaneously the old indigenous system of state ownership and regulation of cultivation through an official hierarchy was perfected. All Egypt became one enormous estate administered on capitalistic principles and including royal lands, temple lands, military fiefs, pasture lands, brush, mines and quarries. Isolated land concessions (*doreai*) remained for short periods under individual capitalistic management, but the sale of land to private owners arose only with the administrative chaos of the first century B.C. Syracuse, Carthage, Pergamum and the Bosporus approximated in the order given the land policy of the Ptolemaic empire, except for urban regions. The Parthian empire and that of the Sassanids, which developed from it in the third century A.D., usually distributed as fiefs the public domain inherited from the Seleucids and extended by the annexation of territory formerly belonging to Hellenic cities. As a rule such fiefs were not permitted to become private property.

Rome gave to colonists the extensive conquered territory (*ager publicus*) available in Italy or turned it over to large entrepreneurs from the ruling castes for their occupation, use and possession. Only a very small portion of the land was worked on the basis of regulated leaseholds or allotted as remuneration for service. The inalienable hereditary fiefs created by the Gracchan peasant colonization movement soon became alienable private property. The wars of the first century B.C., which ended with wide scale military colonization under Caesar and Augustus, resulted in the partitioning among private owners of almost all the *ager publicus* of

the Italian peninsula. In the provinces Rome at first maintained the land regime existing at the time of conquest. In Africa and southern Gaul from the middle of the second century B.C., in Spain a century later under Sertorius, in the eastern Mediterranean region under Pompey and Caesar and finally throughout Gaul and the Danubian provinces under Caesar and Augustus, there began the establishment of urban colonies and the resettlement of natives, chiefly in semi-agrarian towns but in Africa also in villages. Simultaneously there was a general sale of public domain to large scale private entrepreneurs. Augustus transformed the Egyptian military fiefs into private property and permitted the sale to private owners at a low rate of most of the unreclaimed public domain, so that latifundia developed. The state retained the rent paying public domains, with the addition of conquered territory and the temple lands, which had become independent of the state in the Ptolemaic era; they were divided into two categories—crownlands and public lands—under state administration. Nevertheless, the tenant fellahs were soon more deeply obligated for rents than ever before, while they no longer could benefit from systematic directions for cultivation which had obtained previously.

The decline of the Roman Empire was protracted through the first three centuries A.D. At first public domains, administered successively by the senatorial *aerarium* and the imperial *fiscus*, continued to be very extensive, despite widespread colonization and the settlement of conquered barbarians (*laeti*, *inquilini*), bound to the soil in military communes. Numerous mining districts were added to the public domain, and confiscations, especially under Nero and Septimius Severus, brought under state control most of the new large estates. At first the public domain was leased out for operation to both small and large entrepreneurs largely on a capitalistic basis. Beginning with the Flavians and especially under Hadrian the small tenants (coloni) were given a more substantial organizational basis in order to protect them against officials and the larger landholders; nevertheless, in the revolutionary epoch of the third century the great landholders contrived to usurp extensive portions of the public domain.

The late Roman Empire, displaying a greater resemblance to the ancient Orient, bound the peasant to the soil. Only rarely, however, did it hinder the transfer of the land of its serfs to the great proprietors. The state maintained its hold on little more than those crown domains indispensable for its support; among them were mines, farms to supply the imperial court, estates equipped with factories or stud farms and leased lands of religious foundations. Ordinarily such domains were managed by officials in the state service; in exceptional cases they were allotted under copyhold to private operators or to communities. After the fourth century, incidentally, all communities were compelled to administer as crown property lands hitherto considered communal property. As a defense against Persia, Heraclius in the first half of the seventh century endeavored to establish on a large scale permanent settlements of military farmers upon state and confiscated lands and to give them legal protection against the land grabbing policies of the nobility and the church. Similar attempts directed against Islam by the Macedonian dynasty in the tenth century met with as little permanent success. The heirs and in a general sense the organic successors of the land regime of the Eastern Empire, and perhaps of the ancient Orient, were Islam in the Mediterranean region and the Slavs in eastern Europe.

Under the first caliphs all landed property of non-Moslems was forfeit to the state. Owners were obliged to pay a tribute (*kharāj*) in return for an extension of precarious tenure. The land regime which prevailed in the former Sassanid-Byzantine provinces, in which there were now state latifundia and church lands, was maintained in principle and developed special aspects in various regions. The acceptance of Islam by the native peasantry soon ceased to be accompanied by an abolition of ground rent, which was in fact extended to include the older Moslem peasants, except in regard to waste land which they had reclaimed. Public domain with dependent peasants was allotted to important personages as fiefs (*iḳṭāʿ*) and to lesser ones in return for specified services. As in Byzantium, the manorial system reached into the public domain when peasants sought the protection of powerful nobles. Charitable foundations (*vakuf*) holding former state land in perpetuity displaced to a considerable extent the Christian ecclesiastical foundations. In Egypt the lease supplanted the *kharāj* system and public domains including waste lands (*kitaʿi*) were leased quadrennially at auction. Subsequently the whole public domain was divided into military fiefs (*ikta āt*) except such as remained the privy estate of the sovereign. More or less analogous

developments may be traced from India as far west as Spain. The Ottoman Empire added to the public domain military fiefs (*spahilak*, *chiflik*) with dependent peasants and tenants. Although theoretically such fiefs were hereditary only where the heir possessed military qualifications, they tended to be transformed into private latifundia. Attempts were made as late as the nineteenth century to recapture these fiefs for their original purpose. Privileged Christians (*raja*) also were allotted small hereditary fiefs for military, police or special services. Like waste lands (*mowat*) and property devoted to public purposes (*metruké*), their land remained part of the public domain (*mirié*) but the users enjoyed well defined property rights over it. Mehemet Ali reestablished state ownership of almost all the lands of Egypt early in the nineteenth century. In the latter part of that century there began under European influence a decline of the charitable foundations and of hereditary fiefs, whether sovereign or suzerain, in all Islamic countries from Afghanistan to Morocco. Especially since the end of the World War state domains and estates under feudal tenure have been broken up for large scale colonization.

The predominantly Slavic east of Europe, which followed the Byzantine feudal pattern, reveals an analogous trend. Crownlands, lands allotted to the church by the state as well as the fiefs attached to the knightly office (boyar), with their dependent peasants generally organized along ancient Slavic lines and with their tendency to develop into private possessions, often reflect in their technical names their origins in late antiquity. When the Serbs, Bulgarians, Greeks and Rumanians attained their freedom in the nineteenth century, state land was allotted for farm colonization. Russia as compared with other Slavic countries showed a distinctive development. Noble and ecclesiastical estates became private property beginning in the fourteenth or the fifteenth century. In the sixteenth and the seventeenth, certain of the crown domains were still worked by a state bureaucracy, while a portion of land occupied by peasants was allotted to retainers and monasteries as hereditary possessions (*votchina*) or for life occupancy (*pomest'e*) under conditions of service. Under Peter the Great the latter were finally converted into private latifundia with peasants bound to the soil. As in Byzantium and Turkey, there remained crownlands with hereditary serfs for the provisioning of the court, the breeding of horses and falcons and the satisfaction of the czar's personal needs. There were besides the royal domains extensive public domains manned by peasants bound to the soil. The first great break in the Russian system was the abolition of serfdom in 1861. Large portions of the state lands and of lands belonging to the imperial family were allotted to the peasants or opened to colonization, while other parts were exploited by being rented to peasants. Since the Bolshevik revolution land once again is in principle state property. For a short time agricultural concessions to foreign entrepreneurs were tolerated, but land is now administered under centralized, planned control of giant farms and state directed peasant collectives. Independent peasant agricultural economy is subjected to many restrictions, and the ultimate object is to wipe it out completely. All Russia has become a sort of vast public domain, organized as far as resources permit on European technical principles, with the result that despite its peculiar economic forms its agricultural system bears a resemblance to those of western and central Europe.

These last named regions built their land regime on the foundations laid by late antiquity as did Byzantium, Islam and eastern Europe, but their subsequent development followed different lines. Originally as a result of the Germanic migrations enormous quantities of land including a large portion of the state territory of the late Roman Empire, the lands belonging to the cities and the private latifundia were divided among the nobles and the freemen as in early antiquity, so that the German land regime was introduced into the Western Roman Empire. Unusually extensive crownlands with their dependent coloni were excepted, particularly in the Frankish empire, where they were organized centrally as in Byzantium. Through the assimilation of the late Roman-Islamic service fief to the old Germanic retainer system there developed a system of enfeoffment (*beneficium*) by the king and the great landlords. After the conquest by the Franks the system was extended to old Germany by means of an increase of royal and ducal property through the acquisition of unclaimed lands and of considerable church and noble property and its gradual conversion into various service or honor fiefs for the upper and lower nobility. In France, Germany, Italy and Christian Spain the service fiefs soon became hereditary and quasi-private property. The possibilities of reversion to the crown were limited, while new political donations to churches and the enfeoffment of new vassals steadily decreased

the crown domains. The same development took place in England, had some influence upon Scandinavian evolution and penetrated Poland, Bohemia and Hungary from the tenth to the twelfth century. In the late Middle Ages moreover the feudal system developed in England and eastern Germany into the manorial system, which became increasingly differentiated from both the state and the communal land regimes. It gave way in turn to other forms of tenure, including capitalist exploitation of ground rents through individual lessees, a form of agrarian enterprise which also obtained generally on the remaining crown domains down to the decline of the mercantilist economy.

The principle of the inalienability of the public domain was adopted in France, beginning in 1318 and culminating in Charles IX's ordinance of Moulins (1566). Most European countries followed suit, until by the nineteenth century the validity of the principle was recognized widely. As far as possible public lands which had passed into private hands by usurpation were recaptured, and secularized ecclesiastical property was added to the state possessions, which were administered increasingly from a purely economic point of view. While in the Middle Ages the distinction between state domains and those of the prince or ruler were as a rule not clear, controversies lasting into the nineteenth century led to the conversion into public domain, first in the great and later in the lesser states, of all except a small residue of the princely holdings of various monarchs. On the other hand, extensive regions where serfdom held sway were transformed by the emancipation movement of the eighteenth and nineteenth centuries into free peasant land. Model farms and peasant colonies on uncultivated state lands were characteristic especially of seventeenth and eighteenth century Austria and Prussia.

The French Revolution and all subsequent victorious republican revolutions down to the present have resulted in changes in the public domain. A considerable portion of the private landed property of princely houses became public domain, partly through bilateral treaties, as in Germany, and partly through simple legislation, as in the new countries of eastern Europe after the World War, in France and Spain. In all these countries church lands and noble estates also were for the most part converted into public domain. It has been and still is the intention, however, to turn these lands, except for some communal property in France, into freehold farms or urban leaseholds by means of the emancipation of peasants and by land sales. The establishment of small farms rather than of large estates has been a growing tendency in European agrarian policy, especially in the last century. In recent years consequently the alienability of farm holdings throughout Europe has been substantially limited in many ways and farms have been subjected to more rigid state supervision in respect to both cultivation and sale. This trend is evidenced by Fascist colonization and corporative organization in Italy and by National Socialist inheritance legislation and agricultural organization in Germany and appears to be a collectivistic reaction against the steady movement toward a separation of private possession of land from state ownership or control which marked a millennium of history in western and central Europe. As a result of the tendency toward organized land settlement the leasing of the public domain in small plots to peasants in return for a portion of the crop or on hereditary lease has become less frequent. Even leases to capitalist proprietors are being gradually cut down through new settlement. There remain model farms under state administration. Since the economic crisis of 1929 this form of management has been applied also, either by agreement of lessees or by the state, to latifundia excessively burdened with debts.

Outside the region bounded by India, Britain, Scandinavia and the Sahara, which is marked by a certain unity, there are only two highly developed regions of the Old World with distinctive land regimes. Eastern Asia, which originally had all the characteristics of a pure peasant civilization, developed a system of state feudalism beginning with the third to the second millennium B.C.; from the time of the Chou dynasty (eleventh century B.C.) it was perfected through intensive agricultural colonization, although subsequently overrefinement caused its disintegration. Between the fourth and the third centuries B.C. China was unified under a central bureaucratic state, which except for brief relapses distributed only service fiefs, for military or bureaucratic service, or honor fiefs, in recognition of family rank. Tenure was precarious and without sovereign rights. Colonization was pushed steadily in eastern Asia. Between 9 and 22 A.D. both private ownership and the alienability of land were abolished by Wang Mang, who was unable, however, to enforce his edict. Subsequently a state land reserve was established in order to safeguard the peasantry from

falling into bondage to great proprietors; feudal labor for the cultivation of state lands was done away with, and from time to time, as in an earlier epoch, land was partitioned among peasants on a fixed scale, some of it in hereditary tenure, while other allotments reverted to the state at the death of a holder (*k'ou fen t'ien* land). At the same time the sale of allotments was either prohibited or restricted, while fiefs for services were maintained. Gradually the peasant holdings broke farther away from the state. With the revolution of 1912 China adopted a European land system, and most of the public domain became the property of the peasants and great proprietors.

In ancient Japan families (*uji*), among them that of the mikado, with their dependent retainers were the only landowners. The investiture by the mikado of new *ujis* introduced a kind of feudal system of dependence. The Taikwa reforms (645) introduced into Japan the Chinese bureaucratic state system with a general state land reserve, equalitarian land partition, restrictions on the sale of allotments and fiefs for services and honor. Great landholders (later called daimios) free of tributary obligations and having vassals and bondsmen cut into the public domain materially by taking up fiefs, which steadily became more and more independent. The Taiho legislation (*c.* 700) provided a hierarchically perfected system of service and honor fiefs and an extension of the policy of regulated partition of fields among peasant families. Waste land newly reclaimed by private enterprise became private property with unlimited alienability. In addition extensive imperial domains were either rented to peasants or cultivated by forced labor. After 1192 the disintegration of the empire into suzerain provinces under feudal lords was prevented by the shogunate, which gave to its warriors (samurai) semipublic service fiefs or rents. The public lands, however, continued to be absorbed or deserted. The shogunate brought the feudal daimios under its own sway as far as possible, keeping them down after 1600 by means of a police system. After 1868 the European land system penetrated Japan, although to a considerable extent imperial properties were maintained.

India is distinguished from all countries of high civilization by the fact that here the state, the governmental apparatus and the personality of the prince occupy a relatively low status in the popular view. There still exist side by side without conflict the most varied state forms and shifting types of public domain organization, each of which has been characteristic of one country or another. Originally the peasantry predominated in India. After Alexander the Great there developed individual great states whose influence is still effective today. These states, like Hellenistic Egypt, utilized the royal supertenure of land methodically and rationally. The Moguls brought into the northern regions of the country the influence of the Islamic feudal land regime. Later units of landed property (zamindaris, jaghirdars) with dependent peasants obtained their independence of the public domain by paying a regular fixed revenue. England's influence was to increase the variety of the Indian system by bringing about in many districts, especially in the provinces, an approximation of European land law, although it did not attempt here, any more than in other regions under British control, a genuine Europeanization of the land regime.

FRITZ HEICHELHEIM

NEW COUNTRIES. The acquisition and disposal of the public domain in non-European countries opened to European settlement provide the background for the redistribution of population of European stock during the last three centuries. That domain attracted settlers and capital and was largely responsible for an outflow of at least 50,000,000 people from Europe between 1815 and 1914. It also kept the native born white population within these new countries moving toward new economic frontiers and even attracted it from one newly opened country to another.

Geographical and political factors gave public land policy peculiar features in each of these countries, but there were and are many common characteristics. The building up of the public domain consisted of the transfer of land from native ownership to that of a European ruler or to some person or company to whom that ruler had delegated power to take the land. The seventeenth century state did not hesitate to appropriate and grant land not already claimed by "any other Christian prince." Where natives could be brushed aside or beaten down, their interests received scanty consideration; but where the occupants were strong enough to offer resistance or when respect for native rights was recognized under pressure of humanitarian agitation or political wisdom, some modus operandi had to be adopted by which the native received payment for what he surrendered and protection

for what he retained. New Zealand offers the best instance of the latter procedure. In North America and south Africa there were subsequent transfers of land from one state to another by conquest, treaty or purchase. In the former the public domain became consolidated by transfer from one immigrant power to another. When Canada became a dominion, the existing provinces retained their crownlands, and the federal government had no domain until it acquired the Hudson's Bay Company territory by purchase in 1870. The public domain of the United States grew by a series of large acquisitions. The thirteen original states ceded about 270,000,000 acres; the Louisiana Purchase added approximately another 430,000,000 acres; then came the purchase of Florida, the purchase from Texas, the establishment of title to the Oregon territory, the acquisition of large territories from Mexico in 1848, the Gadsden Purchase in 1853 and the purchase of Alaska in 1867. In all nearly 2,200,000 square miles of public domain were accumulated, at an average cost of about $.06 an acre.

The zeal with which new countries added to their domain was equaled only by the energy they applied to getting rid of it. Until within the last fifty years few voices were raised to suggest that the domain should be held in trust for posterity, that resources should be conserved, or that money received by selling land should be put into permanent capital improvements and not spent to meet the ordinary costs of government. Wakefield and his group of enthusiasts in London might convert ministers and officials to a belief in "systematic colonization" and thus impose checks and safeguards on the settlement of distant colonies. An alert governor in Cape Town, Wellington or Sydney might try to chart a middle course between the commands of doctrinaires in the Colonial Office and the clamor of hungry colonists or greedy speculators around him. Laws, orders and ordinances which seemed both wise and water tight might be framed; but in the long run political aims bowed to geographic and economic forces, good laws failed through bad or inadequate administration, a hole was found in every legislative fence, and either through legislation or in spite of it the frontiersman, the man on the spot, got his own way. There is perhaps no aspect of public policy in which the gulf between aim and result is so wide as in the handling of public lands.

Of the two outstanding methods of alienation —sale and gift—every country opened for development has had some experience. The choice has depended upon prevailing political and social ideas and needs as well as upon the character of the land itself. The central aim was to get the land occupied as quickly as possible; the rate of a country's progress was measured by the speed at which its frontier was advancing. Unoccupied land was a liability rather than an asset, a lurking ground for wild natives, a temptation to other powers: an empty Australia might be menaced by Asiatic rulers eager to relieve the pressure of population on their own soil; a settled south Africa would reduce to a small extent the preponderance of the native population; a settled Canada could look southward with greater equanimity; and if the American prairies were filled with devoted Republicans, the south would be more amenable to control. Rapid settlement was desirable also where railroads, canals or irrigation preceded it. Finally, the greater the settlement, the larger the markets for industrial produce, the man power and the taxable resources.

If the need for settlers dominated land policy, so also did prevailing ideas concerning the character of the society it was desirable to create in the New World. The seventeenth century might hope to instal feudalism along the Hudson or the St. Lawrence, but the democratic nineteenth century preferred small owner farmers to big landlords and molded its land policies with a view to achieving this result. The big ranchers who secured favorable leaseholds over vast stretches of Australia in the 1840's had to bow to the ideas and wishes of the "radical rabble" which swarmed into their preserves during the gold rush of the 1850's; there was introduced the policy of "free selection before survey," which was expected to make serious inroads into the pastoral holdings. North America Free Soil Democrats in the middle of the nineteenth century carried the doctrines of natural rights and equality of opportunity into the land discussion and found there a cure for poverty, a way to check land speculation and the accumulation of large estates with their resultant landless proletariat.

Under such circumstances free grants seemed the more desirable policy (*see* LAND GRANTS), especially if hedged round by conditions demanding residence and improvement. The settler would pay for his land in the sweat and discomfort of frontier life; his capital would be spent in equipment and stock, and thus the

country would attract men who were rich in willingness to work but poor in worldly goods. At the same time land grants could reward those who had suffered for or served the government, as, for example, the United Empire Loyalists in Canada or the ex-servicemen in all countries; they could be used to endow education or religion, to subsidize colonizing ventures or to aid railroads, canals or other necessary internal improvements. British policy recognized these considerations and followed a land grant policy in every colony until the 1820's; the French did the same in the St. Lawrence region, while the Dutch in south Africa wanted food and supplies for their East Indiamen and therefore granted settlers small freeholds for agricultural purposes and encouraged other settlers by "lending" them cattle farms, subject to annual renewal of the lease, of about 6500 acres each at a nominal quitrent. In 1813 the British substituted perpetual quitrent grants.

The alternate policy of land sales was urged on the ground of need and of unfortunate experience with the land grant system. The need was for revenue to meet the costs of war and to defray the expenses of general government, of land administration or of public works to open up or serve new areas. Tax collection, apart from customs, is difficult in pioneer areas; revenue from land sales is therefore a line of little resistance, excelled in this respect only by oversea borrowing. When the settlement of an area depended upon some large outlay on public works, especially on irrigation, payment for the land was really a refund of the capital which had made arid land productive. Hence the United States began its land policy with sales in order to meet the cost of the revolution and now pays the expenses of reclamation by sales of reclaimed land. Experience in the British colonies led from grants to sales of public lands for different reasons. The grants, usually subject to quitrent in Canada and Australia, brought little revenue and few settlements. Vast areas passed into private hands but lay idle and undeveloped, awaiting buyers who were willing to pay a high price. Bona fide settlers had to go far back behind these locked up lands and were scattered widely. Free land prevented settlers from keeping laborers and depressed the value of territory already settled. Meanwhile the quitrents were not paid. To remedy these defects Wakefield proposed sale at a "sufficient price"—sufficient to provide passage money for laborers, to pay for public works and to prevent laborers from buying land until some years of selling their labor and thrift had put money in their purses.

This doctrine influenced British policy in all its colonies: free grants were discontinued about 1830, sale by auction at a minimum price or private sale at a fixed price became the rule, and South Australia and New Zealand were settled by companies working on the Wakefield plan. When the colonies gained control of their own lands in the 1840's and 1850's, local pressure broke Wakefieldism in many respects: the minimum price fixed by London might be reduced, settlers with small capital were offered easy terms of payment, public works were paid for by borrowing; and in New Zealand, after control of the public lands was given to the provinces, some of the latter provided for homestead grants —Auckland did so as early as 1855. Some Australian states granted free lands toward the end of the nineteenth century; but here, as in New Zealand after 1876, when the administration of the public domain became centralized, sale was the normal method of alienation. Only Canada, influenced by the competition and example of its neighbor, departed seriously from this practise; and its policy for the prairies was one of land grants to railroads, free homesteads, preemption rights, and cheap land to almost anyone who wished to buy. Canada had to be at least as generous as the United States.

North American policy concentrated on complete alienation of the public domain; but in the antipodes leasehold has played an important part as a temporary or permanent method of handling crownlands. This is due partly to the early importance of the pastoral industry there and to the unsuitability for agriculture of large sections of the land. Leasehold made legal the pastoral occupation of crownlands pending their complete alienation in smaller farms; it regularized the relations between squatter and government, offering security of tenure for a fixed number of years to the former and yet keeping the ultimate disposal of land in the hands of the latter; the rancher did not for the moment have to spend his capital in buying territory, while the government received some income. The leasehold thus provided a firm basis for the development of the cattle and sheep industries and for the exploitation of lands which would never be fit for anything but large scale pasturage; and although the leaseholder was able to resist eviction by buying the key areas of his land and thus to render the rest of his ranch useless to anyone else, the

transfer from pastoral leases to freehold agricultural farms probably progressed as quickly as was economically desirable in view of the relative advantages of wool and wheat production during the last four decades of the nineteenth century. In the United States no system of leasehold or license was ever adopted for the national domain, with the exception of the national forests and non-metalliferous mineral lands and water power sites; but some of the cattle states and the railroads have established leasehold tenure for lands they own. About half of the area of Australia and over a quarter of that of New Zealand is held on lease from the crown. The Australian fraction is large, partly because of geographical conditions and partly because of the opposition of the Labour party and other schools of land reformers to further alienation. In the 1880's, under the mixed influence of Henry George and the advocates of land nationalization, the state was urged to keep what was left of its domain and to lease it either in perpetuity or for a long time, with a periodical revision of rent or a graduated land tax on its unimproved value, so that the state coffers might receive a share of the unearned increment in land values. In New Zealand the Liberal-Labour governments after 1890 strove to settle a crown tenantry on the public domain and on repurchased land; but when these tenants became prosperous after 1900 they demanded and won the right to buy their holdings in order to be free to sell them in a rising land market. In Australia the Queensland Labour government stopped granting freehold in 1917, but with the fall of the ministry in 1929 this policy was reversed. In Northern Territory the federal government grants only perpetual or long leases. The Canadian provinces lease lands which are unfit for agricultural settlement. South Africa leases new farms for five years, after which the tenant may begin to buy; Australian governments offer many varieties of leasehold with right of purchase. The main criticism of the pastoral lease is that the holder makes no attempt to conserve the natural grasses and shrubs and leaves a blighted land at the end of his tenure.

Behind every general policy lies a mass of difficult detailed problems. One is concerned with imposition of conditions of residence and improvement upon the recipient or purchaser of government lands. The United States called for residence during five years on a homestead, Canada required only three years, and in 1912 the United States adopted the Canadian figure. Planting a specified acreage with trees, irrigating a certain area, plowing a fixed number of acres, building a home, clearing a defined area of prickly pear—these are some of the conditions imposed. Another question is what unit of area shall be given or sold. The United States originally did not wish to peddle land, hoping instead to sell it in large blocks; it was driven, however, to reduce the unit gradually from 36 square miles (a whole township) to 80 acres and even to 40. On the other hand, the problem of the maximum unit emerged; given the democratic dislike of large holdings and the difficulty of getting hired help, the ideal of the "family farm" emerged and was enshrined in the homestead unit of 160 acres; but the right to preempt another 160 acres and other factors resulted in the growth of many larger farms, while the inadequacy of 160 acres to provide a livelihood west of Iowa led belatedly to the grant of 320 or 640 acres in the dry western states. There was also the issue whether selection of land should be permitted in any part of the public domain or be restricted to certain areas declared open for settlement. Controlled selection was desirable: it simplified the establishment of title and made possible the defense and government of a compact population, but it was impossible because it clashed with the centrifugal forces at work wherever there was unoccupied land, and governments had either to treat the squatter as a trespasser or to recognize that unauthorized occupation was inevitable. Preemption was the concession made to the squatter in North America; South Africa and Australia legalized the pastoralist's position by granting licenses or leases. Finally, when a policy of sale was decided upon, there was the question of how land should be sold, whether by auction with a minimum upset price or privately at a fixed price and at what price and by what form of payment. The United States sold land by auction until 1862, with a minimum price of $2 until 1820 and of $1.25 afterward; it sold preempted land privately at $1.25 after 1841; but when in 1850 it began to make railroad grants, it sold its own land along the track at a minimum of $2.50. The "sufficient price" in Australasia sometimes went as high as £2 an acre. Credit sales up to 1820 were so unsatisfactory that the United States abolished them; when the other countries turned to the policy of helping small settlers, however, they all accepted payment by instalments, while most railroads worked out excellent systems of extended payments in selling their lands. Today

payments in South Africa and Australia may be spread over twenty, thirty or even more years. The ability of the creditor to collect instalments depends upon the weather and the price trend; during the years of rising prices between 1896 and 1920 payment was satisfactory, and governments did much financing of the farmer as well; but the falling prices since 1920 have made the collection of instalments a dreary business.

Behind the general and detailed questions of policy there has been the problem of administration. An ideal system of alienation would call for an adequate central and local office staff and corps of surveyors, a body of information concerning soil and climate, a variety of laws fitted to the different classes of land and of prospective settlers, with an army of policemen to prevent or regulate trespass, check fraud and see that conditions were observed. No country has had or could have such equipment. The data for land classification could be accumulated only slowly: no surveying staff has ever been big enough to keep up with those always pushing further out; and no army of legislators and officials could anticipate or check the devices by which ingenious persons evaded conditions and turned laws to purposes opposite to those at which they were aimed. New countries succeeded in learning how to handle the public domain by the time there was virtually no domain left to handle; it was only in the late nineteenth century that widespread surveys and classifications began to furnish the basis for public land policy in respect to different types of land. The schemes for conservation came too late to touch more than the fringe of the problem. In actual area the fringe still looks large, but the quality is poor. In Australia and New Zealand it was found necessary to add to the public domain by repurchases from large landholders in order to make good lands available for close settlement. In 1931 the United States had about 179,000,000 acres vacant, unappropriated and unreserved, but nearly half of it was desert land in Nevada or Utah. It had almost 136,000,000 acres in national forest reserves, about 60,000,000 acres reserved as mineral lands, stock driveways and water power sites and about 350,000,000 acres in Alaska. The bulk of the Canadian dominion lands was transferred to the prairie provinces in 1930; the Dominion of Canada in 1933 had 936,000,000 acres of domain, the southern boundary of which is 60° N., while the provinces held chiefly land unfit for agricultural settlement. Australia has 40 percent of its area "occupied by the crown or unoccupied," and 50 percent in crown leases; New Zealand has one third unoccupied and nearly one third under leasehold. In none of these areas is such settlement as characterized the nineteenth century possible; reclamation may do a little here and there, and new wheat varieties may allow the plow to go a little nearer the arctic or the desert; water power and minerals may bring the state some revenue from leases and royalties; but the day has definitely gone when the public domain can be a home for a stream of settlers or a source of great income to its owner.

In the tropical areas of Africa and Asia unfit for European settlement three problems had to be faced: first, the demarcation of native reserves and the absorption of the rest of the land in the public domain; second, the collection of wild produce on the domain and on the reserves; third, the development of plantation agriculture. The native claims to tribal ownership of large areas were gradually recognized, and tribes were forbidden to dispose of land to white men except with governmental approval. The domain was made available to Europeans by the grant of concessions. These grants usually gave the sole right to exploit the natural produce of a large area for a long period; the Lever concession of 1911 covered 3000 square miles in the Belgian Congo, and France in 1899 had conceded over 300,000 square miles to various companies in the French Congo for thirty years. The concessionaire paid some rent and possibly a royalty on the produce or a fraction of his profit; he might be bound to pay a minimum wage, build factories, provide medical and educational facilities, plant a certain area and obtain some of his equipment and white labor force from the country which gave the concession. When the grant expired he might, if he had fulfilled the developmental requirements, be granted title to a portion of the area, subject to quitrent.

The generosity of some early concessions, especially French and Belgian, raised difficulties and roused popular hostility. Too much land had been tied up, and abuse of the natives stirred much indignation. After about 1910 therefore greater stress was placed on safeguards and on the development of cultivation. France especially sought to change the exclusive right to gather wild produce over a large area into ownership and development of a smaller area.

In 1910 eleven concessionaire companies agreed to surrender 17,000,000 hectares in return for a ten-year concession of all the rubber

within the same territory. This concession was to be renewable for another ten-year interval to the extent of ten times the amount of land which they had brought into cultivation or systematically exploited in the first period. At the end of each concession period the companies were to receive full proprietary rights to all lands which they had cultivated or exploited, in amounts not to exceed 10,000 hectares of forest land for each company. In British areas leasehold is the usual tenure, with rents subject to periodical revision; no freehold is granted.

From 1870 in the Dutch East Indies the government claimed ownership of all the lands to which no one else could prove title. These crownlands were granted on emphyteutic leases in Java, Madeira and the directly governed areas of the outer islands; in the self-governing districts they were distributed as concessions (*landbouw-concessien*). The lease, generally for seventy-five years, is, however, the standard tenure; concessions are being converted into leases, and much of the land given or sold by the Dutch East India Company is gradually being bought or expropriated by the government. The leasehold area is limited to 550 *bouws* (964.5 acres), except in the outer islands, where it may be as large as 5000 *bouws*.

In Africa permission to prospect and exploit mineral areas has been granted subject to certain conditions and payments. But the Dutch from 1910 on seriously restricted the exploitation of mines by private interests and in 1918 reserved for the crown the right to exploit coal, oil and iodine in their East Indian possessions; they also made the production and sale of salt a government monopoly and reserved the rich tin deposits in Banka. Some gold and tin are obtained from government mines; those in Banka produce about one seventh of the world's tin output. But much production is in the hands of companies in which the government has a partial interest and control or which work under license or agreement.

HERBERT HEATON

LATIN AMERICA. The aboriginal systems of land tenure in different parts of Latin America have left their mark upon the concept of public lands. Ownership of land among the Indians, both civilized and uncivilized, was mainly communal or tribal. In pastoral regions, as, for example, in the southern highlands of the Andes, the unclaimed areas were public range. Among the hunting tribes such lands were common hunting grounds. In central Mexico, Yucatan and the northern Andean plateaus the sedentary farming peoples who had no domestic stock drew upon the unoccupied areas for wood, grass for mats or thatching, building stone, salt and other materials. It was from these unclaimed districts too that land was obtained for the founding of new settlements. In some cases there seems to have been little or no political control over unused lands or little claim to exclusive rights within them; they were free to any who wished to utilize their resources; in other cases tribes or villages insisted on exclusive rights within more or less clearly defined limits. This concept of unoccupied land as open to all has had its influence, particularly in the predominantly Indian districts, so that it has been difficult for the constituted authority to prevent unauthorized free use of and even permanent settlement upon the public domain.

With the advent of the Spaniards and the Portuguese all territory explored and conquered by their respective representatives came under the sovereignty of the crown. Land in actual use by native agriculturists was generally recognized as private holdings, but it was frequently seized illegally by Europeans or given to them in contravention of the law. All other land was considered to belong to the crown itself. From this royal estate, or *realengo*, were made the grants to the conquerors and settlers. In such alienation of the royal lands there was often expressed and probably always implied a right of the crown to withdraw the grants as well as a clear reservation of subsoil resources as an exclusive possession of the king. Since only a very minor part of South and Central America was occupied by farming peoples, the public domain was very extensive. Land was bestowed generously and in enormous blocks upon virtually all applicants who could show any record of service to the crown. In the Spanish colonies land was acquired also by purchase. Since the extreme uncertainty of land boundaries and the appropriation by proprietors of lands adjoining their own holdings led to many encroachments upon the royal domain as well as upon the Indian communities, the government, in order to protect the latter and provide revenue for itself, adopted at various times measures calling for the examination of deeds. Confirmations of titles were known as *composiciones*, theoretically involving the measurement and demarcation of the property in question as well as the correction of any flaws in the title; detailed measurements,

however, were seldom completed. On the whole at the end of the colonial era only those areas most desirable as to soil, climate, water supply and available native labor had been occupied. Moreover the colonies were small and mainly self-sustaining, and there had been little demand for agricultural lands to be devoted to production for export, and great sections, destined later to yield enormous quantities of wheat, corn, flax, coffee, sugar and cotton, were still unclaimed. Probably not over a quarter of the land in most of the colonies had been brought under private ownership. The rest constituted an immense expanse of crownlands waiting to be occupied.

With the creation of independent republics at the beginning of the nineteenth century the respective national governments declared themselves the legal successors of the Spanish or Portuguese crown and thus came into possession of the extensive *realengos* in each colony. In the new states the control of the public domain was a bone of contention between unitarians and federalists. The federal republics in most cases recognized the public lands within states as belonging to these smaller political units, while they regarded those in territories and unorganized regions as national property. The unitary republics took over all the crownlands for the central government. In Argentina the provinces assumed control of the lands within their borders despite the opposition of the Unitarians, who dominated the national administration, and this arrangement was sanctioned under the federal regime inaugurated in 1853. In imperial Brazil certain lands were ceded to the provinces for colonization purposes in 1848; in 1888 the proceeds of sales, together with extensive tracts of the public domain, were also granted them. Under the republican and federal constitution the public lands belong to the states, while the central government is entitled only to the land necessary for the defense of the frontiers, for fortifications, military constructions and federal railways in addition to the lands in the territory of Acre. In Mexico the ultimate authority over the public lands appears always to have been vested in the central government, although during part of the period before 1857 administration and revenues were entrusted to the states. The former crownlands were a potential source of great wealth to the new nations—in the early period they constituted in fact the only important resource. Mexico. Brazil and Argentina in particular held large areas of public lands. The population of this last state had expanded little beyond the immediate vicinity of its principal towns, and both within and beyond a line of forts which held the pampa Indians in check there were many millions of acres of excellent farming and grazing land. Most of Brazil's public domain lay in the Amazon forests, but there were in addition millions of acres of good agricultural and pasture lands. Much of Mexico's public lands consisted of the semi-arid plains in the northern part of the plateau; but still farther north were the good grasslands of Texas, the fertile valleys of the southern Rockies and the recently explored basins of California, all of which were capable of development. The Andean republics held extensive mountain areas and vast expanses of low plains along the eastern base of the Andes. Chile claimed as public domain all the wooded land stretching southward from the Bío-Bío River (about a third of its present territory) and an area of great extent between its northernmost settlements and the undefined boundary in the desert of Atacama. In Central America most of the low, forested littoral of the Caribbean as well as much of the interior mountain country was still unoccupied. A great part of this public domain was known only as *terra incognita* and on the whole was never properly explored and surveyed despite the adoption of legislation similar to that in North America.

The new republics promptly began to draw upon their great resources of public land, compensating the heroes of the wars for independence with huge grants in lieu of pensions and rewarding other public servants in similar fashion. Various enterprises, such as the railroads, were encouraged by subsidies in the form of public lands. Whatever the mode of disposal, it was the fixed policy of most of the countries that "the government should not retain the public domain for itself." The governments sold lands at ridiculous prices to pay public debts and also used the domain to guarantee such debts. Along with other inducements they offered free homesteads or cheap land to native and especially to foreign colonists and to promoters of colonization. Nevertheless, the champions of rural democracy, although in many cases very successful, were frequently defeated by the influence of treasury deficits and by the political dominance of great landowners and speculators. Leasing of public lands was not highly favored and such tenures were insecure. In disposing of

them, however, the governments frequently faced the competition of private holdings.

In Brazil land grants known as *sesmarias* were prohibited in 1822 and 1827. The general public land legislation, first enacted in 1850, remained, although poorly enforced, the basic land law of the empire. It provided for the division of the public lands (*terras devolutas*) into rectangular lots of 500 *braças*, before disposal at public auction or by direct sale at a low minimum price payable in cash. Free grants were to be permitted only within 10 leagues of the national frontiers. The law failed to limit the size of alienable areas. Part of the receipts from sales were to be applied to the transportation of immigrants. Official immigrant colonization began in Brazil even before independence and was continued by both national and provincial governments. About 1850, when the importation of slaves was checked, subsidized colonization companies to whom tracts were sold at low prices began to function, but their projects proved less successful. In 1907 the federal government instituted a land settlement program, using in part public lands turned over by some of the states.

In Chile a law of 1824 provided for free grants of land to foreigners settling for industrial or agricultural purposes, while in 1845 provision was made for free grants in government colonies made to natives and foreigners, according to the size of the family and region of the country. Under such measures and with the breakdown of aboriginal resistance the wooded southern region was slowly but steadily occupied by colonists, especially after 1900. An act of 1866 provided that public lands were to be alienated by public auction in lots not exceeding 500 hectares. Land speculation developed, stimulated by the system of long term instalment purchases and by the act of 1874 which provided large grants to concessionaires for immigrant colonization. In pastoral Magallanes the early policy was to lease vast regions at public auction to large companies who then sublet them; after 1900 sale by auction was substituted. The demand for land for small native proprietors found a response in a law of 1898, which was sabotaged, however, by the administrative officials. Since about 1920 the interests of the small scale agriculturist have received more consideration; provision has been made for direct alienation or leases, and government land settlement schemes have been launched. The lack of knowledge concerning the public lands made their technical administration extremely unsatisfactory. Public land was often sold as private property and vice versa. The wide prevalence of squatting, the frequency of illegal grants through political influence, the withholding of titles from those who had a right to them, the high percentage of violations of conditions of alienation, created a state of chaos in the titles of lands acquired from the public domain. Efforts to regularize this situation have been influenced by the conditions affecting the ordinary modes of alienation.

In Mexico by legislation of 1855 holdings in violation of law or contract were subject to nullification. The law of 1863 provided that peaceful possession for ten years of bounded or cultivated land would entitle the holder to ownership upon payment (in instalments if desired) of one half the official price; legitimization of other types of occupation was likewise facilitated. Under Díaz the surveys, rights of denunciation and *composición* were utilized against small holders and Indian communities, although the land monopolists were forgiven the violations of important conditions on their holdings. The constitution of 1917 subjected many of Díaz' alienations to revision; the amount of publicly owned land increased over 60 percent between 1912 and 1929, but a large part of the increase is of slight importance for agrarian purposes.

In Argentina the national law of 1876 bestowed a 100-hectare lot upon each squatter. The confirmation of deficient titles in national territories was later made possible, and many who had occupied public land for over five years became entitled to full ownership on terms ranging from free grants to full payment. In practise this law gave rise to the usual abuses. After 1890 the national government recaptured considerable land. Although the law of 1903 denied preferential rights to occupiers, the authorities maintained the rights of those who were in genuine possession before the enactment of the law. J. G. Velarde, writing in 1923, reported that government assisted settlement had been practically abandoned and that squatting was the chief method of acquiring public lands. From pastoral Patagonia, however, have come complaints that no security of tenure and no rights of compensation for improvements exist either for squatters or for lessees, who are entitled to the privileges accorded by the law of 1903.

In Brazil as far back as the colonial era the acquisition of crownland in the interior took

Poland, have either liquidated their program by the enactment of land reform or else, failing legally to attain their objectives, have degenerated, under the duress of dictatorship, into impotent demagoguery. In this position they have been joined by the Polish and Lithuanian Socialists. In Latvia and Estonia, by contrast, the Social Democratic parties, as residuary legatees of the nationalist revolutionary spirit, have evolved by intermittent participation in the government a constructive constitutional program designed to coordinate the retention of individual political liberty under democratic forms of government with the broad outlines of a planned economy.

MALBONE W. GRAHAM

RUSSIA. *See* COMMUNIST PARTIES; GOVERNMENT, section on RUSSIA.

SUCCESSION STATES. Party division in the old Austro-Hungarian monarchy was based primarily upon national, religious and class differences. These were often interlocked with a struggle for territorial autonomy or even for complete independence. In general this state of things is still characteristic of the succession states, particularly of the new or aggrandized states like Czechoslovakia, Rumania and Jugoslavia. Since 1918 none of these states has produced a truly national party in the classic Anglo-Saxon sense, a party which might embrace more than one race, one religion, one social class or one region. The only exception is the Communist party of Czechoslovakia. No other party can boast, for example, of including in its membership both Germans and Czechs in Czechoslovakia, Rumanians and Hungarians in Rumania or Serbs, Croats and Slovenes in Jugoslavia (except for the sham party in the present sham parliament).

The registration of parties is only a legal formality in all the succession states, except Jugoslavia. The Communist party, however, is legal only in Czechoslovakia, where it ranks among the strongest parties. The organization of the Social Democratic party serves generally as the model for all the other parties. These copy as closely as possible its scheme of a salaried bureaucracy, its educational activities, its membership fees, its close relations with trade unions and cooperative organizations, its juvenile and women's groups and especially its strict party discipline.

The peasants constitute the majority of the population in all the succession states except Austria, and this fact has an important bearing on the political party structure. There are gradations in education and political experience among the peasantries of the various countries. Thus as regards technical and cultural education the peasants of the old Austrian parts of Czechoslovakia and of Austria proper rank highest; on the other hand, as regards length of experience in political activity the peasantry of the old Serbian kingdom take the lead. The Hungarian peasants are the most backward politically. On the whole, however, and disregarding the relative variations in the different countries, the peasantry is the least organized of all the social classes, and its conquest forms the aim of many of the urban parties as well as of the party of landed aristocracy, which is still a power in Hungary. All the ruling parties in the succession states have a more or less pronounced agrarian character, and all the Catholic parties depend for their strength on their hold on the peasantry. Neither the Greek Orthodox church nor the Protestant churches have their own religious political parties, but there are small and unimportant Jewish parties in some countries (Rumania, Austria, Czechoslovakia); and until the recent ban on all but one party in Jugoslavia, Mohammedan parties existed in that country. Except in Czechoslovakia, where there is still a strong, liberal minded bourgeoisie, liberal middle class parties either have dwindled in importance or else never counted at all.

Although all the succession states started in 1918 with strongly marked democratic institutions based on party government, these institutions proved unable to resist the onslaught of antidemocratic forces. Czechoslovakia comes perhaps nearest to being governed by democratic party rule in the accepted Anglo-Saxon sense. It is the only one of the three new countries in which a national minority party is represented in the government. In Austria normal government is greatly handicapped by party differences, with both great parties ready to resort to open violence. In Hungary the ruling party has never allowed other parties to compete on an equal footing at elections, although this right has been granted at least occasionally and to a certain degree in Rumania and in Jugoslavia and has been the rule in Austria and Czechoslovakia. In both Rumania and Jugoslavia the royal power can and often does thwart the power of any party.

Austria. The two great parties, the Christian

Socialistic and the Social Democratic, reflect on the whole the fundamental cleavage between the rural mentality and the urban. Although the Christian Socialists dominate in the rural sections, that part of the rural class which is permeated more with nationalist than with religious sentiment early went over to the program of the German National Socialists. With the victory of the Nazis in Germany, the movement spread rapidly in Austria; despite the repressive measures of the Dollfuss Christian Socialist government, it has absorbed almost wholly the pan-Germanists and the urban Christian Socialists. In the country, however, the Christian Socialists are holding out against the Nazis through the influence of the priesthood among the peasantry.

Party life and political interest are quite vigorous in Austria. The parties are well organized and conduct active propaganda, particularly the Social Democrats and the Nazis. All the parties have funds, collect membership fees and publish daily newspapers as party organs. The almost total disappearance of liberal bourgeois parties, the growth of Fascist doctrines and the rise of semimilitary organizations are noteworthy as indicating the great decline of democratic parliamentarism in Austria since the World War.

Czechoslovakia. In Czechoslovakia race constitutes the dividing line in party set ups. Within the race party division follows either the line of classes (e.g. the agrarian, socialist and trade union parties) or that of religion (the Catholic parties). Generally speaking, the parties are well organized, they often have considerable funds, own their party press (daily papers and reviews) and printing plant and collect membership fees. Since freedom of press and of assembly are more widespread in Czechoslovakia than in any other succession state and there is a lively interest in politics, the party activities are steady and vigorous. Discipline is very strict and is supervised by the secretaries of the parties, who watch carefully the attendance and the vote of the party members in the legislature. Legislative members and all paid party functionaries must contribute usually about 20 percent of their salary to the party funds. Members of the legislature and of the executive are controlled wholly by their parties, and when in power they are much more anxious to please their parties than the government or the prime minister. Opinion within the party is formed by the interaction of the local organizations and the national secretariat. Legal devices permit the party to deprive a recalcitrant member of the legislature of his seat should he incur its displeasure. Personality counts for little since voting is by lists and nothing can curb the domination of the parties save their great number. Of 300 members of the lower chamber the most numerous party counts but 46. Coalition ministries are thus inevitable. National minorities may justly complain of unequal treatment in several fields of public life, but their representation in the legislature is more in keeping with their numerical strength than is the case in any other succession state. The rule of democratic parliamentarism is more firmly established in Czechoslovakia than in any other country east of Switzerland.

Hungary. Political party life in Hungary is held in close check by the prevalence of the open ballot and by the interference of the administration with the organization of opposition parties, especially in the rural sections. The Party of National Unity, representing the landowners, the manufacturers and the bureaucracy, has been in power almost continuously since the overthrow of communism in 1919. The remaining parties are weak and inefficient, and their sphere of activity is very limited. Except for the otherwise rather weak Social Democratic party, all parties have very loose organizations, which function only at elections and collect no membership fees.

Jugoslavia. Although there is only one legally recognized party, the *Jugoslovenska radikalna seljacka demokracija* (Jugoslav radical peasant democracy), a party for dictatorial and Serbian nationalistic centralization but not opposed to social legislation, the old parties still survive, partly as unorganized cliques within the legal party, partly as illegal formations. Thus far the government has not confiscated (except in the case of the Communist party) the rather considerable property of the old parties, which indicates that the dictatorial government lacks either self-confidence or rigorous aims. The new constitution empowers the leader of the electoral list (i.e. the prime minister) to exclude from the parliamentary party any member who violates party loyalty, thus automatically depriving a member of his seat in parliament. The constitution did not, however, provide for the eventuality of the resignation of the leader of the list, and when Prime Minister Živković resigned, members of the national party found it possible to desert the party and form new parties without losing their legislative seats. There are at present three such new parties, represented by a total of 20 members in parliament. It is believed that

the king looks with favor on the new situation, preferring party anarchy to party dictatorship. The old outlawed parties maintain their existence as regional groups but cannot participate in the national elections.

Rumania. There are two great parties in Rumania: the Liberal party, which is backed by the big banks and represents the political traditions of pre-war Rumania, and the National Peasant party, which includes the radical elements of the old kingdom as well as the majority of the Transylvanian Rumanians. The Liberal party favors strong centralization, which the Peasant party opposes. With the introduction of the new Fascist electoral system, the principle of proportional representation has been sacrificed to obtain a workable majority. The government exerts a decisive influence in the elections but is itself subject to control by the king. Since the World War no government has failed to obtain a majority at the elections which it called. Thus party changes occur only when the king summons a new government and allows it to control the subsequent elections. This arrangement accounts for the great fluctuations in the representation of the Liberal party, the best organized party, in the lower chamber. In 1922 the representation was 250; in 1926, 15; in 1927, 298; and in 1928, 13. The Liberal party has considerable funds at its disposal, while the other parties call upon their wealthy members for support at election time as well as for subsidies for the party press. National minorities are weaker in Rumania than in Czechoslovakia, and there are no movements for territorial autonomy like that of the Slovaks in Czechoslovakia or the Croats and Slovenes in Jugoslavia.

ROBERT BRAUN

BALKAN STATES. Before the World War the struggle of the various great powers for control of the Balkans largely dominated internal Balkan politics, the parties being generally friendly to a particular power or group of powers. Since the war the Balkan states have been divided into Greece, which is satisfied with the existing status, and Bulgaria and Albania, which desire revision (for Rumania and Jugoslavia, *see* section on SUCCESSION STATES). Foreign influences, however, are much less important than before the war. Party alignment now follows to some extent economic and social lines. Thus there are agrarian, landowners', bourgeois, bureaucratic and workers' parties. Communism is strong in Bulgaria and in Greece. The weak Socialist party in Bulgaria serves in a measure as a check on corruption.

Individual ambition and governmental coercion, however, play the main role in politics. When a politician is empowered to conduct an election, he uses whatever methods are necessary to secure a majority. A government never loses an election in Albania and only rarely in Bulgaria. In Greece parties are more frequently voted out.

Both the People's, or National, party of Bulgaria and the Liberal party of Greece have a rich tradition and considerable stability. Formed by semirevolutionary leaders with radical programs, these parties later developed into bulwarks of conservatism and dispensers of privilege and wealth Theoretically Balkan parties are directed by the members through a congress, which usually meets annually and is composed of delegates of the local organization. The congress elects a governing council of 40 or 50 members; this in turn chooses an executive committee of 7 or more, which manages party affairs. The parliamentary group also exercises considerable influence. But the whole apparatus is in the hands of the boss, who is an absolute master. The congresses are hand picked, made up of his delegates. No deputy or even a village mayor can be elected without the consent of the boss, who controls all the patronage. Stambulisky in Bulgaria and Venizelos in Greece have exercised such unrestrained control over powerful party machines.

In most countries the civil service is theoretically stable but actually on a spoils basis. New ministers effect an upheaval of personnel sometimes including even the humblest railroad workers and doorkeepers in state institutions. Only partisans get jobs. Aspirants therefore pass from party to party, seeking favor and position or merely a livelihood. For the sake of security some civil servants possess membership cards in two or three parties. Political struggles thus have an important economic significance for many individuals and are therefore marked by extremes of bitterness and corruption.

Most parties are financed largely by money obtained ultimately from the state. A long period in opposition is therefore a great handicap. Since there are many parties in Bulgaria and Greece, all governments are necessarily coalitions. In Bulgaria, where each party must have a color, there are none left for new groups.

Greece. In the early period of independence, parties attached themselves to the three pre-

tecting powers, Great Britain, France and Russia. Little scope was afforded them, however, until the revolution of 1843 forced King Otto to abandon absolutism for parliamentary democracy. In the ensuing party struggles a coalition of French and Russian parties, which advocated nationalism and immediate expansion, usually triumphed over the English party, which urged internal stability as a prerequisite to expansion. The rise to power of Trikoupis in 1875 marked the triumph of the latter policy over the policy of expansion, which continued to be advocated by his powerful opponent Deligiannis. These two personalities succeeded in a measure in crystallizing the various personal factions into parties subject to their leadership and achieved a degree of party discipline and stability previously unknown. Under their successors in the early twentieth century parties again tended to become personal factions, and party instability and ineptitude finally resulted in the successful intrusion of the Military League in 1909.

Eleutherios Venizelos, a Cretan called into Greek politics in 1910 by the Military League, has been the dominating figure since that time. At least in the first years, and again from 1928 to 1933, he succeeded in placing Greek politics upon a firmer basis. His pro-ally policy led to a bitter struggle between Venizelos and the pro-German king, Constantine. Later, when the republican movement, which culminated in the establishment of the republic in 1924, was gaining ground rapidly, he expanded his Liberal program to embrace it. He now heads the Republican Liberals, the chief party in a Liberal coalition containing several wings or factions and a small agrarian group, which sometimes works independently of Venizelos but almost never against him.

The chief opposition group is the advanced Monarchist, or Royalist (Popular), party, which is perhaps not so much in favor of restoration as against Venizelos. In the elections of March, 1933, the Monarchists defeated the Liberal coalition and Panayote Tsaldaris, leader of the Popular party, displaced Venizelos as premier. The third important party group is the Communist, which is under strict control of the government and which finds its chief support among the workers of Athens, Piraeus, Salonika and other industrial and tobacco producing centers. Military factions, quickly formed, altered and dissolved, play a very important role in Greek politics.

Bulgaria. After Bulgaria became a constitutional monarchy in 1879 two groups developed: a Conservative, favoring Russia and a limitation on democracy, and a Radical, or Liberal, one, opposing Russian domination and reaction and demanding complete popular sovereignty. The Liberals, the stronger of the two in the earlier years, split successively into many groups, including four kinds of Liberals, the Democrats and the Radical Democrats. The People's, or National, party, which constituted the backbone of the Conservatives, is still the best conducted political organization, with a loyal membership of bankers, the wealthier merchants, village saloon keepers, priests and in general the more prosperous section of the population. A Social Democratic party organized in 1894 split in 1903 into Revisionists, who favored cooperating with the bourgeoisie, and orthodox, or Narrow, Socialists, who opposed it. In 1899 a group of village school teachers organized the Agrarian League on the basis of a loose pre-existing organization. Its original activity was non-political; it sought to raise the standards of the peasants through education and cooperative organizations, but a radical wing led by Stambulisky succeeded in converting it into a political party with a fairly radical program.

The elections of 1919 resulted in an overwhelming victory for the left forces, especially for the Agrarian League. With Stambulisky as prime minister the party followed a radical program, in close alliance with the Narrow Socialists, who in 1919 had become affiliated with the Communist International. A coup d'état by the Conservatives unseated the Agrarians in 1923, whereupon the former organized the Democratic Entente, a coalition of Democratic, Radical, Progressive, National and Unionist parties, to support the new conservative government. Although the Democratic and Radical parties soon broke away, the Entente remains the largest bourgeois party. It was defeated in 1931 by a liberal-agrarian coalition composed of Democrats, Agrarians, Radicals and one wing of the National Liberals. Despite repressive measures the Agrarian League constitutes the largest political organization in the land; it is, however, poorly organized and led, and its chiefs, who show little devotion to the village masses, are intent principally on getting into office.

The Communists are an aggressive, exceedingly well organized group, ready to make remarkable sacrifices In general the party is supported by the youth, intellectuals, ambitious lawyers, provincial civil servants and the urban

ployed in the postal, telegraph and telephone services and the state railway system; 22 percent (290,000) in educational and other public "cultural" institutions; 8 percent (108,000) in the administration of health, housing and social welfare activities; and only 30 percent (390,000) are concerned with all the other functions of the state, including revenue collection, police, justice, diplomacy and research.

The situation in centralized France is comparable. The administrative bureaucracy of the central government was distributed in 1932 as follows:

	Number in Each Group	Percentage of Total
Postal, telegraph and telephone services	192,000	25
State railway and other "industrial" enterprises	158,000	20
Public education, health and welfare services	174,000	22
All other services (fiscal, judiciary, statistical, diplomatic, etc.)	261,000	33

The largest single group in the mass of French municipal employees included industrial and technical workers engaged in operating city owned utilities and public works departments.

Public employment in the United States, at the three levels of government—federal, state and local—shows a similar trend. Almost 50 percent of the 578,000 persons in the federal civil service (1932) were attached to the Post Office Department, and over half of the 2,000,000 employees of the forty-eight states and thousands of local units (counties, cities and villages) were engaged in educational administration and instruction. Street, highway and sewer maintenance required the next largest local personnel group, estimated in 1930 at 400,000.

Everywhere the scope of governmental operations has so expanded as to demand increasingly the systematic classification of both staff and line positions in terms of the type of training, kind of duties and degree of responsibility involved. With a view to eliminating gross inequalities of compensation for equal work, resulting from the haphazard determination of salary scales by pressure bargaining and special legislative enactments, classification plans have invariably involved the consolidation of salary and wage scales by grades, or classes, with minimum and maximum rates for each grade, pay increases normally being granted by a definite succession of fixed increments. The German civil service, for example, contains twenty salary classes, the four lowest covering minor and manipulative grades; the next seven, clerical staffs; the following five, the inspectorial and executive classes; and the four highest, administrative and scientific officers. In the United States federal departmental staffs (in the District of Columbia) are classified broadly into five groups—custodial, clerical-mechanical, subprofessional, professional and scientific, and clerical-administrative-fiscal—each group being subdivided into grades and each grade being assigned a fixed salary range.

Aside from problems of classification, the determination of the rates of compensation for public employment involves special difficulties arising from the exemption of governments from the operation of those competitive principles which still control labor policy in the majority of private industries. In civil service and labor quarters the view is widely held that the state should act as a "model" employer and adjust the pay of its administrative staffs so as to provide an equitable standard of living even for the lowest classes. Although lacking a comprehensive wage policy, capitalistic governments tend generally to approximate the prevailing wage paid by the better private employers for comparable work. In effect this usually means paying just enough at each salary level to attract the required personnel. For routine clerical or manipulative work governmental salary scales are likely to be somewhat more liberal than those obtaining in private industry; but as the administrative hierarchy is ascended, the differential against the public official mounts steadily. The remuneration of managerial personnel in industry as well of the upper strata of the liberal professions ranges from three to ten or twenty times above the scale for upper grade public officials. On the other hand, the latter normally enjoy a much greater security of tenure.

In certain important respects governmental labor policy tends to act as the spearhead for advance in the domain of private industry. This fact is exemplified by the relatively early adoption of the seven to eight-hour workday for governmental offices and by the provision of liberal sick leave and vacation privileges, of accident and disability compensation and of joint-contributory retirement systems. Since the World War moreover the granting of supplementary allowances for dependents, which has become a typical feature of governmental compensation systems in Europe, although not as

yet in the United States, has set an example for a number of private industries. Moreover the existence of widely fluctuating price levels since 1914 has caused certain countries to provide cost of living bonuses and dwelling allowances for civil servants. The basic pre-war salary rates in the British civil service are adjusted every six months if the price index moves as much as five points up or down. The French *fonctionnaire* receives a small bonus which varies with the size of the town in which he resides. Where devices similar to these are not employed, government pay levels inevitably lag behind rising costs of living. Thus the purchasing power of federal employees in the United States declined 50 percent during the period 1893–1919, and it was not until 1931 that salary schedules in the French civil service were substantially restored to their pre-war real values.

In the aggregate, personnel costs at present absorb from 40 to 70 percent of the operating budgets (military expenditures excluded) of most national governments. The total outlay for public salaries, wages and pensions in the United States was estimated in 1927 to approach $5,400,000,000, or slightly over one half the entire cost of government at all levels. In 1931 the pay roll of the federal government alone (including military pay roll) accounted for $1,500,000,000 out of an aggregate federal budget of $3,850,000,000 (minus debt charges). On the other hand, for France, where the *fonctionnaire* is less well paid, the pay roll of central government in 1932 amounted to only 12,000,000,000 francs out of a total budget of 39,000,000,000 (less debt service).

The distribution of public employees in terms of salary levels shows how greatly their numbers are concentrated in clerical, manipulative and custodial work involving low pay. The distribution for civilian employees in the United States federal service in 1931 was as follows:

Annual Salary	Number in Group	Percentage of Total
$1000 or less	125,000	17
1001–$2000	292,000	40
2001–3000	281,000	38
Over 3000	34,000	5

Only 212 officials were receiving salaries of $10,000 or more a year and only 31, salaries of over $15,000, the average for departmental personnel located in the District of Columbia being $2146.

For the employees of the German Reich (including the post and the national railway system) in 1932 the salary distribution (in marks) ran as follows:

Annual Basic Salary	Number in Group	Percentage of Total
2400 or less	277,000	45
2401–3600	221,000	36
3601–4800	102,000	17
Over 4800	16,000	2

Fewer than 500 German officials were paid an annual salary of more than 9600 marks, or $2400.

In times of falling prices and reduced governmental expenditures, such as have generally prevailed since 1930, public authorities almost everywhere have been confronted on the one side with constant pressure from taxpayers for drastic reduction of government pay rolls and on the other with an equally determined opposition of organized employee groups to emergency horizontal cuts. Reductions in pay have commonly been effected by rule of thumb methods, the flat percentage cut serving as the typical procedure. For example, the 1933 economy program of the federal administration in Washington entailed a straight 15 percent reduction in pay for practically all federal employees regardless of salary status; while the German Reich, after 1929, inflicted upon its personnel three successive horizontal salary reductions of 6, 5 and 9 percent respectively. Local authorities in the United States have not only followed this line of least resistance in reducing salaries, but the "spoils" sections of their administrative services have tended to feel the economy axe considerably less than have the "classified" personnel.

Acting upon the recommendations of staff groups and civil service bureaus some governments, notably the British and French, have recently employed a graduated scale of reduction based upon the principle of "equality of sacrifice." Thus in 1931 the base pay of British civil servants receiving less than £2000 was cut a maximum of 10 percent; those in the salary range of £2000–5000, 10 percent or whatever amount was necessary to bring their annual compensation down to £4000; while high officials with salaries of £5000 or over were cut 20 percent. Similarly in France the national budget of 1933 called for a progressive cut beginning at 2 percent for the salary bracket 12,000–20,000 francs and increasing by increments of 1 percent to a maximum of 8 percent on all salaries over 100,000 francs. Nevertheless, it cannot be said that any government has yet evolved a wholly

feasible and equitable plan for systematic adjustment to falling prices of the salaries of its employees.

With reference to the problems of recruitment and management, there have been since the middle of the nineteenth century a series of reforms by which political patronage has progressively given way to professionalization of the public service. Although the decline of patronage has not proceeded at the same pace in all countries, everywhere the increasingly technical character of modern government, calling for greater and greater specialization of social controls, regulations and fact finding devices, is tending to eliminate the spoils system.

In this evolution Prussia affords the earliest example of the establishment of a permanent state bureaucracy organized on a hierarchical basis, dating from the end of the eighteenth century. But it was not until the 1860's that western Europe, led by England, undertook seriously to erect rules and regulations to insure recruitment by merit. A little later, in the 1880's, the United States and Japan initiated similar measures; while the British dominions followed the lead of Great Britain in setting up civil service commissions with power to devise a technique of competitive examination for civil service. The legal procedures introduced to effect this change have varied in form. In England it was achieved by successive orders in council; in France by a few special statutes and innumerable executive decrees; in Germany, the United States, Canada and Australia by general civil service acts as extended by subsequent administrative ordinances.

The cumulative result of these developments may be noted briefly. In Germany virtually all administrative posts of a permanent character, below the rank of cabinet minister, come within the jurisdiction of the National Civil Service Act. In Great Britain all but a few scattering crown offices (and the staffs of certain miscellaneous boards and commissions) in the permanent "established" service are filled by open competitive examination. In the highly centralized system of the French Republic appointments on grounds of politics, personal friendship and blood relationship still occur for a somewhat larger portion of high officialdom, including prefects, ambassadors, colonial governors, departmental division chiefs and the secretarial attachés of cabinet ministers. The great bulk of the federal civil personnel in Canada and Australia is subject to civil service rules and regulations, although a third of the total Canadian service is still exempt.

In the United States, because of its deeply rooted tradition of "democratic" rotation in office, dating from the frontier period, a half century of sustained reformist effort has been necessary to bring all but a fifth of the federal civil service under the protection of the merit system (see Table II). Included in the 111,000 positions still outside the scope of civil service regulations are 25,000 direct presidential appointees, of whom 15,000 were postmasters, the rest consisting chiefly of upper grade officials—assistant secretaries of departments, bureau chiefs, district attorneys, customs and internal revenue collectors and United States marshals.

TABLE II

POSITIONS IN EXECUTIVE CIVIL SERVICE SUBJECT TO EXAMINATION, UNITED STATES, 1883–1932

YEAR	TOTAL POSITIONS	POSITIONS SUBJECT TO EXAMINATION	
		NUMBER	PERCENTAGE OF TOTAL POSITIONS
1883	131,208	13,780	10.5
1903	301,000	154,093	51.2
1924	554,986	415,593	74.9
1932	578,231	467,161	80.8

Source: United States, Civil Service Commission, *Annual Report*, no. 42 (1925) p. viii and no. 49 (1932) p. 10.

Subaltern custodial employees, unskilled laborers and seasonal workers, whether central or local, are ordinarily not subject to competitive selection. Nor, except in the strongly bureaucratized states of the continent, like Germany and France, have civil service principles of recruitment, although they are continually winning ground, advanced so far in local as in central governmental units. In the United States, for example, only 10 out of 48 states, 12 out of over 3000 counties and some 250 cities out of several thousand had by 1932 established independent personnel bureaus or commissions with effective authority. Powerful party machines controlling the politics of metropolitan centers like New York, Chicago and Philadelphia have gained their dominance in large measure by being able to reward the rank and file with jobs. At the same time the adoption of the city manager form of government by 400 American cities since 1912 has been conducive to a more professional administration of municipal personnel.

The last generation, especially in Germany and the United States, has witnessed a significant improvement in the technique of testing applicants for entrance and promotion in the public service. In lieu of the simple question-answer or essay type of examination standard-

ized short answer, completion and aptitude tests, possessing greater "predictive power," have been widely developed by civil service commissions and psychological laboratories. Where competitive examinations cannot feasibly be employed, as in the selection of technical and scientific personnel, a systematized procedure involving a careful scrutiny of professional credentials and recommendations together with an interview of the candidate is commonly used.

Certain special considerations which affect the area of selection for the public service remain to be noted. In the first place, until a generation ago, except in the Anglo-Saxon democracies of the New World, educational and social requirements for entrance tended to make the public service virtually a closed domain to all but the aristocratic classes. Concomitant with the process of democratization and the spread of popular education these bars have largely disappeared. Today most European states have closely correlated their systems of recruitment at the various levels with their public educational establishments. The French and the Germans in particular have set up special schools and courses for the training of candidates for the administrative, diplomatic and engineering branches of their public services. In Great Britain and the United States a closer cooperation between public authorities and the regular universities for the training of public officials bids fair eventually to effect analogous results. A further development has been the establishment of opportunities for post-entrance, or continuation, training; for instance, through the administrative academies in Germany, the School of the Postes, Télégraphe et Téléphone in France and the Department of Agriculture and foreign service graduate schools in the United States. Staff associations in many countries have also set up useful training schools for their members. All of these developments have had the effect of broadening greatly the social and economic area of recruitment.

In the second place, the sex barrier, once formidable, has been weakened, if not entirely removed, by the political and professional emancipation of women. Although Germany had gone furthest in this direction, with some exceptions clerical and instructional public employment is now open to women upon approximately the same terms as for men throughout western Europe, America and Australia. In Great Britain marriage still operates as a bar; nor can women supervise male employees. Furthermore salaries for women employees still tend to range appreciably lower than those for men engaged in comparable work, and a strong prejudice against admitting women to executive posts effectively prevents most from securing advancement. Comparative statistics on the public employment of women show, at the lower end of the scale, that women constitute only 6 percent of governmental staffs in Italy but, at the upper end, that they account for 40 percent of the federal employees in Washington. Over 1,000,000 women (mainly teachers) are employed by all units of government in the United States, 150 or more occupying executive posts carrying salaries of $4000 or over. Two women, Margaret Bondfield in Great Britain and Frances Perkins in America, have attained cabinet posts.

Another restrictive factor in public employment which has become acutely important since the World War has been the granting of preference to military veterans. This practise has assumed two forms: certain types of positions have been reserved outright to ex-service men (or their widows); and they have been allowed to compete for positions on more favorable terms than other candidates. In Britain, with widespread unemployment chronic since 1921, the result has been to fill up 15 percent of the civil service with disabled war veterans; almost half of the total number of governmental employees have had military records. In the United States 25 percent of all appointments to the federal classified service from 1919 to 1932 were granted to veterans benefiting from preferential examination ratings. Even though this practise can be justified on humanitarian or patriotic grounds, it has hardly been conducive to the maintenance of efficient standards of recruitment.

A fourth limitation arises from the statutory requirement in federal countries that appointments be apportioned among member states according to population. That such a regulation has not proved practicable is evidenced by the substantial inequalities in apportionment which have accumulated in the federal classified service at Washington. In Germany the rule has been that the personnel of the field services of the Reich must be citizens of the state (*Land*) in which their branch or unit is located.

Still another cluster of perplexing problems centers around race and nationality as criteria for admission to governmental employment. By and large the advanced states of the western world may be said to observe the policy of

extending the opportunity of public employment to all citizens (or subjects). In Germany, at any rate until the advent of the Hitler government, citizenship was not a prerequisite to admission to the civil service, although appointment automatically conferred citizenship upon the appointee. But shortly after the National Socialist revolution all persons of "non-Aryan" descent were barred from appointment as public officials. While this action was admittedly directed against Jews, a further requirement that officials must offer "a guaranty of national reliability" was obviously designed to exclude "unconverted" socialists and communists from public office.

In the United States, until recently a country of great immigration, federal employment has been restricted to citizens, except when insufficient applicants present themselves, in which case aliens may be employed. Local authorities have pursued a less restrictive policy and considerable numbers of Irish, Polish, German and other unnaturalized immigrants have been on public pay rolls.

Certain areas under foreign control, like India and the Philippine Islands, have been the scene of bitter and prolonged struggles by native leaders to win for their own people the right to hold governmental positions. Since 1870 the British have gradually allowed Indians to compete for the Indian civil service, and the time is now in sight when at least half of its total personnel will be "Indianized." By a more rapid process a generation of American control in the Philippines has resulted in filling over 90 percent of the local administrative services with natives. In periods of tension the change to native administration in colonial dependencies is likely to cause practical difficulties, but it appears to be inevitable.

As rotation in office has been abandoned for permanence of tenure, promotional and dismissal procedures have come to have a vital bearing upon the morale and efficiency of the many sided public service. Advancement in rank now tends to be granted on the basis of quality rather than seniority of service. Newer devices which have recently come widely into use—systematized qualifying or aptitude tests and efficiency or service ratings—operate to reduce to a minimum the demoralizing effects of arbitrary selection and the deadening results of automatic advancement. In many jurisdictions advisory promotion boards, representing both appointing authority and staff have been established in order to insure greater fairness in the choice of individuals for promotion. Broadly speaking, the tendency is to set up a closed system of promotion, although personnel experts admit the desirability of a judicious penetration of fresh blood into the upper strata of the official hierarchy.

Where civil service rules apply, appointments of full time employees are ordinarily for indefinite periods; that is, until a prescribed age of retirement ranging from sixty years upwards. Prior separation from the service may occur only by death, resignation or dismissal "for the good of the service." Except when governmental staffs are undergoing quantitative expansion, this fact makes for a comparatively low annual rate of personnel turnover, rarely exceeding 10 to 15 percent for large units and frequently falling to 2 or 3 percent in small jurisdictions. In practise dismissal is coming to be restricted to two situations: violations of the disciplinary code and enforced layoff in order to effect a numerical reduction of staff. The discharge of a public employee for disciplinary reasons usually involves a definitely fixed procedure allowing him the right to know the nature of the charges levied against him as well as to have his case heard before a disciplinary court or council. Unfortunately these safeguards against unjust dismissal have had the unintentional effect of placing a premium upon mediocrity, laziness and indifference in the public service. The selection of personnel for layoff to effect staff contraction is ordinarily made in inverse ratio to length of service, subsequent reemployment being governed by the same principle.

Public employees stand in a dual relationship to the state: they are at once citizens and workers for a material livelihood. As citizens they have demanded and everywhere won the right to vote in democratic countries; but, except in Germany prior to the conquest of power by the National Socialists, they must resign or secure a leave of absence from their posts either upon nomination for or election to executive or legislative office. In most states they are not allowed to participate in partisan political activity. Nor, as formerly in the United States, may they lawfully be assessed for contributions to party campaign funds, although the efficacy of this rule in actual practise is open to grave doubt.

Civil servants have not hesitated to follow the lead of the labor world in organizing for the defense of their economic and professional interests. By so doing they have become a powerful

factor in the "pressure politics" of countries where, as in France, Germany and Great Britain, they constitute from a fifteenth to a tenth of the voters.

The rise of civil service unionism dates from the 1880's. Beginning with teachers, policemen, postal employees and workers in governmental industries the movement has spread both horizontally and vertically until at present more than half of the entire number of public employees are organized along vocational lines. Employee organizations range in type from the benevolent society to the trade union; some are departmental in scope, others include entire grades or classes of employees regardless of departmental barriers. The latter type is the more prevalent. Local, functional and departmental employee groups have federated themselves regionally and nationally, and in Europe five large international federations of public employees are now in existence. The most extreme example of national consolidation of employee associations is found in Germany, where the Deutscher Beamtenbund has since 1918 absorbed all other groups and become the exclusive organ of professional representation for public personnel. In Great Britain there are nearly 300 different staff associations, with the Union of Post Office Workers and the Civil Service Confederation (chiefly clerical classes) dominating the field. The French *fonctionnaires* are organized into three main groups: the teachers, the Postes, Télégraphe et Téléphone employees and the general Fédération des Fonctionnaires (representing the majority of all other classes). Although the association movement among public employees is somewhat less advanced in the United States than in the foregoing countries, a bewildering variety of organizations of federal, state and local officials has developed during the last generation. The most important federal group is the National Federation of Federal Employees, which had 50,000 members in 1930.

Without exception all democratic states have been compelled, frequently against their will, to accord de facto or de jure recognition of the principle of freedom of vocational association for civil service groups. Nowhere, however, is the right to strike legally permissible. Nor do many governments allow their staffs to affiliate organically with the industrial labor movement. A limited degree of affiliation is permitted in the United States, Canada and Australia, but none whatsoever in Great Britain (since 1927), France or Germany (since early in 1933). The non-democratic character of the political organization of Italy and Japan precludes state employees from maintaining group relations with private labor.

Despite the universal legal prohibition of the right to strike there have been since 1900 abortive attempts to organize strikes by subordinate employee groups, particularly among advanced syndicalist groups in France and to a lesser degree in the United States, Germany and a few other countries. Except for the great French railwaymen's strike in 1910 and a similar attempt by German railway workers in 1922, most of these strikes have been only local in scope; and none of them may be said to have been successful in securing their professed objectives, although some have apparently aided specific staff groups in securing improved employment conditions. At the forefront of militancy stand the postal workers, elementary school teachers, dock hands and the like. In a few dramatic instances metropolitan police forces have threatened to strike or, as in Boston in 1919, have actually struck. Contrary to popular belief, there is good reason to believe that the Boston police strike would not have occurred had it not been for conditions, brought on by prolonged maladministration, which had become intolerable to the harassed personnel of the police department. Taken as a whole, civil servants the world over do not view the strike as a proper means of enforcing their claims upon the employer-state. Their dominant attitude is well illustrated by the refusal of the British staff organizations to join the general strike of 1926.

Public employee groups are, however, exerting a profound influence not only upon the material conditions under which their members work but upon administrative methods and habits. They engage in many different forms of propagandist activity—lobbying, petitioning legislative candidates and committees, mass demonstrations, publishing professional journals and so on—and concern themselves more or less with the cultural and social interests of their members—by operating mutual aid enterprises, providing vacation tours and setting up training courses and adult education experiments. More important still, from a general point of view, has been their constant insistence upon better facilities within the service for adjusting disputes over pay, hours, conditions of work and disciplinary infractions. In virtually every important civil service unit in democratic countries there now exists some form of staff advisory

committee, council or court through which officialdom and staff may negotiate the settlement of grievances. Perhaps the most notable examples of this development are the Whitley councils in the British civil service and the public service arbitral procedures in Australia; but an expanding cluster of bipartite staff committees are to be found in France and the United States as well. As a result the "authoritarian" tradition of sovereign control appears in fact to be merging into something akin to "cooperative" determination of personnel policy.

With equal force the better organized staff associations in every country are compelling the adoption of more efficient office methods and equipment, better accounting and reporting practises and labor saving devices and, for the most part, are instilling into the mass of state employees a stronger sense of courtesy and obligation toward the public they serve.

The only way that the serious dangers arising from a concentration of power in a ubiquitous army of public officials may be avoided would seem to be through the continued development of professional standards and devotion to the public weal in the mass of employees themselves. This is what the majority of officials' associations are consciously attempting to achieve. The vices of red tape, waste, undue formalism, unimaginativeness and officiousness, which have been popularly associated with public employment, are by no means peculiar to it; in varying degree they operate in large scale business and educational organization as well. The difference lies in the fact that in government the profit motive, being absent, must be supplanted by non-pecuniary incentives, most of which have not yet been fully explored. It is the task of enlightened personnel management to discover ways and means of realizing the immense potentialities of cooperative human effort as much in the affairs of public as of private institutions.

WALTER R. SHARP

See: CIVIL SERVICE; PUBLIC OFFICE; BUREAUCRACY; SPOILS SYSTEM; ADMINISTRATION, PUBLIC; GOVERNMENT; GOVERNMENT OWNERSHIP; GOVERNMENT OWNED CORPORATIONS; EXPENDITURES, PUBLIC; PUBLIC WORKS; PUBLIC CONTRACTS; TEACHING PROFESSION; CLERICAL OCCUPATIONS; POLICE; PERSONNEL ADMINISTRATION; PENSIONS; OLD AGE; HOURS OF LABOR; MINIMUM WAGE; FAMILY ALLOWANCES; TRADE UNIONS; GENERAL STRIKE.

Consult: FOR PUBLIC PERSONNEL MANAGEMENT AND BUREAUCRACY: GENERAL AND COMPARATIVE: *The Civil Service in the Modern State: a Collection of Documents*, ed. by L. D. White (Chicago 1930); Finer, Herman, *The Theory and Practice of Modern Government*, 2 vols. (London 1932) vol. ii, pt. vii. UNITED STATES: Mayers, Lewis, *The Federal Service*, Institute for Government Research, Studies in Administration (New York 1922); White, L. D., *Introduction to the Study of Public Administration* (New York 1926) chs. ix–xvii; Willoughby, W. F., *Principles of Public Administration*, Institute for Government Research, Principles of Administration (Baltimore 1927) pt. ii; White, L. D., *The Prestige Value of Public Employment in Chicago*, University of Chicago, Local Community Research Committee, Social Science Studies, no. xiv (Chicago 1929), and *Further Contributions to the Prestige Value of Public Employment*, University of Chicago, Social Science Research Committee, Social Science Studies, no. xxiv (Chicago 1932); Feldman, Herman, *A Personnel Program for the Federal Civil Service*, United States, Congress, 71st Cong., 3rd sess., House Document no. 773 (1931); Conference on University Training for the National Service, University of Minnesota, 1931, *University Training for the National Service*, ed. by M. B. Lambie (Minneapolis 1932); White, L. D., *Trends in Public Administration*, Recent Social Trends in the United States (New York 1933) pt. iii. GREAT BRITAIN: Moses, Robert, *The Civil Service of Great Britain*, Columbia University, Studies in History, Economics and Public Law, whole no. 139 (New York 1914); Finer, Herman, *The British Civil Service* (London 1927); Lambie, M. B., *The British Civil Service Personnel Administration* (Washington 1929), also in United States, Congress, 70th Cong., 2nd sess., House Document no. 602 (1929); Hewart, Gordon H., *The New Despotism* (London 1929); Mustoe, N. E., *The Law and Organization of the British Civil Service* (London 1932). CANADA: Dawson, R. M., *The Civil Service of Canada* (London 1929). AUSTRALIA: Bland, F. A., *Shadows and Realities of Government*, Workers' Educational Association of N. S. W., W. E. A. Series of Economic, Political and Social Studies, no. 7 (Sydney 1923). INDIA: O'Malley, L. S. S., *The Indian Civil Service, 1601–1930* (London 1931). FRANCE: Lefas, Alexandre, *L'état et les fonctionnaires* (Paris 1913); Jèze, G. P. A., *Cours de droit public . . . théorie générale de la fonction publique* (Paris 1927); Sharp, W. R., *The French Civil Service: Bureaucracy in Transition* (New York 1931). GERMANY: Blachly, F. F., and Oatman, M. E., *The Government and Administration of Germany*, Brookings Institution, Institute for Government Research, Studies in Administration (Baltimore 1928) ch. xi; Hue de Grais, R. A. F. H., *Handbuch der Verfassung und Verwaltung in Preussen und dem Deutschen Reiche* (25th ed. by Guiskard Hue de Grais and Hans Peters, Berlin 1930); Wells, R. H., *German Cities* (Princeton 1932) p. 243–62. SWITZERLAND: Friedrich, C. J., and Cole, Taylor, *Responsible Bureaucracy, a Study of the Swiss Civil Service* (Cambridge, Mass. 1932). COMPARATIVE LOCAL: Munro, W. B., *The Government of European Cities* (rev. ed. New York 1927); Harris, G. M., *Local Government in Many Lands* (2nd ed. London 1933); *City Manager Yearbook*, published in Chicago since 1914.

FOR STATISTICS OF PUBLIC EMPLOYMENT: "Public Servants in Great Britain and Germany," "Extent, Costs and Significance of Public Employment in the United States," ed. by W. E. Mosher and Sophie

Polah, and "Personnel Expenditures in Europe" in *National Municipal Review*, vol. xx (1931) 173–74, and vol. xxi (1932) 51–75, 337–38; Rivet, R., "La statistique des fonctionnaires en France et en divers pays" in France, Statistique Générale, Bulletin, vol. xxii (1932–33) 95–140; Hurlin, R. G., and Givens, M. B., "Shifting Occupational Patterns" in President's Research Committee on Social Trends, *Recent Social Trends in the United States*, 2 vols. (New York 1933) vol. i, ch. vi.

FOR PUBLIC EMPLOYEE ORGANIZATIONS: Spero, S. D., *The Labor Movement in a Government Industry* (New York 1924); Cahen, G. J. E., *Les fonctionnaires* (Paris 1911); Leroy, Maxime, *Syndicats et services publics* (Paris 1909); White, L. D., *Whitley Councils in the British Civil Service*, University of Chicago, Social Science Research Committee, Social Science Studies, no. 25 (Chicago 1933); Public Administration Clearing House, *Organizations in the Field of Public Administration, a Directory*, compiled by R. M. Paige (Chicago 1932). See also staff journals published by innumerable employee associations in various countries.

The leading scientific and technical periodicals are: *American Political Science Review*, published in Baltimore and later in Madison, quarterly 1906–31, bimonthly since 1932; *National Municipal Review*, published in Baltimore and later in New York, quarterly 1912–16, bimonthly 1917–32, monthly since 1933; *Public Management*, published monthly in Chicago since 1919; *Public Administration*, published quarterly in London since 1923; *Revue du droit public et de la science politique en France et à l'étranger*, published quarterly in Paris since 1894; *Der deutsche Verwaltungsbeamte*, published monthly in Berlin since 1918; *Revue internationale des sciences administratives*, published quarterly in Brussels since 1928; *International Labour Review*, published monthly in Geneva since 1921.

PUBLIC EXPENDITURES. *See* EXPENDITURES, PUBLIC.

PUBLIC FINANCE. The term finance as applied to individuals and private institutions is restricted to the purely monetary aspects of their economic activities, but when used in reference to public bodies it denotes the entire public economy. This practise of using the part to describe the whole may be traced to historical circumstances. In the continental countries of mediaeval Europe financial provision for war, which was the normal condition of society, was of such paramount importance that public housekeeping was virtually identified with war finance. Similarly the growth of the police state called for such increased resources that police, the continental term still used by Adam Smith to denote general control, finally became a synonym for finance. Through this emphasis on the financial aspects of government activity the entire realm of public economy came to mean finance. Moreover the overwhelming predominance of the financial operations of the public treasuries as compared with the slow development of private finance invested the term finance, at least on the continent, with a distinct public connotation. In England, where banking and private credit had attained considerable proportions in the eighteenth century, the term finance was retained to designate the general field of monetary and credit organization, so that the term public finance was necessarily employed in reference to the governmental field.

It was quite natural therefore that with the emergence of the scientific treatment of the problems relating to public finance the appropriate discipline should come on the continent to be called the science of finance, while in England where it developed at a much later date it was necessary to coin the awkward term science of public finance. Both terms are obviously defective. Science of finance is too broad and fails to emphasize the public connotation, while public finance is too narrow, identifying a part, finance, with the whole, economy. Accordingly, for reasons of both brevity and precision, the term fiscal science (*q.v.*) is suggested as more accurate and more suitable. For fiscal, unlike financial, is never susceptible of a private connotation; on the other hand, the concerns of the fisc, or public treasury, are not limited to merely monetary matters. Fiscal science then is the discipline which deals with the public economy —the material provision for the wants of the state, and the relations of the individual to the public treasury.

Like all economy public economy rests substantially on the wants of the individual. In the bewildering variety of wants whose satisfaction is essential to the survival and well being of the individual some can be satisfied by his own isolated efforts, others only by the joint action of a number of individuals. The wants of the second group, still individual in origin, become common, or collective, by virtue of the common effort applied in the course of their satisfaction. Among the many common, or collective, wants there are some, such as protection of life and property or defense against the attacks of an outside enemy, whose satisfaction clearly transcends even the power and life span of the private voluntary associations and requires the collective, compulsory and sustained effort of all members of society. The satisfaction of this third group of wants leads to the formation of the most fundamental and comprehensive social

and political organization, the state; and it is the sum total of activities undertaken by the state in furtherance of the obligations vested in it by society that constitutes public economy, the subject matter of fiscal science.

Public economy is usually contrasted with private economy whether of individuals or of groups. Some of the alleged differences between the two are illusory. Thus it is stated that the private group deals with material ends, the state with immaterial. Private groups, however, are often formed for immaterial ends; while, on the other hand, the state also needs material support. Again it is asserted that while in private finance outlay must be gauged by income, in public finance the reverse is true; after the expenditures are fixed, it is the duty of the legislature to provide the revenue. But the state like the individual must in the long run cut its coat according to its cloth. The economic basis of the relations is the same: in both cases a protracted budgetary deficit brings its nemesis with it.

The real differences between the public and the private economy are all differences in degree, although in some cases they are so marked as almost to become differences in kind. These marked differences are three in number. The first involves the fundamental character of the purposes for which the state was originally formed—the protection of life, property and liberty. Compared to these ends all the other common wants satisfied by private groups are of minor significance. The second important difference is the comprehensive nature of the state. Instead of including only a few or even a large number, as do the private groups, the public group embraces virtually all the members of the community. The third point is the coercive nature of the state. While in many a private group a member must pay his dues or be dropped, the greater degree of compulsion in the public group lies in the indissolubility of membership. Thus fundamentalism, universalism and compulsion represent well nigh essential differences between the public and the private group.

The other set of differences are more distinctly differences in degree. The first of these concerns the reciprocal relations between the individual and the group. While in all groups, private and public, a distinction is drawn between the essential activities leading to the satisfaction of the common, or mutual, wants, in which the benefits are not separately measurable, and the subordinate activities conducted for the purpose of supplying the needs of particular individuals and paid for in accordance with the special benefit conferred, in the modern state the former are of overwhelming importance. The state may indeed carry on business enterprises or afford special services to the individual. But the total of such receipts constitutes an ever dwindling fraction of what is exacted from him by compulsion. Prices and fees today play a very minor role as compared to taxes. In the protection of life, property and liberty, in the administration of justice, in the provision for the general welfare, there is little if any concern for the individual as such. The reciprocity is between the state and the community as a whole. As a consequence there follows, secondly, the indivisibility of benefits. A continually greater share of the public activities deal with phenomena of so tenuous a nature that a separation or division of the particular advantages becomes difficult. Even where incidental benefits accrue to the individual from the primary activities of government, they are for the most part incapable of accurate weight or measurement. Immeasurability and imponderability no less than indivisibility increasingly characterize the public group. Thirdly, the public economy differs from private economy in the time range of its activities. In most private groups the period of activity is restricted. Even in private corporations, where there is no time limit, the interests of each existing set of stockholders must be regarded. But the state is eternal and considerations for a future generation often take precedence. Thus non-reciprocity, immeasurability and perpetuity constitute undoubted differences between the public and the private group. They are, however, differences only in degree. Reciprocity is found in public prices and fees; special benefit can be discerned in some taxes; the interests of the actual taxpayer are often decisive.

The practical consequences which flow from the differences between public and private economy may be formulated as follows. In the private economy the chief objective is wealth; in the public economy it is welfare. The contrast is indeed not clear cut, for the justification of private wealth consists at bottom in considerations of public welfare. But in the one case ultimate consequences predominate; in the other, immediate purposes. Whatever the results may be, the chief incentive to action in the private economy is self-interest; while the public economy is primarily motivated by considerations of

maximum social utility, in which material wealth may play only a minor part. In the private economy the primary consideration is the principle of profits; in the public economy, while the activities may be either self-liquidating or lucrative, there is a much larger field for the principle of gratuitous service. In the private economy the reciprocal obligation of individuals is entirely measured by benefits received. In the public economy the criterion in the far more important fields of activity is that of ability to pay. In the private economy the governing principle is that of quid pro quo, or bargain and sale; in the public economy the far more weighty consideration is that of compulsory acquisition. In the private economy the annual balance sheet is of first importance; in the public economy more significance is to be attached to the capital account and to the perpetuity of the debt.

The analysis of the nature of public economy throws light on the nature, the scope and the relations of fiscal science, more particularly on the much controverted question as to what constitutes the real subject matter of fiscal science. Is it the state as such or the individual? Does it deal with the public economy or only with public aspects of the private economy? The answer is both. Fiscal science deals with the public economy; that is, with the material provision for accomplishing certain activities of government. But in so doing it is inevitably concerned with the members of this public group, with certain mutual relations of individuals. These social relations are affected by every fiscal activity. Thus the public economy, the economy of the group, necessarily deals with certain aspects of the private economy, the economy of the group member.

The tangled situation may be unraveled by consideration of the relation of fiscal science to the sister disciplines. In one sense fiscal science is only a subdivision of economics. For public finance is a part of finance in general, and finance is a part of economics. But in a more important sense it is an independent or separate discipline. While economics deals primarily with the individual, fiscal science deals primarily with the state. To put it in another way, while economics treats of the material relations of individuals to each other, fiscal science treats of similar relations of individuals to the state.

There is, however, a certain reciprocity. Every public activity affects private activity; every fiscal transaction of the individual modifies his economic relations to other individuals. Thus even if fiscal science is a separate discipline, it stands in the closest relation to both economics and politics: the former because both economics and fiscal science deal with problems of value and the wealth relations of individuals; the latter because both politics and fiscal science deal with government activities and the relations of the individual to the state. Fiscal science is thus an intermediary between economics and politics. It should not be understood, however, that it stands exactly midway between them. For inasmuch as it deals primarily with material conditions, it is above all economic; only in so far as these material conditions affect the relation of the individual to the state does it become political.

Since the public like the private household is concerned with income and expenditures and the balance between them, the chief constituents of fiscal systems are public revenues, public expenditures and the budget as the means of coordinating and balancing the two. By reason of the greater complexity of government affairs, fiscal organization and administration, accounting and public credit play a larger role in public than in private economy. Because of the intimate connection between economic and political phenomena and public finance fiscal systems vary with the changing levels of economic and political development. The nature of economic organization and the degree of economic well being determine the source, volume and forms of public revenue; the type of social and political organization determines the distribution of the fiscal burdens among the various classes of population; and the prevailing conception of the nature and function of the state, reflecting the constellation of economic and political forces, will influence the scope and purpose of public expenditures.

In the development of public expenditures two phenomena are outstanding: warfare and the widening scope of government functions. In the early stages of political development warfare was almost the only cause for public expenditure. Later when wars became fewer in number they grew wider in scope and intensity and called for ever increasing financial outlays. Even in modern times expenditures connected with the preparation, conduct and aftermath of war still claim in most countries by far the larger part of public funds, at least for the central government.

Of even greater significance is the continually expanding scope of government functions. In tracing this development four distinct stages are

discernible. The first is the repressive stage. The activity of government is directed to stopping an evil after it occurs: to conclude war, to stamp out famine or pestilence, to check fire and flood. In the next stage the state turns its attention to the more costly methods of prevention. Better transportation and granaries help to prevent famine; dikes lessen the occurrence of flood. The third stage is that of amelioration, or improvement. Existing agencies are made more effective, as in the improvement of roads in prerevolutionary France and more recently throughout the world. Of a similar character are advances in hospital facilities and betterment of prison conditions. The final stage is that of creation or construction: the evoking of new, rather than improved, activities. This is typified by education as well as by the administrative devices calculated to engender new economic and social institutions. Each successive stage, superimposed upon that preceding, signalizes another step in the transition from private to public agencies in the supply of common needs: from self-protection to a police force; from mutual arbitration to courts of justice; from private schools to state institutions; from corporate hospitals to government organizations; from individual charity to social insurance. Public finance slowly encroaches on private finance.

While public revenues must increase to meet these expanding needs, their growth is even more closely associated with economic and political changes, as is clearly manifested in each of the three great classes of revenue: from public property and enterprise, in the form of prices; from services performed for individuals, in the form of fees and tolls; from compulsory contributions, in the form of taxes. At first the king is supported from his own possessions, gradually supplemented by gifts. This is the stage in which it becomes customary to speak of the public household, largely identified with the private household of the monarch. As the monarch gains more power, he is able to mask his exactions under the garb of return for protection or privileges. When absolutism gives way to democracy, lucrative prerogatives yield to freely granted taxes. Of more fundamental significance are the economic and social changes. As the center of gravity shifts away from land, the public domain shrinks and the land taxes are supplemented by other imposts. As trade and industry increase, excises develop. With the rising influence of the submerged classes indirect taxes give way to direct. When modern capitalism emerges, income replaces property as the norm of taxation. Finally, as economic obligation becomes more widely recognized, the sphere of impersonal taxation contracts and there arises a newer interpretation of taxable ability. Each economic and political stage has its appropriate form of public revenues.

Equally marked are the changes in public credit, the budget and fiscal organization. Formerly when private credit was still rudimentary, public credit was unknown and the needs of war were met, at the outset at least, by hoards and treasures. In the Middle Ages government loans were impeded by the prohibition of usury. Not until the capitalist era was the essentially productive nature of public credit recognized. Again, the farming of revenues long rendered independent state administrators unnecessary. Even after the king's privy purse was separated from the public treasury, parliamentary control of expenditures developed but slowly. The creation of the budget, as applicable to both income and outgo, was not achieved until the nineteenth century; while the forms of fiscal organization and accounting are often still imperfect as compared with the elaborate technique of business practise.

This general development is visible in the chief epochs of history. In classic Greece, as typified by Athens, the public expenditures were chiefly for army and navy, support of religion, upkeep of buildings, supervision of trade and provision for games and festivals. The revenues flowed from the public domain, including the silver mines, from war chests, fines, tributes, fees and tolls and the combination of burden and honor for the wealthier classes, known as the liturgies and the trierarchy. In only exceptional cases did the Greeks resort to direct taxes. Public credit was unknown, the budget was primitive in the extreme and fiscal organization was reduced to the simplest elements.

In Rome the growth of public finance kept pace with the thousand-year development from a pastoral community to a world empire. In the final stages the expenditures attained a scope comparable to that of modern times. During the later republic tributes and the public domain rendered unnecessary the continuation of the *tributum civile*, or general property tax. The needs of the empire, coupled with the disappearance of the domain, were responsible for the introduction of fees and tolls, indirect taxes, death duties, a whole range of imposts on land and trade, and finally the comprehensive local

burdens known as *munera*. The chief contrast with modern times consisted in the absence of public credit and a budget.

With the reversion of economic life to primitive conditions the public household again became merged with the private economy of the prince. In the Anglo-Saxon monarchy, for instance, expenditures shrank to almost negligible proportions, and the scanty revenues were derived chiefly from the kingly prerogatives, which slowly converted gifts into payments for protection and services. Under the feudal regime, where the expenditures were still largely for military purposes, the revenues flowed from the domain, the incidents of feudal tenure, fines and amercements. In the mediaeval towns, however, the early development of money economy and the concentration of large populations provided favorable conditions for the beginnings of direct taxation, public credit and more effective fiscal organization. Under the absolute monarchy, with its requirements of improved communication and more unified control, the fiscal prerogatives centered in the grant of monopolies, the sale of offices and the lottery; while the fees, tolls and indirect taxes grew apace and the feudal payments merged into general property taxes. In the industrially less developed German states the domain and government enterprise still yielded a large share of the public revenues.

In France the persistence of feudal charges and class exemptions, the extravagance of the court and the misuse of public credit were responsible for the revolution, which sought to realize the principles of equality of taxation, to create a budget and to develop a modern fiscal organization. With the advent of the constitutional state in the nineteenth century expenditures for economic and social purposes increased, and local finance soon rivaled the central outlays. Tolls and excises dwindled and the emphasis was now on direct imposts. The general property taxes disappeared, the levies on land and business became charges in rem, the income tax made its appearance, public credit attained importance and the budget developed.

The twentieth century witnessed almost everywhere the triumph of the industrial revolution and the democratization of society, accompanied by a changing conception of government functions and a rising level of political morale. The results were expansion of government functions, constant increase in expenditure, utilization of public credit for peace purposes, refinement of fiscal administration and adjustment of taxation to the demands of a progressive social conscience Finally the World War and its aftermath extended the scope of government as a creative force in social process and ushered in a new period of fiscal activity and civic obligation.

Just as some discussion of economic topics existed at an early period, so almost from the beginning fiscal concepts received some attention. The Greek writers limited themselves to a description of actual conditions, as in Xenophon's "Ways and Means to Increase the Revenues of Athens" (tr. by M. L. W. Laistner in his *Greek Economics*, London 1923, p. 10–27), or, as in Aristotle and Plato, to scattered references to the principle of equality in compulsory payments or to the choice between property and yield as the criterion of taxation. In Rome the discussion was still more restricted, being limited, apart from administrative considerations, to references to the need of moderation in imposing public burdens and to the interpretation of faculty in taxation.

With the advent of the Middle Ages and the emergence of direct taxation the discussion of fiscal matters became more animated. Five distinct stages may be noted in the treatment of the subject. The earliest was the preoccupation with the existing administrative machinery, as in the twelfth century *Dialogue of the Exchequer* (*Dialogus de scaccario*) by Richard Fitz-Neale (ed. by Arthur Hughes, C. G. Crump, and C. Johnson, Oxford 1902) and the *Liber censuum* (ed. by Paul Fabre and Louis Duchesne, 2 vols., Paris 1889–1910) in Italy. The second stage is found in the writings of the theologians, who were concerned with the new problems of revenue, expenditure and public credit but more particularly with the moral justification of the new public burdens. This type of discussion was conducted by the scholastics, the canonists and the moralists. Among the scholastics the chief figure was Thomas Aquinas. In his treatment of princely revenues he dealt with the domain, the hoard or treasure, the sale of offices, loans and taxes. Of the first two he approved; he was in doubt as to the third; he was bitterly opposed to loans; and he admitted taxes only as an emergency measure. Aquinas' views long remained authoritative; they were modified only in part by Gabriel Biel in the fifteenth century. Of the canonists the more important were Hostiensis and Durandus in the thirteenth century, Johannes Andreae and Oldradus in the fourteenth and Nicolas Tedeschi Panormitanus in the fifteenth.

Of the moralists mention should be made of Raymond of Penafort in the thirteenth century; Astesanus, Bartholomaeus and Henry of Langenstein in the fourteenth; and John Gerson, Johannes Nider and Thomas de Vio in the fifteenth. In the discussion centering about fiscal justice the treatment of the theologians comprised four divisions: the *causa efficiens*, or the power to impose taxes; the *causa finalis*, or the public purpose of taxation, with speculation on the relation of state and citizen; the *causa formalis*, or the limits of taxation and the criterion of ability to pay, involving the meaning of equality and of moderation; and the *causa materialis*, or the persons and things subject to taxation, including the relative merits of levies on wealth and on consumption. This last point was stressed at the beginning of the sixteenth century in special treatises by Spanish and Dutch writers, notably Luis Molina, Thome Sanchez, Juan de Mariana, Juan de Lugo and Leonardo Lessius. The dispute as to public credit came to a head in the fourteenth century controversy between Gregorius di Arimino, Bernardino of Siena and Antonino of Florence.

The third stage of mediaeval discussion is typified by the legists, who dealt primarily with practical problems, such as the extent of the fiscal prerogative, the limits of extraordinary imposts, the classification of taxes, the relative rights of local, state and imperial governments, the justification of exemptions and the criteria of double taxation. In addition to the discussion in the general legal treatises the outstanding special works were: in the fourteenth century, Gulielmus de Cugno, "Tractatus de muneribus," Petrus Antibolus, "Tractatus de muneribus," and Baldus de Ubaldis, "De exemptionibus"; in the fifteenth century, Johannes Bertachinus, "De gabellis, tributis et vectigalibus," Petrus de Ubaldis, "De collectis," Aegidius Thomatis, "De collectis seu muneribus patrimonialibus" and Nicolo Festasius, "De aestimo et collectis"; in the early sixteenth century, Giulio Ferretti, "De gabellis, publicanis, muneribus et oneribus" (all of these are collected in *Tractatus universi juris*, vol. xii, Venice 1585).

The fourth stage is represented by the statesmen and political philosophers. Their chief concerns were the inalienability of the domain, the superiority of the treasure to public loans, the farming of the revenues and the limit of the extraordinary war levies, which were threatening to become ordinary taxes. In the fifteenth century the leading continental writers were Francesco Patricius and the Neapolitan Diomede Carafa, who was one of the first to stress the dependence of public opulence on private prosperity. In England the *Speculum Regis* (ed. by J. Moisant, Paris 1891), the fourteenth century diatribe against purveyance and the faithful reflection of the current policy of Sir John Fortescue, should be noted.

The final stage is found in the short lived Italian democracies of the fifteenth century, where as a result of the industrial development an almost modern treatment was accorded to budget reform, control of expenditures, the advantages of direct taxation, the comparative merits of proportion and progression, the decay of the general property tax, the futility of the levy on personalty and the shift from property to produce and income as the criteria of ability to pay. Matteo Palmieri, Ludovico Guetti, Niccolò Machiavelli and Francesco Guicciardini were particularly noteworthy in this connection. With the downfall of democracy this entire discussion came to an end.

The weakening of feudalism in the sixteenth century together with the emergence of capitalism in the seventeenth was responsible in economics for what was later called mercantilism and in fiscal affairs for what began to be termed the science of finance. Both were reflections of the concept of national wealth and power. Since the earliest consolidation of royal prerogative occurred in France, where tax privileges also attained their extreme development, it was here that the fiscal reformers first made themselves known. In the sixteenth century the political philosophers from Claude de Seyssel to Bernard de Girard du Haillan and Innocent Gentillet paid increasing attention to finance; Jean Combes, Jean Macer and Claude de Bourg wrote special treatises. The most important figure, however, was Jean Bodin, who devoted to finance one of his *Six livres de la république* (1576). He posited three principles of finance: to follow a wise method in raising revenues, to expend them with prudence and to save a part for possible future need. Although he still stressed the advantages of the domain and the superiority of a treasure over loans, he grudgingly conceded the availability of public credit in great crises. Impressed by the appearance of regular taxes, he attempted a more philosophic classification and emphasized the need of equality and universality. He recognized the difficulty of making the wealthy pay their share, and sug-

gested taxes on consumption as the least susceptible of evasion. He urged economy and was far in advance of his day in calling for a detailed and periodic fiscal statement. Bodin long dominated his contemporaries and successors, among whom the anonymous author of the first *Traicté des finances de France* (1580) and Nicolas Froumenteau, Nicolas Barnaud and François de l'Alouëte, critics of current abuses, deserve mention. His influence was felt also in Italy, where Giovanni Botero presented the outstanding discussion. In Germany, where the humanists were tolerant of absolutism and few of the writers had freed themselves from theological prepossessions, a somewhat more modern note was struck by Melchior von Osse.

The seventeenth century consolidation of princely power and the definite emergence of a national economy stimulated more advanced discussion. In France Jean de Beaufort, René Laurent La Barre and Lazare Ducrot wrote significant treatises; and the mid-century criticism of François de la Mothe le Vayer, Abraham Fabert and François des Maisons, the creative suggestions of Paul Hay du Châtelet and, at the close of the century, the more familiar analyses of Sebastien Le Prestre de Vauban and Pierre Le Pesant Boisguillebert were likewise important contributions. Germany, which witnessed a struggle of the empire for fiscal independence in the face of princely aggression, produced a ponderous and bewildering literature. The legalistic group, stressing the respective rights of subject and ruler, the limits of the newer forms of revenue and the criteria of fiscal justice, are represented by Georg Obrecht, Jakob Bornitz, Thomas Maull and Christoph Besold. The economic group, starting from a consideration of practical problems, emphasized the connection between government income and social welfare, weighing the situation from the standpoint of prevalent mercantilist doctrine; their chief spokesmen were Hermann Lather, Johann Wilhelm Neumayr, Maximilian Faust, Matthaeus Wesenbeck and Caspar Klock. In the second half of the century the outstanding writers were Veit Ludwig von Seckendorff, Hermann Conring, Johann Becher and Wilhelm von Schroeder. Attention may also be directed to the ample literature of the excise controversy in the closing decades.

In England fiscal problems were brought to the fore by the abuses of the Stuarts and the economic consequences of the two revolutions. After some early discussions of the customs by Thomas Milles three contributions deserve particular mention. Thomas Hobbes formulated the exchange theory of public finance, declared that dependence on the domain was futile, proclaimed that expenditure was a better norm of ability than wealth and maintained the impracticability of a definite limit on government outlay. Sir William Petty wrote the first general work on public finance, including a vigorous treatment of the decaying property tax. Thomas Mun attempted to bring fiscal problems into line with the theory of the balance of trade. The development of the excises led to an impressive literature, while toward the close of the century appeared the striking contributions of John Locke and Charles Davenant. The former studied the problems of incidence, especially of the land tax; the latter devoted his attention primarily to questions of war finance.

The eighteenth century witnessed three significant developments in public finance. A real fiscal science was created as the product of the theoretical analysis of the physiocrats and the classificatory description of the cameralists. Adam Smith applied to public finance some of the important conclusions of his new treatment of economic questions. Finally the advent of the French Revolution created a fiscal literature which had never yet been approached in range or depth.

Although France was the leading country of Europe, it was suffering from progressively more aggravated fiscal excesses. It is consequently not surprising that suggestions for reform, many of which involved searching inquiries into fundamental principles, occupied the center of the stage. The works of Henri de Boulainvilliers and Charles-Irénée Castel de Saint-Pierre appeared at the beginning of the century. The calamitous experience of John Law led to a reaction, expressed in the writings of Paris Duverney and Duval. A little later the fiscal reflections of Montesquieu were subjected to rigorous and detailed criticism by Claude Dupin. The mid-century attempt by Jean-Baptiste Machault d'Arnouville to tax the clergy together with the projects of Roussel de la Tour and Richard des Glannières produced a noteworthy literature; scholars like François Véron de Forbonnais and J. L. Moreau de Beaumont published comprehensive treatises. The outstanding contribution was made by the physiocrats led by François Quesnay and Anne Robert Jacques Turgot, who endeavored to apply the new economic analysis to the effects of taxation. Their general attitude to gov-

ernment, however, involved the minimizing of public credit, which led to a reaction in the work of Isaac Pinto. In Germany efforts at recovery from the Thirty Years' War as well as survivals of mediaevalism, like the public domain, were responsible for government consolidation and the formulation of administrative precepts. The need of elaborating principles for these precepts led to the creation of a police, or cameral, science by Johann Georg Leib, Theodor Ludwig Lau and Julius Bernhard von Rohr, followed by Simon Gasser and Justus Christoph Dithmar. Before long the increasing fiscal connotations stimulated within this larger whole the development of a distinct science of finance at the hands of Joachim Georg Darjes, and especially of Johann Heinrich Gottlob von Justi and Joseph Sonnenfels.

In England the comparatively peaceful and independent situation was hostile to any decided activity. The utilization of public credit led to the theories of Francis Hutcheson and later of Richard Price. The excise controversy under Sir Robert Walpole yielded an appreciable literature, while the mid-century wars led to the discussions of Joseph Massie and Sir James Steuart. But all these developments were overshadowed by the appearance of the *Wealth of Nations* in 1776. Adam Smith devoted to the subject an entire book, comprising almost one third of the whole treatise. Marked by an inimitable felicity of expression and unusual common sense, his treatment dominated English thought for over a century. Although the book is entitled "Of the Revenue of the Sovereign or Commonwealth," the first chapter dealing with expenditures occupies nearly a half of the entire book. Limiting government activity virtually to defense, justice, education and the care of highways, he presented a fascinating account of their increasing fiscal importance. But as to "mercantile projects" he accepted only the post office, for "no two characters are more inconsistent than those of sovereign and trader." With regard to revenues he was somewhat less original. Adopting evidently from the cameralists the distinction between fees and taxes, he contrasted "particular contributions" resting on special benefit with "general contributions" according to ability. Characteristically enough he extended the scope of the former to education and even to the payment of judges.

In his treatment of taxes he leaned heavily on the French writers, borrowing from them not only the description of continental practises but also the famous four principles of taxation. Here, however, he omitted the insistence of the foreign writers on a number of non-administrative principles. He was the first Englishman to present a well knit treatment of incidence, based on his division of the social revenue and influenced by antagonism to anything savoring of mercantilism. Among his notable discussions may be mentioned his description of "unthrifty taxes"; the evils of tax farming; the "absurd and destructive taxes on country labour"; the "miserable policy" of the French taille; "the extreme inequality and uncertainty of a tax on stock"; the desirability of a tax on ground rents, since "nothing can be more reasonable than that a fund which owes its existence to the good government of the state should be taxed peculiarly toward the support of government." Nevertheless, while it is manifestly unfair to criticize him for what he had no occasion to discuss, his treatment from the modern standpoint is, to say the least, inadequate. Thus there is no recognition of the breakdown of the property levies, no indication of the trend to the taxation of income, virtually no discussion of equality and uniformity, no analysis of ability to pay and only a bare mention of graduation; in short, Smith pays little attention, despite his sympathy for the "inferior ranks of people," to the social aspects of public finance. This is especially evident in his treatment of public debts, in which he was influenced largely by David Hume. Identifying public credit with war debts, which are due to the "want of parsimony in times of peace," he characterizes them as "a practice which has brought either weakness or desolation into every country." Finally, there is complete absence of any reference to the budget or to problems of fiscal administration.

In the last quarter of the century the significant contributions were made in France in the avalanche of discussion preceding and accompanying the revolution. In the prerevolutionary decade there were the important works of Jacques Necker and Charles Alexandre de Calonne, the memoirs presented to the Assembly of Notables and the productions of Guillaume François Le Trosne, Nicolas Baudeau, Mercier de la Rivière and Pierre Dupont de Nemours. The short interval before the revolution was marked by the contributions of Jacques-Pierre Brissot de Warville and Simon Linguet, Charles Casaux and Joseph Cerutti, Condorcet and Grouber de Groubenthal. The constructive achievements of the revolution are associated

with the works of Montesquiou and La Rochefoucauld, Charles-François Lebrun and Étienne Clavière, Antoine Lavoisier and Théodore Vernier, Dupont de Nemours and Le Couteulx de Canteleu followed by the statesmen financiers Pierre-Joseph Cambon and Ramel de Nogaret. In this period firm foundations were laid, in theory as well as in practise, for the accomplishment of equality and uniformity, the transition from personal to impersonal direct taxation, the control of expenditures, the creation of a budget, the utilization of public credit and the improvement of fiscal administration. This development was signalized in Italy by Carlo Antonio Broggia and Gian Carli; in America by Peletiah Webster, Alexander Hamilton and Albert Gallatin; in England by Pitt.

The nineteenth century ushered in a period of comparative calm. In England Ricardo applied his theories of distribution to a more thoroughgoing treatment of incidence and pursued somewhat deeper the analysis of public credit. John Stuart Mill gave a fresh start to the theory of faculty by his doctrine of equal sacrifice, which he applied also to differentiation. In the main, however, the classical attitude, as typified by J. R. McCulloch, was hostile to any social interpretation of fiscal doctrine. This was still more evident in France, where even in the second half of the century the outstanding contributions of Marie-Louis-Pierre de Parieu, René Stourm and Paul Leroy-Beaulieu were limited to one-sided historical research and fiscal technique. In the United States David A. Wells devoted himself to pressing practical problems which dealt chiefly with the aftermath of war finance. In Germany the cameralist doctrines were only slowly permeated by a more liberal attitude, and the abundant literature followed largely the old lines. The leading contributions in what was now commonly called *Finanzwissenschaft* were made by R. K. Kröncke, F. C. Fulda, L. von Jakob and Julius von Soden, culminating in the authoritative text of K. H. Rau. The last quarter of the century, however, was marked by three significant developments: the growth of the historical and socio-economic schools; the efflorescence of industrial capitalism and the emergence of pressing social problems; the creation of the empire with its urgent fiscal demands. These movements, exerting a marked influence on the attitude to the public economy, were responsible for the formulation of a modern fiscal science, liberated from the trammels alike of cameralism and of laissez faire.

These conceptions were represented in four leading works, each called *Finanzwissenschaft*. Adolf Wagner, after a fresh analysis of the legal aspects of economics, formulated the socio-political theory which ascribes to the state the function of smoothing out the inequalities of wealth with the aid of fiscal measures. Wilhelm Roscher, not so audacious in his departure from accepted teachings, displayed remarkable erudition and provided a wider approach to modern problems. Gustav Cohn gave an essentially democratic turn to the older philosophical concepts. Lorenz von Stein emphasized the doctrine of fiscal reproductivity and stressed the comparative and administrative points of view. These four treatises were supplemented by other epoch making works. Adolf Held made the first brilliant contribution to the theory of income taxation; F. J. Neumann presented acute analyses of impersonal levies and fiscal methodology; Albert Schäffle paid particular attention to the balance between private and public wants; Robert Meyer furnished an elaborate study of ability to pay; Georg von Schanz treated the concepts of taxable revenue, economic allegiance and death duties; and, finally, in Gustav von Schönberg's cooperative handbook, public finance attained a position of equality with the newer economics.

The newer ideas slowly gained acceptance in other countries. Italy, represented by the works of Maffeo Pantaleoni and A. Graziani, took the lead. In England C. F. Bastable made a somewhat hesitant beginning in what was for the first time called public finance. The United States followed with the works of H. C. Adams, who essayed in vain to introduce the term science of finance, and of E. R. A. Seligman in his initial studies of graduation and of shifting; Holland furnished a notable convert in N. G. Pierson. An endeavor to apply the principles of the new marginal utility school of economics was made by Emil Sax and subsequently by Knut Wicksell, Ugo Mazzola and A. J. Cohen Stuart. Although it has recently been revived by Erik Lindahl in Sweden, the movement has not yielded any lasting result.

The twentieth century is marked by two significant facts: the loss of influence of the classical school and the replacement of laissez faire by the newer conceptions of social economics; and the World War with its aftermath of the great depression which has revolutionized the relative importance of the private and the public economy. The net results have been the accepted independence of fiscal science and the wider

inquiry into the relation between the fiscal systems and the fundamental conditions of economic and social progress. Among the notable contributions of the first quarter of the century may be mentioned those of Josiah Stamp, Hugh Dalton and A. C. Pigou in England, Luigi Einaudi and B. Griziotti in Italy, Gaston Jèze and E. Allix in France, von Heckel, Walther Lotz and Wilhelm Gerloff in Germany, Béla Földes in Hungary, C. J. Bullock, T. S. Adams and R. M. Haig in the United States. Chairs of public finance are now found in virtually all advanced institutions of learning, and a constantly augmenting array of scholars more or less emancipated from the older traditions are dealing with the newer problems.

Among the topics which occupy the attention of contemporary writers are the following: the general character of the public economy; problems of classification; the relative merits of prices, fees and taxes; the nature of the quasi-private revenues and the choice between the principles of profits, cost or gratuitous service; the extension of the government into the field of private enterprise and the conditions of control versus management; the administrative aspects of the budget; the nature and technique of public debts; the distinction between credit for war and for peace purposes; and the extent of public expenditure. In the field of taxation, which has become the most important part of fiscal science, the chief problems are: the social versus the fiscal aspects; the measure of taxable capacity; the incidence and effects upon production, savings, investment and distribution; the interpretation of tax canons; the proper fields of benefit and ability; property versus proceeds as criteria of faculty; the relation of personal to impersonal contributions; the social interpretation of taxable income; the relative claims of wealth and expenditure; concentration as opposed to diffusion in indirect imposts; double taxation in national and international finance; and the coordination of local, state and federal revenues.

EDWIN R. A. SELIGMAN

See: FINANCIAL ADMINISTRATION; EXPENDITURES, PUBLIC; REVENUES, PUBLIC; ACCOUNTS, PUBLIC; BUDGET; LOCAL FINANCE; MUNICIPAL FINANCE; TAXATION; MONOPOLIES, PUBLIC; PUBLIC DEBT; PUBLIC DOMAIN; GRANTS-IN-AID; REVENUE FARMING; GOVERNMENT; ECONOMIC POLICY; CAMERALISM; GOVERNMENT OWNERSHIP; COLLECTIVISM; FISCAL SCIENCE.

Consult: Wagner, Adolf, *Finanzwissenschaft*, Lehr- und Handbuch der politischen Ökonomie, pt. iv, 4 vols. (1st–3rd eds. Leipsic 1883–1901); Roscher, W., *System der Finanzwissenschaft* (5th ed. by Otto Geilach, Stuttgart 1901); Cohn, Gustav, *System der Finanzwissenschaft*, System der Nationalökonomie, vol. ii (Stuttgart 1889), tr. by T. Veblen as *Science of Finance*, University of Chicago, Economic Studies, no. i (Chicago 1895); *Handbuch der Finanzwissenschaft*, ed. by W. Gerloff and F. Meisel, 3 vols. (Tübingen 1925–29); Leroy-Beaulieu, P., *Traité de la science des finances*, 2 vols. (8th ed. Paris 1912); Bastable, C. F., *Public Finance* (3rd ed. London 1903); Adams, H. C., *The Science of Finance* (New York 1898); Jèze, Gaston, *Cours élémentaire de science des finances et de législation financière française* (new ed. Paris 1931); Allix, Edgard, *Traité élémentaire de science des finances et de la législation financière française* (6th ed. Paris 1931); Graziani, A., *Istituzioni di scienza delle finanze* (new ed. Turin 1929); Einaudi, Luigi, *Corso di scienza della finanza* (4th ed. Turin 1926); Nitti, F. S., *Principi di scienza delle finanze* (5th ed. Rome 1922); Sax, Emil, *Grundlegung der theoretischen Staatswirthschaft* (Vienna 1887); Stein, Lorenz von, *Lehrbuch der Finanzwissenschaft*, 2 vols. (5th ed. Leipsic 1885–86); Lotz, W., *Finanzwissenschaft* (2nd rev. ed. Tübingen 1931); Andreae, Wilhelm, *Grundlegung einer neuen Staatswirtschaftslehre* (Jena 1930); Viti de Marco, Antonio de, *I primi principii dell' economia finanziaria* (3rd ed. Rome 1928); Griziotti, B., *Principii di politica, diritto e scienza delle finanze* (Padua 1929); Colson, Clément, *Les finances publiques et le budget de la France*, Cours d'économie politique, vol. v (2nd rev. ed. Paris 1931); Tyszka, Carl von, *Grundzüge der Finanzwissenschaft* (Jena 1920); Shirras, G. Findlay, *The Science of Public Finance* (2nd ed. London 1925); Dalton, Hugh, *Principles of Public Finance* (5th ed. London 1929); Pigou, A. C., *A Study in Public Finance* (London 1928); Lutz, H. L., *Public Finance* (2nd ed. New York 1929); Shultz, W. J., *American Public Finance and Taxation* (New York 1931); Moll, Bruno, *Lehrbuch der Finanzwissenschaft* (Berlin 1930), and *Probleme der Finanzwissenschaft* (Leipsic 1924); Schäffle, Albert, *Die Steuern*, 2 vols. (Leipsic 1895–97); Terhalle, F., *Finanzwissenschaft*, Grundrisse zum Studium der Nationalökonomie, vol. xvi (Jena 1930); Földes, Béla, *Finanzwissenschaft* (2nd ed. Jena 1927); Ritschl, Hans, *Theorie der Staatswirthschaft und Besteuerung* (Bonn 1925); Jaeger, Oscar, *Finanzlaere*, 14 pts. (Oslo 1927–30); Wicksell, K., *Finanztheoretische Untersuchungen* (Jena 1896); Jecht, Horst, *Wesen und Formen der Finanzwirtschaft* (Jena 1928); Lindahl, E. R., *Die Gerechtigkeit der Besteuerung* (Lund 1919); Seligman, Edwin R. A., "The Social Theory of Fiscal Science" in *Political Science Quarterly*, vol. xli (1926) 193–218, 354–83. Also files of *Finanz-Archiv*, published quarterly in Stuttgart since 1884; *Revue de science et de législation financières*, published quarterly in Paris since 1903. For bibliography, see Stammhammer, J., *Bibliographie der Finanzwissenschaft* (Jena 1903); Gangemi, L., *Lineamenti di letteratura finanziaria* (Milan 1929).

PUBLIC HEALTH. The earliest examples of practises designed to promote the public health are to be found, among primitive peoples, inextricably mingled with the ritual of religion. When the Dyaks of Borneo in times of epidemic

hung a string across the stream below their dwellings and fastened thereon red and white flags as a sign that no one might pass, they were practising what was in part a quarantine measure and in part a religious tabu. When the Magi in ancient Persia required that not only dead bodies but even the clippings of hair and the parings of nails should be buried "so that the hands of evil spirits might not make of them spears, arrows or sling shots and so that these impurities might not generate vermin, lice, meal moths and clothes moths," they were actuated by similar mixed motives. Disease was due to malign supernatural influences and must be warded off through the power of magic. When this magic was practised as a tribal custom for protection on a community scale instead of being limited to the well being of a single individual, it may fairly be called public health practise—within the limits of existing knowledge.

In Greece there were more rational and more fruitful efforts at community health promotion. Epidemic disease was combated by wholesale fumigation, not much more efficacious than the exorcism of demons; but general physical vigor was developed by thoroughly effective and well organized efforts. The role played by the gymnasium as a center for social and intellectual as well as physical activities is well illustrated by the fact that the Academy of Plato, the Lyceum of Aristotle and the Cynosarges of Antisthenes were all primarily gymnasia.

The Roman contribution was concerned chiefly with sanitation rather than with hygiene. It gave us the first great water supplies of the world—brought by the aqueducts whose arches still span the Campagna and the valley of the Gard—paved streets and baths and drains and sewers, building regulation and scavenging.

Mediaeval Europe, in reaction from the emphasis of classical civilization upon bodily well being, glorified through the early church uncleanness and disease as disciplines preparing the soul for eternal mansions. Greek hygiene and Roman sanitation were condemned or ignored and vast devastating epidemics swept across the face of Europe. For dealing with such epidemics there was an orthodox precedent in the Biblical practises of isolation and quarantine. Beginning with the Council of Lyons in 583 methods of this sort were applied to leprosy with apparent success and were later extended to bubonic plague, particularly in the fourteenth and succeeding centuries. When John Howard, philanthropist and prison reformer, wrote his famous account of "the principal Lazarettos in Europe" in 1789 almost every important seaport had its quarantine station where passengers and crew were detained and cargoes were treated by procedures which were almost as ineffective as they were costly and burdensome. These somewhat futile efforts at maritime quarantine were practically the only vestiges of public health practise in existence, and an eminent authority wrote an essay to prove that if by chance the death rate from any one cause diminished, the death rate from other causes would automatically increase to fill the vacuum.

During the eighteenth century the development of the bases of modern science gave to man for the first time a confidence in his power to control nature; and the new spirit of humanitarianism furnished a compelling urge to utilize the weapons provided by science so as to make this present world a better place to live in. Black, Cavendish, Priestley and Lavoisier in chemistry, Franklin, Galvani and Volta in physics, Hutton in geology, Buffon, Linnaeus, Bonnet and Spallanzani in biology, the Bernoullis, Euler, Lagrange, Laplace and the Herschels in mathematics and astronomy, laid the foundations of a new world. In medicine Boerhaave, Haller, Morgagni and the Hunters played a similar role; and in the specific field of public health J. P. Frank in Vienna and Richard Mead in England outlined a basis for a scientific preventive program. Sir George Baker's study of "the Devonshire colic" was the first great modern contribution to epidemiology. Captain Cook's success in protecting the health of his crew in his voyage around the world by a dietary and hygienic regime won him the Copley medal; and, finally, Jenner's discovery of vaccination in 1798 produced a simple and completely effective method of controlling what was then the most deadly disease of mankind.

The pioneers in British public health were all primarily social reformers, not doctors or savants. John Howard led the way with his program for the sanitation of prisons in 1774. Lord Ashley, the earl of Shaftesbury, played a similar role in the middle of the nineteenth century with respect to the protection of the health of the industrial worker. It was Edwin Chadwick, however, whose influence proved most far reaching. In 1838, while serving as secretary of the Poor Law Commission, he was struck with the extent to which sickness was a factor in producing poverty and raised the question whether such sickness might not be preventable. For the

first time in history physicians were employed to study systematically those environmental conditions which might contribute to ill health. These investigations led in 1842 to Chadwick's *Report on the Sanitary Condition of the Labouring Population of Great Britain*, which made a profound impression upon the public, both in England and abroad. It initiated a world wide movement for water supply and sewerage and for the cleaning up of the almost unbelievable filth in the midst of which our forefathers lived —and died.

John Simon, as health officer of London from 1848 to 1855 and as chief medical officer of the United Kingdom for twenty-one years thereafter, was the leader in carrying out the reforms which Chadwick thus initiated and laid the firm foundation for future progress in administrative public health. In his report for 1868 he says: "It would, I think, be difficult to overestimate . . . the progress which during the last few years has been made in sanitary legislation. The principles now affirmed in our statute books are such, as if carried into full effect, would soon reduce to quite an insignificant amount our present very large proportions of preventable disease. . . . Large powers have been given to local authorities, and obligation expressly imposed on them, as regards their respective districts, to suppress all kinds of nuisance and to provide all such works and establishments as the public health primarily requires. . . . The State . . . has interfered between parent and child . . . between employer and employed . . . between vendor and purchaser; has put restrictions on the sale and purchase of poisons; has prohibited in certain cases certain commercial supplies of water, and has made it a public offense to sell adulterated food or drink, or medicine, or to offer for sale any meat unfit for human food. . . . Its care for the treatment of disease has not been unconditionally limited to treating at the public expense such sickness as may accompany destitution; it has provided that in any sort of epidemic emergency, organized medical assistance not peculiarly for paupers, may be required of local authorities; and in the same spirit requires that vaccination at the public cost shall be given gratuitously to every claimant."

Except for the practise of smallpox vaccination, however, the scientific basis for the great sanitary awakening was merely a vague consciousness of a relation between filth and disease, colored by the traditional Hippocratic doctrine of miasms. It was only in 1870, two years after Simon's report, that Pasteur established the microbic origin of a disease of silkworms; and it was only in 1882 that Koch described the tubercle bacillus, thus for the first time establishing the causative agent of an important human disease. After this, however, progress was rapid. In the 1880's discoveries in bacteriology multiplied, as Cushing has said, "like corn popping in a pan." In the 1890's the establishment of the public health laboratory (notably by Biggs in New York in 1892) crystallized the bases of public health procedures founded on science and not solely on empiricism. By 1900 it was clearly recognized that wise public policy demanded the creation of competent health authorities and the conferring upon them of ample police powers. These powers were exercised in the main along two major lines: the protection of the public against unsanitary environmental conditions and polluted or offensive foodstuffs—the public health of Chadwick; and the protection of the public against the dissemination from person to person of communicable disease—the public health of Pasteur.

The foundation of the modern public health movement was thus laid during the latter third of the nineteenth century, primarily as a result of the assumption that disease as an economic burden upon the community was largely preventable. The movement was given strength and impetus by the demonstration that certain kinds of disease were caused by microbes and that such diseases could often in fact be easily and completely controlled by simple scientific procedures. It is being accelerated and broadened in scope by recognition of the fact that the growing complexity of our social organization involves ever increasing health hazards to the individual. Modern transportation facilities, for example, vastly increase the danger of diffusion of communicable disease; the speed and complexity of modern industry involve accident and poison hazards of the gravest sort; and the entire pace of modern life places upon the physical and mental machine a strain such as it was never before called upon to bear.

Up to 1900 the public health movement was concerned chiefly with environmental factors, the germs of disease and those unsanitary conditions which might favor the spread of such germs; and its mode of action was chiefly the exercise of the police power of the state. By 1900 the diseases which could be controlled by environmental sanitation, such as cholera, plague

and typhoid, were already disappearing from civilized communities; and bacteriological and immunological methods were making rapid progress in the control of diphtheria. The leading cause of death at this time was tuberculosis, which obviously required a different line of attack. In the case of this disease the prevention of infection on any complete and comprehensive scale offered almost insuperable difficulties. Nevertheless, Brehmer and Trudeau and their successors had demonstrated that, in spite of the presence of the germ, clinical disease could be prevented or cured by building up the vital resistance of the body. The founders of the National Tuberculosis Association in 1904 desired to reduce the element of infection as far as possible by pasteurizing milk and isolating open cases of the disease; but above all they wished to establish an organized program for hygienic living, on the part of the infected individual and of the public as a whole. The concept of public health as the employment of police power to prevent the spread of disease was thus broadened to include a responsibility on the part of the state for the development of positive health practises in the daily life of the individual.

This new objective required new methods for its accomplishment. Water supplies and waste disposal, even vaccination against specific diseases, could be enforced by law. Daily habits of living as a rule, however, can be changed not through legislation, but only through the slower and more tedious processes of education. With the initiation of the antituberculosis movement the public health program became primarily an educational one.

The movement for the control of infant mortality followed exactly similar lines. It began with its major emphasis on pure milk, but it soon appeared that this was but one aspect of a larger problem, the training of the mother in the hygiene of infancy. "Milk stations" became "well baby conferences"; and when the first American Conference for the Prevention of Infant Mortality was held in 1909, its aims were clearly defined as educational. During the first two decades of the present century precisely the same types of organization were formed for dealing on a national scale with the education of the public in regard to the control of venereal disease, heart disease and cancer and with the promotion of mental hygiene. There grew up an elaborate new technique of health bulletins, health news services, health lecture bureaus and institutions, health exhibits, health cinemas and health radio talks (*see* HEALTH EDUCATION). It was essential, however, to utilize some more direct and more individual agency to carry the gospel of health into the individual home, and this agency has been found in the public health nurse. District, or visiting, nursing had been first introduced on a modern secular basis in Liverpool in 1859 and in the United States in New York in 1877. As far back as 1886 the nursing organization in Boston was called the Instructive District Nursing Association, and during the first quarter of the present century new groups of nurses were employed under public auspices who were utilized solely as educational agents, giving no bedside care at all. Today there is being revived the ideal of a generalized district nurse, caring for the sick and teaching health, dealing with tuberculosis and child welfare and mental hygiene, even with the simpler social problems. Such a public health nurse should be provided for every 2000 persons in the population, and accepted standards set aside over one third of the total health budget of a community for public health nursing. Actually, however, this standard is rarely attained. Thus in 1929 the average number of nurses employed per 100,000 population in cities of 40,000 and over was 19.9. For cities with a population of 70,000 and over the average was 24.6, ranging from 8.7 to 61.6, and for the smaller cities the average was 19.8, with a range of from 2.2 to 45.

The new public health has effected a profound change in the conception of the function of the medical profession. "Preventive medicine" is an old term but it was formerly applied chiefly to problems of environmental sanitation, which belong rather to the field of engineering than to that of medicine. The development of health education has brought into being a real preventive medicine. In order to teach the individual how the principles of personal hygiene apply to his special case knowledge of his particular constitution is necessary. Hence along with the growth of health education has gone the development of a new type of medical service designed not for the treatment of active disease but for the detection of deviations from the normal in their very earliest stages by health examinations at frequent intervals. To meet this need there has been a rapid development of clinics for dealing with a wide variety of diseases and health problems on a largely preventive basis (*see* CLINICS AND DISPENSARIES). It is now

clear that there can no longer be a sound distinction between preventive and curative medicine. Every physician becomes in his daily practise more and more a hygiene adviser, and the health officer is making wider use of physicians in the early diagnosis and preventive treatment of disease on an organized basis.

Nor can the program of public health be dissociated from other basic public activities. Better housing, better zoning laws, systems of transportation which open up new residential districts in urban areas, better roads in a remote rural district, improvements in agriculture and in the handling of foods—all of these may promote health as truly as a full time health department.

It is becoming more and more clearly recognized that underlying the purely medical and sanitary factors which govern health and disease there are other influences, more subtle and more universal, which must be taken into account. A whole complex of social and legal educational factors, for example, underlie the extent of irregular sexual intercourse and thus directly control the incidence of venereal disease; the same is true of the problems of alcoholism and of drug addiction. Above all the grave importance of economic factors in relation to health and disease is now realized. Chadwick's conviction that people are poor because they are sick is now modified by the knowledge that people are also often sick because they are poor. Babies cannot be kept well in crowded tenements or in families where the mother is forced to work in a factory. Tuberculosis cannot be controlled in a household where there is overwork or not enough to eat. Any social or economic organization or force which helps to eradicate poverty is a contribution of primary importance to public health.

The complexity of the interrelation between economic forces and public health is indicated by the fact that during the depression which began in 1929 death rates in the United States continued to decrease, even including such sensitive indices as the death rates from tuberculosis and the infant mortality rates. This observation is in conformity with the earlier studies of Dorothy Swain Thomas (*Social Aspects of the Business Cycle*, London 1925), which showed that business depressions do not tend to cause an excess of mortality. On the other hand, in studies of mortality in a given area at a given time high death rates are found to be associated with low economic status. It is probable that the influences involved differ widely in various sections of the population. Since a state of "prosperity" is associated with overwork, with high emotional tension, with increased industrial hazards and also with overeating and overdrinking and other forms of indulgence, a period of depression is likely to have favorable health effects on the economically fortunate and unfavorable effects on those at a lower economic level. Moreover during the depression years following 1929 the efforts of social agencies and the continuing public health program helped to check the harmful effects and the beneficial effects were more manifest. Undoubtedly, however, as was apparent in Germany after the World War, severe economic stress sufficiently long continued is bound to affect the entire population.

This broad view of the domain of public health and also a realization of the importance of adequate health protection for all classes in society have led many students to believe that fundamental changes in the relation between the physician and the public are necessary, changes which shall involve, on the one hand, organization of the profession itself for the delivery of adequate service at a minimum cost and, on the other hand, organization of the financial resources of the public to establish a collective reserve to be used in the payment for such service. In Europe the solution of this problem has generally been sought by the establishment of systems of compulsory sickness insurance under which all wage earners below a certain level, and their families, are provided with cash benefits and free medical care through a fund to which they and their employers and the state must usually contribute. This system of sickness insurance is supplemented by other forms of social insurance, such as mothers' pensions and the like, for special groups in the population. The principle of general compulsory insurance has not, however, been accepted in the United States.

Public interest in the broadening of the program of health protection in the United States and, in particular, concern with the high cost of medical care led to the appointment in 1927 of a Committee on the Costs of Medical Care, composed of leading physicians, health workers, economists and representatives of the public. On the basis of twenty-six reports of factual data the committee in its major report presented in 1932 made certain fundamental and far reaching recommendations. The most important of

these suggested a unification of all medical service, both preventive and therapeutic, by the organization of groups of physicians, dentists, nurses, pharmacists and other associated personnel, preferably around a hospital. Such groups were to render complete home, office and hospital care and to encourage the maintenance of high standards and the development or preservation of a personal relation between the patient and physician. The costs of this care were to be met on a group payment basis, through the use of insurance or taxation or both. In addition the report recommended the extension of all basic public health services, whether provided by governmental or by non-governmental agencies, so that they might be available to the entire population according to its needs; this extension would involve increased financial support for official health departments. Finally, it suggested as a function of every state and local community the creation of agencies for the study, evaluation and coordination of medical service, with especial attention to the problem of coordinating rural and urban services.

These recommendations were widely criticized by the medical profession, which considered them too drastic a step, even though nothing in the report precluded the continuation of medical service provided on an individual fee basis for those who prefer that method. On the other hand, a minority report was signed by one of the economists, declaring that the report was not sufficiently far reaching and recommending instead the introduction of compulsory health insurance.

A critical survey of the economic organization of medicine in the United States, however, must take into account the fact that in place of a comprehensive system of health insurance like that of European countries there has been an empirical development—under varied public and private, lay and professional auspices—of hospitals and dispensaries, group clinics and pay clinics as well as health promotion clinics along special lines, such as child welfare, tuberculosis control, school and university and industrial health services. In practise the work of the official public health agencies has been supplemented by various voluntary and unofficial agencies and associations as well as by the health activities of other governmental agencies. In the last analysis, however, it is the official health agencies which must be responsible for seeing that public health is adequately protected.

The fundamental unit of health organization in the United States is the local health department of city, town or county. Usually such a department consists of a board of health and a health officer and his staff. In addition to its present powers of establishing general policies and controlling the budget it should be given power to establish a sanitary code having the force of law; the health officer should be a full time trained sanitarian and, ideally, should have complete administrative authority over the department; the size of his staff should be based on a certain minimum, varying with the population of the area served. Thus a minimum for really adequate service in a rural county of 10,000 people would be a health officer, five nurses, an inspector and a clerk. The Committee on Administrative Practice of the American Public Health Association has made exhaustive surveys of actual health services in hundreds of cities and on the basis of these surveys has prepared ideal programs, for which it has devised an Appraisal Form, for communities of various sizes, with a definite schedule of personnel and corresponding budgets. The Appraisal Form, devised to measure the quantity of service actually rendered in any given community, includes definite objective items, such as the proportion of children immunized against diphtheria, the number of visits of nurses on behalf of tuberculosis cases, the number of visits of mothers to prenatal clinics, the proportion of milk pasteurized and the like. There are in all 167 items in the Appraisal Form, grouped under 14 main activities. Each of these activities is scored on a basis of 100 points and each activity may be multiplied by a weighting factor to give a total score of 1000. The activities and their weighting factors may be cited as indicating the committee's estimate of their relative importance in the public health program. They are as follows: vital statistics .5, communicable disease control 1.6, venereal disease control .5, tuberculosis control .9, maternity hygiene .8, infant hygiene .8, preschool hygiene .8, school hygiene 1.2, food and milk control .7, sanitation .8, laboratory service .6, popular health instruction .4, cancer control .2, heart disease control .2. With the development of health programs along such more or less standardized lines it is easy for any city which is willing to appropriate the funds and employ an adequate staff to attain effective health service.

The cost of adequate health service works out at about $2.00 per capita per annum, exclusive of hospitalization of communicable diseases, and

effective service cannot be expected for much less than this sum. In its report the committee found, however, that in 1923 the actual amount per capita spent by 92 cities surveyed was only 59.2 cents. By 1929, according to the findings of the White House Conference, this had risen to 76.6 cents for cities of 70,000 population and over, with a range of from 30.1 to 153.3 and a median of 69.1. The per capita expenditure for smaller cities (40,000 to 70,000 population) ranged from 17.6 to 132.6 with a median of 64.2. These findings were substantiated by the survey of 86 cities made by the American Child Health Association in 1929. They do not, however, account for the services which in many cities are rendered by voluntary health agencies and by school and other public departments. According to the figures of the United States Bureau of the Census (*Financial Statistics of Cities, 1929*, 1932) 10 percent of the average budget of municipalities was spent for public health (2.5 percent for conservation of health and 7.5 percent for sanitation and promotion of cleanliness). Public health expenditures are involved also in the 6.4 percent spent for charities, hospitals and corrections and in the 3.6 percent spent for recreation; but only the 2.5 percent for conservation of health corresponds to the activities cited by the American Public Health Committee.

The introduction of a modern health program in rural districts involves more difficult problems. The first essential is the establishment of an administrative unit sufficiently large to make possible the employment of a full time health officer. In general the county is the natural unit indicated; but in New England, where county government is nebulous, cooperation between towns or the establishment of special health districts may serve a similar end. The education of rural populations to the point where they desire adequate health service is a slow process. In 1929 of some 2500 rural counties in the United States only 467 had full time county health units, Alabama standing first with 80 percent of her rural population thus served and Ohio second with 58 percent. Even in the counties which have so-called full time county health departments the actual services rendered are often exceedingly meager. In 1926 out of 442 such counties 347 were spending less than 50 cents per capita and only 14 were spending over $1.00, while it has been abundantly proved that rural areas must spend more and not less for an adequate health service, because of the distances involved. Before the rural health problem can be generally solved it will probably be essential for the states to recognize much more fully the principle of grants-in-aid to rural counties for health work, a principle already in use for road building and education. It seems certain that many rural counties are too poor to pay the full cost of the health service which they need.

Over the local health departments stands the state department of health. It also includes a state board of health or public health council to guide policies and a health commissioner and staff to execute them. In most states the actual conduct of health work is left mainly to local authorities (Florida and Pennsylvania being notable exceptions), the state department stimulating and standardizing local work, aiding it by appropriations, which sometimes, as in the case of New York, amount to 50 percent of the county health budget, aiding in special emergencies and dealing directly with problems involving two or more local communities. As a rule state departments include divisions of communicable diseases, food and drugs (dealing with milk production and the sale of products distributed on a large scale), sanitary engineering (dealing with water supply and sewerage problems), tuberculosis, venereal disease, maternity and child hygiene, public health nursing, laboratories, vital statistics and sometimes mental hygiene and industrial hygiene. The average budget for 48 state health departments in 1930 was 11 cents per capita as compared with 3.6 cents in 1915, the average for 41 states. Over half of the 48 states, however, expended less than 10 cents per capita; New York state's expenditure was 40 cents.

The United States Public Health Service, although a part of the Department of the Treasury, exercises essentially the functions of a federal department of health. It has direct control of quarantine at the seaports and of health problems of an interstate nature; it also serves as a guiding influence for the state departments of health, as they in turn stimulate and guide the local departments. It has done excellent work in fundamental research in the field of public health. Many special health problems are dealt with by other branches of the federal government; for example, food and drug control by the Department of Agriculture, vital statistics by the Department of Commerce, school hygiene by the Department of the Interior and child welfare by the Department of Labor.

The field of school hygiene offers an interest-

ing example of the way in which local, state and federal efforts and those of voluntary organizations are coordinated and illustrates also the increasing importance of preventive medicine in public health activities. It has been increasingly realized that the protection of infants, which involves not only the need of care and training of the expectant mother but also the need of expert obstetrical and postpartum medical and nursing care and weekly supervision and instruction at infant welfare stations, must be continued for the child during the period of school life and that public expenditures on the education of a child are wasteful if he is so handicapped by physical and mental disabilities as to be unable to profit by that education. A sound program of school hygiene should include at least two comprehensive medical examinations during school life for serious and not easily observable defects; far more frequent examinations for symptoms of skin infections, communicable diseases and the like, against the spread of which special measures should be taken; dental inspections; and a regular program of health instruction. Here again the extent to which communities live up to these standards varies with the size of the community. Only one third of the communities with a population of from 2500 to 30,000 provide for full or part time school medical inspectors, in contrast with one half of the communities of from 30,000 to 100,000 and about 70 percent of the cities of over 100,000 population. Special provision is made for school nurses in about the same proportion. In 65 of 92 of the largest cities the amount spent by the board of education for school health service constitutes 14.3 percent of the total spent for health services. Legislation relating to school inspection of children exists in all but 8 of the states, but in most cases this provides only for annual inspection and in only 24 states is it more or less mandatory for all districts. The work of the local and state authorities is supplemented by the educational and propaganda work of the Division of School Hygiene in the United States Office of Education; by the research of the United States Public Health Service and of such voluntary specialized organizations as the American Child Health Association and the Child Hygiene divisions of the American Public Health Association and of the American Association of School Physicians; and by the child health work of the Red Cross and tuberculosis associations.

Somewhat the same complexity of organizations dealing with the problems of public health is to be noted in England, although there the work is somewhat more highly coordinated and the role of the voluntary organization is not as marked as in the United States. Thus the work of the Ministry of Health, which includes also the administration of sickness insurance, medical inspection and, in conjunction with the Board of Education, school hygiene, is supplemented by the Medical Research Council; by the Committee of the Privy Council; by the Board of Trade, which is responsible for health work in the mercantile marine; by the Ministry of Agriculture and Fisheries, with its control over food and milk; by the Home Office, which deals with industrial hygiene, drugs acts and the like; and by the health activities of the Pensions Department. In the field of local health activity it is supplemented by the poor law guardians. Local health departments were established before 1850 by Liverpool and London and by 1875 were compulsory for both urban and local areas. For all but the larger boroughs over half of the salaries of medical, health and sanitary officers are refunded out of the Exchequer of the central government, and block grants of health are now being discussed. The law requires evidence of adequate training in public health for both the public health officer and the sanitary inspector. The English system of school hygiene was established as early as 1907 and now provides for three examinations during the school life. Actually, for a portion of the school population, several medical examinations are given during the year. A large number of volunteer workers supplement the regular staff. Although certain specific problems, such as the pasteurization of milk, are less well handled in England than in the United States, England is noteworthy for the generally high level of its official health service; its personnel is better trained and better paid than that of the United States. American economic resources, as mobilized by public and private agencies in cooperation, give a better health program in certain cities and counties of the United States than any to be found in England, but the average English city has a sounder and better organization than the average American city.

Denmark and Holland are particularly noteworthy on account of their success in dealing with the problems of mortality in childbirth and among newborn infants. This end has been accomplished chiefly through well trained and supervised midwives, who care for normal deliveries and refer abnormal conditions to the

medical specialist. Denmark is also notable for its excellent system of dairy hygiene and for the work of the great state serum institute at Copenhagen. On the other hand, it is somewhat curious to note that public health nursing is almost wholly undeveloped in this otherwise highly progressive country.

Germany and Austria have in their state and local health departments excellent machinery for dealing with the traditional type of health work, sanitation and control of epidemic disease. Germany made the first efforts in the field of school hygiene by the appointment of a school doctor in Wiesbaden in 1895; a school nurses system was initiated in 1908 and thereafter a large staff of full time and part time school directors was established, most of whom were qualified as medical officers of health. In Prussia the aim in recent years has been to have one school doctor for every four or five hundred students with two full time school nurses to assist him. Thorough examinations are, however, given only once in two years for most cases, with special treatment of defects; children are sent in large numbers to sanatoria and health homes and in the summer to vacation homes; minor ailments are treated by the nurse and more serious ones referred to private doctors and polyclinics. There is also a system of school dental clinics. Vienna is noteworthy for its efforts in the field of child protection; all school children receive this service and no "poverty" test is given. In recent years more or less separate organizations have grown up in both countries in the newer fields of health promotion (infant welfare, tuberculosis and the like) as distinct from health protection. The sickness insurance funds cooperate to a very considerable extent in this work, and the various official and unofficial agencies concerned are more or less effectively coordinated through joint councils which are provided for by law. The system is more complex than that in force in England and the United States. If gauged by higher death rates it would seem less efficient, but here account must be taken of the effects of continued economic stress. In Switzerland the principle of compulsory sickness insurance includes in some cantons a unique system of school medical insurance in both public and private schools.

In France and Italy the public health program is less advanced. Prior to the war very little was done in either country along the newer lines, although the more purely medical aspects of communicable disease control were expertly handled. As a result of the menace of tuberculosis revealed during the war France has organized a special governmental bureau of social hygiene, which is now making real strides in health promotion along modern lines. The lack of good vital statistics is still a serious handicap. In Italy notable progress has been made in malaria control, but lack of trained personnel limits the efficiency of local health work. An outstanding exception to this rule, in the field of school hygiene, is Milan, which not only provides two annual examinations but has a system of school polyclinics, public summer camps and open air schools.

Poland and Jugoslavia are examples of countries newly created or greatly enlarged by the war which have organized admirable centralized health programs. Jugoslavia in particular, under the leadership of Dr. Stampar, developed a nation wide system of institutes of hygiene and health centers, which are carrying the message of public health to some of the remotest and most backward regions of the Balkans. In such regions as South Serbia economic and educational handicaps limit the work to the barest fundamentals but the foundation of a national health program is being laid with vision and practical efficiency.

Greece is planning to follow along similar lines. In 1928 the Greek government asked the Health Organisation of the League of Nations to outline for it a national health program; and in 1929, after preliminary surveys, such a program was duly initiated and is being put into effect with the continuing aid of the Health Section of the League and of the Rockefeller Foundation.

The Union of Soviet Socialist Republics has adopted a comprehensive policy which involves general compulsory insurance, the provision of medical care for the insured through public health service and a widespread campaign of popular health instruction. The work of each of the federated republics is concentrated in a commissariat of public health, except for the health service of the army and the transport system, which, on grounds of convenience, are separately organized. The growth of this service is indicated in the number of medical centers throughout the union. In the period from 1929 to 1932 these increased from 2200 to 5400. The number of district health centers is estimated to be double that of the medical centers. Within Russia itself the number of hospital beds in towns increased from 111,000 in 1928 to 162,000

in 1932, and in villages from 43,500 to 82,000. One estimate gives the number of physicians within the area now covered by the Russian Socialist Federative Soviet Republic as 46,000 in 1930 as contrasted with 16,000 in 1913, and for the Soviet Union as 68,000 in contrast to 24,000. Present plans call for one physician for every thousand of population, which involves the tripling of the present force. In 1932 there were 36,000 medical students enrolled. A significant example of procedure is in the field of tuberculosis prevention and cure. Frequent examinations under the health service reveal early symptoms, and in all suspected cases the patient is referred to a special institute and if necessary sent to a sanatorium; while he is there his full salary is received by his family and, after he leaves, convalescent care and postconvalescent supervision are carefully provided. In this field figures comparative with prerevolutionary times are available. As against 350 beds for tuberculosis patients before the revolution, there were 35,000 in 1932. The program of maternity welfare and the vast reduction in prostitution are also important factors in the health service. The effectiveness of this service is shown in the remarkable reduction of the death rate. In 1913 this was 28.3 per thousand of population for all of Russia. By 1926, despite the hardships entailed by war, revolution and famine and the obstacles encountered by the low status of health education in the past, the death rate was brought down to 20.9. For cities the decrease was even greater; in Moscow it declined during the same period from 23.1 to 13.7. The infant mortality rate was cut from 270 per thousand live births to 120 in 1929.

In sharp contrast to such countries as those here listed is the situation in India, which still presents a picture like that of Europe in the Middle Ages. Here climatic conditions, economic handicaps, lack of education and certain highly deleterious social customs combine to render the health problem an extraordinarily difficult one. Thus in 1927 India reported to the League of Nations 350,000 cases of cholera, 58,000 cases of bubonic plague and 213,000 cases of smallpox—in each case far more than were reported by all the rest of the world put together. It is to be noted, however, that so far as smallpox is concerned the United States comes second with nearly 37,000 cases.

In China there is a lack even of statistical records to indicate the extent of the problem, but public health machinery is practically nonexistent except in the larger cities and conditions are probably more serious than in any other large area outside of India.

Three major agencies, the League of Red Cross Societies, the International Health Board and the League of Nations, have played an important role in promoting health progress on an international scale. The League of Red Cross Societies was organized after the World War to aid in fostering the peacetime health program of the national Red Cross societies. It has its headquarters in Paris and exerts a valuable stimulating influence upon the development, through Red Cross agencies, of public health nursing and popular health instruction. The International Health Board (now the International Health Division) of the Rockefeller Foundation plays a most important role by making grants to governmental health agencies on a temporary cooperative basis, the specific work in question being carried on by the government alone after a specified period of years. The most outstanding work of the foundation has perhaps been its world wide campaign against yellow fever, which has almost eliminated this disease from Central America and Mexico and from South America, with the exception of Brazil. The foundation is now working in northern Brazil and in west Africa, where the control of the disease is peculiarly difficult. It has also accomplished significant work in other fields of public health: reports for 1931 summarize malaria control projects in 24 countries; development of studies and demonstrations in hookworm control in 17 regions, from the United States (Alabama), Paraguay and Samoa to Egypt, Madras, Siam and Spain; specific aids to state and national health departments in 33 countries; and pioneer rural health work in the Mississippi valley of the United States, in Canada, Mexico, Porto Rico, the Philippines, Brazil, Panama, Poland, France, Italy, Austria, Czechoslovakia, Hungary, Rumania, Jugoslavia, the Irish Free State, Ceylon, Siam, Straits Settlements, China and India.

The whole program for a truly international war against disease was centralized and coordinated in 1921 through the creation of the Health Organisation of the League of Nations. Its activities have included the development of an effective system of world intelligence in regard to the prevalence of disease, with a subcenter on the tropical firing line at Singapore; the standardization of statistical and administrative procedures and of sera, vaccines and drugs:

interchanges of health personnel, which place the most advanced thought of each country at the disposition of all other countries; the concerted cooperative study of such problems as sleeping sickness, malaria, cancer and infant mortality; and direct leadership in dealing with emergencies, such as typhus fever in Poland in 1921 and malaria and tuberculosis in Greece and among Greek refugees. It has also made excellent surveys of public health organization in most countries. In 1931, together with the International Labor Office and the International Institute of Agriculture, it called a conference on rural health problems in which 23 European countries participated. In these and many other ways the Health Organisation of the League has mobilized the entire forces of humanity for service against the common foe; and it has materially aided other sections of the League in dealing with such problems as the protection of the health of seamen in foreign ports, the control of traffic in women and children and the restriction of the traffic in opium.

The results of the modern public health campaign during the past quarter of a century have been striking and spectacular. It is certain from the figures of mortality and morbidity that there has been a fundamental revolution in the conditions of human life resulting in the lifting of over one third of the total burden of disease and death which rested upon the shoulders of the human race fifty years ago. It is true of course that the decrease in the death rate has occurred almost wholly in the field of microbic diseases which affect the infant, the child and the young adult. In the United States at least the death rate at ages over fifty years from the so-called degenerative diseases has been apparently increasing, but this is largely to be explained by the changing age distribution of the population and by improvements in diagnosis. The control of the constitutional diseases of later life is by no means an impossible task. It demands, however, a far more widespread and intensive education of the public in regard to the principles of personal hygiene than has yet been attained; and it demands a more serious effort to secure the organization of medical service for the preventive treatment of incipient disease than has yet been visualized.

C.-E. A. WINSLOW

See: MORBIDITY; MORTALITY; SANITATION; WATER SUPPLY; COMMUNICABLE DISEASES, CONTROL OF; EPIDEMICS; HEALTH EDUCATION; HEALTH CENTERS; CLINICS AND DISPENSARIES; HOSPITALS AND SANATORIA; MEDICINE; NURSING; DENTISTRY; MATERNITY WELFARE; CHILD; LIFE EXTENSION MOVEMENT; SAFETY MOVEMENT; INDUSTRIAL HYGIENE; MENTAL HYGIENE; EUGENICS; PHYSICAL EDUCATION; INSURANCE; SOCIAL INSURANCE; HEALTH INSURANCE; POVERTY; NUTRITION; SOCIAL WORK; HOUSING; CITY AND TOWN PLANNING; POLICE POWER; ADMINISTRATION, PUBLIC; FOOD AND DRUG REGULATION.

Consult: Winslow, C.-E. A., *The Evolution and Significance of the Modern Public Health Campaign* (New Haven 1923), and *The Road to Health*, Jayne Foundation Lectures, 1929 (New York 1929); Newsholme, Arthur, *Evolution of Preventive Medicine* (Baltimore 1927); Simon, John, *English Sanitary Institutions* (2nd ed. London 1897); Delmege, J. A., *Towards National Health* (London 1931); Buer, M. C., *Health, Wealth and Population in the Early Days of the Industrial Revolution* (London 1926); Williams, J. H. Harley, *A Century of Public Health in Britain* (London 1932); American Public Health Association, Committee on Administrative Practice, *Appraisal Form for City Health Work* (3rd ed. New York 1929); United States, Public Health Service, "Health Departments of States and Provinces of the United States and Canada," compiled by J. A. Ferrell, W. G. Smillie, P. W. Covington and P. A. Mead, *Public Health Bulletin*, no. 184 (2nd ed. 1932); New York State, Department of Health, *Annual Report*, no. 52 (Albany 1932); *Community Health Organization*, ed. by I. V. Hiscock and others, American Health Congress series, vol. ii, pt. iv (rev. ed. New York 1932); Winslow, C.-E. A., *Health on the Farm and in the Village* (New York 1931); White House Conference on Child Health and Protection, Section II: Public Health Service and Administration, Committee on Public Health Organization, *Public Health Organization* (New York 1932), and Section III: Education and Training, Committee on the School Child, *The School Health Program* (New York 1932); Committee on the Costs of Medical Care, *Medical Care for the American People: the Final Report of the Committee*, Publication no. 28 (Chicago 1932); League of Nations, Health Organisation, International Health Year-Book, 1929, 1930. III. 8 (Geneva 1930), and *Public Health Services*, 8 vols. (1923–28); European Conference on Rural Hygiene, Geneva, 1931, *Report of the Proceedings*, League of Nations, Publications, 1931. III. 2, 2 vols. (Geneva 1931); League of Nations, Health Organisation, "The Economic Depression and Public Health" in *Quarterly Bulletin*, vol. i (1932) 425–76; *Gesundheitswesen und Wohlfahrtspflege im Deutschen Reiche*, ed. by Bernhard Möllers (Berlin 1923); Germany, Gesundheitsamt, *Das Reichsgesundheitsamt, 1876–1926* (Berlin 1926), and *Arbeiten*, published quarterly in Berlin since 1886; *Handbuch der sozialen Hygiene und Gesundheitsfürsorge*, ed. by A. Gottstein, A. Schlossmann and L. Teleky, 6 vols. (Berlin 1925–27), especially vol. i; Viborel, Lucien, *La technique moderne de la propagande d'hygiène sociale* (Paris 1930); Bernard, Léon, *La défense de la santé publique pendant la guerre*, Carnegie Endowment for International Peace, Economic and Social History of the World War, French series (Paris 1929); Kingsbury, J. A., "Russian Medicine: a Social Challenge" in *New Republic*, vol. lxxiv (1933) 204–06; "Soviet Public Health Protection" in *Soviet Union Review*, vol. xi (1933) 84–87; Newsholme, Arthur, and Kingsburg, J. A., *Red Medi-*

ne; Socialized Health in Soviet Russia (New York 933); Newsholme, Arthur, *Medicine and the State; e Relation between the Private and Official Practise of Medicine* (London 1932); Yao, Hsun-Yuan, "The Second Year of the Rural Health Experiment in Ting Hsien, China" in Milbank Memorial Fund, *Quarterly Bulletin*, vol. x (1932) 55–66; League of Nations, Health Organisation, *Collaboration with the Ministry of Health of the National Government of the Republic of China. Completion of the Survey of Chinese Ports*, 1930. III. 14 (Geneva 1930).

PUBLIC LANDS. *See* PUBLIC DOMAIN.

PUBLIC LAW. The term public law is an erroneous translation of the Latin *jus publicum*, i.e. *jus ad populum pertinens*. *Jus publicum* is therefore in its origin the constitutional law of the people. This meaning is no longer expressed by the modern legal terms "public law," *droit public* and *öffentliches Recht*, which imply the existence of a dualism of "public" and "private" law.

Such dualism was nevertheless already recognized in the Roman law. The Digest declares: *Publicum jus est quod ad statum rei romanae spectat, privatum quod ad singulorum utilitatem* (*Dig.* 1. 1. 1. 2 (Ulpian)]. *Jus privatum* held first place as a subject of study in Roman jurisprudence. *Jus publicum* never became a subject of instruction in the same sense; it developed rather in political practise. In contrast to the Roman law the dualistic separation of public and private law does not occur in the ancient Germanic law, which is dominated by a unity of the legal order manifesting itself in multifarious forms in various legal branches. This monistic conception still characterizes the mediaeval Germanic legal order. The division into public and private law was the result of modern social reorientation, which, begun in many mediaeval towns, was completed in the modern bureaucratic states. The continental reception of the Roman law in the fourteenth and fifteenth centuries played an important part in hastening the change. It made available in the developed forms of the Byzantine-Roman world law a suitable means for the regulation of the modern capitalistic commercial economy, and it facilitated the introduction of the monarchic-absolutistic form of government, relying upon late Roman-Byzantine principles of public law. As early as the sixteenth century the theoretical foundations of a constitutional law upon public law principles were laid in Germany and France. Today in the civil law countries the separation of public and private law is an undeniable fact of positive law. In the countries of the common law, however, which have never or only to a slight extent experienced a reception of the Roman law, the original Germanic conception of the unity and indivisibility of the legal order has fundamentally been maintained, so that the continental dualism has played an inconsiderable role up to the present. Yet even in these countries it is easy to point to a corresponding differentiation of legal branches about which the whole legal order is crystallized: these are the private and commercial law on the one hand and constitutional law on the other.

The modern legal orders have become divided in the course of their historical development into various legal branches which are determined by the character of their social functions. Constitutional, administrative, criminal and canon law have long been regarded as branches of public law. Other legal branches, such as civil law and commercial law, are considered parts of private law. With regard to certain legal branches most recently evolved, such as labor law and social law, the boundaries are not sharply delimited. It is increasingly recognized that the law of procedure is impressed with a public law character. International law is usually classed as public law. Nevertheless, the dualism of public and private law in its true sense can be applicable only within the same legal order. International law, on the contrary, assumes a pluralistic, not a monistic organization of the legal universe, i.e. the existence of many independent legal orders.

It might be supposed from the enumeration of the branches of public law that its domain consists of their totality. Such an impression would be misleading. In the first place, there is involved here not an entity with an independent existence, but a dualistic concept. In the second place, there must be taken into account the doctrine of the primacy of the objective legal norms. In the domain of objective legal norms it is possible to speak at most only of the "potential" force of the dualism of public and private law. It is never realized, however, except in the field of subjective legal relations. Solely with reference to subjective legal relations can it properly be asked whether the rules of the public or of the private law are to be applied. For this is a question which always relates merely to the creation and termination, the legal content, the mode of realization and the protection of specific and concrete legal relations.

Every legal order determines according to its unlimited discretion the degree and the scope of the technical differentiation of its legal branches. The more consistently a positive legal order differentiates its legal relations with reference to their substantive content and enforcement as well as to the formal criteria of their legal validity, the more clearly must the dualistic structure of the legal order be revealed in its positive law. On the other hand, the more a legal order seeks to unify its several legal branches upon the bases of some prototype either of a private law character (Anglo-American conception) or of a public law character (the Russian Bolshevist conception), the less does the dualism appear in the positive law. In Anglo-American law, because of the lack of special administrative courts for the decision of public controversies, such as exist in Germany and most of the Romanistic countries, the maintenance of the illusion of a legal order constructed upon monistic and unifying principles is facilitated.

The emphasis upon the dualism of public and private law was in its origin fundamentally an invention of modern political liberalism, which in the struggle against the political domination of social life resulting from absolutistic government sought to create a politically neutral sphere for the career of the "free" individual, the "citizen." This sphere of social norms purged of political elements is regarded more and more as that of law in the strict sense. Thus begins the period of the "civil," or "private," orientation of the legal order, the expressions of which are the conceptions of the constitutional state, the separation of powers and the fundamental rights of man and the citizen. Originating in the natural law philosophy of the eighteenth century, the doctrines appeared on the stage of world history in the federal Constitution of the United States and in the constitutional laws of the French Revolution, and triumphed in western civilization in the nineteenth century with the middle class domination of social life.

The conception of the constitutional state, however, is dominated by the primacy of private law. The methodology of the civilians becomes the whole of jurisprudence. As a consequence Roman law is identified with Roman private law. Nevertheless, a reaction has already set in against this civilistic conception and its political ideology of security through a complete private orientation of social life by means of the institution of contract. It is led on the one side by Asiatic Bolshevism, and on the other by Romanistic Fascism and Germanic National Socialism. The result has been in all cases restoration of the primacy of public law.

Since the dualistic division into public and private law is a historical product of a definite stage of social evolution, it follows that it is in no sense immanent in every legal order. Its dissolution occurs in any legal order which rests upon an integrated and organic community structure organized hierarchically upon a class basis, so that every individual has a definite political and social place determining the scope of the field of his social activity. In such an order the freedom of the individual is a definite and positive ability to work for the whole, not a mere negative freedom from a politically superior state.

The dualism of public and private law has been very important in modern political theory. Those theories which may be called monistic deny the existence and the justification of the dualism of public and private law. Apart from the special case of Anglo-American jurisprudence there is the "logical" theory of Kelsen, which identifies the legal order with the state and defines or postulates the former as a monistic system of obligatory norms. The traditional opposition between public and private law is eliminated from the logically constructed system of legal norms as a survival of a mode of analysis which is either unscientific and naïve or determined by considerations of political power. Another monistic theory is the "political" theory of Krabbe, which simply identifies the private law with the concept of law itself and attempts to disregard all interventions of public authority as unjustified political interferences in the sphere of true law. Both theories are political products of an extreme liberalism; they can be distinguished in method and partly in results but, while they illuminate the situation, cannot be regarded as adequate analyses.

Most theories which may be called dualistic, because they affirm the dualistic structure of the public legal order, attempt to explain this in various ways. There are those based upon external and formal criteria: the "subject" theory, the "object" theory and the theory of "legal protection." The first regards as public law all legal relations in which the state appears as a party. This theory is contradicted, however, by the fact that the state intervenes through its taxing power even in private legal relations. The second simply identifies private law with the law of property. Again, the form of public taxa-

tion is inconsistent with this theory. The third defines as private law every legal relation in the realization of which the ordinary courts are competent. But its opponents point out that the protection of rights is a secondary consequence, not a primary manifestation, of a legal relation.

Other dualistic theories which are of a teleologico-sociological character attempt to account for the existing dualism as a necessary social function. According to the "power" theory (Otto Mayer, Laband) every legal relation is of a public law character in which a relation of subordination obtains; in other words, in which the individual is opposed by the superior will of public authority. This typically imperative theory, which is at bottom nothing but the theory of Hobbes and especially of Austin, who regards as law only the commands of a political superior, is suggestive but incomplete. According to the theory of "interest" (Ahrens, Stahl, Georg Jellinek) public law consists of every legal category which is regulated in the interest of the body politic, or the state, while private law consists of every legal category regulated in the interest of the individual. This theory, which betrays obviously the influence of the Digest, also has elements of truth but again lacks completeness. There is to be considered also the "social" theory of Otto Gierke, which makes a distinction between an individual and a social law. The one concerns itself with the external legal relations of individuals, the other with the inner social structure of the group. The individual law is in essence private law; the social law is basically public law. In the positive legal system, however, parts of social law can be treated technically according to the rules of individual law.

It is best to attempt to understand the dualism of public and private law as a social phenomenon in terms of the fundamental social structure. Only a "socio-morphological" view can explain its existence. All social phenomena may be expressed in terms of three fundamental relations: as a relation of domination, as a liberalistic relation of tension resting upon coordination and as a relation of organic integration. The corresponding legal forms are: the law of subordination, the law of coordination and the law of inordination. Where the law of inordination, with its organic integration, rules, there is no dualistic division of the legal order, which does not offer a dualistic contrast but is integrated organically in a multiplicity of social forms. On the other hand, the dualism of public and private law appears in any legal order which is determined by relations either of legal subordination or of coordination. The dualism of public and private law is thus a product of a period of social transition, a typical phenomenon of a legal order which on the one hand is in process of dissolution and on the other is being continually recreated.

GUSTAV ADOLF WALZ

See: LAW; CONSTITUTIONAL LAW; ADMINISTRATIVE LAW; COURTS, ADMINISTRATIVE; CRIMINAL LAW; JURISPRUDENCE; INTERNATIONAL LAW; STATE.

Consult: Austin, John, *Lectures on Jurisprudence*, 2 vols. (5th ed. by R. C. Campbell, London 1885); Ehrlich, L., "Comparative Public Law and the Fundamentals of Its Study" in *Columbia Law Review*, vol. xxi (1921) 623–46; Duguit, Léon, *Traité de droit constitutionnel*, 5 vols. (vols. i–ii 3rd ed., vols. iii–v 2nd ed., Paris 1923–28); Gierke, Otto, "Die Grundbegriffe des Staatsrechts" in *Zeitschrift für die gesammte Staatswissenschaft*, vol. xxx (1874) 153–98, 265–335; Holliger, Jacob, *Das Kriterium des Gegensatzes zwischen dem öffentlichen Recht und dem Privatrecht* (Affoltern 1904); Jellinek, Georg, *Allgemeine Staatslehre* (3rd ed. by Walter Jellinek, Berlin 1914); Jellinek, Walter, *Verwaltungsrecht*, Enzyklopädie der Rechts- und Staatswissenschaft, vol. xxv (2nd ed. Berlin 1929) ch. iii, sect. iv; Kelsen, Hans, *Hauptprobleme der Staatsrechtslehre* (2nd ed. Tübingen 1923); Krabbe, Hugo, *Die Lehre der Rechtssouveränität* (Groningen 1906); Walz, Gustav Adolf, *Vom Wesen des öffentlichen Rechts* (Stuttgart 1928).

PUBLIC LIBRARIES

History and Institutional Types. In a mature, literate society the care of its books is a complicated problem. The literary heritage of the past is enormous and cumulative. The functional value of each piece of literature varies with the intellectual status and interests of the generation that reads it; at any particular point in time some books are useless, some of slight value and some of immediate significance. And, finally, the texts that have an importance for coeval culture are, almost always, so numerous that the ordinary citizen cannot possess them all in privately owned copies. Two social mechanisms have been developed to meet these conditions: the book trade and the public library. The former is probably the greater in magnitude of operations but it is also less efficient than the latter. This is essentially a store of books from which any member of its special or general public may borrow temporarily any particular volume.

Library history shows that the institution is a spontaneous development from the conditions of a literate culture. The ruins of Rome, Greece, Egypt and Mesopotamia furnish unmistakabl-

evidence that these older civilizations all had their library systems, but the records are too scanty to establish their extent, their content or their organization. Moreover not one of these ancient libraries has left a lineal descendant. The later systems of the west are independent developments. The origin and evolution of the library must therefore be studied in such simpler forms as survive or else in comparatively recent historical records. The antiquarian literature on the subject is extensive—there are many histories of particular libraries—but the sociological history of the institution has not yet been written. Its main outlines, however, are apparent.

The most primitive form of public library seems to be a canon of religious scriptures of which a single copy is communally owned by each congregation. Its textual content is put into circulation through public readings and expository lectures. Nearly all such canons incorporate the writings of several authors, in a wide range of literary forms, and include not merely theology and ritual but also natural science, philosophy, history, politics, law and practical medicine. During many centuries in western civilization, the lectern Bible in the parish church or its equivalent was the only library accessible to the general lay public. A secondary type of canonical scripture is sometimes developed for the use of specialized communities of religious professionals. This is more bulky than the primary canon and more extensive in its range of subject material. For example, the Tibetan *Tanjur* and *Kanjur* together run to 325 volumes, the Buddhist *Tripiṭaka* to 7920. Each of these collections provides all the literature needed by the scholar from his elementary training through a lifetime of professional studies. In addition to the subjects already mentioned they contain grammar, lexicography, rhetoric, prosody, music, mathematics, astrology, magic, geography, biography, literary history and even bibliography. Although western monasticism never formulated such a standardized canon, it had a virtual equivalent. Surviving catalogues of the older monastic libraries show an approximate identity in their literary content and in their encyclopaedic scope.

With the spread of lay education and the rise of secular schools collections of books directly related to the curriculum were developed gradually. In a university, which embraced the whole range of knowledge, two phases may be distinguished: in the first, the library program sought the best books on every subject; in the second, all that had been written. State recognition of the latter conception often gave to universities the prerogative of a free copy of every book published under copyright law.

A third type of library was developed by corporations and societies of practitioners in the secular professions. Colleges of physicians and inns of lawyers provided their members with working collections of technical literature, while royal societies and national academies made similar provision for advanced workers in general scholarship.

With the rise of democratic ideas came the establishment of national and local libraries of universal scope, open to any qualified reader irrespective of his membership in a particular professional group. In many instances such a general library obtained its basic materials from secularized monasteries. Usually it inherited the collections of defunct schools, scholars and societies. Sometimes it became the book depository of still flourishing academies. Ordinarily, however, the organized technical professions retained their own libraries for the exclusive use of their members.

It is evident that all four of these types operate by the same social method: the textual contents of books obtain general circulation in society through the mediation of individual specialists. Except in the acquisition of material the library performs only a passive function: its readers come to it on their own initiative, by the necessities of their profession. In recent decades, however, a fifth type of library has been developed, particularly in America and northern Europe. Here the institution has undertaken positive social activities, as an instrument for general adult education and propaganda of a rather elementary literary culture. This phase of librarianship is more fully discussed below.

PIERCE BUTLER

Modern Library Systems. The existing library systems of the world, which include survivals from all of these institutional types, exhibit a wide variety in their origin, development, administration, support and activity. In the main the library system in each country owes its existence at first to endowments of private citizens and later to governmental support. In some countries, as in Great Britain and Mexico, the institution is under national direction; in others, as in Germany and the United States, it

is controlled by the states. In every case the movement develops in the direction of more complete democratization: book collections are first provided for the privileged classes and are only gradually opened to the general public; the early establishments are in metropolitan cities, those of the smaller town and rural community come later; early libraries contain only learned treatises, modern ones popular literature.

Although the libraries of Europe are chronologically older, they are not always so fully developed as those in the United States. For this reason an examination of the American system will probably furnish the clearest picture of modern library trends. Here private bequests for the establishment of public libraries have been a favorite form of philanthropy. The experience of New York City illustrates the effect of such gifts. The Astor Library, established by John Jacob Astor, was opened to the public in 1854 as a reference library. The Lenox Library, opened in 1880, and the Tilden Trust, founded in 1887, joined with it in 1895 to form the New York Public Library, which in 1900 began to absorb most of the free circulating libraries operating independently in the city of New York. The Enoch Pratt Free Library (1882) of Baltimore and the Providence Public Library (1878) are also typical of the numerous public libraries originally endowed but having so expanded as to depend largely upon public funds for their support.

The free public library maintained by local or national government from the proceeds of taxation had its origin in the United States during the second quarter of the nineteenth century and has developed for the most part since the formation of the American Library Association in 1876, largely in response to demands from public organizations, such as women's clubs.

School district libraries, supported from public funds and housed in the local school building, were authorized by law in New York in 1835 and adopted in a number of other states; but by 1870 most of these collections had deteriorated for want of efficient administration. The Boston Public Library was the first public library in the United States to be established by state legislative enactment (1848). The act was extended in 1851 to embrace Massachusetts; other states followed and by 1933 none was without some form of library law. State acts now usually specify the amount and character of the tax to be levied and provide for the creation of a library governing body.

State or provincial library extension is carried on by three main types of agency: the library commission, the state library and the library division in the department of education. The state agency helps communities wishing to organize libraries and offers consulting service to those already established. The lending of books directly to individuals without access to libraries is part of the agency's work. Interlibrary loans among the state libraries are common practise.

The majority of American county libraries were established by the campaigning of state agencies. From the middle of the nineteenth century sporadic efforts were made to establish county libraries, but the first effectual system of county libraries developed in California, about 1909. The California library law of 1911 influenced legislation in other states. Yet in 1932, of 3072 counties in the United States, only 231 had county libraries. The county library seeks to overcome obstacles of distance and isolation by utilizing branches, stations, school deposits, mail service and book trucks. Library activities within the county are directed by a librarian who administers the central book collection and encourages the establishment and efficient management of town and village libraries.

There are now about 6000 public libraries of all types in the United States, reporting a total book stock of 66,000,000 volumes. Registered borrowers numbered 19,635,906 in 1929. Reports from public libraries in 33 cities representing one tenth of the population of the United States show that 81,591,423 loans were made in 1932, an increase of 37 percent since 1929.

The annual expenditure for public library service in the United States, about $37,000,000, bulks large beside the figure for 1876, $518,548. but small beside the annual cost of public schools, about $1,580,000,000, or of colleges and universities, about $128,000,000. The average per capita expenditure in cities with more than 200,000 inhabitants is $.71 and for the general population (including non-library areas) about $.32.

While there are no rigid requirements for employment in libraries, in general four years of college or university plus one year of library school training are required for senior assistants. There are now in the United States about 40 library schools, offering one or two-year courses. Some states require certification of library workers by state authority. Library schools have helped to systematize library procedure and to develop a professional consciousness.

Since its establishment in 1876 the American Library Association has promoted the founding and improvement of libraries. During the period 1876–1933 membership increased from 103 to more than 13,000. The association has served as a central bureau to which individual libraries might apply for counsel. Its activities are performed largely by volunteer committees. There are 68 state, provincial and regional associations in the United States and Canada (37 affiliated with the A. L. A.) and 40 library clubs.

With the democratization of library support the book collection has become accessible to all. At present, although public non-circulating reference collections still exist and many libraries find free access inexpedient, the general practise is to lend any book when the occasion seems to warrant and to grant accredited readers free access to the shelves. Public libraries have greatly simplified their systems of registration and lending. Many libraries, like those of Boston and Philadelphia, still hold the bulk of their book stock in a central unit; but there is a tendency to divide the collection among subject departments, as in Cleveland, Los Angeles and Baltimore.

In many towns and cities the public library supplies information to local businesses, industries, the local government, professional workers and the press. Some libraries offer special reference services for business men, and several, like those of Newark and Boston, have established special branches for their use. Agencies to extend the municipal library's work within its territory are of three general types: the branch library, the distributing or deposit station and the delivery station. A few libraries serve hospitals and prisons.

During the past forty years public libraries have attempted to provide for individuals whose requirements are not met by the traditional type of book collection. Some libraries have established collections of books for the foreign born; raised type books for the blind; music, including piano and gramophone records; pictures; maps; motion picture films and stereopticon slides. Systematic library service for children dates from 1890, when the Brookline, Massachusetts, library opened a separate children's reading room. In most large public libraries the children's department or building is independent of the main collection and in charge of a separate staff, supervised by a special librarian.

In many cities public libraries supply elementary schools with books approved by teachers. The practise of sending library books into the classroom and the establishment of public library branches in schoolhouses led, about 1905, to the creation of school libraries. These have developed throughout the United States more rapidly than any other type of library, providing an increasing proportion of the teaching materials and seeking to stimulate reading beyond the curriculum requirements. School libraries are usually maintained by the school tax funds; in some cities they are administered by the library board, in others by the school board.

RICHARD H. HART

Social Implications of the Popular Library. The foregoing discussion suggests two major functions of the modern public library: to preserve publications useful to posterity which may soon be out of print, and to supply cheaply either the current publications which the patrons prefer or those which public officials consider best for them or both.

Any evaluation of the custodial function of the library must take into account the many fields of scholarship affecting social processes indirectly through the mediation of students who work with out of print books from public libraries. No such consideration can be attempted here. But the fact should be emphasized that the social importance of the custodial library function is not defined by the number of such students in each field. To have supplied but one creative scholar with necessary materials otherwise not available may abundantly justify the community in taxing itself to preserve books. The relative demands upon such collections in each field should, however, show how many of each are needed in a given geographical area.

Because its present implications are only now being scrutinized and because it affects the community far more directly, the second function of the library, that of circulating contemporary, non-technical publications, deserves special consideration. The nature and scope of the popular library as a social institution is best described in terms of popular reading. In most communities the library is but one of several distributing agencies. Hence an estimate of its social importance must attempt to answer such questions as the following: to what extent is the community a reading community; what proportion of the readers patronize the library; how fairly do the library patrons represent the different cultural groups constituting the community; how do the ratios between library reading and read-

ing matter obtained from other sources vary from group to group; and how do the current publications circulated most widely by the public library compare with those available elsewhere?

The status of reading in any community in relation to the status of other forms of information and recreation, such as the radio, motion pictures, lectures, museums, discussion clubs and educational institutions, has been found highly variable. Some communities in the United States, not conspicuously illiterate, do very little reading beyond the daily press, in which they turn to notices of positions to be filled, sport news and comic strips; this is largely the case, for example, in south Chicago, a community of 73,000 dominated by the steel industry. Other communities, even those in rural districts, show a high per capita consumption of reputable books, as, for example, the Fraser valley in British Columbia, populated mainly by British and Scottish immigrants. Other countries show much the same variation in the local status of popular reading.

Such variations inevitably affect the status of the public library, since they affect the patronage per capita and therefore the financial support. In themselves the variations interest the social scientist, since trustworthy indices of the amount and character of reading by different population groups in typical communities from year to year go far to explain both the direction and the rate of social changes that involve facilities for intergroup communication.

The public library, like other reading agencies, is greatly affected by the class consciousness of different social elements, which tends to produce a different literature for the groups in conflict. This fact is highly significant when the popular library is regarded from an international standpoint. It suggests that the public library, as known in the United States, may be most efficient in the small town, where all residents wish to read much the same publications and find it more convenient and less expensive to borrow them than to buy them.

Where class consciousness combines with a broad range in educational and vocational status to produce wide differences in the reading preferred by different social groups, the tax supported library tends to attract readers friendly or indifferent to the existing government and to compete with other popular libraries supported by the various minorities composing the opposition.

Such competing libraries were perhaps most numerous in Germany from 1925 to 1932, when several cities supported independent chains of popular libraries maintained by the municipality, by two or three religious denominations, by at least two political parties and occasionally also by labor unions. In the aggregate such libraries served a considerably larger proportion of the community than is usually served by the single public library in England or in the United States. The social tensions producing so many competing library systems in each large city were further emphasized by the number and activity of competing commercial distributors—witness several subscription book clubs, many specializing in a particular field of political, occupational or recreational interest; two or three magazine agencies delivering ten or more of the best magazines at club rates, the scale of payments running as low as one mark for magazines a month old; libraries maintained for their personnel by many commercial and industrial establishments; a dozen or more endowed libraries in special fields of art, scholarship and industry; a few private libraries supported by paid memberships; numerous rental libraries, ranging from the detective novel variety to those specializing in different non-fiction subjects; newspaper reading rooms in connection with unemployment insurance centers and as many news stands and bookstores per capita as are customary in the cities of western Europe.

Much the same complex of libraries and other distributors exists today in Austria, Belgium, Czechoslovakia, the Scandinavian countries and Switzerland. With so many sources available it is plain that the tax supported library supplies but a small part of what the community reads. From the standpoint of social organization the municipal public library faced with such competition is perhaps more important as a vehicle for official attitudes toward contemporary culture than as a source of information on problems confronting the reader at large.

The library, however, comes again into its own under one-party or totalitarian governments, which by the very rigor of the censorship imposed on minority factions tend to complete the cycle and restore to the library the social prestige that it sometimes enjoys in the small, likeminded town. Examples of such censorship are found today in Germany, Hungary, Italy, Jugoslavia, Soviet Russia and other states of similar political complexion. It should be noted that under such frankly partisan auspices the

public library, as in the Soviet Union, sometimes reaches its maximum efficiency and importance in the education of adults. Its purpose in the last named country is to familiarize the citizen with Marxist principles as applied to his particular vocation. Soviet libraries are organized on a strictly vocational basis and are attached to individual factories, farms, labor unions and other occupational organizations. Their singleness of purpose simplifies and renders more efficient the selection, advertising and circulation of publications to a degree that public librarians in other parts of the world may well envy.

To compare the status of the popular library in the Latin countries of France, Italy, Spain and South America with that in other countries of western civilization is to recognize the fact that certain folkways are friendly and others unfriendly to the public library idea. Generally speaking, the Latin peoples support libraries either to preserve and supply publications of recognized literary excellence or to supply books of religious or ethical import to readers who are too poor to buy what they may prefer. Those who can afford to follow their own choice buy their books in the stalls or import them, and value the privilege of exercizing their individual tastes above the opportunity to obtain at lower cost the publications preferred by a majority of their neighbors.

Thus the popular library as a public institution is acceptable to any community in so far as it ministers to the community as a whole and supplies all the publications that the residents are disposed to read. It may therefore be asked how far this standard is met in typical communities and to what extent the public library should attempt to meet it.

The extent to which the tax supported library may serve the entire community is perhaps best shown by comparisons between the representation of occupational groups in the total population and in the library population. Such comparisons may be illustrated most aptly in large American cities, wherein the single, tax supported public library system has undoubtedly reached its largest dimensions. A study of library registrants by occupational groups in one district of a large metropolitan area revealed that in 1932, 57 percent of the registrants were students, although this group accounted for only 16.5 percent of the total population in the cities studied. Housewives, the next largest group, constituted less than 14 percent of the borrowers and 27 percent of the population. The skilled trades supplied only 6 percent of the registrants but represented 17.2 percent of the population. Clerks, stenographers, bookkeepers and salesmen made up 11.2 percent of the borrowers and 12.5 percent of the population. Professional men and women accounted for 7.5 percent of the registrants but only 3.4 percent of the population. Unskilled labor represented 1.6 percent of the registrants and 6.8 percent of the population. An unclassified group accounted for the remaining 2.9 percent of the borrowers and 16.6 percent of the population.

The questionable validity of libraries' reports showing the percentage of the general population patronizing the public library is suggested by the wide variation in the proportions of the patronage borrowing different numbers of books per year. It has been found that 73 percent of the withdrawals in one year were made by 10 percent of the clientele. In the same year half of the registered borrowers were responsible for less than 2 percent of the withdrawals.

From the foregoing description of the contribution to community reading made by one of the most highly developed public library systems of the world it may be inferred that the library's social effectiveness as a vehicle for contemporary ideas varies inversely with the number, distinctiveness and self-consciousness of minority groups. The description suggests also the large benefit to social studies that may be expected from research in the problems of community reading as such, of which the public library is but one and seldom the largest source. Such research should serve to define the public library's role in communities forced by economic considerations, as most of them are, to base library appropriations either upon the distribution of community patronage or upon evidence of the library's usefulness to existing governments in maintaining the status quo.

DOUGLAS WAPLES

See: PRINTING AND PUBLISHING; PRESS; LITERATURE; LITERACY AND ILLITERACY; EDUCATION; ADULT EDUCATION; UNIVERSITIES AND COLLEGES; MUSEUMS AND EXHIBITIONS; GOVERNMENT PUBLICATIONS; ARCHIVES; RESEARCH.

Consult: *Handbuch der Bibliothekswissenschaft*, ed. by F. Milkau, vols. i–ii (Leipsic 1931–33); Birt, T., *Das antike Buchwesen* (Berlin 1882); Gottlieb, T., *Über mittelalterliche Bibliotheken* (Leipsic 1890); Edwards, Edward, *Memoirs of Libraries*, 2 vols. (London 1859); Esdaile, A. J. K., *National Libraries of the World* (London 1933); *Popular Libraries of the World*, ed. by A. E. Bostwick (Chicago 1933); American Library Association, *A Survey of Libraries in the United*

States, 4 vols. (Chicago 1926–27); United States, Bureau of Education, *Public Libraries in the United States of America; Their History, Condition and Management* (1876); Minto, J., *A History of the Public Library Movement in Great Britain and Ireland* (London 1932); Butler, Pierce, *An Introduction to Library Science* (Chicago 1933); Cannons, H. G. T., *Bibliography of Library Economy; 1876–1920* (Chicago 1927); American Library Association, *Library Literature, 1921–1932* (Chicago 1934); International Institute of Intellectual Cooperation, *Bibliothèques populaires et loisirs ouvriers* (Paris 1933); Nörrenberg, Constantin, *Die Volksbibliothek, ihre Aufgabe und Reform* (3rd ed. Stettin 1928); Ackerknecht, Erwin, *Büchereifragen* (2nd ed. Berlin 1926); Hofmann, Walter, *Der Weg zum Schrifttum*, Volk und Geist, pt. ii (Berlin 1926), and *Die Lektüre der Frau*, Leipziger Beiträge zur Grundlegung der praktischen Literaturpflege, pt. i (Leipsic 1931); Schriewer, Franz, *Die Dorfbücherei* (Stettin 1926); Ackerknecht, Erwin, *Skandinavisches Büchereiwesen* (Stettin 1932); Recht, Pierre, *Les bibliothèques publiques en Belgique* (Brussels 1928); Waples, Douglas, "Reading Studies Contributory to Social Sciences," and "Community Studies in Reading" in *Library Quarterly*, vol. i (1931) 291–300, and vol. iii (1933) 1–20; *The Year's Work in Librarianship*, ed. by A. J. K. Esdaile, published annually in London since 1929.

PUBLIC MONOPOLIES. *See* MONOPOLIES, PUBLIC.

PUBLIC OFFICE. Any discussion of public office must begin by noting the confusion attending the use of the term and its equivalents in other languages. Public employment (*q.v.*) embraces office, but it is recognized that governments may have agents who are not officers. In all countries this assumption involves a problem of demarcation which varies in perplexity with the constitutional situation. Much of the difficulty arises from the fact that the terminology and the precedents relied upon in interpretation developed before public administration had acquired its present scope and complexity. It is necessary to exclude from the concept of public office the activities of those who, although designated by the state and in a measure supervised by it, serve ends which are essentially private, as is the case with guardianship and various relations in the administration of property. So far as concerns functions traditional in the civil law, the theory of separation is fairly clear; but in other directions the ramification of modern administration in autonomous and novel forms of management is likely to present afresh the question of distinguishing quasi-public and public positions. Within the fields which are patently public a realistic view must differentiate three categories of persons: first, the changeable group who, whether chosen by election or appointment, are the means by which electoral forces control major governmental policies; second, the larger and more stable group of those who work under conditions standardized by laws and regulations; and, third, a heterogeneous fringe, ranging from experts to day laborers, who are engaged upon formal or informal contracts similar to those in private employment. The legal concept of public office in part follows and in part disregards these divisions. All of the first group and most if not all of the second are considered to be officers, so that persons who differ diametrically in their relation to shifting political power and partisan purpose are brought under a common term. The line of demarcation between office and employment runs in general between the second and third group and so far respects real distinctions in tenure, security and discipline.

Upon the exact drawing of the line depends the application of numerous constitutional and statutory restrictions, safeguards, privileges and penalties. Clarification is urgently needed in most countries. In general it must be sought in the careful phrasing of statutory definitions. There is little excuse, for example, for the incomplete thinking and slovenly draftsmanship which have sometimes thrown on the courts the task of deciding whether a workmen's compensation scheme applies to persons whose employer happens to be the state. In view of numerous constitutional allusions to office, especially in the United States, judicial interpretation can hardly be avoided. The constitution of Illinois is unique in carrying its own definition (art. v, sect. 24): "An office is a public position created by the Constitution or law, continuing during the pleasure of the appointing power, or for a fixed time, with a successor elected or appointed. An employment is an agency, for a temporary purpose, which ceases when that purpose is accomplished." Elsewhere the verbiage of constitutions implies a difference without indicating the distinction. Nowhere therefore has the definition of public office been more difficult than in the United States. Nowhere has judicial discussion of the matter been so recurrent, so prolix and in general so unsatisfactory. The question has frequently presented itself in the application of penal provisions which are subject to the rule of narrow construction. The resulting tendency to restrict the meaning of the terms public office and officer might be viewed as unfortunate, or at least as useless, if it were not for the fact that a narrow

definition may facilitate the avoidance of constitutional limitations which would otherwise inconvenience the building of a modern administrative system. This can be understood from a brief review of some of the constitutional elements involved.

The Constitution of the United States prescribes four ways of choosing "officers": by the president with or without senatorial confirmation, by the heads of departments and by the courts. As a result emphasis is placed upon the manner of selection as a criterion in distinguishing office from employment or agency; this formalism can be traced through leading cases like United States *v.* Germaine [99 U. S. 508 (1879)] and Burnap *v.* United States [252 U. S. 512 (1920)], although a looser view is evidenced in Steele *v.* United States [267 U. S. 505 (1925)]. Furthermore the importance of the distinction is intensified where it is desired to devolve the appointing power upon some departmental authority other than the titular head or to give a non-departmental body control over its own staff. The increasing use of semi-independent administrative commissions would have made this need still greater if legal opinion had persisted in the early view that an organization like the Civil Service Commission could not be considered a department within the meaning of the constitution (17 *Opinions of the Attorney-General*, 504, 1883). Even with a more liberal construction of the term head of department, a restricted definition of "officer" may be useful in validating various exceptions to the national administrative hierarchy.

Although the references to office in state constitutions emphasize other aspects more than mode of choice, some limit the ways in which officers may be chosen [Dade County *v.* State, 116 So. 72, Florida (1928)]. In the development of a civil service moreover constitutional prohibitions against the creation of offices having longer than a certain tenure [illustrated in State *v.* McLaurin, 131 So. 89, Mississippi (1930)] or carrying compensation greater than a stated sum (in Kentucky, $5000) make it desirable to perpetuate verbal distinctions as a means of partial escape.

A second important occasion for judicial definition of office in the United States involves constitutional and statutory provisions regarding the incompatibility of positions. Since these refer prevailingly to office, narrowing the term is often the most practicable way to relax the restriction. Some of the inhibitions of double officeholding result from the doctrine of the separation of legislative and executive authorities; another important class concerns the administrative divorce of nation and states. The existence of the first type of prohibition brings governmental practise in the United States into striking contrast with that of Germany, where at times since the World War as many as one fourth of the members of the national legislature have been simultaneously connected with public administration in various capacities. In the United States, to be sure, the interdiction is not so complete that it precludes a high school teacher (whose position is held not to constitute public office) from serving in a state legislature [Leymel *v.* Johnson, 288 P. 858, California (1930)]. The second type of restriction interferes with the interlocking of national and state administration. The Constitution of the United States is silent on this point. A presidential order of January 17, 1873, to which numerous exceptions have already been made, was held to be a mere indication of policy for the guidance of those who exercise powers of appointment and dismissal (4 *Decisions of the First Comptroller*, 486, 1883). State constitutions, however, abound in provisions forbidding simultaneous service under nation and states. Sometimes these can be qualified if one of the positions involved is held not to be an office. Fortunately other methods besides direct appointment are available for weaving the fabric of cooperative federalism.

Constitutional provisions such as these, in addition to the ambiguities of old and new statutes, engender an endless process of definition. The basis of decision frequently lies in the particular setting of the situation in question, but always there is a pretense of abstract delineation. Several traditional criteria of office are available to the courts; sometimes they are used cumulatively, more often alternatively. An early, widely echoed dictum was that of John Marshall on circuit, holding that in the case of office the duty is a continuing one, defined by governmental rules and not by contract [United States *v.* Maurice, 24 Myer's Federal Decisions 34 (1823)]. Much quoted also has been a laconic utterance of the Supreme Court which, having declared that "an office is a public station or employment, conferred by the appointment of government," added that the term "embraces the ideas of tenure, duration, emolument, and duties" [United States *v.* Hartwell, 73 U. S. 385 (1867)]. Continuity, it is seen, has been especially emphasized as a characteristic of office

For this there is a realistic basis. In the form in which it has been developed, however, the distinction has not aimed at differentiating the group of shifting political personages (whose places continue) from the permanent mass of civil servants; rather it has been directed toward excluding from the peculiar privileges and penalties of governmental service the members of the transient fringe, such as laborers or persons engaged for special professional tasks under bilateral contracts of employment. The fact that the Constitution of the United States expressly forbids the states to impair the obligations of contracts has properly made judges cautious with regard to imputing a contractual character to public employment. In general it may be said that the rule of law of the English speaking world has paradoxically brought those who work for the state less judicial protection than is afforded by continental systems.

A less satisfactory criterion of office frequently mentioned by courts and commentators in the United States is the possession of some share in the exercise of sovereign power. This standard was emphasized, for example, by F. R. Mechem (*A Treatise on the Law of Public Offices and Officers*, Chicago 1890, sect. 4), the opposite view being illustrated in F. J. Goodnow's comment in *Cyclopedia of Law and Procedure* (vol. xxix, New York 1908, p. 1361–67). This test is related to the more thoughtful but hardly more practicable distinction between *fonctionnaires d'autorité* and *fonctionnaires de gestion*, urged notably by Henry Berthélemy (*Traité élémentaire de droit administratif*, 10th ed. Paris 1923, p. 49 *et seq.*). To pronounce the latter untenable of course is not to deny the importance to administrative law of distinguishing types of action; nor does such a view overlook the significance of various attempts on the part of public undertakings of an economic or cultural nature to give their personnel a non-official standing.

In addition to the hackneyed criteria already mentioned legal discussions of office have drawn upon ideas which are even more vague. It has sometimes been suggested, for example, that officers "exercise a function of government in their own right and upon their own responsibility" (7 *Decisions of the Comptroller General*, 582, 1928). This notion, which is rendered increasingly inappropriate by the growth of an integrated administration, was not so groundless when the conduct of public affairs was compartmentalized in the hands of a small number of directly mandated individuals, many of whose positions were elective. Such were the conditions under which the doctrines of public office in the United States largely took shape. (For a discussion of state and official liability, *see* STATE LIABILITY.)

It has been admitted that the existence of various constitutional references to office in the United States may give value to distinctions which would otherwise be pedantic. This assumes that courts will have a vivid sense of the changing problem of political control in relation to professional administration. Realization of this sort has been conspicuously lacking. An illustration is afforded in the treatment given to the manager plan of city government by the highest court of Arkansas [McClendon *v.* Board of Health, 216 S. W. 289 (1919)]. The enabling statute soundly followed the theory of the plan in providing that the manager, as the instrument of a politically responsible council, need not be a resident of the city. The court, however, confronted by a constitutional stipulation that officers must have the qualifications of voters, was led by the stale language of old definitions to rule that the manager was an officer and as such must be a local resident.

In other English speaking countries questions of terminology, although uncertain, have been less troublesome. British statutes have frequently hinted at a distinction, as in coupling "officer or servant"; and the rise of joint councils in the civil service is vitalizing the idea of a difference between official and staff elements. In applying penal and other provisions, however, the courts have shown little interest in hairsplitting. "A public officer," it was said in Rex *v.* Whitaker [3 K. B. 1283 (1914)], "is an officer who discharges any duty in the discharge of which the public are interested, more clearly so if he is paid out of a fund provided by the public"; and it was added that "every officer who is not a judicial is a ministerial officer." Despite the sweeping terms of this somewhat tautological statement it leaves room for types of public employment resting on contract [illustrated in Carpenter v. Bristol Corporation, 2 K. B. 617 (1907)]. In the self-governing dominions usage varies widely. In Canada it tends to imply that officers, in contradistinction to clerks and other employees, are relatively important members of the civil establishment. In Australia, on the other hand, the term officer is broadly defined; the Commonwealth Public Service Act (no. 21 of 1922) extends it explicitly

to "any person employed in any capacity in the public service" except those temporarily engaged.

In Germany and in the countries influenced by its administrative traditions and juridical analysis the nature of office (*Amt*) has been the subject of much discussion, although the distinctions at issue remain extremely blurred. It is assumed that official attributes may be attached to persons independently of office; hence the possibility of the condition indicated in Germany by the phrase *zum Dienst*. Officers may be of lay character (*Ehrenbeamte*) or professional (*Berufsbeamte*). The importance of the latter has shaped the leading conceptions of the official relationship. This is seen as a status voluntarily assumed and elaborately regulated, in which elements of obligation and discipline are blended with those of security, including pension. With regard to stability and in view of the fact that their compensation and other conditions of service are not subject to arrangement by contract, the members of the main official body (*Beamte*) are distinguishable from two important although less numerous groups of public personnel: *Angestellte*, or salaried employees; and *Arbeiter*, or wage earners, who differ in turn with reference to the vague but socially crucial line between non-manual and manual work. The theory has assumed that in employing *Angestellte* and *Arbeiter* the state acts through individual or collective agreements like any private employer. Actually, however, two tendencies have been weakening the contrast between *Beamte* and the common group of *Angestellte* and *Arbeiter*. First, pension privileges have been extended to some *Angestellte*. Second and more fundamental, an approximation to the conditions of public and private employment is resulting from attempts to universalize security through schemes of social insurance and compulsory consultation of interests.

The trend last mentioned is interesting particularly in connection with the economic undertakings of modern states. The search for non-departmental, autonomous forms of administration has been motivated in part by the desire to avoid both the fluctuations of political appointment and the supposed inflexibility of civil service systems. Government owned corporations (*q.v.*) may accomplish this end. In the United States, where the quest for autonomy might be embarrassed by a broad definition of office, it has been held that employees, high and low, of agencies like the Merchant Fleet Corporation are not officers of the United States [Dalton *v.* United States, 71 Court of Claims Reports 421 (1931), following United States *v.* Strang, 254 U. S. 491 (1921)]. In other countries, by devices involving control through stock ownership or otherwise, a non-official personnel has been secured in the conduct of many public as well as of mixed undertakings. There are obvious political obstacles, however, which are fortified by the argument that governments are now seeking to inject the ideals of civil service into private employment. It is significant that despite many movements in the direction of semi-independent administration for the government owned transportation systems of Europe, none has abrogated the official status of the main body of railway employees.

The attractiveness of official status, apart from the aspect of power, has rested partly in security, partly in prestige. The latter has been composed of many ingredients. It has varied inversely to the opportunity for private exploitation. Even where it has seemed weakest, as in the United States, office has still been sought by the members of all groups as a means of social recognition and leverage. When cycles of conquest pass, security is prized and public service is a haven; while at the top its lure is increased by the larger role of government as regulator and participant.

The new role of the state introduces fresh uncertainties in the analysis of public office. The practise of government by discussion through alternating political parties in the nineteenth century engendered few theories more important than the idea of a distinction between the responsible agents of an ever changing electoral will and a permanent, non-partisan body of administrators. In the United States this separation was long confused by the direct election of numerous non-legislative officers as well as by a lack of sympathy for specialization and stability in the public service. Recently the widespread establishment of the city manager in local government has been hailed as an evidence of the practical acceptance of the distinction between administration and politics. Experience with analogous institutions in other countries leaves the matter in doubt. Particularly in point are the professional *Bürgermeister* and their associates in the collegial magistracies of continental cities, who are chosen by the popularly elected councils. Qualifications of training are seldom disregarded, but even in

times which are not revolutionary these professionals have been selected with reference to their implicit sympathy with certain tendencies. It remains to be seen whether the dual classification of office conceived in a liberal period is suitable either for revolution or for the types of heavily burdened states likely to be established through it or to evolve without it.

ARTHUR W. MACMAHON

See: PUBLIC EMPLOYMENT; CIVIL SERVICE; APPOINTMENTS; SPOILS SYSTEM; ADMINISTRATIVE LAW; STATE LIABILITY; SUCCESSION, POLITICAL; ADMINISTRATION, PUBLIC; GOVERNMENT; GOVERNMENT OWNERSHIP; GOVERNMENT OWNED CORPORATIONS; EXPERT.

Consult: Goodnow, F. J., *Comparative Administrative Law*, 2 vols. (New York 1893) vol. ii, p. 3–101, and *Politics and Administration* (New York 1900); *The Civil Service in the Modern State*, ed. by L. D. White (Chicago 1930); Mechem, F. R., *A Treatise on the Law of Public Offices and Officers* (Chicago 1890); "Public Officers" in *American and English Encyclopaedia of Law*, vol. xxiii (2nd ed. London 1903) p. 322–453; *Corpus Juris*, ed. by W. Mack and W. B. Hale, vol. xlvi (New York 1928) p. 921–1084; *American Law Reports Annotated*, vol. liii (Rochester 1928) p. 595–610; Mayers, L., *The Federal Service* (New York 1922) p. 29–43; Hart, James, *Tenure of Office under the Constitution*, Johns Hopkins University, Studies in Historical and Political Science, n.s., extra vol. ix (Baltimore 1930); Wyman, B., *The Principles of the Administrative Law Governing the Relations of Public Officers* (St. Paul 1903); Throop, M. H., *A Treatise on the Law Relating to Public Officers and Sureties on Official Bonds* (New York 1892); Robinson, G. E., *Public Authorities and Legal Liability* (London 1925); Shepherd, E. C., *The Fixing of Wages in Government Employment* (London 1923); Hauriou, M., *Précis de droit administratif et de droit public* (8th ed. Paris 1914) p. 624–49; *Handbuch der öffentlichen Wirtschaft*, by W. Pahl and K. Mendelsohn (Berlin 1930) p. 572–600; Müller-Machens, G., "Amt" in *Staatslexikon*, vol. i (5th ed. Freiburg i. Br. 1926) p. 154–55; Friedrich, C. J., and Cole, T., *Responsible Bureaucracy; a Study of the Swiss Civil Service* (Cambridge, Mass. 1932); Fleiner, Fritz, *Schweizerisches Bundesstaatsrecht* (Tübingen 1923) p. 236–50; Witte, Bernhard, *Eisenbahn und Staat*, Wirtschaftliches Archiv, Ergänzungsheft no. 4 (Jena 1932) p. 197–98.

PUBLIC OPINION. Although the term public opinion was a coinage of the late eighteenth century, a number of approximate equivalents may be traced to much earlier periods. The Greek concepts *ossa*, *pheme* or *nomos* were familiar in Athens and were even accorded on occasion a niche in the Hellenic pantheon; the Romans spoke of *fama*, *fama popularis*, *rumores* and, in the closing days of the empire, of *vox populi*. The mediaeval *consensus*, modeled on the stoic *sensus communis*, was repeatedly cited by jurists of both papal and imperial camps as synonymous with the prevailing body of traditional opinion. At the beginning of the modern period Machiavelli called attention to the force of *pubblica voce, e fama*, and Shakespeare's Henry IV in apostrophizing "Opinion, that did help me to the crown" anticipated the phraseology if not the temper of the eighteenth century revolutionists. The civil struggles of seventeenth century England represent the first step in clarifying the nature and function of public opinion. William Temple in his *Essay upon the Original and Nature of Government* (written 1672) traces the source of political authority to the prevailing "opinion" as to the wisdom, goodness and valor inhering in the ruler, while Locke in his *Essay concerning Human Understanding* (1690) first sought to supply a juristic and ethical orientation for the phenomenon of public opinion. "The laws that men generally refer their actions to," he writes, "to judge of their rectitude or obliquity, seem to me to be these three. 1. The divine law, 2. The civil law, 3. The law of opinion or reputation, if I may so call it." From England the concept spread during the eighteenth century to France. Montesquieu's *esprit général* and Rousseau's *volonté générale*, the prototypes of the *Volksgeist* of the German romantic schools, may be considered rough approximations of public opinion. On the eve of the revolution the term *opinion publique* began to gain currency, particularly in Necker's circle, whence it gradually found its way not only throughout France but into the most treasured rhetoric of virtually all western nations.

Repeated usage, during the century and a half of democratic consolidation, has robbed the term of much of its initial incisiveness. Invoked with little discrimination by the astute politician and by the special pleader in all lines of public and semipublic enterprise, it has lost not a little of its richness of overtone. Suspected by the systematic historian, who seeks a less exploited substitute in such partial equivalents as "popular sovereignty," "conventions," "mores," "climate of opinion," *idées directrices*, *Zeitgeist*, it has been taken over as a rule by the journalist and social psychologist and in the process frequently stripped of many of its historical associations.

In the absence of a carefully defined set of connotations a great deal may pass as public opinion which in reality is merely the publicly expressed opinion of an individual or small group that happens to possess the knack of making itself heard. In an attempt to reach a

working definition a distinction should therefore be drawn first of all between public opinion proper and opinion which is voiced in public. The latter, essentially personal in character, strives to impose itself on the collective mind of the community, just as poems of a folk character, although the work of an individual poet, are able under certain circumstances to develop into genuine folk *Lieder*. Public opinion, on the other hand, is a deeply pervasive organic force, intimately bound up with the ideological and emotional interplay of the social groupings in which since the earliest times gregarious individuals have come together; it articulates and formulates not only the deliberative judgments of the rational elements within the collectivity but the evanescent common will, which somehow integrates and momentarily crystallizes the sporadic sentiments and loyalties of the masses of the population.

Analysis of the particular forces and processes which are instrumental in shaping homogeneous group attitudes and pressures calls for emphasis upon such broader social factors as the general level of civilization and the cultural media of expression prevailing at a given period; the racial and national characteristics of the group; the framework of political, legal and economic institutions within which the process operates; and the particular set of objectives toward which it may be directed. There are two main types of public opinion, the static and the dynamic. The static, which need not imply rigidity, manifests itself in the form of traditional customs, mores and usages and bears the same relation to the dynamic as costume does to fashion or customary law to parliamentary enactments. The preponderance of the one or the other of these types is determined by the larger social and economic relationships prevailing at a particular period. The static form is found as a rule in most agrarian and barter economies, such as prevailed in mediaeval Greece, Rome, Japan and western Europe. This essentially irrational complex of opinion coincides closely with the relatively unchanging preconceptions and sympathies of the masses of people. It was a collective consciousness of this type, an irrational consensus of opinion, that the traditionalists and mediaevalists of the romantic period sought to reinvoke in their formulae of *Volksseele* and *Volksgeist*. Dynamic public opinion, on the other hand, being predominantly rational in character, is built upon the cultivated arts of persuasion and systematic publicity and draws upon definite historical events or contemporary happenings as the material for its propaganda and agitation. This type of public opinion flourishes in the crowded streets and squares of the city, where the life of the masses unfolds under the pressure of common intercourse and exchange of opinion during the daily routine of association.

The absolutistic state, whether theocratic or secular, rests most comfortably upon the static type of public opinion; and when the forces of dynamic public opinion threaten to predominate the absolute monarch, the tyrant or the dictator seeks through ingratiating proclamations or control of the agencies of publicity and education to draw their sting and to lull public opinion back into its static indifference. The static form of public opinion binds the individual to the customs and mores and to convention, which at the same time may operate as a check on the ruler and his ministers.

Dynamic public opinion, the product of the city, is in its workings and forms of expression incomparably more incisive and obtrusive. It is in a sense the creature of all that it creates; a lover endlessly wooing himself. Each new adherent changes the form of that to which he adheres; and new foliage is grafted on to the older branches. This dynamic process, which proved such a significant force in the age of Pericles and of Cicero and Caesar, came to predominate once again in the Renaissance with the reappearance of urban culture in the city-states of Italy. The intensification of urbanization and industrialism during subsequent centuries has gradually, despite the lamentations of the traditionalists and the romantics, submerged the older type of irrational consensus which prevailed during the Middle Ages.

Analysis of the forces determining public opinion in remote historical contexts is made particularly difficult by the fact that the earlier civilizations must be reconstructed, and in a manner necessarily incomplete and abstract, on the basis of the fragmentary records which happen to have been preserved. The popular reaction, for example, to the overthrow of the "ancient kingdom" in Egypt by the increasingly powerful provincial bureaucracy must be inferred from a few scattered poems of lamentation which give a passing insight into the religion tinged sense of oppression obtaining among certain sections of the population affected by the overturn. Similarly in the displacement of the older Sumerian civilization by the theocratic empire of the Babylonians and Assyrians the

force of public opinion, although it would seem in the light of the elaborately publicized accounts of the king's prowess in battle to have been recognized as a factor of some importance in the long series of revolutions and wars which continued to disturb the lands of the Euphrates and Tigris, cannot adequately be gauged from the few literary remains that have come down.

Among the Israelites, however, the emergence of the religous group known as the prophets went far toward articulating and canalizing the scattered forces of public opinion. Intent on preserving the inner unity and individuality of the Jewish state, religion and nation, the prophets directed a public appeal to the community of believers—echoing and intensifying popular attitudes in so far as these recoiled from contamination at the hands of heterodox neighboring tribes, deflecting and restraining them when they pointed toward a relaxation of native cult and ceremonial. In the market place and at the gates of the temple the early prophets spoke directly to the people. It was not until a comparatively late stage, in the days of Jeremiah, that the practise arose of stimulating and controlling public opinion through the medium of written pamphlets, which in passing from hand to hand could reach a wider and less ephemeral audience.

Whereas in the early civilizations of Egypt and Asia Minor religion and the state were intimately bound together, Greek civilization witnessed at a very early stage a strong tendency toward secularism. Even in Homeric times the pronouncements of the seers began to arouse a certain amount of skepticism. The huge pan-Hellenic festivals, by bringing together the various tribes and races of Greece, provided an opportunity for exchanging opinions and sifting the scattered news of the day. With the introduction of a money economy in the seventh century and the rise of slavery in conjunction with the development of industry the inhabitants of the town, waxing strong from newly acquired wealth, set out to break the hold of the nobility. In their various struggles against aristocracy and tyranny as well as in their reaction against the mystical otherworldliness of such cults as Orphism the aggressive citizenry of the towns, particularly Athens, developed an atmosphere of individualism conducive to the unhampered competition of opinions and ideas.

All of these tendencies served to develop a richer content of public opinion. The free play of opinion was still further stimulated by the rule of Pericles, who instituted the principle of publicity for the diplomatic as well as for the internal political relationships of the Athenian city-state. In the radical democratic regime which followed his death the various rival parties resorted to every variety of popular appeal to gain a political following among the masses. Although the particular media of appeal were radically different from those of modern times, the Greeks may be considered the first great forerunners, here as in so many other spheres, of modern publicity methods.

The rise of an urban civilization, which constituted the chief prerequisite of this new technique, occurred in the Greek colonies of Asia Minor, which in many cases took over older oriental cities. Then in the western part of Greece proper the struggle for political independence caused the separate garrisons and villages to unite in forming a common unit of defense surrounded by a protecting wall. In these newly formed city-states the citizenry deliberated together and reached joint decisions in the communal assembly known as the ecclesia. In the market place, where as a rule these assemblies convened, oratory rapidly developed as the technique best suited to the manipulation of public opinion and continued throughout later Greek and Roman times as the most powerful instrument of political propaganda and agitation. Speculation as to the possibilities of the spoken word and of verbal rhythms and combinations developed into the formal art of rhetoric, which under the sophists dealt in increasingly subtle psychological terms with the role of oratory as a vehicle of popular persuasion.

Second only to rhetoric in shaping the opinions of the Athenian public was the theater. The populace, given in the main to conservatism and identifying itself unreservedly with the dramatic events happening on the stage, demanded of the tragedian sentiments and situations hallowed by legend and tradition and was not slow to evince its suspicion and impatience with those innovators, such as Euripides, who sought to reevaluate and to remold popular sympathies. Comedy, on the other hand, was less shackled by traditional attitudes and could offer, as in the popular plays of Aristophanes, a satiric distortion of the skirmishings and rivalries of the contemporary bigwigs of the ecclesia and the Pnyx. In the neighborly atmosphere of the theater and the agora there was little room for pamphleteering, and although the existence of numerous undelivered speeches of the later

Hellenistic period would indicate that these were passed around in manuscript form, the stimulation and control of public opinion continued to remain throughout predominantly oral in its methods.

The same was true during the greater part of Roman history. As long as the Romans were an untutored scattered peasantry there was little scope for publicity, and with the infiltration of Greek culture the traditional oratorical technique of mass manipulation exerted a preponderant influence. But even in the period between the retirement of Sulla and the accession of Augustus (79–31 B.C.), when this influence was at its strongest, innovations of a kind more adapted to the Roman setting were beginning to be felt. Although, as is evident from the fame of Cicero, oratory continued to enjoy the highest prestige and although increasingly strenuous, if not uniformly successful, attempts were made to realize the full possibilities of theater and spectacle, the pamphlet literature, which by the time of Caesar was assuming rather sizable proportions, began to occupy a place which it had never held in Greece. At the same time the potential value of history as a means of swaying public opinion came to be realized to an unprecedented degree.

But above all there developed in the highly organized and centralized Roman Empire a sense of the importance of news as a factor in the creation and direction of an enlightened public opinion. The magnificent system of roads and waterways facilitated the gathering together of information regarding political, economic and other events, a knowledge of which was essential for a realistic administrative and political policy. The supplying of news to interested parties had developed by the time of Cicero into a specialized profession. Official publications, designed to be passed around among a small group of public servants, were gradually expanded into the *Acta diurna*, which at first were limited to information regarding the daily proceedings in the Senate and in the Assembly. In 59 B.C. Julius Caesar decreed that these news sheets should be published and made available to the public. Although under the empire the Senate news was considerably curtailed, the decrees and addresses of the emperors, news of the court and information concerning marriages, divorces, charitable gifts and the phenomena of nature reached a wide literate public; and while they had comparatively little direct influence on the essential character of political life, they were an appreciable factor in shaping the general pattern of public opinion.

With the fall of the Roman Empire and the northward shift of the center of civilization the urban culture of classical antiquity gave way to a predominantly agrarian system, characterized by small scale community enterprise and virtual absence of a money economy. The prevalent illiteracy, combined with the breaking up of the population into minute, widely separated groups, eliminated the basic prerequisites of an articulate public opinion and allowed free play to the unhurried forces of organic tradition and custom. The modicum of news and comment was carried from manor to manor by the wandering minstrels. It was not until the controversy between the Germanic emperors and the papacy had reached a crucial stage that any coherent attempt was made to play upon and arouse the sympathies of the scattered population. The church, more conversant with the tradition of the urban culture of antiquity, took the lead, usually through the pens of its more literate clerks, in turning opinion against its secular rival. But with the rise of the Hohenstaufens the power of the pamphlet began to be employed effectively against the See of Rome itself, as may be discerned most clearly in the antipapal verses (*Sprüche*) of Walther von der Vogelweide, at once the most gifted of mediaeval German poets and the loyal adherent of the emperor Frederick II. Moreover with the decline of the mediaeval ideal of universalism warring factions within the church itself rapidly came to appreciate the value of the written word as a means of turning opinion against their adversaries.

The increase of tracts, pamphlets, sermons and satires, stimulated by the rapid process of urbanization which set in during the closing centuries of the mediaeval period, was multiplied many times over by the invention of printing, which opened the way to undreamed of possibilities in mass publicity. Through the printing and reprinting of pamphlets Luther and his adherents in the Reformation were able to reach an entire nation and even to penetrate to the remote quarters of a continent. At the same time the role of public opinion was magnified through recognition of its nature and through the development of a more precise definition and nomenclature for the various media of expression. In the form of sermons, dialogues, prophecies, letters—sometimes illustrated with woodcuts and etchings—pamphlets and books of varying sizes were peddled among the people

by traveling booksellers. As a result of the need for more comprehensive and active news on the part of the early capitalistic entrepreneurs a system of commercial news letters, reporting on commercial transactions at home and abroad, was evolved by the merchants. The function of supplying this information came to be assumed in many cases by a special professional group which in return for a stipulated sum of money dispatched this information regularly to their employers at home.

At the end of the sixteenth century such manuscript bulletins were familiar in Germany and Italy, and by the beginning of the next century they were being printed and made more generally available. The earliest known published news letters of this kind appeared in 1609 in the trade centers Augsburg and Strasbourg, whence they spread rapidly throughout Germany. The first English newspaper was founded in 1622; and nine years later, under the sponsorship of Richelieu, Théophraste Renaudot founded the *Gazette*. The great majority of these early news sheets were filled with a medley of items from abroad, since the censor was little disposed to tolerate any publicity regarding the internal policies of the home government; domestic news, in so far as it circulated at all, was confined to the surreptitious news bulletins which passed from hand to hand and were disseminated in the provinces by special messengers. A more widely influential factor in the shaping of public opinion in the early days of journalism was the rise of literary and scientific periodicals, such as the *Mercure galant* (1672), *Philosophical Transactions* of the Royal Society (1665) and *Journal des sçavans* (1665); while the moral weeklies which sprang up throughout Europe in imitation of the English *Tatler* (1709) and *Spectator* (1711) were of prime importance in forming the cultural taste and social attitudes of the rapidly growing middle class reading public. Another important stimulus to the development of a literate public opinion was the increase in the number of commercial news sheets, which assembled information on sales and purchases and which were accorded the patronage and protection of the mercantilistic statesmen in charge of public policy.

Public opinion in its modern democratic and parliamentarian guise (*see* DEMOCRACY; PRESS; PROPAGANDA) first became manifest during the struggles for political and religious liberty in seventeenth century England. One of the early pioneers in this movement was John Lilburne, the leader of the Levellers, who both as a pamphleteer and as a personal leader made repeated use of the tools of propaganda. During 1648 and 1649 the Levellers possessed in the socialistic *Moderate* one of the earliest periodicals devoted to political agitation and the stirring up of public opinion. The expiration of the Licensing Act in 1695, by inaugurating a regime of freedom of the press, still further prepared the way for the articulation of public opinion; while the partisans of Junius in their successful defense of freedom of the press against the ministers of George III were able, with the assistance of an aroused public opinion, to establish this principle as a sacrosanct feature of British political life. The dynamic power of a vigorous and self-conscious public opinion was fully recognized a few years later by the American colonists, who repeatedly invoked it not only as a means of cementing political sentiment in the early stages of their uprising but as a recruiting slogan and battle cry in the later campaigns, when morale showed signs of running low. The democratic movement in France in its prerevolutionary phases relied in the main on pamphleteering, which assumed unprecedented proportions; but after the removal early in 1789 of existing restrictions on freedom of the press, newspapers, supplemented by caricatures, theatrical spectacles, processions and orations, proved the most effective means of whipping up and directing the opinions of the restless Parisian masses. Just as no political leader could maintain power without strong newspaper connections, so, on the other hand, the editors of newspapers came to assume a dominant role in legislative deliberations and decisions. In the French Revolution public opinion was worshiped as a sort of beneficent deity, which in the mythology of both rulers and subjects was to bring them surcease from their social and political travail. Although this faith led to no little disillusionment, it contributed profoundly to the democratization of public life.

The driving emotional forces latent in the anonymous masses were exploited still more systematically by the counter-revolution, above all by Napoleon, who in the pages of the *Moniteur universel* and a few other rigidly censored gazettes sought to build up and harness for his own program the political and military *élan* of the people. A sense of the deeper significance of public opinion began gradually to be felt among the peoples overrun by Napoleon. Joseph von Görres, the most virulent of the anti-Napoleonic

publicists of Germany, sought in his *Rheinischer Merkur* to arouse the wrath of his compatriots against the foreign oppressor.

In spite of the manifold attempts of the Metternich regime to silence once again the restless forces of public opinion its vitality as revealed in the period of the bourgeois revolutions was too powerful to be restrained; the popular uprisings against the representatives of the Holy Alliance in Spain and Greece and Italy struck a sympathetic chord among the unprivileged, resentful masses of Europe. The abiding conviction of the masses as to the role they are destined to play as participants in the conduct of the state is a direct outgrowth of the bourgeois revolutionary emphasis on public opinion. This conviction has become so deeply rooted in the popular consciousness that even the conservative forces, which have clung desperately to the static tradition of community consensus, have been compelled, especially in the field of diplomatic relations, to make a compromise with the more dynamic forces. In the antidemocratic regimes which have sprung up since the World War in Russia, Italy and Germany the democratic myth of a dynamic, rational public opinion has been zealously and systematically exploited. It may thus be said that throughout the entire western world public opinion serves, on the one hand, to render the acts of the administrative authorities comprehensible to the body of subjects and, on the other, to impress upon the administrators the sentiments and will of the general public.

The popularization of the press, particularly in England and France, accompanied by the rapid spread of elementary education, gave to the newspapers a far greater hold on public opinion than they had enjoyed in the days when they had perforce divided honors with the cheap pamphlet. Although the revolutionary disturbances of 1848 provoked a momentary recrudescence of the older type of specialized newspaper agitation, the industrial and social development of the succeeding decades—especially as regards greater technological facility in output and distribution—has transformed the press into an outstanding agency of mass amusement and incidental edification. In an age of syndicates catering to mass consumption and of monopolistic gathering of news from the four quarters of the earth the older personal relationship between editor and clientele has practically disappeared, and the appeal to public opinion becomes increasingly abstract, taking the form of indefinite catchwords or evasive pictorial symbols. In the appeal to the ear of the masses the same process of abstraction and depersonalization has been made possible through the perfection of the radio, which is coming to assume more and more of the functions of mass direction hitherto associated with the newspaper.

WILHELM BAUER

See: DEMOCRACY; MAJORITY RULE; MASSES; AUTHORITY; LEADERSHIP; CLASS; INTERESTS; PARTIES, POLITICAL; PROPAGANDA; PUBLICITY; PRESS; LITERATURE; LITERACY AND ILLITERACY.

Consult: Holtzendorff, Franz von, *Wesen und Wert der öffentlichen Meinung* (2nd ed. Munich 1880); Tarde, Gabriel, *L'opinion et la foule* (Paris 1910); Dicey, Albert Venn, *Lectures on the Relation between Law and Public Opinion in England* (London 1914); Martin, B. Kingsley, *The Triumph of Lord Palmerston: A Study of Public Opinion in England before the Crimean War* (London 1924); Bauer, Wilhelm, *Die öffentliche Meinung und ihre geschichtlichen Grundlagen* (Tübingen 1914), and *Die öffentliche Meinung in der Weltgeschichte* (Potsdam 1930); MacDougall, William, *The Group Mind* (Cambridge, Mass. 1920); Tönnies, Ferdinand, *Kritik der öffentlichen Meinung* (Berlin 1922); Lippmann, Walter, *Public Opinion* (New York 1922), and *The Phantom Public* (New York 1925); Lowell, A. Lawrence, *Public Opinion and Popular Government* (new ed. New York 1926), and *Public Opinion in War and Peace* (Cambridge, Mass. 1923); Deherme, Georges, *Les forces à régler: le nombre et l'opinion publique* (Paris 1919); Rassak, Jules, *Psychologie de l'opinion et de la propagande politique* (Paris 1927); Münzner, Gerhard, *Öffentliche Meinung und Presse*, Sozialwissenschaftliche Abhandlungen, vol. vi (Karlsruhe 1928); Angell, Norman, *The Public Mind* (London 1926); Odegard, P. H., *The American Public Mind* (New York 1930); *Readings in Public Opinion*, ed. by W. Brooke Graves (New York 1928).

PUBLIC REVENUES. *See* REVENUES, PUBLIC.

PUBLIC UTILITIES

GENERAL ..... CARL BRINKMANN
UNITED STATES AND CANADA ..... JOHN BAUER
EUROPE ..... CARL BRINKMANN

GENERAL. The term public utilities is commonly used to designate industries whose services, particularly in supplying electricity, gas, water, telephone, street railway and bus transportation, operate chiefly within municipal areas, under municipal permits or franchises. In a

broader sense, both practical and theoretical, the term has come increasingly to include railroads, telegraph and other enterprises to which special public interest may be ascribed. Covering some of the most important and most heavily capitalized industries, the public utility concept also involves some of the most fundamental theoretical aspects of the modern economic system.

As in pure economic theory the old concepts of "competition" and "monopoly" recede before the rising importance of "monopolistic competition," so in modern economic practise the rigid distinctions between "private" and "public" economy become blurred by the blending of forms and interests. The theory of cooperation already embraced the conception of an intermediate economic form which was neither private enterprise for profit nor state enterprise for public benefit (*Gemeinnützigkeit*). The modern concept of public utility shares with cooperative theory the idea that there are forms of business enterprise midway between the "pure" principles of private and of public ownership; but as they developed later, were wholly capitalistic and dealt with other economic tasks than cooperation, public utilities have been more modest in their ideology and more experimental in their methods. The emphasis has shifted from the claim of serving the common good to the matter of fact statement that the goods and services produced by certain types of enterprise are more or less indispensable to the community. This situation is described by the American term "affected with a public interest" and by the German terms public necessity (*Gemeinnötigkeit*) and primary supply enterprise (*Versorgungsbetrieb*). With the shift in emphasis the assumption that "private," or profit making, concerns are unfit to serve the common welfare lost much of its interest. The public utility field is generally open to the initiative of both private enterprise and public administration; and while private enterprise has at least proved amenable to public control, public administration has in many ways lost the "virtue" of being per se the most efficient instrument of maximum economic benefit.

It is not necessary, however, to displace theoretical analysis in favor of a mere assemblage of historical or geographical facts. On the contrary, an international comparative study of public utilities reveals basic theoretical correlations of aims and forms of activity. The contrast between the American method of government regulation of privately owned public utilities and the European method of government ownership and management may seem most easily explained by differences in the history and concepts of government and freedom of economic activity. There is undoubtedly some historical truth in this explanation. Yet government ownership is relatively highly developed in Canada in contrast to the United States. A deeper investigation brings out differences in the factors dominating the primary supply services (most important in developing the public utility concept) in a large colonial area and pioneer economy and in a more developed country with a dense population and conflicting interests. The different forms of government intervention in public utilities are not so important as the essential identity of the underlying economic forces and the aims of intervention.

The problem of public utilities includes, under highly developed, or "late," capitalism, the two theoretical problems of monopolistic bargaining power and "social cost" in their interdependent aspects. The theory of monopoly has not recognized sufficiently that a public utility proper, such as those providing traction, water, gas and electricity in a limited urban or rural area, probably comes nearest to representing the "ideal" case of monopolistic supply of a very rigid demand. Here there is usually a blend of "legal" and "natural" monopoly in so far as the franchise or concession granted by government, even if not legally exclusive, becomes so economically because of the requirement of large initial capital, which discourages potential competitors. But it will not do to attach too much weight to the apparently arbitrary character of such monopolistic positions. Even apart from the danger of attracting the public eye to their gains or malpractises, these enterprises do not correspond to the primitive concept of the monopolist who occupies a piece of land or a well and forces society to pay tribute for its use. It was the United States, not without reason, which gave rise both to the vulgarization of the classical theory of rent in the teaching of Henry George and to the new research devoted to "land and public utility economics" conducted by Richard T. Ely and his school. The comparative weakness of government and the strength of individual pioneering enterprise, particularly in the public utility field, naturally resulted not only in the making of huge profits but also in the assumption of great sacrifices and outlays by entrepreneurs. Cost of "preparation" and "tran-

sition" in the development of the land, transportation and the generation of power must under "colonial" conditions comprise a large part of those "social costs" which in older civilizations are as a matter of course borne by public instead of private agencies. But on a smaller scale it is likely that in older countries as well a new division of burdens and risks between public and private enterprise may accompany a transition from an old to a new system of transportation or other fundamental economic activity. Although the "labor creating" plans of most modern governments show that this division may be altered also in favor of public enterprise, the recent extraordinary profits of private enterprise in new industries may surely be considered as indication of a shift in its favor.

Settlement in large urban centers and the corresponding agglomeration of industrial life have more than all other factors decided what enterprises should be considered public utilities. It is not so much the supply of certain goods and services as their volume and continuity which have created the special problems inherent in utilities, especially with regard to municipal transit and electricity. The exploitation of minerals and other natural resources, being closely bound up with the rise of private capitalistic enterprise, has not received much consideration under the theoretical and political aspects of public utility. However, the part played by mediaeval and mercantilistic governments, for example, in German mining and forestry, has since exerted a deep influence upon the national economy; and German cartels in the basic industry, as unjustly condemned before the World War as praised in the period of socialization experiments, have set useful examples to other countries in the conservation of coal and oil. The public utility concept was in a measure implicit in the American legislation to conserve natural resources; this has become more explicit in the controls established by the National Recovery Administration over the oil industry and in the increasing demands that coal be considered a public utility.

Railroads, telegraph, radio broadcasting and oil pipe lines are among other exceptions to application of the public utility concept. Probably the reason is that these services are much more difficult to deal with than the public utilities with municipal or at most regional scope, although the extent of government control over the American railroads has virtually given them the character of a public utility. In a broader sense of course the exceptions present quite analogous problems. In a federal government like that of the United States or Germany the question whether national or state control is preferable for developing and regulating interstate transportation systems automatically involves public utilities in the narrower sense, as they transcend by extension of service or financial interdependence the limits of single municipalities or states. From this angle the regulation or control of public utilities tends to merge into the larger economic and political problem of the regulation or control of the whole of an increasingly collective economy.

The power of private capital massed in great enterprises, whose relations to public interest and control lie at the root of the peculiar phenomenon of public utilities, is on the whole a key to most of the economic and social problems involved. The flow of capital from economically advanced to backward countries and regions has naturally preferred investment in comprehensive and potentially well paying projects in the field of public utilities or similar developments. Consequently the governments have always stood in some danger of being overshadowed by the power of massed capital, whether national or foreign; this is true particularly of control of Latin American utilities by capital from the United States. Yet curiously it is not always the economically most enterprising type of government which proves most able to limit or to exclude the monopolistic influence of public utilities. German municipalities after the war, for instance, forced out private capital through "socialization" of public utilities but soon had to readmit it in the form of loans mostly of foreign origin. On the other hand, the financing of public utilities by the American method of customer ownership must lead, by virtue of the prevalence of large industrial and administrative consumers, to something like the mixed companies prominent in Germany, particularly in the generation of electricity.

Regulation strives to limit the rate of profit in public utilities to that prevailing in non-monopolistic industries; in other words, to a rate that it is assumed would result under conditions of competition. This can be done either by government confiscation of or participation in "monopoly rents" or by the direct limitation of prices to what is considered either a fair competitive level or a fair return on invested capital. A form of confiscation or participation,

the American recapture system, was practically nullified in its application to the railroads because of the complicated series of costs, services and customers, which seems to have made examination of accounts almost illusory in theory and worthless in practise. The method of governmental fixing of utility rates, either directly or permissively, also presupposes at least theoretically certain ruling conceptions of the conditions of supply and demand. But it can claim not only a greater measure of protection granted to consumers, whose benefits from recapture are doubtful, but also the value of government's assuming a sort of joint responsibility with the utility for its market policies. The overstressing of government ownership of public utilities has recently led to unexpected and paradoxical results, such as the policy of German municipal utilities of simultaneously securing tax privileges from state and federal governments and increasing rates to a level equivalent to a high measure of indirect municipal taxation. It remains to be seen whether a third method of public utility regulation, by means of general and special sales taxes, may not only prove superior in the levying of rates but also give the widest possible scope to regulation.

CARL BRINKMANN

UNITED STATES AND CANADA. Although railroads in the United States are public utilities in the broad sense, their rates, financing and labor relations being regulated stringently and effectively by the federal government, they are not commonly included under the term utilities. This is limited mostly to local services such as electricity, gas, telephones and transit. These utilities occupy an important place in the national economy; as shown in the accompanying table, their plant investment in 1932 was placed at about $24,000,000,000. If to the total is added the estimated investment in water systems and in publicly owned utilities, for which comparable figures are not published, the aggregate comes roughly to $30,000,000,000, or approximately 10 percent of the national wealth. Public utilities absorb as much as 6 percent of the expenditures of American consumers. In the United States utilities are for the most part privately owned and operated. There is a considerable number of publicly owned electric plants, but, with the exception of several large municipalities, their size is small. There are few municipal gas and transportation systems. The situation is, however, different in the case of water, about 90 percent of which is supplied through municipal systems.

ECONOMIC IMPORTANCE OF PUBLIC UTILITIES, UNITED STATES, 1932*

	PLANT INVESTMENT† (IN $1,000,000)	GROSS EARNINGS (IN $1,000,000)	CUSTOMERS (IN 1000)	EMPLOYEES (IN 1000)
Electricity	12,800	1,979	24,250	232
Telephone	4,725	1,065	13,000	325
Manufactured gas	2,135	411	10,000	67
Street railways	4,100	612		185
Total	23,760	4,067		809

* Privately owned utilities only.
† Represents gross book figures, without deduction for depreciation or adjustment for write ups and other over or undercharges to property accounts.
Source: Edison Electric Institute, *Statistical Bulletin*, no. 9 (New York 1933); American Gas Association, *Annual Statistics of the Manufactured Gas Industry in the United States*, Statistical Bulletin, no. 11 (New York 1933); *Transit Journal*, vol. lxxvii (1933) 3–4. Telephone figures supplied by statistical department of the American Telephone and Telegraph Company. Street railways plant investment figures supplied by statistical department of the American Transit Association; number of employees from United States, Bureau of the Census, Census of Manufactures, *Preliminary Report on Electric Railways, 1932* (typewritten, 1933).

The utilities have achieved their significance largely during the present century. Before the Civil War they were limited to bridges, turnpikes, canals and ferries, for which American legislatures granted special charters and enacted special laws. The modern utilities developed after the Civil War and have had their greatest expansion since 1900. This is true especially of telephones and electricity, which are by far the most important from practically every public standpoint. In the case of electricity and telephones the growth has been particularly striking since 1912. The number of kilowatt hours of electricity generated in the United States rose from 11,569,110,000 in 1912 to 76,885,000,000 in 1932, the number of telephones from 8,730,000 to 17,547,000. The enormous rise of 570 percent in electricity has been due primarily to technological advances, which have greatly reduced generating costs and have made it increasingly available for industrial uses. Electricity is and promises to be more and more the universal utility upon which industrial advancement depends. The increase of 125 percent in telephones has made the service essential to all business and to almost all homes. It extends beyond the local community and has become a national and international utility; consolidation and centralization of control have advanced with expansion—approximately 80 percent of the telephones in the United States are in the Bell System under control of the American Telephone and Telegraph Company, while a subsidiary of this company, the International

Telephone and Telegraph Corporation, has far flung interests all over the world.

The manufactured gas industry has made great but less striking progress, its output rising from 178,229,000,000 cubic feet in 1912 to 358,872,000,000 in 1932. Although supplanted by electricity for lighting purposes, gas has come into ever greater use for cooking, heating and industry. In contrast to gas and particularly to electricity and telephones, street railways have receded in importance, revenue car miles declining from 1,921,000,000 in 1912 to 1,785,000,000 in 1932. Street railways were introduced rapidly in the larger cities as horse car lines in the 1870's and 1880's. During the following decade they were consolidated into systems and electrified. Since the World War there has been rapid automobile advancement and competition; practically all extensions of urban transportation have been motorized, and street railways have to a considerable extent been replaced by buses. The substitution has been moving forward rapidly and is likely to increase its pace.

The history of utilities in Canada has been similar to that in the United States, although expansion has been less extensive, since Canada has a smaller number of large cities and industrial centers. In 1930–31 there were 1,654,000 electric meters in use, 1,402,000 telephones and 520,785 gas meters, while street railways covered 140,014,000 car miles—the figures representing both publicly and privately owned systems. In Canada the public systems figure more extensively; this is especially true of electricity, which in the province of Ontario is almost entirely publicly owned and operated. Electricity is noteworthy not only for its rapid strides but especially for type of organization and extensive hydroelectric development, the horse power having risen from 1,700,000 in 1913 to nearly 7,000,000 in 1931. The form of utility organization is similar to that in the United States, except in Ontario, whose famous and much debated publicly owned hydroelectric system was inaugurated early in the present century.

The Ontario system owes its origin in part to the large amount of available power at Niagara Falls, which in order to be used extensively had to be brought to virtually all Ontario communities through a comprehensive system of transmission. It was found that such transmission would not be practicable without a unified system, economical construction and management and low rates to consumers to stimulate use. Its success depended upon long run considerations, without quick profits. Because of this fact and the large capital requirements the undertaking was not alluring to private interests; its realization depended upon public organization as a permanent instrumentality for the service of the province. The system consists of a public corporation, the Hydro-Electric Commission of Ontario, which owns practically all the generating and transmission plants in the province, with a plant investment in 1930 of about $260,000,000. Municipalities and specially organized districts receive power at cost, which includes interest on bonds issued for plant construction, their amortization on a forty-year basis, depreciation, maintenance and other expenses. Current is distributed locally through systems owned and operated by the municipality or district, mostly under local commissions. Rates are based upon a system of cost accounting prescribed by the commission, covering the payment for transmitted power plus all distribution costs, including interest, amortization and expenses. The basic efficiency of the Ontario system has been a subject of violent dispute. Its most striking feature has been low rates and high consumption for domestic purposes. The charge has been made that for political expediency residential consumers have been favored at the expense of industry, but the author's own survey of the accounting methods fails to support the charge. On the contrary, for like conditions and service the rates to all classes of consumers in Ontario appear lower than those of private systems in Canada and the United States.

An important factor influencing the development of utilities is their extensive importance in other industries, in governmental activities and in social life. This prerequisite of a utility was clearly expressed in a decision of the Supreme Court of the United States [Munn *v.* Illinois, 94 U. S. 113 (1876)]. Another factor is the extensive use by utilities of streets and other public places, for which they require special franchises and the exercise of eminent domain. Such grants or privileges cannot be conveyed to private business; the conveyance itself recognizes the public character or creates and stamps the business with a special public interest. At the same time the requirement of large capital outlay, in permanent or long lived structures and equipment, virtually necessitates monopolistic organization within a given territory. Competition is difficult to achieve not only because of the physical limitati[illegible] streets and

highways but also because of prohibitive capital duplication and insupportable costs. Legal differentiation has followed the technological and economic factors. The special status of utilities was recognized by law only after the abuses of monopoly had produced wide and outspoken discontent among users and when corrective legislation had been enacted. It was the abuses which brought about regulation. Legislation to prevent overcharges, favoritism and poor service was upheld as constitutional because of the recognized evils and the unique economic status of the enterprise. Legal recognition of special public interest was essentially a subsequent rationalization of, not a prior and abstract cause for, the establishment of regulation.

The earlier methods of public regulation, which arose out of the monopolistic character of utilities and the absence of government ownership, consisted of direct legislation, limitations by franchise and control by commissions without rate making powers. By the close of the nineteenth century experience had demonstrated that the prior methods of control, especially with respect to rates, had not been effective. In 1907 a new type of state commission appeared first in New York and then in Wisconsin; it was assigned the duty of controlling rates and of otherwise protecting the public interest and was regarded as an expert body with special powers delegated by the legislature. The new system was rapidly established throughout the country and was considered the best means of preserving the advantages of the "initiative and efficiency" of private ownership and management, while at the same time establishing control for the protection of the public. But during its existence of over twenty-five years, marked by great shifts in the price level, technological advances and obsolescence and transformation of organization within the utilities, the commission system has developed obvious inadequacies.

Utility consumers are commonly classified into four categories: industrial, commercial, domestic and governmental. The significance of the classification appears in all utilities, but it applies most directly to electricity. In the United States in 1931, 43,625,000,000 kilowatt hours of electricity were sold to industrial consumers, 13,543,000,000 to commercial, 11,737,000,000 to domestic and 2,994,000,000 to governmental. By far the largest consumption, nearly one half, was industrial, which is still advancing rapidly. Although for other uses electricity is furnished under conditions of monopoly, the industrial use has developed in a largely competitive manner. The prevailing rates are therefore low; the average for the United States is about 1.5 cents per kilowatt hour. Managements have been left largely free to offer such rates as would induce manufacturers to use electricity instead of steam or other power. Consequently there are variations in rates which are not justified by production costs and which involve discrimination between customers. Commercial consumption is distinguished from industrial as to difference in kind of business, smaller average consumption and greater dependence upon the service. Except in instances of large office buildings and stores, electricity is virtually the only source of power or light available. Rates therefore are on a higher level, averaging about 4 cents per kilowatt hour, or two and a half times those applying to industry. Residential consumption consists mostly of lighting but includes also power for domestic electric appliances. Residential lighting was historically the first function for which electricity was developed, when costs were high and had to be absorbed mostly by this single purpose. But despite great technological advances and lower costs rates have remained relatively high because the service is furnished essentially under monopoly conditions. Domestic rates average about 6 cents per kilowatt hour, or four times the industrial average. The final class of consumption, governmental, is largely for purposes of street lighting but includes also other uses. Rates are established mostly through agreements between municipalities and companies and consequently vary widely, with the average at about 4 cents per kilowatt hour. Municipalities have usually felt compelled to accept the rates offered by the companies without adequate technical assistance as to reasonableness; but in recent years there has been a movement toward the establishment of independent municipal lighting, which in some instances has effected a reduction of rates.

It is principally against residential rates that public criticism has been directed. These have not only been high but have checked the extension of use for important domestic purposes. The average consumption amounts approximately to 40 kilowatt hours monthly per customer, or about 500 kilowatt hours a year. This represents mostly lighting and small appliances. Electricity is as yet employed but

slightly for larger domestic appliances, such as refrigerators, cooking ranges and water heaters, although their use would be stimulated by low and specially designed rates and moderately priced equipment. The installation of a refrigerator results in about double the average consumption for lighting and small appliances and an electric range adds over 100 kilowatt hours a month. In Ontario the average residential consumption among the municipalities using hydroelectric power comes to about 120 kilowatt hours per month per customer, three times the average for the United States. In Seattle, Washington, the average in 1923 was 30 kilowatt hours monthly; then the municipal plant introduced promotional rates and efforts, average consumption rose rapidly to about 100 kilowatt hours monthly, and about 40,000 electric ranges and nearly 10,000 electrical water heaters were installed. There are in addition other possibilities of increasing the consumption of electricity, including the electrification of railroads, highway illumination and especially rural electrification; but they involve long run considerations without quick returns, which do not appeal to the initiative of private enterprise.

The fourfold classification of use, industrial, commercial, domestic and governmental, is less significant for other utilities; the classes are not so distinct and tend to merge into one another. They also have a less sharp subdivision between competitive and non-competitive use; there is less scope for distinct promotional effort, especially with respect to rate schedules; nor is the extent of future expansion apparent.

Among the chief characteristics of the utilities are large and permanent capital requirements. As a rough average the total annual revenues derived from the sale of services amount to only 20 percent of total investment, equivalent to a turnover on capital investment of only one fifth. These large capital needs influence organization, methods of financing and public policy. Capital is largely embodied in fixed structures which are useless except for their special purposes. Increasing density of use makes for greater economy and lower costs; hence duplication of capital is particularly wasteful. An exception is bus transportation, which does not require large initial capital; moreover the property can be shifted geographically from one location to another and operation is not necessarily limited to one operator. These conditions make regulation despite its interstate aspects essentially a local affair.

The large demands for new capital require ready access to the principal money markets, for which large organizations are necessary. It was during the period of rapid capital expansion after the World War that combination of utilities advanced rapidly. Where two or more independent companies had operated within the same territory, the advantage of consolidation for economy, especially in financing, was obvious.

The force of consolidation extended beyond contiguous territory. This was true particularly of electricity, which offered special economies in large central station construction and output. The areas over which power could be transmitted economically from ever larger generating stations and interconnected transmission systems were steadily expanded. This expansion of territory had a similar effect upon organization. Because of special franchises and established financial structure consolidation is more readily effected through a holding company which obtains stock control of the local companies. Control is then pyramided and centralized by the combination of several such groups through a holding company of holding companies, with special affiliated corporations to carry out particular functions of management and finance. The entire United States is subdivided into more or less independent holding company systems, each system extending over a large territory and often including widely separated localities. While the development of consolidation and combination was based especially on the technological advances of electricity, it carried along also other utilities, usually gas and street railways. Another development was the combination, under holding company control, of electric, gas, water and traction utilities to restrict competition, make better use of managerial talent and enlarge the scope of financial manipulations and control. The most common combination is electricity and gas; but many great combinations, such as the Cities Service Company with assets of $1,282,000,000, control in addition traction, petroleum and natural gas enterprises. The separate technology of telephone brought about virtually country wide unification without inclusion of other utilities. The American Telephone and Telegraph Company not only dominates the industry but produces its own equipment supplies through a subsidiary, the Western Electric Company.

These projects have been financed principally through security issues, special types of holding

company bonds and other securities resting chiefly upon the subsidiaries. The capitalization of the operating companies consists on the average of 50 percent bonds, or long term debt, and 50 percent capital stock. Investment out of surplus has been relatively slight, and for the most part the properties have not been supported extensively by reserves. The capitalization of holding companies is based mainly upon bonds, stock issues being limited in order to concentrate control. Because of their financial needs and general character the large holding company systems are usually dominated by the great banking houses, such as J. P. Morgan and Company, the Chase National Bank and the National City Bank of New York. The expected advantages of holding company issues have practically disappeared since 1929; new capital is available only through securities of operating companies, whose bonds in general have remained upon a relatively high investment basis. With the exception of street railways the utilities have proved to be of great stability, but the situation has been different with regard to the holding companies. Besides instances when the system has actually collapsed, as in the case of the Insull properties, the securities have suffered badly in the market, partly because of the unusually severe character of the depression which began in 1929 but also because of the excessive previous expansion, unsound financial structures and the generally reckless financial policy of managements. In the future operating company issues will probably be relied upon as the chief source of new capital.

The holding company systems were doubtless conceived upon valid economic grounds. If properly organized with due consideration for public benefits, they should have advantages not only in financing but also in economy of construction and operation. Sound policies can be developed centrally; the best financial, engineering, legal and administrative talent can be obtained at lowest cost; materials can be purchased at a cheaper rate; better labor policies can be established; and there can be better organization, planning, control and operation. Notwithstanding these attainable advantages the holding company systems have come into ill repute. The inherent good which might reasonably have been expected was exaggerated. The gains to be derived, consistent with public benefits, never were as great as was claimed by zealous promoters seeking profits. Extravagant expectations caused the emergence of numerous promoters who competed with one another for control of properties. The costs of overbidding, inclusion of uneconomical units, excessive purchase prices and the profits of promotion and financing were included in the financial structures. Moreover the organizers failed to realize that subsequent rate adjustments would be incurred, since the properties are affected with a public interest and their operation and rates are subject to public control.

The basic defect in the utility holding company systems was the inherent conflict between private and public interest; prices paid through security issues were based less upon permanent earning power than upon the securities which could be floated and the profits which might be realized through financial transactions. As to continuing operating policy, control rested usually with a small group, far removed from actual operations and from contact with the public. The immediate advantage to the absentee management lay in obtaining the largest possible share in the revenues collected by the operating subsidiaries. Charges therefore have commonly been placed upon the operating companies without regard to the need, cost or public justification, under the guise of operating expenses and capital outlay. These arrangements, which promised huge and permanent profits, aroused public opposition as soon as they became known. During recent years their extent has been reduced, and in the future they will be increasingly limited to the cost justified for public purposes.

Public regulation of utilities has been established primarily to control rates and service (*see* RATE REGULATION). It is in these particular phases of regulation—in the constitutional right of government to fix rates and control service—that public utilities differ fundamentally from other businesses. Other phases of regulation are incidental and secondary. The powers and responsibilities of regulation, exercised mostly by the states, are fixed by statute and are usually vested in a special commission, known as the public service commission or public utilities commission or by some similar designation. It is the duty of these commissions to fix reasonable charges, although without specific direction as to the basis of reasonableness. They proceed through the process of judicial inquiry. Action starts upon complaint or upon the initiative of the commission; hearings are held and orders are based upon official records. The companies affected have the opportunity to be heard; the

consumers' side is variously represented by special groups or municipalities or by the commissions themselves. The latter therefore act in a legislative capacity in issuing orders, as courts in deciding between two contending parties and as representatives of the public in preparing and presenting evidence. In addition they exercise the administrative functions connected with regulation.

Regulation of service is concerned with adequacy and proper standards. It seeks first of all to assure that service shall be furnished according to franchise and statutory requirements and reasonable needs. It may require extension of lines and other plant construction and such other measures as will preserve adequacy and constancy of service. The duty of furnishing proper service is an outright responsibility of a utility, without dependence upon financial ability or adequacy of rates. Most commissions also have control over accounting, and they authorize the classifications under which both the capital and the operating accounts of the companies are kept. Usually they require companies to file annual reports including balance sheets, income statements with supplementary schedules of details and other statistical information. Sometimes the reports are supplemented by field inspections and on rare occasions by special audits. Some commissions have responsibility over new security issues, the extent depending upon the statutes. In the state of New York, for example, no utility company may issue stocks, bonds or other certificates of indebtedness of more than one year without prior authorization by the commission. Its approval is limited to purposes specifically stated. The object is to protect investors and to furnish a medium through which rate control may more readily be effected. In most states, however, control is less extensive and more perfunctory. Holding companies frequently succeed in evading it, since, not being local in character, they may issue securities independent of the public service commissions.

The actual work of regulation falls principally upon the technical staff. Commissions consist mostly of three or five members, usually appointed, more for political reasons than for special fitness. In some instances commissioners are elected. Aside from counsel and secretaries the technical staffs are for the most part appointed from competent lists. No commission, however, has ever had an adequate staff; usually salaries are low, and in some instances the entire responsibility of regulation rests virtually upon a single engineer and an accountant.

The prevailing system of regulation, based upon state action, has been widely criticized because of its ineffectiveness. To a large extent it has failed to furnish the expected protection to consumers, it has not prevented huge losses to investors and has not kept the utilities directed consistently toward public objectives. There has also been some measure of conflict between regulation and taxation; the great yield from franchise, corporation and capital stock taxes has often obscured the larger public objectives involved in the regulation of public utilities.

The commissions have jurisdiction only within the states. Wherever properties furnish service in two or more states, the business becomes interstate in character and passes beyond state control; but the federal government itself has not established regulation within the interstate area of service. There has been, however, federal intervention of a judicial character. While the systems of regulation depend entirely upon state policy and are concerned wholly with intrastate properties and activities, the orders issued come under the jurisdiction of the federal courts, under the "due process" clause of the federal constitution. Hence federal courts have really determined the constitutional scope and limits of state regulation and have greatly hampered systematic state action.

When the regulatory statutes were enacted, the companies were almost all local and independent in organization. Jurisdiction of the commissions was therefore limited to operating companies. But the holding company and its affiliates have since assumed many operating activities outside of commission jurisdiction. The statutes have been variously modified in recent years so as to reach the operating relations of the local companies. The problem is complicated by the fact that the holding companies are frequently incorporated in one state while their activities are spread over several states. This situation undoubtedly calls for more unified national regulation.

Utility legislation grants no power to commissions to regulate labor conditions. There is an obligation imposed upon utility managements to render adequate and continuous service, which makes stoppages because of labor disputes of immediate and direct concern to the public. Despite this situation the fixing of wages, hours and other conditions of labor has been left

entirely to managements, which are uniformly hostile to organized labor. Work in public utilities is highly specialized. whether in production, where machinery dominates entirely, or in distribution, where there is a union of machine techniques and personal service. This specialization limits the opportunities for employment because of the utilities' monopolistic character and renders competition in the labor market favorable to the employers. The bargaining power of utility managements is further strengthened by their refusal to accept unionism and collective bargaining. Company unions and welfare schemes are frequently offered as a substitute for independent unionism. Among the public interests labor requires consideration along with consumers and investors.

The chief defect of the prevailing system of regulation is its failure to fix definitely the relative public and private rights, to set clear public objectives and to establish exact standards and machinery through which rights and purposes may be systematically administered. Adequate yardsticks have not been determined. Most commission actions involve conflicts of interest between the companies and the public. This applies especially to rates, which have not been adjusted to changing conditions. The clash of interests in the existing regulatory methods has produced collateral results of an antisocial character. It has induced utilities to engage in unsavory political intrigues and propaganda, to prevent the reasonable use of experts and to thwart desirable public objectives. It has largely shifted the valid cooperative functions of national and state utility associations to the glorification of private as opposed to public ownership. These activities are a danger to the utilities themselves, because they lead to public resentment.

The task of regulation and control is to establish exact rights and duties, with definite standards and administrative provisions, so that rates may readily be raised or reduced without conflict and so that any other action on behalf of the public may be ordered without risk to the valid rights of the company. Commissions should be charged with the responsibility of formulating and administering public purposes, not of deciding disputes between contesting parties. Such provisions of public control require comprehensive legislation, not only to safeguard consumers and investors but also to promote organization in harmony with general public policy and objectives.

Future organization and control will probably be determined largely with respect to electricity, because of its paramount importance in practically all spheres of business and social life. It will be essential for every state to establish comprehensive power policies as a fundamental public matter. If this is to be accomplished through private corporations under state control, the internal motivation of the companies must be shifted from private profit to public service. They must become essentially public corporations, organized and managed with respect to public objectives, without divergence between public and private purposes. If this is not brought about, there is the alternative of direct public ownership and management. It may follow the Ontario pattern. Through a special corporation a state may acquire and operate the generating and transmission facilities for the benefit of the entire state, while the local communities take over the distribution systems used only for local purposes.

The Ontario form of utility organization is in harmony with the technological relationship of the properties to state wide and local purposes. It furnishes the direct means of attaining public objectives. In any case existing legal restraints on the establishment of publicly owned systems stand in the way of reasonable consideration of alternatives. The setting up, however, of any form of public organization involves legal, political and financial difficulties. Because of these practical complications the possibility of reconstructing the system of public control and leaving the companies otherwise undisturbed probably furnishes in general a better course for the immediate future. Meanwhile the possibility of instituting effective control would be strengthened materially if legislatures were to canvass the utility situation in the light of experience and changed conditions. Action on these problems may be facilitated by the fact that public utilities seem to have reached the peak of expansion, earnings, new projects and consolidation. Limits upon expansion and profits may possibly make easier the imposition of more stringent and effective controls, particularly as expansion must be mainly of a character which would not yield quick profits and would probably require government aid.

JOHN BAUER

EUROPE. Government assumes a larger share in the administration of public utilities in Europe than in the United States. This appears to be

a result of two main factors: a historical factor, whereby European governments have associated their policies, ever since the advent of democracy, more closely with the ideas of their mediaeval and absolutist past; and an economic factor, involving the narrower space, as it were, left to national and particularly to international economic expansion and competition before the World War and more markedly since, requiring the aid or at least the coordinating activity of the state. Questions of public utility regulation in Europe can hardly be discussed without entrance into the wider theoretical field of state intervention in economic life generally.

Since the age of mercantilism there have been rather marked differences between western and central Europe, that is, between Anglo-French and German economics, as to the relative significance of state action and private enterprise; but common historical origins and later common needs led ultimately to a surprising similarity of methods of dealing at least with the most pressing problem of state regulation, the regulation of public utilities. Thus in France the old *étatiste* traditions of the monarchy and the revolution, thrust into the background by the age of private railway building and banking, have been revived by the new age of electricity. One aspect is the state's participation, by means of financial aid, in the development of hydroelectric power and in the electrification of fully one third of all French municipalities, which because of their rural character had developed neither municipal nor concessionaire services.

In Germany the towns, serving since the Middle Ages as the pioneers and models of public administration, have in recent years become dominant in supplying water, gas and electricity, despite the initiative of private and especially foreign enterprises during the greater part of the nineteenth century. Shortly before the World War 82 percent of the total German gas production was furnished by works owned or controlled by municipalities, a situation altered only recently by the development of long distance transmission of coke oven gas produced in conjunction with the mining of coal. But what the municipalities, after the failure of cities like Frankfort and Cologne to control their own mines, are bound to lose in the production and distribution of gas public enterprise is steadily gaining in the field of electricity generation and distribution. Of the total German electricity supply in 1929 only 12.6 percent came from private enterprise; plants of the Reich provided 10 percent, of the states 10.6 percent and of the municipalities 32.8 percent, while mixed public and private ownership provided 33.2 percent. In some cases, as in the Rheinisch-Westfälische Elektrizitätswerk, ownership is predominantly private; in others, as in the Vereinigte Elektrizitätswerke Westfalen, ownership is in large part public. This mixed ownership includes local supplementary and distributive works as well as great central generating plants. Yet in Great Britain, where the municipality has not been so independent or the economic initiative of the central government so prominent, the municipal supply of electricity in 1928 (66 percent) was double the German figure, and while only 40 percent of the gas supply was furnished by municipal works, 80 percent of the tramway services were municipal as compared with only 50 percent in Germany. For about a generation Great Britain has been the home of "municipal socialism."

Even more important than figures are the actual economic relations of public and private influence in the management of public utilities, whose most interesting features often escape statistical measurement. Between the one extreme and the other there is a great variety of blends and transitions, from the farming out of publicly owned enterprises through numerous forms of government participation in capital ownership or management to the different forms of government regulation of service, rates, securities, accounts and reports. Mixed ownership in Germany has not fulfilled the great expectations it aroused, probably because of the increasing ambitions of public administrations and the greater tax privileges accorded to purely municipal as against mixed concerns. Public ownership itself has been differentiated, according to whether an enterprise has remained part of the general public administration and its budget or has become a separate corporation, although still entirely publicly owned and managed. The organization as independent public corporations of the German national railroads and the post office in 1924 marks a definite epoch in the economic policy of a country in which precisely these enterprises had been important elements and financial props of the general imperial and state administrations. This example has been followed in varying degrees not only by railroad and postal services in Belgium, France and Switzerland but also and chiefly by all sorts of minor public services in Germany itself. The major aim of this develop-

ment was to save the services in question from financial and technical interference by state and municipal parliaments and their party politics.

Approximately the same stage of development has been reached in England from another direction. As an alternative to public ownership, the favorite device of utility organization is the public corporation; here, although ownership of capital is largely private, the return is limited to a fiscal interest charge and is thus assimilated to bond ownership, while management is placed in the hands of expert government appointees for the specific purpose of evading democratic party influences. This seems theoretically a better blend of the elements of "private" and "public" ownership than the older German system of merging both as private shareholders under an elective management. Large interests organized after this model include the docks of the ports of London and Liverpool and the British Broadcasting Corporation. From 1923 to 1926 radio broadcasting in England was under government regulation to insure "reasonable" service and dividends. Since then more intensive government regulation has been imposed. The broadcasting company is granted a ten-year franchise, which may be revoked and cannot be assigned or transferred; the postmaster general has absolute control over the service, which in a national emergency may be taken over by the government without compensation. It would seem therefore that monopoly under proper control and regulation is the most desirable form of public utility organization.

In the post-war struggle in Germany between public and private ownership and management of public utilities, the former has been favored by exemption from heavy fiscal burdens, such as corporation and sales taxes. The respective merits of the retention or abolition of the exemption privileges have been the subject of heated debate. The argument in favor of abolition, that the privileges, besides injuring private competitors, might easily help to weaken strict business accountancy and thus make public enterprise inefficient, has gained even greater weight through the practise of German municipalities of fixing and maintaining utility rates which threaten to hamper the natural increase, if not to produce an actual decrease, in the demand for these services. It must be said in fairness, however, that this practise was not wholly the result of the spendthrift inclinations of municipalities; it was brought about also by the illogical reorganization of the German system of taxation after 1919, which centralized the major part of the revenue in the imperial administration during a period when socialist programs and economic unrest were imposing heavy demands upon municipal finances. Of considerable economic interest are the various attempts, expressed in financial legislation, administrative measures and judicial decisions, to circumscribe the domain of privileged municipal enterprise in the public utility field by the concept of the *Versorgungsbetrieb*. Service falling under the concept of *Versorgungsbetrieb* were enumerated positively, as including water, gas, electricity, transit and harbor accommodations, or negatively, as excluding wharves, docks and shipping lines; or general positive and negative characteristics were enumerated, such as the dependence of municipal populations upon a particular service, which is curiously equivalent to privileging a monopoly. Because of the debate on the tax privileges of public utilities, recent decisions of the German courts in financial cases have revised in the opposite direction the old demands for tax exemptions of "public benefit" enterprises (*gemeinnützige Betriebe*) and have disallowed exemptions, at least where it can be proved that considerable net profits have been earned by an enterprise.

The emergence of monopolistic powers in connection with the public ownership and management of utilities is accompanied by another and contrasting development in this field, the international investment of capital. The "neutral" countries of Europe (Holland, Belgium, Switzerland and Sweden) with their favorable corporation and taxation laws and their abundance of capital, especially of foreign origin, have recently encouraged the formation of more than one great international public utility trust. But the leading countries, particularly the United States, have likewise extended their financial power over the utilities of other countries, not only indirectly, through their foreign investments and their banks, but directly, through such great utility enterprises as the International Telephone and Telegraph Company with its network of European interests and affiliations. There is an increasing use of the holding company to form pan-European combinations of public utilities, and some of the largest also have important utility interests in other parts of the world.

Public regulation of the activities of international public utility combinations, whether by national or international initiative and authority,

is indicated by many problems and developments. In a field so closely related to public utilities as the petroleum industry, with its complex transport problems and economic importance, the British government has already become a large shareholder in the Anglo-Persian Oil Company; Disraeli's purchase of the khedival shares in the Suez Canal Company was an earlier and bolder piece of imperial planning at a time when the problem of public utilities had hardly yet arisen. The history of the Italian Istituto Nazionale delle Assicurazioni, founded by Giolitti in 1912, records the intervention of a liberal government in order to control and combat the influence of foreign finance capital in a branch of business so traditionally private as life insurance.

The transitory boundaries separating the sphere of public utilities proper from the wider spheres in which the concept may possibly be applied are characteristic of the present stage of capitalistic economy in a society of civilized masses, even where these masses do not settle in cities with millions of inhabitants. Together with the mineral and other basic raw material industries the public utilities furnish the test cases in the battle between the old individualistic and the new collective principles of competition and enterprise. The situation indicates that this battle is not likely to end in clear victory for one or the other. While critics of private monopoly express a general distrust of interference by parliamentary democracy, debate as to the relative advantages of private enterprise and bureaucratic management is by no means settled. Conversion of the interests of shareholders into fixed charges, as in British public corporations, is feasible only in utilities where monopolistic situations have definitely destroyed the possibility of competition. It is suggestive that the economic theory and practise of Italian Fascism lays stress on cooperation between the individualistic entrepreneur and the controlling and directing state; thus, in accord with the similar English and German experience, even such great state enterprises as soil improvement and industrial reconstruction are organized as independent corporations under state control.

CARL BRINKMANN

See: GOVERNMENT REGULATION OF INDUSTRY; RATE REGULATION; VALUATION; FAIR RETURN; OVERHEAD COSTS; MONOPOLY; GOVERNMENT OWNERSHIP; GOVERNMENT OWNED CORPORATIONS; COMBINATIONS, INDUSTRIAL; HOLDING COMPANIES; INTERLOCKING DIRECTORATES; EMPLOYEE STOCK OWNERSHIP; COMPANY UNIONS; STRIKES AND LOCKOUTS; GAS INDUSTRY; ELECTRIC POWER; RAILROADS; TELEPHONE AND TELEGRAPH; MUNICIPAL TRANSIT; NATIONAL ECONOMIC PLANNING.

Consult: Dorau, H. B., *Materials for the Study of Public Utility Economics* (New York 1930); Glaeser, M. G., *Outlines of Public Utility Economics* (New York 1927); Jones, Eliot, and Bigham, T. C., *Principles of Public Utilities* (New York 1931); Nash, L. R., *The Economics of Public Utilities* (2nd ed. New York 1931); Ruggles, C. O., *Problems in Public Utility Economics and Management* (New York 1933); Clark, J. M., *The Social Control of Business* (Chicago 1926); Keezer, D. M., and May, Stacy, *The Public Control of Business* (New York 1930); Salz, A., *Macht und Wirtschaftsgesetz* (Leipsic 1930); Saitzew, M., *Die öffentliche Unternehmung der Gegenwart* (Tübingen 1930); Döblin, Ernst, *Monopole und Besteurung* (Berlin 1933); Falck, Ernst, *Kommunale Wirtschaftspolitik* (Berlin 1932); Lotz, W., *Studien über Verbreitung und Organisation der öffentlichen Unternehmungen in der Gegenwart* (Jena 1933); Stefani, Alberto de, and Amoroso, Luigi, "La logica del sistema corporativo" in *Rivista internazionale di scienze sociale e discipline ausiliarie*, 3rd ser., vol. iv (1933) 393–411; Bonifacy, Henri, *Le service publique de la distribution de l'énergie* (Paris 1922); Galland, Paul, *Des usines hydro-électriques alimentant des entreprises déclarées d'utilité publique* (Paris 1930); Cheron, Albert, *De l'actionnariat des collectivités publiques* (Paris 1928); Schwob, T., "Les pouvoirs publiques et l'industrie électrique," and Richardson, J. H., "State Intervention in Private Economic Enterprise" in League of Nations, International Institute of Intellectual Cooperation, Conference of Institutions for the Scientific Study of International Relations, Sixth, *Proceedings of the Second International Studies Conference on the State and Economic Life* (London 1933); Smith, Neil Skene, *Economic Control* (London 1929); Great Britain, Committee to Review the National Problem of the Supply of Electrical Energy, *Report* (London 1926); Hormell, O. C., *Control of Public Utilities Abroad* (Syracuse 1930); Van Dorn, H. A., *Government Owned Corporations* (New York 1926); United States, Federal Trade Commission, *Utility Corporations*, United States, Congress, Senate, 70th Cong., 1st sess., Senate Document no. 92, pt. 22 (1930); Lagerquist, W. E., *Public Utility Finance* (Chicago 1927); Cooke, M. L., *Public Utility Regulation* (New York 1924); Clay, C. M., *Regulation of Public Utilities* (New York 1932); Bauer, John, *Effective Regulation of Public Utilities* (New York 1925), and "How Shall We Regulate the Bus?" in *Public Utility Fortnightly*, vol. iii (1929) 71–76; Barnes, I. R., *Public Utility Control in Massachusetts*, Yale Publications in Economics, Social Science and Government, no. ii (New Haven 1930); Freund, Ernst, and others, *The Growth of American Administrative Law* (St. Louis 1923); *Electrical Utilities; the Crisis in Public Control*, ed. by W. E. Mosher (2nd rev. ed. New York 1929); Raushenbush, H. S., *The Power Fight* (New York 1932); Levin, J., *Power Ethics* (New York 1931); "Power and the Public," ed. by E. M. Patterson in American Academy of Political and Social Science, *Annals*, vol. clix, pt. i (Philadelphia 1932); Morehouse, E. W., "The Background of Labor Relations of Public Utilities" in *Journal of Land and Public Utility Economics*, vol. v (1929) 275–

84, 412–23; Marsh, C. F., *Trade Unionism in the Electric Light and Power Industry*, University of Illinois, Studies in the Social Sciences, vol. xvi, no. 2 (Urbana 1928).

PUBLIC WELFARE. The term public welfare has come to be used in the United States as connoting certain aspects of the welfare of the public which are vested in governmental authority. Organized welfare, or social, work, as conducted under the auspices of privately controlled philanthropic agencies, is distinguished from public welfare, which may be called public social work. It must not be supposed, however, that any service rendered by a governmental agency and financed through public funds, such as paving city streets, for example, is a public welfare activity. The term has become arbitrarily restricted to governmental services rendered on behalf of certain individuals or groups within the public: namely, those who lack the means of subsistence; those who need protection because of their immaturity or incapacity; those who need to be guarded against various diseases and infections; those who are without adequate family or parental guidance; and those whose behavior constitutes a threat to the general welfare

No more than the term social work, however, does the term public welfare possess absolute conceptual clarity. Both in theory and in governmental practise there is considerable variation as to the types of state activities which are to be regarded as "welfare" activities. The social theorists contend for an extremely wide conception. Thus Kelso defines public welfare as "that objective in social service which affords to the individual the highest degree of freedom of thought and action commensurate with the like privileges in his fellows," and Odum as "that very definite service of democratic government which provides organization, technique and means for making democracy effective in the unequal places." According to the first of these definitions the entire activity of government might be included in public welfare. Yet public education is usually set apart. Indeed the two concepts are so distinct that Odum remarks: "What public education was to the last half of the last century in the development of the democratic ideal, public welfare may well be to the first half of this century." Although public health is usually regarded as part of public welfare, it undoubtedly represents a highly specialized and distinct service, which opinion generally has accepted as a normal activity of government for the benefit not only of the disadvantaged members of the community but of the general public as well. There is a distinct tendency for welfare services to come into existence in response to the needs of the least capable members of the community and then to be extended to larger and larger groups until the duty of serving the whole public is recognized, a tendency which explains in large part the indefiniteness and instability of the concept of public welfare.

Its underlying vagueness is reflected in the actual organization of the government departments. The sole concern of a public welfare department may be public health. On the other hand, its powers may be so wide as to include the conduct of legal aid bureaus, the inspection of tenement houses, the presentation of band concerts and the conduct of comfort stations and public baths. The fact moreover that a governmental department is called "a board of charities" does not necessarily rule out the probability of its control of very inclusive public welfare functions as well as others of a very miscellaneous character. Thus a board of charities may supervise a state fair.

While the various public welfare activities have existed in the United States for many decades, the concept of public welfare itself seems to be of comparatively recent origin. It may have been suggested by the term general welfare contained in both the preamble to and the text of the Constitution of the United States, which imposes upon Congress the duty "to provide for the common Defence and general Welfare." The latter term, however, certainly had a very restricted meaning. At most some of the founding fathers may have hoped to make it a justification for certain public improvements.

The concept of public welfare seems rather to have arisen as a substitute for the old idea of "charities and corrections." Public relief in the United States, developing upon the basis of the English poor law, had been entirely local until the 1860's, when the state boards of charities or charities and corrections began to be created, the first in Massachusetts in 1863. Later, with the development of social work and private social work agencies, it began to be felt that the idea of charities and corrections was too narrow to express the social functions of the state in a democracy. To the idea of charity as well as to its institutional embodiments a social stigma attached. It was held moreover that public social agencies should carry on work which was pre-

ventive as well as curative and reformatory. Although many social workers at first opposed government extension of social work services, they increased steadily in scope.

The first Board of Public Welfare seems to have been created by Kansas City in 1910. Since then the movement for public welfare boards has been widespread in all parts of the United States. They now exist not only for the municipalities and counties but also for the commonwealths (*see* INSTITUTIONS, PUBLIC). Centralization, however, has not proceeded beyond the state institutions, whose work remains unrelated to that of local agencies. There also has been proposed the organization of a federal department of public welfare to combine such services as the Bureau of the Public Health Service in the Department of the Treasury, the Children's Bureau in the Department of Labor and the Office of Education in the Department of the Interior, but the plan has been opposed partly on constitutional grounds and partly for reasons of practicality: it has been argued that no one official would be sufficiently competent to direct health, education, crime prevention, housing, child welfare and relief activities.

The concept of public welfare is based upon the broadest interpretation of the democratic ideal. Because of its own lack of definiteness it stimulates the continuous extension of public social services. But the role of public welfare in a democratic country, such as the United States, involves a somewhat paradoxical situation. The democratic assumption is inclusive, presumably, of the total citizenship; it would seem therefore that in a democratic state the social services which the term public welfare ordinarily embraces would be thoroughly integrated not only in the governmental machinery but in the popular consciousness. Until recently, however, the contrary has been true. Most social services in the United States, with the possible exception of education and health, have been initiated and financed by private contributions from individuals. Various factors have encouraged this tendency. The pioneering tradition has placed an unusual emphasis upon individual initiative and self-reliance, and the unprecedented accumulation of surplus wealth in the control either of individuals or of foundations and trusts has made the continuation of private welfare possible; so long as these large reservoirs of surplus wealth could be canalized into social services, there existed neither the demand nor the inclination to develop the agencies of public welfare. Moreover the growth of centralized public welfare services was prevented by the existence of a high degree of local governmental autonomy and by the early suspicious attitude of social workers toward governmental relief and particularly outdoor relief, a position traceable in large part to the corruption of American politics and to the lack of opportunity for trained social workers to participate and direct the government services.

A particularly marked change has set in since the panic of 1929. Governmental departments of public welfare have enormously increased the size of their budgets and widened the scope of their activities. Indeed the drift toward public welfare and away from privately controlled and financed social services has been more pronounced during the past two decades than during the entire preceding century. In 1931 New York state appropriated the sum of $20,000,000 for emergency relief, creating a Temporary Emergency Relief Administration to cooperate with local agencies in furnishing both home and work relief. Four other states, New Jersey, Oklahoma, Pennsylvania and Rhode Island, made large appropriations in 1931.

The provision of both indoor and outdoor governmental relief has been increasing despite the existence of narrow constitutional limitations, which survive from the period of the dominance of individualism. The limitations on state aid are of two types: the first prohibits local governments from appropriating, granting or donating money in aid of individuals—often, however, certain classes, such as the poor, the blind, the aged and orphans are excepted; and the second imposes limitations on state and local borrowing for such a purpose. In recent years, however, the decisions construing the constitutional limitations have been markedly liberal. It has been held that the prohibition of state aid to individuals was intended to apply only to attempts to foster business enterprise. The police power, which in situations of emergency has a wide reach, has also been invoked.

While the further extension of public social services in the United States seems probable, the future of the concept of public welfare itself seems less certain. In a state which has socialized its wealth it would lose all meaning. But it is possible also for public welfare to disintegrate as a general concept because of the autonomous and independent growth of the various social services. In addition to public education and health, child welfare likewise is already clearly

delimited as a form of social activity. Unless the governmental departments of public welfare succeed in securing a high degree of centralized control over the various social services, which in view of the extreme diversity of the problems with which they deal seems unlikely, the concept of public welfare itself is bound steadily to decline in importance, for it is not likely to endure as a theoretical conception apart from its recognition in governmental organization. Moreover the adoption of the various forms of social insurance, which at present are extremely limited in the United States, is bound to have the same effect, since social insurance tends to supplant the relief of poverty, the historical root of the public welfare concept. By creating individual legal rights social insurance undermines the welfare idea, which still carries with it a suggestion of favor. The tendency of this development, if it occurs, will be strongly reminiscent of the fate of philosophy, which once embraced almost the whole of human knowledge but with the independent development of the various sciences has lost almost all specific content.

In European countries state welfare activities emerged during the transition from feudalism to capitalism. In the mediaeval community the welfare of dependents, defectives and delinquents was conceived to be a responsibility of relatives, of the guilds or of the church. With the destruction of the economic and political power of the church the administration of charity became a state function. The need for it grew with the miseries of industrialism. In the period after the World War the demand for state relief became increasingly acute, particularly in such countries as England and Germany. In the latter country even the social legislation which had been continuously extended since the days of Bismarck proved inadequate. The deflation in Germany impoverished the whole middle class and led in 1924 to a reorganization of state relief. While previously the federal government had been accustomed to turn over relief funds to the local governments, the new law organized state and district welfare boards.

An inclusive concept of public welfare, however, is not recognized in all European countries to the same extent as in the United States. Yet the need for a broader term than "poor relief" has been quite generally felt, particularly since the impoverished were individuals who in normal times and circumstances would have been able to take care of themselves. Thus in England the term "public assistance" has become increasingly common, while in Germany the terms *Fürsorgewesen* and *Wohlfahrtspflege* have tended to displace the old *Armenwesen*. Both the former terms, which antedate the war period, having apparently been invented in the post-Bismarckian period of social legislation, are now often used interchangeably, since the definitions of few writers agree. *Wohlfahrtspflege* seems to be the broader concept, and *öffentliche Wohlfahrtspflege* approaches most nearly the American concept of public welfare. Indeed Germany is the one European country which has a more extensive literature on the subject than exists in the United States.

Finally, various welfare activities are conducted under international auspices. Although some of these, particularly in the field of public health, antedate the war, they were rather limited in scope until the creation of the League of Nations. The League now has a Health Organization as well as a Social Questions and a Traffic in Opium section. In the post-war period of disorganization it did much for the repatriation of war prisoners and the relief of refugees. It has also concerned itself with the traffic in women and with child welfare. The work of the International Labor Office likewise has had an important influence on social welfare activities in many countries. Public welfare is thus no longer a purely national concern.

E. C. LINDEMAN

See: POLICE POWER; INSTITUTIONS, PUBLIC; PUBLIC HEALTH; CHILD; SOCIAL INSURANCE; SOCIAL WORK, section on SOCIAL CASE WORK; CHARITY; POOR LAWS; EDUCATION, section on PUBLIC EDUCATION; PENAL INSTITUTIONS; PROBATION AND PAROLE; HUMANITARIANISM; EXPENDITURES, PUBLIC; WELFARE WORK, INDUSTRIAL.

Consult: Odum, H. W., and Willard, D. W., *Systems of Public Welfare* (Chapel Hill, N. C. 1925); Kelso, R. W., *The Science of Public Welfare* (New York 1928); Wisner, Elizabeth, *Public Welfare Administration in Louisiana*, University of Chicago, Graduate School of Social Service Administration, Social Service Monographs, no. 11 (Chicago 1930); Strong, M. K., *Public Welfare Administration in Canada*, University of Chicago, Graduate School of Social Service Administration, Social Service Monographs, no. 10 (Chicago 1930); O'Grady, John, *An Introduction to Social Work* (New York 1928) chs. xvii–xviii; "Public Welfare in the United States," ed. by H. W. Odum, in American Academy of Political and Social Science, *Annals*, vol. cv (Philadelphia 1923); Breckinridge, S. P., "Frontiers of Control in Public Welfare Administration," and Gallagher, R. M., "Workers for County Welfare Systems in Non-metropolitan Areas" in *Social Service Review* (Chicago), vol. 1 (1927) 84–99, and vol. v (1931) 245–57; Feder, L. H., "The Relation of Private Case Working Agencies to

Programs of Public Welfare," and Smith, M. P., "Trends in Municipal Administration of Public Welfare: 1900–1930" in *Social Forces*, vol. ix (1930–31) 515–25, and vol. x (1931–32) 371–77; Heisterman, C. A., "Constitutional Limitations Affecting State and Local Relief Funds" in *Social Service Review* (Chicago), vol. vi (1932) 1–20; Drage, Geoffrey, *Public Assistance* (London 1930); Zeck, Wilhelm, *Die öffentliche Wohlfahrtspflege*, Sozialpolitik und Wohlfahrtspflege, no. 2 (Stuttgart 1930); Wolfram, Heinz, *Vom Armenwesen zum heutigen Fursorgewesen*, Greifswalder staatswissenschaftliche Abhandlungen, no. 38 (Greifswald 1930); Harnack, Elisabet von, "Germany's New Public Welfare Law" in *Social Service Review* (Chicago), vol. i (1927) 406–13; Dhonau, M. L., "Local Government in Germany: Welfare and Public Health" in *Public Administration*, vol. ix (1931) 423–67; "International Cooperation for the Promotion of Public Health and Social Welfare" in Academy of Political Science, *Proceedings*, vol. xii (1926–28) 373–432; League of Nations, Secretariat, *Ten Years of World Co-operation* (Geneva 1930) chs. vii–viii; Eagleton, Clyde, *International Government* (New York 1932) p. 257–60.

PUBLIC WORKS. The term public works covers all construction projects undertaken by governmental agencies, national or local, and financed out of public funds. This includes construction work performed by autonomous bodies which are creatures of governmental agencies, such as the Port of New York Authority or the Port of London Authority, the British Central Electricity Board and the New York-New Jersey Tunnel Commission. Construction activities of state owned but independently operated transportation systems, such as the railroads in Germany, come within the same category. Some types of building, notably schools, fall partly into one, partly into the other class. Similarly public utility projects may be either private undertakings, as are the great bulk in the United States, or public projects, such as municipal power plants and the Tennessee valley development.

The aggregate volume of public works has increased with the material and technical advance of mankind, although discontinuously with the rise and fall of great civilizations, being clearly greater during eras of high material achievement than in earlier periods of growth and later ages of relapse or decay. Until perhaps the eighteenth century the amount of public building in the western world could hardly have been equal to that of the Roman world in its prime. With the spread of the industrial revolution private and public building alike must have expanded rapidly. Yet in the earlier stages of this process of economic transformation the relative volume of public works may well have declined, as the economic functions of government were narrowly circumscribed under the influence of the dominant doctrine of laissez faire. With the decline of this economic philosophy, however, and with the progressive assumption of additional economic functions by the state the volume of public works has grown both absolutely and relatively to private construction.

The scope of public works has undergone modifications with a number of factors. Different civilizations spent their public funds on dissimilar construction projects, although there is a surprising continuity in the fundamental nature of many public works. Even in particular periods the nature of public works expenditures varies as between different countries. Greece spent a great deal on temples and public buildings and relatively little on sanitation. The drainage system of Athens was inferior to that of prehistoric Crete and of Rome. More important than this difference in scale of values is the obvious influence of the geographical nature of the country upon the type of public works undertaken.

The scope of governmental public works projects also varies as between different countries today, according as they tend more or less to adopt the method of government ownership of public utilities and other economic activities (*see* GOVERNMENT OWNERSHIP). In those countries where social legislation has been carried further than in the United States notable slum clearance and municipal housing schemes have been put into effect wholly or in part with public funds. In backward and newly developing countries the proportion of all construction undertaken by governments is likely to be relatively larger than in advanced industrialized communities. The limiting case of public works is afforded by the Union of Soviet Socialist Republics, where with the elimination of private property in capital goods all construction becomes public construction.

Because of these differences international comparisons of total public works expenditures would be extremely difficult; indeed they become impossible by reason of the almost total lack of comprehensive and reliable estimates for individual countries due to the notorious difficulty of extracting the figures from hundreds of frequently obscure official reports and private sources. Fortunately, however, such estimates, classified by a variety of criteria, exist for the United States for the years following the World

War. In other cases only incomplete data are available. Illustrations will therefore be drawn chiefly from the United States.

The increase in outlays for public works in the United States since the war has been rapid. Aggregate annual expenditures for all public construction purposes throughout the country mounted steadily between 1919 and 1929 from probably about $1,500,000,000 to $3,500,000,000. Estimates for years since 1923, based on a revision and extension of estimates of the National Bureau of Economic Research, are as follows (in $1,000,000):

1923	2123	1928	3631
1924	2652	1929	3555
1925	2812	1930	3632
1926	2974	1931	3100
1927	3706	1932	2000

These amounts represent between 30 and 40 percent of the total volume of all construction, public and private, during these years, the proportion having steadily increased. It amounted in 1928 to between 25 and 30 percent of all governmental expenditures. Total orders given by public authorities in Germany in the year 1927 have been estimated at from 6,000,000,000 to 6,500,000,000 marks; for reasons indicated above, however, no direct comparison is legitimate. Partial figures for other countries show in most cases a steep rise until the onset of the depression. In comparison with public works expenditures strictly defined, the estimated construction and maintenance expenditures of public utilities (railroad, electric power, telephone and electric railway companies) in the United States grew from $2,657,000,000 in 1923 to $3,265,000,000 in 1929, declining thereafter to $1,332,000,000 in 1932.

Numerous and varied elements enter into the determination to construct particular public works projects. Such factors as desirability, feasibility, the needs of particular localities or groups and the pressure exercised by sectional interests likely to be benefited by the improvement vary so greatly according to place, time, financial considerations and other circumstances that no broad generalizations are possible. In many instances decisions have been influenced in the United States by "log rolling" and "pork barrel" legislation on the part of sections seeking to obtain advantages at the expense of the community as a whole. There are also good grounds for the widespread conviction that a substantial although indeterminable portion of the construction dollar, particularly of local governments, often goes into political graft and that decisions by local governmental units to engage in certain construction activities are affected by the interests of these corrupt politicians.

The traditional procedures employed by governmental agencies in undertaking permanent improvements show the most extreme differences both in fundamentals and in details. While a few cities in the United States, such as Cincinnati and Schenectady, attempt to plan their public projects some years ahead under a long term improvement program and a capital budget, many more approximate the practise of New York City, which has neither but proceeds in haphazard manner. The ordinary budget of the city of New York includes very few items for permanent improvements except roads. Capital outlays amounting to between one and two hundred million dollars annually are financed almost wholly by borrowing; yet no attempt is made to formulate a comprehensive budget or program for these expenditures. Instead projects are authorized piecemeal without serious consideration of their relative importance or adequate financial provision for their completion; congestion, inefficiency, delay and waste result. Cook county, Illinois, which includes the city of Chicago, is a notoriously extreme example of chaos in local government; but everywhere in the United States there is a multiplicity of authorities, with varying degrees of financial autonomy, responsible for undertaking public works.

By far the most important single item in construction expenditures in the United States in recent years has been the construction and maintenance of roads, streets and bridges, which has equaled or exceeded the aggregate amount expended throughout the country on all other types of public works. In 1923–30 the cost of this item more than doubled, as the following table shows. This very rapid growth of road building expenditures has been a relatively

Year	Amount (In $1,000,000)	Percentage of Total Public Construction Outlays	Year	Amount (In $1,000,000)	Percentage of Total Public Construction Outlays
1923	991	47	1927	2123	57
1924	1346	51	1928	2025	56
1925	1331	47	1929	1938	55
1926	1553	52	1930	2160	59

recent development brought about by the radical transformation in transport effected by the automobile. In other countries where the automobile is not in equally extensive use, road building expenditures are correspondingly smaller, although the trend has in most countries been sharply upward.

In Great Britain at least one third and often more of the annual capital expenditures by central and local authorities in recent years have been for housing. Estimates of state controlled new capital outlays, excluding those of semi-public organizations, like the Port of London Authority, the British Broadcasting Corporation and the Metropolitan Water Board, but including those of the Central Electricity Board and capital construction carried out by local authorities, amounted to £121,400,000 in 1929–30, £146,800,000 in 1930–31 and £108,800,000 in 1931–32. In Italy railways and roads have of late held foremost place among expenditures on public works undertaken directly by the state, and roads among those undertaken by local authorities.

The item second in importance to roads and bridges in public construction expenditures in the United States is educational buildings, amounting in recent normal years to about $300,000,000 annually; next come hospitals and similar institutions (with outlays about two fifths as great), public buildings, water front developments, sewage systems and water supply facilities. Expenditures for lighting systems, docks, piers and parks have been relatively low. The variation in the distribution of these expenditures by purposes, as between different governmental units and different periods, is, however, considerable. Thus New York City's largest item of capital outlays, subway construction, which from 1919 to 1929 made up two fifths of its total construction expenditures, is quite exceptional, as are outlays in the United States on municipally owned power plants.

Prior to the depression nearly 50 percent of the total volume of public works in the United States was undertaken by the municipalities. County authorities in the aggregate were responsible for about 25 percent, the forty-eight state governments for something over 15 percent, and the federal government for the remaining 10 percent. By 1932, however, this last percentage had risen to over 25, owing to greatly increased federal outlays and the concurrent drastic decline in local expenditures.

During the post-war decade municipal outlays on capital improvements grew with great rapidity as a result of the pressing requirements of a fast growing urban population with mounting standards of living for increased provision of streets and transportation facilities; better sanitary and lighting systems, enlarged and improved educational structures, hospitals, public buildings and the like. For this period school building expenditures constitute the largest single item, averaging about 30 percent of the total in a representative sample of fourteen selected cities. Not much less was spent on roads and bridges. Subway construction, which in many years forms a larger percentage, is accounted for almost entirely by New York City. Hospital buildings form a substantial portion throughout, followed in order of importance by sewage systems, public buildings, lighting systems, water supply construction, dock improvements, water front developments, incinerators and park buildings.

In general the public works of state and county governments in the United States are much less varied than those of the cities and are represented largely by road building. For example, total public works disbursements of the state government of Michigan between 1925 and 1930 varied between 25 and 37 percent of total governmental expenditures; 90 percent of these construction outlays were for roads and bridges. Even in New York, where state government expenditures are more diversified, the amount spent by the state for this purpose, including federal aid to the state and state aid to its counties and towns, averaged 65 percent of total construction outlays between 1919 and 1929. During these years road building outlays rose from $11,100,000 to $48,300,000 out of total construction expenses amounting to $24,600,000 and $80,300,000 respectively. Over the same period disbursements for the building of prisons, hospitals, educational structures, state offices and the like increased from $3,500,000 to $23,700,000.

The construction expenditures of the federal government are much larger and more diversified than those of any other single governmental unit in the United States. Apart from the building of warships and aircraft these funds are used for inland waterways, great irrigation projects and harbor works, road building and the construction of army posts, veterans' hospitals, federal penitentiaries, customhouses, post offices, Indian schools, immigration stations and many other objects. Since the war a great change has

taken place in the relative importance of these items. In 1919, of total outlays on all construction, including floating equipment, amounting to $788,000,000, nearly $459,000,000 was used by the Department of the Navy and more than $200,000,000 by the Quartermaster Corps of the Department of War, while the Bureau of Public Roads spent less than $4,000,000 on roads. The last mentioned item has grown steadily in importance and now occupies the leading place among federal public works other than floating equipment, amounting to nearly one third of the total federal construction outlays and averaging more than $90,000,000 annually since 1924. According to the Federal Employment Stabilization Board, total federal expenditures for new construction, repairs and alterations for fiscal years ending June 30, exclusive of floating equipment and aircraft, have been as follows (in $1,000,000):

1920	212	1924	235	1929	308
1921	246	1925	271	1930	325
1922	215	1926	256	1931	474
1923	197	1927	256	1932	567
		1928	274		

Public works are sometimes undertaken jointly by two or more governmental units or by an autonomous public body created specially for that purpose or by governmental agencies in conjunction with private concerns upon a basis of cost division, while, finally, there has been developed in advanced countries an elaborate system of grants-in-aid (*q.v.*) and other types of assistance from central to local governments to facilitate the financing of public works. An example of the first category is the construction of the Holland Tunnel, a project financed by the states of New York and New Jersey, while the development of international waterways (*q.v.*) is an example of similar cooperation between sovereign nations. The class of public works undertaken by autonomous public bodies is exemplified in the bridges and freight terminal facilities erected by the Port of New York Authority, a New York-New Jersey interstate commission empowered to contract loans on its own credit, and the Interstate Bridge Commission, charged with constructing the Lake Champlain bridge, a New York-Vermont project. In Great Britain the construction work performed by the Port of London Authority, the British Broadcasting Corporation and the Central Electricity Board has much the same character. Occasionally, apart from subsidies (*q.v.*) overt or concealed, which central governments make a practise of granting to private industries, such as shipping and aviation, to foster their development, public construction work is also undertaken jointly by governmental agencies and private interests. Thus the cost of railroad grade crossing elimination is usually shared in the United States by the state government and the railroad involved, with or without contributions from the county or city concerned.

The system of grants-in-aid from central to local governments for the encouragement of certain types of public works is widely used in one form or another. The federal government in the United States has since 1921 made appropriations to the several states for cooperative highway construction, which since 1925 have run at the rate of $75,000,000 annually, this sum being virtually doubled by various acts passed in 1930. State governments also make grants to local subdivisions for road building. In Great Britain the central government directly contributes out of the Road Fund 50 to 75 percent of the capital costs of Class I and II roads and also grants substantial subsidies for housing and school building in the form of contributions to the loan charges.

Most public works in the United States are constructed under a system of contracts awarded by public competitive bidding (*see* PUBLIC CONTRACTS). Governmental agencies generally also maintain a labor force of their own for the construction or more usually the maintenance of roads in particular (*see* PUBLIC EMPLOYMENT). In the execution of public contracts attempts have often been made to set up minimum requirements as to such matters as wages and hours, but it has frequently been found difficult to enforce them. Contracts for public works have in some cases been utilized to stimulate producers' cooperatives and building guilds. This was true in Italy and France before the war and in the case of the short lived building guilds in England, Germany and Palestine after the war (*see* PRODUCERS' COOPERATION).

Figures of construction employment in the United States are notoriously inadequate and no accurate measure is possible of the numbers engaged directly or indirectly on public construction. Perhaps 800,000 persons on the average were employed directly on all public construction during the years 1927 to 1930. In addition it has been computed that for each worker employed directly on public construction perhaps two are given employment indirectly

in the manufacture and transportation of building materials and equipment. Moreover there is the still further employment created as a result of the demand exercised by these workers for consumers' goods. The "secondary" employment thus created by public works during depressions has been calculated as being perhaps roughly as large again, in appropriate circumstances, as the "primary" employment given directly and indirectly by construction expenditures.

In most countries public works are financed in varying proportions from current revenue and borrowed funds. In the United States the federal government has hitherto paid for its construction works wholly out of general funds, federal securities being floated upon their depletion. In recent years frequent proposals have been made for setting up a separate capital budget. Taken as a whole the states, counties and cities have derived their construction revenues about three fifths from general funds and two fifths from bond issues floated usually for specific capital improvements. But practise varies greatly. While some cities, such as New York, finance their outlays almost entirely by bond sales, others, like Boston, incline toward a pay as you go policy. The situation is similar with regard to states. About half the total funds for state highway and bridge work are derived from motor vehicle fees and gasoline tax receipts; those for local highways and bridges come largely from local road tax levies. In Great Britain the Road Fund is self-supporting, by far the greater portion being contributed by the proceeds of the horse power tax; the great bulk of other capital construction is financed by borrowing, with or without the assistance of grants from the central government. Many local improvements are paid for in the United States by means of special assessments. Still another method of financing is through the imposition of charges or tolls for the use of the facilities afforded by the project in question, a device utilized, for instance, in connection with the Holland Tunnel and the bridges built by the Port of New York Authority.

In recent years proposals for utilizing public works as an agency of economic stabilization in an unstable economic system have received much attention. In essence the suggestion is that public works should be planned and budgeted far enough in advance so that they may be conducted on a flexible schedule, operations being timed to fluctuate inversely with general cyclical movements of business, retarded in periods of prosperity and speeded up in times of industrial stagnation. In the past the tendency has been for public works to be undertaken in large volume in good times both because of increased popular demand and because governments have the necessary revenue or are more willing to borrow. Conversely, depressions have usually found public authorities with a heavy load of debt and impaired borrowing powers. The expansion of public construction in times of prosperity has increased the pressure on the capital market and the labor supply and consequently encouraged inflationary tendencies; and its contraction in periods of depression has reenforced the reduction of private spending by a curtailment of public expenditures. It is argued that an elastic system of controlled public works would correct both these evils by giving when needed a general stimulus or check to economic activity as a whole.

Repeated recourse has long been had to the expedient of providing employment for the jobless on emergency relief works. Even the building of the Great Pyramid of Egypt and the beautification of the Acropolis under Pericles have been attributed to a desire to make work for unemployed masses. The idea of making public construction serve as a balance wheel of industry is, however, relatively new. Public works proposals have been distinguished from pure work relief proposals, at least in theory, by the requirements that under the former are to be included only such works as are useful and not created solely for the purpose of keeping men busy, and that on public works only properly equipped persons are employed at the rate of wages prevailing for the particular type of work and not at relief wages. In practise, however, chiefly because of the absence of sufficient properly planned works, relief work of an unproductive and occasionally wasteful nature has often been resorted to.

As early as 1902 the French government officially endorsed the policy of reserving important public works for future periods of unemployment. Prussia, Great Britain, Sweden, Norway, Finland and other European states followed France in adopting partially or in considering the principle of regulated public works. The International Labor Organization has advocated controlled public works since its first conference in 1919. Examples during the last fifteen years of the postponement of certain construction projects for periods of slackened business activ-

ity are found in France, Germany, Italy, Norway, Sweden and other countries; conversely, there are few countries which have not put works in hand earlier than they would normally have been undertaken in order to afford unemployment relief in bad times, especially during the post-war period and the recent slumps. Frequently, however, as in the case of the German productive unemployment relief schemes, these attempts have been more in the nature of pure relief works than controlled public works as defined above. In the United States New Jersey and Idaho in 1915, Pennsylvania in 1917, California in 1921 and Wisconsin in 1923 passed legislation providing for public works as a remedy for unemployment, but these measures either remained dead letters or have had insignificant results. Although the principle received official endorsement in 1923 from the President's Conference on Unemployment, the repeated efforts, particularly numerous after 1929, to pass federal legislation to this end were fruitless until 1931. In that year the Wagner Bill was passed, setting up a permanent Federal Employment Stabilization Board for the advance planning of federal construction programs and their acceleration in periods of business depression. This is the first instance where the theory has been put into actual large scale operation. The failure to speed public works after the recession, despite the federal government's urgent appeal to local authorities, was due to the fact that the latter were not prepared with carefully formulated plans to accelerate construction at short notice and that increased financial burdens coupled with adverse credit conditions which made impossible the flotation of large security issues forced the drastic contraction of construction expenditures. The federal government, however, did succeed in hastening projects already planned and also increased its road building grants to the states. In July, 1932, Congress appropriated $300,000,000 for federal public works and authorized loans from the Reconstruction Finance Corporation up to the aggregate sum of $1,500,000,000 to states, counties, cities and in some cases private corporations, for "self-liquidating" construction. This represented the first important instance in the United States of the utilization of the credit of the central government to aid local borrowing for public works, a device which through the agency of the Public Works Loans Board had been employed in England since 1817 and had supplied most of the funds for housing and similar projects undertaken by the smaller municipalities. In June, 1933, under the provisions of the National Industrial Recovery Act, the president was empowered to make emergency expenditures on public works up to a total of $3,300,000,000.

The success of a policy of controlled public works is conditioned largely by the relative volume which can be readily advanced or postponed. This depends in turn upon the thoroughness with which advance plans have been prepared and upon almost infinitely varied local conditions. Perhaps 50 percent, however, could be so reallocated. But the long range planning and budgeting of public works is an essential prerequisite if a great variety of unavoidable administrative, technical and financial difficulties of a very time consuming character are to be surmounted successfully. All projects in varying measure require time for drawing plans and specifications, selecting and acquiring sites, making authorizations and granting appropriations.

The criticism is sometimes put forward that the greatest possible increase in public works would not be sufficiently large to offset variations in private building, much less in industry in general, as between years of prosperity and depression. Total construction expenditures, public and private, declined from over $10,000,000,000 in 1928 to about $4,000,000,000 in 1932. Allowing for the decrease in construction costs in the interval, this is equivalent to a fall in physical volume from 100 to about 55. Had local authorities, state, county and city, expanded their construction expenditures as greatly as did the federal government during the depression, the dollar value of construction would have remained almost constant while the physical volume would have increased.

Granting that this would be expecting too much, the effectiveness of the device depends less upon the amount of the increase or decrease than upon its correct timing. An expansion or contraction of public works at the appropriate moment can have an influence upon business in general out of all proportion to its magnitude. Even if under the most favorable conditions a flexible public works policy could not eliminate all cyclical fluctuations, it still might succeed in mitigating their violence. Many incidental benefits also would accrue. Government agencies would gain greatly by planning and undertaking their public improvements in orderly sequence instead of haphazardly. Building costs are usu-

ally lower in periods of depression: between 1928 and 1932 they fell in the ratio of 100 to 70 or 75. Borrowing at reasonable rates is also usually easier provided that—an important proviso—the credit of the particular governmental unit has not been weakened by excessive borrowing in times of prosperity.

The correct timing of controlled public works is a somewhat vexed question. The assumption usually made that they should be expanded rapidly as early as possible during a depression is open to some question unless it is carefully qualified. If the recession has occurred after a period of excessive and unhealthy inflation, the attempt to sustain business at the prevailing high level may be unwise and economically unsound. Under such circumstances the right time to launch an expanded program is not in the early stages of the depression but only after the strictly unavoidable amount of liquidation has been effected. At such times, however, a stimulus may be needed to arrest a continued contraction of business brought about by the sheer cumulative momentum of the downward process. It is not possible to decide in advance and a priori when that point is likely to be reached. The decision must in practise be difficult, and the success of any action taken will be contingent in some degree upon the insight with which current data are interpreted and future tendencies forecast. The corresponding difficulty of knowing when and to what extent public works should be retarded on the upswing is of course equally great. However, the greater the degree of stabilization effected either by private industry through control over its own operations or by a flexible schedule of public works, the easier will be the solution of the problem of correct timing. The case against public works in depression collapses when it is asked at what other phase of the business cycle they could better be put in hand, in view of the fact that governments must always be responsible for a certain volume of public construction. Public works programs are less likely to raise building costs and the cost of borrowing at the bottom of a depression, when private outlays have fallen to a minimum, than during the boom period. The danger of incorrect timing is inherent in the problem of public works expenditures as such, and indeed in that of all government expenditures, and cannot be evaded by a policy of inaction.

The stimulation of business through the expansion of public works is in the last analysis an inflationary or counter deflationary measure, and the converse in periods of upswing. As such it raises the difficult problems of monetary theory and practise. Under an international monetary system, such as the gold standard, which demands an interrelated price and income structure of all countries adhering to it, the policy can be pursued by any one country only within somewhat narrowly restricted limits, unless through international cooperation other countries are following the same path. A country which in isolation embarks on inflation or attempts to check the course of deflation through expanded public works faces the danger that its adherence to gold will be threatened. Even abundant gold reserves accumulated in previous periods of prosperity can, if prices seem likely to diverge far from harmony with the world gold level, be exhausted rapidly by an external drain resulting from an adverse balance of payments, sudden movements of short term liquid funds or a flight of capital as well as by internal hoarding.

A policy of controlled public works, unless adopted internationally, is therefore at bottom inconsistent with the underlying principles of a freely automatic international standard based on gold, although not necessarily with a modified gold standard operated under central bank cooperation. The greatest obstacle to the expansion of public works during the present depression has throughout been precisely the fear that vigorous expansion would threaten the budget and the gold base, although many who recognized this danger did not regard it as a decisive objection. Departure from gold removes this difficulty by conferring greater freedom of action in matters of domestic monetary policy. It has been argued that under systems of irredeemable paper or otherwise "controlled" currencies which allow any level of prices to be established, recourse to a public works policy is no longer necessary since credit expansion could be attained directly. The traditional method, however, of reduced rediscount rates reenforced by appropriate open market operations may not of itself suffice in a severe depression to encourage business activity or effect expansion. Large public works programs by increasing expenditures and purchasing power directly stimulate both capital goods industries and the demand for consumer goods.

The objection has sometimes been advanced that capital raised by public authorities for construction work in times of depression merely

diverts resources from private industry to public enterprise, especially by heightening the cost of borrowing, and therefore cannot create any addition to the sum total of employment. The argument rests upon the fallacious assumption of a rigidly limited and inflexible volume of credit. Since there is usually during depression periods a surplus of idle funds seeking secure investment at attractive returns, which private business is unable or unwilling to utilize in the face of uncertainty, declining prices and excess productive capacity, its use by public bodies need involve no transfer inasmuch as the capital would otherwise not have been employed at all. Expansion itself provides the resources which make expansion possible: the funds needed to finance increased public construction outlays come partly from reduced expenditures on direct relief and partly by creating bank credits or preventing their continued contraction. The experience of governments has generally been that they could raise money in the capital market without increasing the difficulties of private enterprises. It should be emphasized, however, that a public works program undertaken in conjunction with an appropriate central bank policy can prove successful, especially under an international metallic monetary standard, only if government credit is secure, the capital market strong and the demand for bonds elastic.

The further objection to public works expansion in depression that the additional debt contracted involves a future increased burden of taxation arises from a confusion of thought. Business recovery brings increased tax receipts without the imposition of additional taxation. Equally baseless is the charge of inevitable waste. There need be no excessive waste if projects have been planned ahead, but such as occurred would be insignificant in comparison with the economic wastage of idle and deteriorating man power and capital equipment. Besides, since the unemployed have to be supported in any event out of public or private funds, the real net direct cost of public works, apart from their indirect stimulating effects, is much less than it appears, while in addition the community receives something in return for its expenditures.

For the adequate financing of public works in periods of depression arrangements must previously be made for the rapid provision of funds when needed. The actual form the reserve should take is a matter of some dispute and suitable methods are not necessarily the same in all cases. One proposal is that reserve funds should be accumulated and invested in gilt edged securities or deposited in a bank; another is that they should be held in the form of banknotes, so that the circulation would be alternately contracted and expanded. Actual funds, however, need not be accumulated in advance at all. It is necessary only that adequate credit reserves be created and, in the case of municipalities in the United States, that a much larger unencumbered margin of constitutional borrowing power be preserved. Public construction would then be undertaken out of loans in periods of depression and these would be amortized at an accelerated rate during years of prosperity out of budget surpluses. Aggregate expenditures on public works over a period of years would not be increased but would be allocated differently in point of time. Again, money which would normally go to reduce public debt could in depressions be used for public works.

None of these measures, it should be noted, is capable of coping effectively with unemployment of a more or less permanent character resulting not from cyclical fluctuations but from deeper seated forces involving basic economic readjustments, such as Great Britain and Germany have experienced since the war. Where, however, the maladjustment is not national but confined to certain localities, public works projects may perhaps be used effectively as a means of easing the transition of workers in these localities to other lines of work. This was done, for example, in 1863 to alleviate the effects of the depression in the Lancashire cotton industry in England which had resulted from the American Civil War. It has been proposed by Sir William Beveridge as a device for meeting the problem raised by the depressed coal mining areas in England.

The greater the degree of international cooperation in the execution of an elastic public works policy, the more successful it is likely to prove. In the past it has been found extremely difficult to secure such agreement on concerted policies between central banks and treasuries, even in periods of acute stress. The extension likewise of the concept of the stabilizing influence of controlled public works to the similar utilization of other governmental expenditures will render easier the smoothing off or elimination of cyclical variation in business activity. In both cases the purposes of the policy would clearly be furthered considerably by greater centralization of control over public works planning in place of the present confusion created by the

multiplicity of authorities responsible for construction work.

Any evaluation of a policy of flexible public works as an agency of economic stabilization must depend in the last analysis upon the particular theory held concerning the fundamental nature of the business cycle and the effectiveness of "artificial" correctives under a system of free private competitive enterprise. All economists agree as to the importance of securing a proper relationship between costs and receipts. Those, however, who incline to the "monetary" view and advocate deliberate control of the price level will tend to approve a policy of flexible public outlays; on the other hand, those who regard business depressions as due to the development of structural maladjustments impossible to remedy through monetary action and necessitating for recovery the drastic reduction of costs and the writing down of past liabilities are likely to condemn increased public expenditures out of borrowing. Although in practise the points of view of economists are not susceptible of such sharp and rigid classification, their attitude to an elastic public construction policy must ultimately be determined by the degree of their faith in the possibilities of the conscious guidance of economic activity through monetary management as opposed to the reputedly automatic readjustments of a freely competitive order.

ARTHUR D. GAYER

See: GOVERNMENT; LOCAL GOVERNMENT; MUNICIPAL GOVERNMENT; GOVERNMENT OWNED CORPORATIONS; PUBLIC FINANCE; EXPENDITURES, PUBLIC; PUBLIC DEBT; GRANTS-IN-AID; SUBSIDIES; STABILIZATION, ECONOMIC; BUSINESS CYCLES; UNEMPLOYMENT; INFLATION AND DEFLATION; MONEY; CONSTRUCTION INDUSTRY; PUBLIC UTILITIES; ROADS; HOUSING; MUNICIPAL TRANSIT; INSTITUTIONS, PUBLIC; CITY AND TOWN PLANNING; REGIONAL PLANNING; PUBLIC CONTRACTS; PUBLIC EMPLOYMENT; SPOILS SYSTEM; CORRUPTION, POLITICAL.

Consult: Conference on Unemployment, Washington, D. C., 1921, Committee on Recent Economic Changes, *Planning and Control of Public Works*, National Bureau of Economic Research, Inc., Publications, no. 17 (New York 1930); International Labour Office, *Unemployment and Public Works*, Studies and Reports, Ser. C, no. 15 (Geneva 1931); Mund, V. A., "Prosperity Reserves of Public Works" in American Academy of Political and Social Science, *Annals*, vol. cxlix (Philadelphia 1930) pt. ii; Symposium, "Stabilizing Employment" in *American Labor Legislation Review*, vol. xxii (1932) 71–108; "Public Works and Unemployment" in *American Economic Review*, vol. xx, Supplement (1930) 15–29; Bielschowsky, Georg, "Business Fluctuations and Public Works" in *Quarterly Journal of Economics*, vol. xliv (1930) 286–319; Bowley, A. L., and Stuart, F. D., "Regularisation of the Demand for Labour by Advancement or Retardation of Public Works" in *Is Unemployment Inevitable?* (London 1924) p. 366–77; Dickinson, F. G., "Public Construction and Cyclical Unemployment" in American Academy of Political and Social Science, *Annals*, vol. cxxxix (1928) 175–209; Hawtrey, R. G., "Public Expenditure and the Demand for Labour" in *Economica*, vol. v (1925) 38–48; Keynes, J. M., *The Means to Prosperity* (London 1933); Pigou, A. C., "The Monetary Theory of the Trade Cycle" in *Economic Journal*, vol. xxxix (1929) 183–94; Keynes, J. M., and Henderson, H. D., *Can Lloyd George Do It?* (London 1929); Lindahl, Erik, "Offentliga arbeten i depressionstider" in Nationalekonomiska Föreningen, *Förhandlingar, 1932* (Stockholm 1933) p. 127–64, with discussion by G. Bagge, E. Heckscher, B. Ohlin, J. Åkerman, and others; Martin, P. W., *The Problem of Maintaining Purchasing Power* (London 1931); Clay, Henry, *The Post-War Unemployment Problem* (London 1929) p. 124–36; Kahn, R. F., "Public Works and Inflation," and Gill, Corrington, "The Effectiveness of Public Works in Stabilizing the Construction Industry" in American Statistical Association, *Journal*, vol. xxviii, Supplement (1933) 168–73, and 196–200; Kahn, R. F., "The Relation of Home Investment to Unemployment" in *Economic Journal*, vol. xli (1931) 173–98; Loucks, W. N., *The Stabilization of Employment in Philadelphia . . .*, University of Pennsylvania, Wharton School of Finance and Commerce, Industrial Research Department, Research Studies, no. 15 (Philadelphia 1931); United States, Congress, Senate, Committee on Commerce, *Expansion of Public Works during Periods of Unemployment and Industrial Depression. Hearing . . . on S. 2475*, 70th Cong., 1st sess. (1928), Committee on Education and Labor, *Unemployment in the United States. Hearings . . . Pursuant to S. Res. 219*, 70th Cong., 2nd sess. (1929), Committee on Commerce, *Unemployment in the United States. Hearings . . . on S. 3059 . . . S. 3060 . . . S. 3061*, 71st Cong., 2nd sess. (1930), and Committee on Education and Labor, *Establishment of Administration of Public Works. Hearings . . . on S. 2419*, 72nd Cong., 1st sess. (1932); Spates, T. G., *International Planning of Public Works*, Geneva special studies, vol. 3, no. 3 (March, 1932); Germany, Statistisches Amt, *Die Staatsausgaben von Grossbrittanien, Frankreich, Belgien und Italien*, Einzelschriften zur Statistik des Deutschen Reiches, no. 2 (Berlin 1927), esp. p. 388–95; Muratore, Nicola, *La finanza delle opere pubbliche* (Milan 1928); Sánchez de Bustamante, Teodoro, "Régimen financiero y contabilidad de las obras públicas nacionales" in *Revista de ciencias económicas*, vol. xiv (1926) 477–500.

PUBLICITY has two distinctive although related uses of importance to society: as an instrument for public control of governmental and industrial activities and as a technique for directing the interest or good will of the public toward some individual or organization. In both cases it is a characteristically modern phenomenon, a product of the "great society," brought into play because of the complex activities of the modern economic order and given its character

istic stamp by the newspaper and other modern agencies of communication. As a corrective for political and economic abuses publicity has been repeatedly invoked by reformers and public men in America from the closing years of the nineteenth century. One of the earliest pleas for publicity for political affairs was made by Woodrow Wilson in an essay on "Cabinet Government in the United States" (*International Review*, vol. vii, 1879, p. 146–63), in which, with reference to the use of the committee system for the effective work of legislation, he urged that congressmen "should legislate as if in the presence of the whole country" and that "only in such an atmosphere of publicity . . . could representative government flourish." Toward the close of the nineteenth century publicity enjoyed a great vogue as a curative for the evils of monopoly then uppermost in the public mind through the growth of trusts. John Graham Brooks in 1899 declared that "the forced publicity for private as well as for public corporations in Massachusetts makes any dangerous degree of stock-watering extremely difficult." Henry C. Adams, to whom had been entrusted the setting up of a system of railroad accounts for the Interstate Commerce Commission, wrote in 1902: "Secrecy in the administration of a power which in any way touches the interests of the community, gives birth to the suspicion that the power is unwisely or tyrannously administered. . . . The task of publicity is to allay this suspicion, and the statutory definition of publicity, in any particular case, must be as broad as the ground of suspicion which makes appeal to it necessary. . . . Indeed, from whatever point of view the trust problem is considered, publicity stands as the first step in its solution" ("What is Publicity?" in *North American Review*, vol. clxxv, p. 895–904). The muckrakers in the first decade of the twentieth century took up the cry for publicity in the operations and accounts of the corporations and gave it wide currency. President Theodore Roosevelt borrowed it from them as part of his program of monopoly control. In a speech in 1902 he defined publicity as "the making public, both to the governmental authorities and to the people at large, the essential facts in which the public is concerned. . . . The mere fact of the publication would cure some grave evils, for the light of day is a deterrent to wrong-doing." He pledged this same doctrine in his message to the first session of the Fifty-seventh Congress, which enacted his exhortation into legislation; so that in his message to the second session of the Fifty-eighth Congress in 1904 he was able to report the formation in the Department of Commerce and Labor of the Bureau of Corporations with for the first time "authority to secure proper publicity of such proceedings of these great corporations as the public has the right to know."

The demand for publicity was extended to fields other than that of corporate control. In his message to Congress in December, 1904, referring to the antisocial working conditions brought to public attention in the course of the Colorado mining strike, President Roosevelt declared that "much can be done by the government in labor matters merely by giving publicity to certain conditions." But the principal field into which the movement for publicity was extended was that of governmental operation, especially in municipal government, where the greatest opportunity for corruption existed. After the reform movement which had brought Seth Low into the New York mayoralty collapsed, in the view of many of its supporters largely because of a lack of widespread information concerning the underlying issues, an attempt was made to remedy this situation by the establishment six years later of the Bureau of Municipal Research. Its first director, Henry Bruère, described its program as primarily one of publicity. All these beginnings and tentatives, in the field of both corporation and governmental publicity, were gathered up and given their most complete expression in Woodrow Wilson's campaign speeches, later published in book form as *The New Freedom*. "Publicity," he wrote, "is one of the purifying elements of politics. The best thing that you can do with anything that is crooked is to lift it up where people can see that it is crooked, and then it will either straighten itself out or disappear. Nothing checks all the bad practices of politics like public exposure."

But despite the clarity and simplicity of this formula for governmental reform the struggle for publicity continues. Publicity for income tax returns was sought after the World War and was secured through the efforts of a small group of politically independent congressmen in 1924 when Senator Norris' amendment for full publicity of income tax returns and refunds was adopted. It was, however, abandoned after one year, because of the opposition of more powerful forces within the Republican party. Publicity reappeared as a political issue in the presidential

campaign of 1932 when the Democratic nominee, Franklin D. Roosevelt, gave as the first three planks in his eight-plank program for the control of the power companies: full publicity on security issues, earnings and investments; publicity on stock ownership; and publicity as to intercompany contracts and arrangements. Just as the so-called Pujo Committee in 1913 had sought to bring under public scrutiny the operations of the "Money Trust," so in 1933, in reference to the exposure by the Senate investigation of financial favors conferred by J. P. Morgan and Company upon men of high public standing, Samuel Untermyer, formerly the counsel for the Pujo Committee, declared his belief that "relentless publicity of the names of purchasers and underwriters of securities . . . would in itself largely prevent the abuses of the power in the distribution of such gratuitous favors."

Thus, although publicity has for some thirty-five years been deemed an indispensable and effective means of destroying political and economic abuses, the achievement of its end has not yet been attained. This technique of control, upon which the entire progressive movement since the beginning of the century had relied so strongly, was not, however, entirely ineffective. It was part of the machinery set up under the government regulatory commissions, especially the Interstate Commerce Commission and the Federal Trade Commission; it was used by state governments, notably Massachusetts, in the administration of minimum wage laws; it became part of the program of municipal research leagues in the principal cities and furnished the basis of a movement for wide governmental reporting. But on the whole the period may be considered to have imposed too great a faith in the unaided curative powers of publicity, and this faith was probably one of the factors which barred the way to a search for the more far reaching causes of economic and governmental ills.

Paradoxically, the need for publicity in the control of business led to the creation of another type of publicity, by which those who had been the targets for reformers sought to establish their good character in the court of American public opinion. As a consequence largely of the muckrakers' exposure of "invisible government" in city, state and nation, of rebates by railroads and of other forms of corruption, corporations and their heads began to seek favorable publicity which would make them appear benevolent. Publicity, that is, the securing of publicity for others, became thus an occupation, a calling distinct from advertising, in the first decade of the twentieth century. Large corporations developed publicity departments whose chiefs later became known as public relations counsels. Their function was to assuage public hostility and create public good will, fend off hostile newspaper criticism, stimulate consumption of their commodity and mold public opinion along lines favorable to the enterprise. They were to act at once as a buffer between a perhaps tactless captain of industry or an impersonal corporation and a hypersensitive public opinion and also in some instances more constructively as a creator of that opinion. When it was discovered recently that the power corporations had been utilizing the device of publicity, which they had borrowed from the movement for government control, for their own very opposite purposes of molding opinion in schools and colleges favorable to non-interference by the government in public utility enterprises, it was clear that there had been accomplished a neat and complete reversal in the uses of publicity.

The ancestry of the public relations counselor by another line of descent was the press agent, for some decades back an adjunct only of the circus and the theater. Known also as the advance man, this representative of divers traveling shows would precede the enterprise and attract attention by various flamboyant means. P. T. Barnum, impresario of human oddities and freaks, was a prototype of the later press agent; Harry Reichenbach, who made many a theatrical and "movie" reputation by the nimbleness of his wits, may be mentioned as a contemporary example. Here advertising and press agentry were intimately related, although their functions were somewhat different and might fairly, if arbitrarily, be distinguished: advertising was bought and paid for through newspapers, posters and billboards; and the arts of press agentry sought through ingenious and devious ways to draw public attention to the entertainment in question. Theatrical companies have for generations been preceded on the road by press agents who both "placed the advertising" and endeavored, in return for the advertising and in addition to it, to secure other publicity for their attractions. The newspaper story of the actress whose jewels, valued at a fantastic figure, had been stolen, became the type and later the burlesque of this sort of publicity.

In the earlier days of American life, when

modern communications had not yet been developed and news traveled slowly, public opinion was formed by discussion in town taverns and country stores. Methods of indoctrinating the public with ideas were then, broadly speaking, frank and above board, through platform and press. Theodore Roosevelt was one of the first public officials to perceive the full importance of shaping public opinion by modern methods. It was a device of his to issue his public statements for the Monday morning newspapers, on the correct assumption that since Sunday is a day of minimum activity, his pronouncements would receive the most favorable display, or maximum publicity, in the Monday press. As social organization became more complex, the tempo of life was accelerated and public questions grew more numerous and more complicated, the problem of reaching the growing mass of people led to the transformation of publicity into an art and an industry. In the third decade of the twentieth century the propaganda on a giant scale in which nations had engaged during the World War gave great emphasis to the possibility of shaping events through indoctrination. In the same period the scramble for "free publicity," or "space grabbing," reached such lengths that it evoked repeated protest and discussion by American newspaper publishers and was the subject of constant critical attack in the leading newspaper trade journals. An analysis of newspapers during 1926 revealed that on the average more than half the "stories" published originate with publicity agents or publicity organizations. One analysis of the New York *Times* of December 29, 1926, gives these results: "Stories not suggested, created or supplied by some sort of publicity agency, 82; stories almost certainly of publicity origin, 147; doubtful, 26. Excluding the dubious instances, the presentation of publicity stuff is nearly 60%." The analyst points out further that he has excluded "all sport and society items and stories . . . some 50 real estate items and stories" which bear "the ear marks of interested activity," and corroborates the conclusion arrived at by others that "the better half of the news sifts through publicity screens."

The work of publicity has thus, on the one hand, been exalted into a dignified profession in the hands of public relations counsels, while, on the other, it continues to be a slightly organized haphazard attempt through strategy and chicanery to secure publicity for commercial products and for public performers of various types, whose earning potentialities can thereby be increased. A favorable aspect of the publicity origin of news is found in the unprecedented accuracy of newspaper accounts emanating from the publicity departments of scientific institutions. Previously, reporting of scientific discoveries was notoriously garbled by a considerable section of the American press. Large public service corporations also, apart from the interested and favorable character of publicity issued, have added to the promptness and accuracy with which news of disasters, such as railroad wrecks, have reached the public. Philanthropic, educational and social work enterprises have likewise found it a useful, in fact an inevitable medium for bringing their purposes to the public attention and have enlisted, in their more conservative fashion, essentially the same techniques employed by business and theatrical enterprises. Although publicity is in its more sensational aspects carried almost to the point of being a racket, in its modified functioning it has become an integral institutional force of modern society.

ERNEST GRUENING

See: ADVERTISING; PROPAGANDA; PUBLIC OPINION; PRINTING AND PUBLISHING; PRESS.

Consult: Wilson, Woodrow, *The New Freedom* (New York 1913); Regier, C. C., *The Era of the Muckrakers* (Chapel Hill, N. C. 1932); Lippmann, Walter, *The Phantom Public* (New York 1925), and *Public Opinion* (New York 1922); Graves, William B., *Readings in Public Opinion; Its Formation and Control* (New York 1928) pt. iii; Bernays, Edward L., *Crystallizing Public Opinion* (New York 1923), and *Propaganda* (New York 1928); Quiett, Glenn C., and Casey, Ralph D., *Principles of Publicity* (New York 1926); Higham, Charles Frederick, *Looking Forward; Mass Education through Publicity* (New York 1920); Riis, Roger William, and Bonner, Charles W., Jr., *Publicity* (New York 1926); Squire, Irving, and Wilson, Kirtland A., *Informing Your Public* (New York 1924); Wilder, R. H., and Buell, K. L., *Publicity; a Manual for the Use of Business, Civic or Social Service Organizations* (New York 1923); Smith, Herbert Heebner, *Publicity and Progress; Twentieth Century Methods in Religious, Educational and Social Activities* (New York 1915); Bent, Silas, *Ballyhoo: the Voice of the Press* (New York 1927); Reichenbach, Harry, *Phantom Fame; the Anatomy of Ballyhoo as Told to David Freedman* (New York 1931); Scott, Walter Dill, *Influencing Men in Business* (New York 1911); Routzahn, Mary S. and Evart G., *Publicity for Social Work* (New York 1928); Alexander, Carter, and Theisen, W. W., *Publicity Campaigns for Better School Support* (Yonkers, N. Y. 1921); Miller, Clyde R., and Charles, Fred, *Publicity and the Public School* (Boston 1924); Alexander, Carter, *School Statistics and Publicity* (Boston 1919), and *Publicity Work for Better Support of Rural Schools* (Bloomington, Ill. 1923); Ward, Gilbert O., *Publicity for Public Libraries* (New York 1924).

PUCHTA, GEORG FRIEDRICH (1798–1846), German jurist. Puchta received his training in philosophy under Hegel in the Nuremberg Gymnasium and afterward came under the influence of Hegel's antipode, Savigny, and of Schelling. He taught Roman and canon law with great success in Erlangen, Munich, Marburg, Leipsic and Berlin, where in 1842 he became Savigny's successor. Although he had a rationalistic and dialectical mind and was far from a romantic, he became closely attached—in order, it has often been suspected, to achieve rapid success in his career—to the historical school of jurisprudence, of which he very soon became the leading spirit as regards both polemics and system. Attacking Hegel and other opponents of the school in a quite unscrupulous manner and formulating and arranging Savigny's ideas in a number of skilful textbooks, he exercised a tremendous influence on his own and the following generation. He gave a more profound basis to the fundamental doctrines of the historical school in his famous book on customary law, with the result that Savigny himself accepted Puchta's views and formulae in his later works. Puchta was also the first to adapt the new doctrine to the legal conception of the church. On the other hand, he exaggerated the formalistic and archaistic methods of his master in his purely dogmatic textbooks, which were written without any regard for economic needs, modern developments or just results. These defects were subjected to glaring illumination by his pupil Jhering, who made him the laughing stock of the younger generation, although present jurists, under the influence of neo-Hegelianism, seem inclined to judge him more charitably.

HERMANN KANTOROWICZ

Important works: *Civilistische Abhandlungen* (Berlin 1823); *Das Gewohnheitsrecht*, 2 vols. (Erlangen 1828–37); *Cursus der Institutionen*, 3 vols. (Leipsic 1841–47; 10th ed. by P. Krüger, 2 vols. 1893); *Lehrbuch der Pandekten* (Leipsic 1838; 12th ed. by T. Schirmer, 1877); *Vorlesungen über das heutige römische Recht*, 2 vols. (Leipsic 1847; 6th ed. by A. A. Rudorff, 1873–74); *Einleitung in das Recht der Kirche* (Leipsic 1840).

Consult: Stintzing, R. von, and Landsberg, E., *Geschichte der deutschen Rechtswissenschaft*, 3 vols. (Munich 1880–1910) vol. iii, pt. ii, p. 438–61; Schönfeld, Walther, "Puchta und Hegel," in *Rechtsidee und Staatsgedanke, Festgabe für Julius Binder*, ed. by Karl Larenz (Berlin 1930) p. 1–62.

PUFENDORF, SAMUEL VON (1632–94), German jurist, statesman and historian. Pufendorf, the son of a Lutheran clergyman, was born in Saxony and studied at Leipsic and Jena. He taught at Heidelberg and Lund and served as royal historiographer first at Stockholm and later at Berlin.

Pufendorf, leaning on Hobbes, was a representative of the natural law school of international law. Whereas Grotius had distinguished between natural and positive law of nations, Pufendorf considered all international law as a part of natural law. He could not conceive of any real international law arising from the customs and treaties of the nations. This view, although long abandoned by legal science, is historically important for its contribution to the development of general principles of jurisprudence. Pufendorf differed from Hobbes, however, in considering that man's natural condition is one of peace and that therefore peace need not be secured through contracts. But in contradiction to this fundamental principle Pufendorf held that war under certain conditions is necessary, although, as in the doctrine of Grotius, it is permissible only in a just cause. Any offense against international law is sufficient, whether or not the attacking state itself has been harmed by such transgression. The idea of sociability, that man is not alone and that each must stand up for all, is here applied to states. War in the service of law must not be commenced, however, before an attempt at peaceful solution has been made. Noteworthy also is Pufendorf's demand that no state be allowed to prohibit the export of its raw materials if another country suffers bitter need thereby. Pufendorf's views on international law are developed in his most important works, *De jure naturae et gentium, libri octo* (Lund 1672, new ed. Amsterdam 1715; tr. by B. Kennett and others, 5th ed. London 1749), the section from it, *De officio hominis et civis* (Lund 1673; new ed. with translation by F. G. Moore, 2 vols., Classics of International Law, no. x, Oxford 1927), and his earlier *Elementorum jurisprudentiae universalis, libri duo* (The Hague 1660; new ed. with translation by W. A. Oldfather, 2 vols., Classics of International Law, no. xv, Oxford 1931).

As a political theorist Pufendorf sought to present to the German people a clear and unadorned picture of their constitution. This he did in his famous work, *De statu imperii germanici, liber unus* (Geneva 1667, new ed. by F. Salomon, Weimar 1910; tr. into German by H. Bresslau, Berlin 1870), which he published under the pseudonym, Severinus von Monzambano. He characterized the German Empire as an anomalous and monstrous body (*irregulare* . . .

corpus et monstro simile). This anomalous character, he considered, was due to the decline of the monarchy, as a result of which the emperor had lost his most important rights to the estates and the empire had become something midway between a monarchy and a confederation. The continuous struggle between emperor and estates had destroyed the inner unity and strength of the empire. As a patriot, however, and without exaggerated optimism Pufendorf sought to pave the way for the reform of the organization of the empire. He attacked particularly the religious conflicts within Germany and he sought to limit the power of the Catholic church. Pufendorf's fundamental idea that the empire was a commonwealth similar to a federation was later taken up by Thomasius and exercised considerable influence in German political science.

Pufendorf's historical works are numerous. The most important are those dealing with the Swedish-German war, the history of Carl Gustav of Sweden and the Great Elector. Not only are they based on a thorough use of the archives, but they also set forth a view of events marked by great vision and keen political insight.

HANS WEHBERG

Consult: Schücking, W., and Wehberg, H., Introductions to *De officio hominis* and *Elementorum jurisprudentiae universalis*, Classics of International Law, vol. x, p. 13a–30a, tr. by H. F. Wright, and vol. xv, p. xiii–xxvi, tr. by E. H. Zuzdel; Stintzing, R. von, and Landsberg, E., *Geschichte der deutschen Rechtswissenschaft*, 3 vols. (Munich 1880–1910) vol. iii, p. 11–23; Wolf, E., *Grotius, Pufendorf, Thomasius*, Heidelberger Abhandlungen zur Philosophie und ihrer Geschichte, vol. xi (Tübingen 1927); Bresslau, H., Introduction to his German translation of *De statu imperii germanici*, p. 5–20; Treitschke, H. von, *Historische und politische Aufsätze*, 4 vols. (vols. i–iii 5th ed., vol. iv 1st ed. Leipsic 1886–97) vol. iv, p. 202–303; Rödding, H., *Pufendorf als Historiker und Politiker*, Historische Studien, vol. ii (Halle 1912).

PULITZER, JOSEPH (1847–1911), American journalist. Pulitzer became part owner and editor of the St. Louis *Post-Dispatch* in 1878, but his career as an innovator in American newspaper life really began in 1883, when he bought the New York *World* from Jay Gould. Born in Hungary of German-Magyar-Jewish ancestry, he had brought with him to the United States in 1864 not only great shrewdness and energy but the liberal and idealistic spirit which marked many immigrants, especially political refugees, from central Europe. His hard fight with poverty, his friendship in St. Louis with Carl Schurz, Emil Preetorius and other German-American liberals and his first hand observation of the seamy side of American life, particularly in Washington in 1876–77 as correspondent of Dana's *Sun*, tended to make him a somewhat radical reformer. His intention was to make the *World* a hard hitting exponent of democracy and social justice, basing its power on mass circulation. Through its aggressive news policy, skill in using popular features, such as the first comic strips, and frequent sensationalism the *World* became highly profitable; at the close of 1896 its Sunday circulation was 625,000, breaking all American records. But Pulitzer's principal interest was in maintaining a fearless and aggressive editorial policy. At times he made marked concessions to business exigencies, particularly when in 1897–98 competition with Hearst led the *World* into violent jingoism and advocacy of war with Spain over Cuba. But in general he set up an ideal of independence of any object save the public interest and in belligerent fashion lived up to it.

Three principal contributions to journalism may be traced to Pulitzer's *World* and in lesser degree to his *Evening World* and *Post-Dispatch*. In a period when nearly all American newspapers were still fettered to party, to special economic groups or to the counting room, his fighting independence was widely influential. He and his staff perfected, if they did not invent, the use of the news columns to support editorial attacks by campaigns of exposure. Repeated disclosures of municipal graft, state corruption and business abuses reached a climax in the crusade of 1905 against the mismanagement of the principal life insurance companies, which led to the Hughes investigation and the enactment of remedial laws by the New York state legislature. A third service lay in pushing to fruition ideas which were regarded as radical or visionary when he espoused them. Pulitzer's original program in 1883 included a federal income tax, inheritance taxes, thorough civil service reform, a revenue tariff and relentless prosecution of corruption.

Pulitzer was stricken with almost complete blindness in 1890, but he maintained close supervision of editorial policies to the end. He did not hesitate to adopt views repugnant to most of his readers, as when he bitterly attacked Cleveland's Venezuela policy and defended his use of troops in the Pullman strike. He leaned so generally to the Democratic side that the *World* came to be regarded as the principal journal of that party, yet he denounced Bryan's

currency views. He approved many of President Roosevelt's acts, yet assailed his centralization of governmental functions and use of the "big stick" in foreign affairs. The *World's* attacks upon persons, including Roosevelt, involved in the sale to the United States government of a French company's canal rights in Panama, in which the question was raised as to "who got the money" resulted in the indictment of Pulitzer and others for criminal libel; but the indictment was quashed by a federal judge and the decision sustained by the United States Supreme Court. Pulitzer's chief efforts, however, were bent to the restriction of trusts and other aggregations of wealth, and from 1885 to 1911 the *World* led all other newspapers in demanding the break up of monopolies by the antitrust laws, the extension of railroad regulation and a close watch on the "money power." Late in life he advocated warmly the professional training of journalists and by a gift of $2,500,000 endowed a school of journalism in Columbia University.

ALLAN NEVINS

Consult: Seitz, Don C., *Joseph Pulitzer: His Life and Letters* (New York 1924); Ireland, Alleyne, *Joseph Pulitzer: Reminiscences of a Secretary* (New York 1914); Heaton, John L., *The Story of a Page* (New York 1913); Bleyer, Willard G., *Main Currents in the History of American Journalism* (Boston 1927) ch. xiv; McCaleb, W. F., *Theodore Roosevelt* (New York 1931).

PULLMAN, GEORGE MORTIMER (1831–97), American capitalist. The son of a mechanic and mover of barns and other frame buildings, Pullman obtained his first capital in similar operations. In 1858 and 1859 he remodeled two Chicago and Alton Railroad day coaches into crude sleepers, operated jointly with that road, but abandoned this undertaking in the early part of the Civil War. In 1864, at the cost of $20,000, he built a much improved sleeping car with a folding upper berth and sliding seats which could be opened out into a couch; the sliding seat was not original with Pullman, having been introduced on the Baltimore and Ohio Railroad in 1845. In 1867 the Pullman Palace Car Company was formed, with a capitalization of $1,000,000. Many improvements were developed, including the vestibule car of anti-telescoping construction and the betterment of the springs, ventilation and lighting. Continued litigation surrounded Pullman's patent claims. The company did not sell its sleeping cars but operated them itself; gradually it absorbed competitors until its operations included three fourths of the American railway mileage, with large manufacturing and repair plants in three cities. By 1894 the Pullman Company had disbursed dividends of $28,000,000, accumulated a surplus of $25,000,000 and increased capital stock (most of it paid in) to $36,000,000. Two years after Pullman's death the company became a monopoly through acquisition of the Wagner Palace Car Company, which involved a stock issue of $20,000,000 in cooperation with the Morgan interests. Since its inception the Pullman Company has paid dividends of approximately $350,000,000 in cash and $250,000,000 in stock.

As an employer Pullman was an extreme reactionary with paternalistic leanings. He launched in 1880 the construction of the company owned town of Pullman, Illinois. Houses, paved streets, parks, athletic fields, schools, churches, shops and other facilities were provided for what he considered a model town. Attempts to make the town a profitable business venture and a means of binding the workers to the Pullman Company provoked continued friction. Drastic wage cuts, averaging 25 percent in the depression winter of 1893 (while dividends of $2,800,000 were paid), coupled with slack work and no reduction in rentals led to an unsuccessful but peaceful strike conducted by the American Railway Union at the Pullman works on May 11, 1894. Pullman upheld individual bargaining and the supply and demand theory of wages and flatly rejected arbitration of the workers' claim for the pre-depression scale. Other members of the American Railway Union working on roads leading out of Chicago refused on June 26, 1894, to handle Pullman cars and a sympathetic strike was declared. Sharp conflict resulted marked by company subsidized violence and numerous arrests. The federal government and the railways broke the strike through the use of deputy marshals, injunctions and federal troops, which President Cleveland had sent against the protests of Governor Altgeld of Illinois. In 1899 the Supreme Court of Illinois ordered the company to divest itself of its non-industrial property holdings in Pullman, Illinois.

In addition to his presidency of the sleeping car company Pullman was a director in many railways, banks and industrial corporations in which he had large financial interests. His death marked the end of the family influence in the Pullman Company.

COLSTON E. WARNE

Consult: Husband, Joseph, *The Story of the Pullman Car* (Chicago 1917); International Association of Offi-

cials of Bureaus of Labor, Factory Inspection and Industrial Commissions, *Report . . . on the Industrial, Social and Economic Conditions of Pullman, Illinois* (n.p. 1884); United States, Strike Commission, 1894, *Report on the Chicago Strike of June–July, 1894* (1895); Carwardine, W. H., *The Pullman Strike* (Chicago 1894); Coleman, McAlister, *Eugene V. Debs* (New York 1930) ch. ix.

PULP AND PAPER INDUSTRY. Paper making is one of the oldest manufacturing arts and paper ranks among the most important staple needs of civilized man. The maintenance of the modern industrial and commercial system, the enormous expansion of the press, the institution of popular education, the elimination of illiteracy and the consequent widening of the reading public, in short all the constituent elements in modern civilization depend upon a continuous and abundant supply of paper. In response to a rapidly increasing demand the industry has experienced a phenomenal growth in the last few decades; while it is estimated that the world's population increased 10 percent between 1913 and 1927, the world's total production of paper was more than doubled in the same period. In the United States the pulp and paper industry, representing an investment of approximately $1,500,000,000, ranks among the leading manufacturing industries; in Canada it heads the list of manufacturing industries in value of manufactured goods as well as in distribution of wages and salaries. Although paper can be manufactured from any fibrous material and small quantities of pulp are made of rags, grass, straw and other fibrous matter, the principal raw material in the manufacture of pulp is pulpwood, which supplies from 80 to 90 percent of the total pulp requirements of the paper industry. The paper industry is thus one of the most important outlets for forest products. In its turn paper serves as the raw material for the printing and publishing industry and for the so-called converted paper products group, which includes boxes, containers, cards, labels, tags and the like.

The first manufacture of paper must be credited to the Chinese, who developed the art of paper making as early as 130 A.D., using rags as the main raw material. For centuries the Chinese guarded the secret of their process, but ultimately it spread to Arabia and thence to Spain and Italy, until in the fourteenth century it was firmly established in western and central Europe. As reading and writing were confined to limited groups, the use of paper remained insignificant throughout the Middle Ages. The demand received its initial impetus with the invention of printing in the middle of the fifteenth century. It continued to grow at an accelerated rate under the impact of the cultural movement engendered by the Renaissance and was further stimulated by the commercial expansion following the transoceanic discoveries, the political revolution of the eighteenth century and the industrial transformation at the opening of the nineteenth. A thriving trade in rags, the only important raw material known at the time, developed to supply the growing requirements of the industry. But the demand for paper soon outstripped the supply of rags, so that the industry was chronically handicapped by the shortage of raw material. The invention of paper making machinery in the early part of the nineteenth century, which multiplied the productive capacity of the industry, still further accentuated the shortage of raw material; this intensified the search for other fibrous materials to be used as substitutes for rags. About the middle of the nineteenth century the utilization of esparto grass was discovered and the processing of wood, which had been used experimentally since the early 1840's, was made commercially practicable in the early 1860's. The utilization of wood—a raw material which seemed at the time available in unlimited abundance—coupled with the application of efficient machinery ushered in a period of enormous expansion in the production of paper, which in 1929 amounted to over 23,400,000 tons. Most phenomenal was the growth of the industry in the United States, where the output increased from 127,000 tons in 1860 to over 11,000,000 tons in 1929, and in Canada, where it rose from an insignificant amount in 1880 to over 3,000,000 tons in 1929. The growth in output was impressive likewise in the Scandinavian countries and in others where abundant supplies of wood were available, although the pace did not approach that prevailing on the North American continent. The relatively low price of wood and lower costs of production made paper generally accessible to the vast masses of the people and stimulated consumption. In the period 1913 to 1927 per capita consumption of paper increased in the United States from 65 to 136 pounds, in Great Britain from 60 to 81 and in Germany from 47 to 58. A comparison of consumption rates in the industrial countries with the total world's per capita consumption of around 20 pounds indicates, assuming a further extension of industrial civilization, the potentialities of the future demand for paper and paper products.

Paper making involves two steps, the preparation of pulp and the manufacture of paper; in the first the fibers composing the wood are separated to form a pulp, and in the second they are fitted or matted into a continuous sheet. In the early history of the industry both processes were carried on in the same establishment. But with the discovery of wood as raw material and with the transition to large scale operation pulp making became a highly specialized activity, conducted in special plants, although frequently operated in conjunction with paper making establishments.

There are two distinct processes of converting wood into pulp: the mechanical method, by which the barked wood is pressed against rapidly revolving grindstones, and the chemical method, by which certain chemical reagents are used to disintegrate the fibers. The pulp obtained by the former process is of inferior quality in that it retains many elements contained in wood which are unfit for paper manufacture, so that its use is confined mainly to the manufacture of low grade paper, such as newsprint, in which low cost is of primary importance, whereas quality, durability and strength are of secondary consideration. Another variety of the mechanical method is the so-called semichemical pulp, according to which the pulpwood log is subjected to slight steaming before it is ground; this softens the woodblocks and produces a pulp of better quality and greater flexibility. The chemical method is more complicated and more costly, but the quality of the pulp is superior to that obtained by the mechanical method. The superiority consists in the fact that all non-fibrous matter is eliminated from the material, leaving for the paper machine a more or less pure fibrous matter, or cellulose, the real substance of paper. Chemical pulp produces therefore a finer and more durable type of paper. Depending on the chemical substance used in disintegrating the wood fibers, there are three varieties of chemical pulp: sulphite, soda and sulphate. In the manufacture of sulphite pulp, which is the type most widely used, the pulpwood is cooked in a solution of bisulphite of lime. The soda process is the oldest and the most costly of the three chemical methods. The chemical used is a caustic soda solution which combines with the acid components of the non-cellulose parts of the wood, leaving the pure fibers. This method is superior to the other two in that it may be applied to a wider range of woods. The sulphate process is a comparatively recent modification of the soda process; sodium sulphate is substituted for the more expensive sodium carbonate.

With wood reduced to pulp, the stage shifts to the paper mill. Before the pulp is conveyed to the paper machine it has to undergo further treatment in the course of which all other constituent materials are added. Clay, calcium and other substances are required to fill up the spaces between the individual fibers, to increase the compactness of the paper and to produce a smooth surface. Dyeing and sizing also must be completed before the pulp is placed on the paper machine.

The task of the paper machine is to combine the uniform, separated fibers and by a process of horizontal felting and matting to shape them into the form of a sheet. The main part of the paper machine is a broad, endless belt of wire screen which is driven continuously forward. The wire is fine mesh with from sixty to seventy strands per inch. The pulp flows on the belt and the fibers become arranged in a horizontal deposit in the shape of a sheet. In order that the fibers may be interwoven in all directions, the wire is shaken laterally. The material traveling on the wire is much diluted, containing almost 99 percent water, and various devices serve to dehydrate the flowing pulp. From the wire the material passes in the shape of a soft paper sheet to a series of rolls, where it is pressed and dried. From this point the sheet approaches the "dryer part," consisting of huge steam heated rolls which extract most of the water, leaving from 7 to 10 percent in the finished product. In the finer grades of paper the product is subjected to further treatment, in which it receives a final polish.

The main types of paper produced by the industry are: newsprint, amounting to over 30 percent of the total world's output of paper and manufactured entirely of woodpulp composed of 80 percent groundwood, or mechanical, pulp and 20 percent sulphite pulp; book paper, produced of chemical woodpulp, occasionally with an admixture of pulp made of rags, which is used for the printing of books or magazines and mail advertising; writing paper, manufactured of sulphite woodpulp and of rag pulp: wrapping paper, made of sulphate and sulphite pulp with an occasional admixture of mechanical pulp and pulp made of other fibrous material; paper board, made of chemical pulp and waste paper and used for boxes; and several miscellaneous types of paper, such as tissue paper, building boards and the like.

The utilization of wood as raw material and the application of modern machinery to the process of paper making are the two outstanding factors which have shaped the development of the modern pulp and paper industry. Prior to the introduction of machinery paper making was a manual art. Production was carried on in small establishments and the total capital required in setting up a paper making establishment hardly exceeded $5000. But the invention of paper making machinery signalized a transition to large scale operation involving considerable expenditure of capital. According to most estimates it costs from $5,000,000 to $6,000,000 to build an integrated mill with a daily capacity of 100 tons of pulp and a similar amount of paper—which is about the minimum capacity for profitable operation. This estimate does not include the cost of power, raw material, working capital and the heavy capital outlay and risks involved in the purchase and maintenance of timber areas sufficient in size and growth to assure a steady and conveniently located supply of pulpwood. The natural tendency in the paper industry therefore seems to be in the direction of concentration, particularly in the newsprint and other branches of the industry in which low cost and mass output are of primary consideration.

Of still greater significance in shaping the development in the pulp and paper industry in modern times was the supplanting of rags by wood. The industry in its early stages tended to be located in or near large population centers, which constituted the main source of supply of rags and provided an outlet for the finished product. Thus in the United States, for instance, of the total number of 63 mills in existence in 1787, 48 were concentrated in Pennsylvania, with Philadelphia as the paper center. With the development of wood as the main raw material the center of the pulp and paper industry shifted to countries and areas abundantly supplied with wood resources, particularly spruce, balsam and hemlock trees. As the operation of pulp and paper mills also requires extensive power supply, the availability of water power sites was an additional factor in the determination of the location of the industry. In Europe the industry tended to concentrate in the Scandinavian countries, in certain parts of Germany and Austria and to some extent in Russia, which looms as a potential factor in future development. On the continent of North America the industry concentrated largely in the heavily wooded northeastern region, along the Pacific and more recently in the southern states of the United States, in the eastern provinces of Canada and in Newfoundland. The close dependence of the location of the industry upon availability of abundant and easily accessible wood supply is particularly pronounced in the production of all varieties of pulp and in the manufacture of low cost types of paper, such as newsprint and wrapping paper, in which the cost of raw material is a vital factor in the price of the finished product and long distance transportation of pulpwood or pulp would be prohibitive. It is less pronounced in the manufacture of the finer grades of paper, in which skill and equipment play a more important part and manufacturing costs constitute a larger item in the price of the finished product. This circumstance explains the fact that England and France, although they lack wood resources, figure prom-

TABLE I

OUTPUT OF PAPER AND BOARDS IN THE LEADING PRODUCING COUNTRIES, 1913 AND 1929
(In 1000 short tons)

	1913	1929
United States	5270.0	11,140.2
Canada	318.9	3,197.1
Germany	2162.7	2,799.3
United Kingdom	1167.5	1,598.6
France*	462.0	925.9
Sweden	367.1	793.5
Japan	147.9	709.1
Finland	549.7	679.8
Austria and Czechoslovakia	285.4†	614.7
Russia	424.0	506.6
Norway	241.6	447.*

* Figures estimated.
† Includes output of a few mills in Hungary and in territory which is now part of Jugoslavia
Source: *Pulp and Paper of Canada*, vol. xxxiii (1932) 327.

inently in the manufacture of certain types of high grade paper; they supplement their scanty domestic sources of wood by importing raw material either as pulpwood or in its semimanufactured stage as woodpulp.

Because of its abundant forest resources, accessible power sites, growing population and availability of investment funds the North American continent leads in the output of pulp and paper, producing over 60 percent of the total world's output. The United States alone claims approximately 47 percent of the world's productive capacity. The relative importance of the various kinds of paper produced in the United States in 1929 was as follows: paper boards constituted 26 percent of the total value of the output of the industry, book paper 19, wrapping paper 17, writing and cover paper 13, newsprint 9, the remainder being distributed among other types of paper. The relatively small share of newsprint in the total output is due largely to the exhaustion of easily accessible supplies of pulpwood in the United States and reflects the general tendency among American producers to shift from the production of low priced products to the manufacture of higher grades, where the cost of raw material is not the primary consideration. In Canada the pulp and paper industry has experienced a phenomenal growth in the last two decades, most of the increase occurring in the production of newsprint, in which Canada outstrips the United States, producing over one third of the total world's newsprint and exporting in 1931 over 61 percent of the world's total export of that commodity. The bulk of newsprint exports from Canada is absorbed by the United States. While the rapid growth of the newsprint industry in Canada in the last two decades may undoubtedly be credited to the vast timber resources and water power facilities within its borders, the policy of the provincial authorities of restricting the export of pulpwood from crownlands, which comprise about 80 percent of the total wooded area of the dominion, and the withdrawal of the United States' tariff on the importation of newsprint in 1913 helped to some extent to accelerate the rate at which the center of newsprint production shifted from the northeastern states of the United States to the eastern provinces of Canada. The movement to extend the restrictions to cover the exportation of pulpwood from private lands by an embargo of the dominion government, which gained momentum in the 1920's, failed partly because of the opposition of the pulpwood exporters and partly because of fear of reprisals on the part of the United States and competition from other sources of supply.

The speed with which the newsprint industry shifted to new areas in its search for more abundant supplies of raw material led to a duplication and overextension of production facilities and inevitably to the financial breakdown of the largest producers. It is estimated that the present productive capacity is amply sufficient to take care of consumption, even according to the most optimistic forecasts, for as distant a date as 1940. Meanwhile the entire industry is in a demoralized condition, burdened with high overhead cost and an inelastic structure of supply and facing a protracted period of financial difficulties. A similar situation prevails in the wrapping paper division of the industry; here the substitution of the sulphite method of pulp making by

TABLE II

PRODUCTION AND EXPORTATION OF NEWSPRINT BY THE LEADING PRODUCING COUNTRIES, 1929 AND 1931

(In 1000 short tons)

COUNTRY	1929		1931	
	PRODUCTION	EXPORT	PRODUCTION	EXPORT
Canada	2729	2515.5	2221	2008.2
United States	1392	18.7	1157	9.7
Great Britain	637	107.7	719	66.3
Germany	623	254.3	540	229.2
Newfoundland	256	243.9	295	299.5
Sweden	275	217.7	265	201.8
Japan	286	57.7	258	61.8
France	210		243	
Finland	217	191.4	241	210.4
Norway	189	189.2	104	96.5
World Total	7319	3905.8	6622	3284.3

Source: Canada, Dominion Bureau of Statistics *The Pulp and Paper Industry*, for 1930 (Ottawa 1932) p. 37, and for 1931 (Ottawa 1932) p. 23, 39.

the cheaper sulphate pulp has brought about the migration of parts of the industry to the south, where cheap labor and abundant supplies of wood easily subjected to the sulphate treatment make possible production at a lower cost than in the north. The result has been a considerable duplication of plants, severe competition and mounting losses. A group of paper companies representing 35 percent of the productive capacity of the industry reported a loss of 19 percent of their total working capital in 1932. The financial vulnerability of the paper companies is further increased by the heavy bonded indebtedness, which renders the capital structure too rigid and burdens the industry with fixed charges difficult to maintain in years of business decline; the result is that some of the largest producing companies, particularly in Canada, were in receivership in 1933.

The struggle for markets led to the development of monopolistic practises, which were the subject of investigation by the Federal Trade Commission in 1929. The inquiry failed to disclose monopolistic combination but revealed that the International Paper and Power Company, one of the largest producers, had attempted to secure control of newspapers and publications through purchase of their securities in order to assure a steady outlet for its product. The company has since divested itself of such securities. There is also the reverse process, whereby newspapers acquire control of paper companies in order to be assured of a supply of paper at lower costs made possible by capacity operation. In the search for new sources of revenue many paper companies enlarged their facilities for power production and entered the field of public utilities, as is evidenced in the case of the International Paper and Power Company, whose report for 1929 reveals that more than half of the total assets, more than one third of total sales and two thirds of the net earnings were accounted for by the electric power plants and revenues derived therefrom.

With the exception of the paper board division, in which the 7 largest of several hundred producers control less than 25 percent of the industry, and possibly of the low grade book paper division, in which 40 manufacturers control less than half of the total productive capacity, the pulp and paper industry in the United States shows considerable concentration. In the wrapping paper division the 10 largest producers control over 37 percent of the total productive capacity; in the field of high grade book paper fewer than 10 companies control more than half of the total capacity, while the 3 largest producers of newsprint in the United States and the 3 largest in Canada produce close to 50 percent of the output of that commodity in each country. As distinct from integration and concentration fostered by the economic character of the industry, there is hardly a branch in the paper industry which has not at one time or another attempted to effect combination of producers for the purpose of exerting monopolistic control over prices and output, but except for brief periods none of the attempts have been successful.

Outside of the North American continent Germany leads the list of paper producers with a diversified, integrated and thoroughly cartelized paper industry, which, although forced to import some of its raw material, exports its finished product to the extent of from one fifth to one fourth of the total paper output. In Great Britain the paper industry was for a long time favored by a plentiful supply of cotton and linen rags, by-products of the textile industry. This advantage, however, disappeared with the emergence of wood as the main raw material. In the absence of domestic forest resources the industry depends almost entirely upon importation of pulpwood and pulp from the Scandinavian countries and Russia and of large amounts of esparto from Algiers, Tunis and Spain. In spite of this reliance upon foreign supplies of raw material Great Britain, next to Germany, is the second largest producer of paper in Europe and figures prominently in the export of the finer grades of paper. The advent of wood proved a considerable handicap also to France, which at the beginning of the nineteenth century was one of the leading paper exporters of the world but now does not produce enough to cover the domestic requirements, although it still retains an important position in the production and exportation of certain special types of paper. The Scandinavian countries and Finland developed a pulp and paper industry catering primarily to the foreign market: Sweden, one of the largest producers of pulp outside of North America, Norway and Finland export over half their production of pulp and over three fourths of their paper output, amounting to 25 percent of the total paper export trade. Finland figures also as a large exporter of pulpwood. As in Canada, attempts were made by Finnish manufacturers to restrict or prohibit the exportation of raw material so as to stimulate the domestic pulp and paper industry, but the opposition of the owners

of forests and exporters of pulpwood and the threat of the enormous competitive potentialities of Soviet Russia worked counter to the adoption of a restrictive policy. The Soviet Union has all the elements necessary to large expansion of its paper making facilities, but in 1933 although it exported pulpwood, production of paper was hardly sufficient to satisfy domestic requirements.

Of the oriental countries Japan developed a modern paper industry based on fairly abundant supply of domestic pulpwood and on the forest reserves in Sakhalin. In addition a large part of the domestic demand for paper is satisfied by a native paper product produced by hand from specially cultivated plants. In China the production of paper is still carried on in from 2 to 3000 small establishments, which in the main follow the methods of centuries ago. While the Latin American countries constitute a large market for European and North American products, some of the countries of South America are definitely becoming independent of supplies from abroad. Argentina, handicapped by the lack of forest resources, is attempting to perfect the utilization of its output of straw, the by-product of its vast grain crops; and Brazil, whose paper output already supplies from two thirds to three fourths of the domestic paper needs, is searching for new ways to utilize a wider range of its tropical trees, which because of their rapid rate of reproduction would provide an almost inexhaustible source of raw material for paper manufacture.

The location of the pulp and paper industry in areas removed from large industrial centers and the high degree of concentration of the more important branches of the industry have restricted considerably the possibilities of trade union organization. While there are several pulp and paper trade unions in the United States and in Canada, they comprise only a small portion of the total number of people employed in the industry. The recognition of the principle of collective bargaining inserted in the code of the paper industry under the provisions of the National Industrial Recovery Act of 1933 may strengthen the trade union organization in the United States. In countries of Europe with longer and stronger tradition of trade unionism the proportion of organized pulp and paper workers is correspondingly higher than in North America. The number of wage earners employed in the industry in the United States in 1929 was 103,320 and the number of office workers, 11,744; for Canada the respective figures are 29,846 and 3738. The average annual pay per wage earner amounted in Canada to over $1100 in 1931 with an average working week of 48 hours. In Germany the average annual wage was over 2500 marks in 1929. In the United States the code has divided the country into three zones: the northern, the central and the southern, fixing the hourly rate at 38 cents, 35 cents and 30 cents respectively and limiting the work week, with some exceptions, to 40 hours. These wage rates constitute in all cases slight increases over those prevailing prior to the conclusion of the code agreement. As in all highly mechanized industries, the volume of employment is affected by technological improvements. According to official German estimates the productive capacity of paper making machines per 24 hours has increased from 88,000 pounds of paper to from 260,000 to 308,000 pounds of paper of almost double width; while the productive capacity of a grinding machine has increased almost 100 percent in the same period. Consequently in the last two decades the number of workers required in the production of 2200 pounds of newsprint has been reduced from 7 to 2 and less. These estimates are borne out by the fact that in Canada an increase of over 300 percent in the combined output of pulp and paper between 1917 and 1929 was accompanied by an increase of somewhat less than 50 percent in the total number of employees. Because of the complexity of paper making machinery with its many rotating parts and squeeze rolls the paper industry shows a high rate of accidents as well as of permanent disabilities.

Apart from the problem of overproduction, which can be rectified in time, the most important problem facing the industry is that of assuring a steady supply of pulpwood. While the consumption of paper is not likely to continue to increase as rapidly as in the last decades, a further growth of population, the penetration of the printed word into many new countries with hitherto illiterate populations and the widening range of industrial uses to which pulp and paper are being adapted point to a further increase in the pulpwood requirements of the industry. It is also generally agreed that for a long time to come wood is likely to remain the chief raw material in the manufacture of paper. The conservation of pulpwood resources therefore is of prime importance to the continued operation of the industry. According to one authoritative source which estimates that the maximum available net yield of pulpwood is sufficient to sustain an annual production of 13,000,000 tons of pulp

the industry is already making serious inroads into forest reserves. This estimate, however, is based solely on the supply of coniferous trees and overlooks technological improvements tending to widen the range of trees which may be converted into pulp on a commercial basis. Paper is already being manufactured from pulp derived from eucalyptus, bamboo and related species. A shortage of pulpwood will promptly be reflected in a higher price for the raw material and will encourage the cultivation of pulpwood trees on very short rotation; in New Zealand and other countries thousands of acres of fast growing species have already been planted. Moreover the large capital involved in the pulp and paper industry and its dependence upon a sustained supply of wood from the original timber area encourage the owners of the industry to adopt a crop rather than a mining basis in the exploitation of pulpwood.

NATHAN REICH

See: WOOD INDUSTRIES; FORESTS; CONSERVATION; LOCATION OF INDUSTRY; COMBINATIONS, INDUSTRIAL; ACCIDENTS, INDUSTRIAL.

Consult: Maddox, H. A., *Paper · Its History, Sources and Manufacture* (4th ed. London 1933); Germany, Ausschuss zur Untersuchung der Erzeugungs- und Absatzbedingungen der deutschen Wirtschaft, Unterausschuss für allgemeine Wirtschaftsstruktur, *Die deutsche Zellstoff- , Holzschliff- , Papier- und Pappenindustrie* (Berlin 1910); Krawany, Franz, *Internationale Papier Statistik* (2nd ed. Vienna 1925); Reinhold, Gerhard, *Die Papierholzversorgung* (Berlin 1927); Fraser, Cecil Eaton, and Donot, Georges F., *Analyzing Our Industries* (New York 1932) ch. xiii; Reich, Nathan, *National Problems of Canada; the Pulp and Paper Industry in Canada*, McGill University, Economic Studies, no. 7 (Toronto 1926); Predöhl, Andreas, "Die Wanderungen der amerikanisch-kanadischen Papierindustrie" in *Weltwirtschaftliches Archiv, Abhandlungen*, vol. xxix (1929) 285–330; Baker, Hugh P., *The Pulp and Paper Industry in the Pacific Coast States* (New York 1927); Weeks, Lyman Horace, *A History of Paper-Manufacturing in the United States, 1690–1916* (New York 1916); Kellogg, R. S., *Pulpwood and Wood Pulp in North America* (New York 1923); Watkins, M. W., *Industrial Combinations and Public Policy*, ed. by A. A. Young (Boston 1927) ch. ix; United States, Federal Trade Commission, *Newsprint Paper Industry*, 71st Cong., Special Sess. of the Senate, Document no. 214 (1930); Siegmann, A. H., *Die Holz- und Papierindustrie der Finnoskandinavischen Länder* (Duisburg 1930); United States, Bureau of Foreign and Domestic Commerce, "Paper Trade and Industry of Japan," by B. M. Frost, *Trade Information Bulletin*, no. 672 (1930).

PULSZKY, ÁGOST (1846–1901), Hungarian legal philosopher and statesman. The son of Ferencz Pulszky, revolutionary emissary of Lajos Kossuth, Pulszky studied in London and Turin, was professor of law at the University of Budapest from 1875 to 1894, liberal member of the Chamber of Deputies from 1871 to 1901 and secretary in the Ministry of Education from 1895 to 1896. The west European atmosphere in which he passed his youth was not without effect upon his scientific work, the importance of which lies in the synthesis of the legal philosophy of the historical school and sociological jurisprudence. As a disciple of Comte and Herbert Spencer, Pulszky was a firm adherent of the theory of evolution. He conceived a succession of societies, each dominated by an "ideal" derived from its most vital interest. He found the basis of law, which is always in accord with the level of technological development, in the organization of the resources of human activity. His philosophy of law reconciles the moral freedom of Kant with a jurisprudence which is subject to natural laws. Pulszky's chief service remains his pioneering work in laying the foundations of sociology in Hungary and in establishing in 1900 the sociological society which united the young intellectual forces of the pre-war period in the cause of the unbiased study of the social problem. Pulszky's scientific activity was not in entire harmony with his unreserved support of the pseudo-liberal domination of the feudal classes. Nevertheless, the enduring content of his achievements was his influence as teacher and scholar upon young Hungary, which drew from his range of ideas a knowledge of western cultural aspirations. Even though Pulszky, as empiricist and eclectic, was no radical personality, by his doctrine of the limitless possibilities of social evolution he showed several generations the way to a practical program of life.

RUSZTEM VAMBÉRY

Important works: *A római jog és az ujabbkori jogfejlődés* (Roman law and recent legal development) (Pest 1869); *A jog és állambölcsészet alaptanai* (The bases of a philosophy of law and the state) (Budapest 1885, 2nd ed. 1887); *A jog- és állambölcsészet feladatai* (The task of legal and political philosophy), Magyar Tudományos Akadémia, Értekezések a Társadalmi Tudományok Köréből (Studies in Social Science series), vol. ix, no. 7 (Budapest 1888); *The Theory of Law and Civil Society* (London 1888); *Az egyetemi kérdések Magyarországon* (The university question in Hungary) (Budapest 1889); *A munkáskérdés* (The labor problem) (Budapest 1890); *A nemzetiségről* (On nationality) (Budapest 1901).

Consult: Társadalom Tudományi Társaság (Sociological Society), *Pulszky Ágost emlékezete* (Pulszky memorial) (Budapest 1902); Concha, Győző, "Emlékbeszéd Pulszky Ágost," Magyar Tudományos Akadémia, *Emlékbeszédek* (Necrologies), vol. xiii, no. 2

(Budapest 1906); Bárd, Joseph, *Pulszky Agost jogbölcselete* (Pulszky's legal philosophy) (Budapest 1917); Horváth, Barna, "Die ungarische Rechtsphilosophie" in *Archiv für Rechts- und Wirtschaftsphilosophie*, vol. xxiv (1930–31) 37–85.

PUNISHMENT. The word punishment (French *peine*, Latin *poena*, Greek *poine*) derives from the Greek root *pu*, meaning to cleanse. In Attic prose *poine*, like the Low German *bröke* (*Brüche*), signified a fine. Thus an earlier stage in the development of punishment is preserved as a linguistic fossil. The word *Strafe*, in the sense of a rebuke or chastening, first appears in German juristic texts of the fourteenth century. While the coercive element in the Greek *poine* arises from religious conceptions—*poine* overtakes the evildoer as a spirit of revenge, sometimes at the hands of others, sometimes through the dispensation of fate, generally through his own misdeeds—punishment presupposes regulated state intervention.

Since punishment serves human ends, is meted out by men and is applied to them, it is primarily a psychological problem. In its first empirical as well as in later rational forms punishment is an imitation of processes observed by man in nature. All living matter avoids whatever is harmful. Hence man constructs an artificial danger to confront a being endowed with organs as sensitive to danger as those of man himself. It might, as a result, be generally expected that man would pause between the intention and the realization of a socially harmful action.

Theoretically punishment must invariably be effective, always restraining man from a projected punishable action, for only thus can this artificially created danger exercise regularly its full deterrent effect. This effect depends upon the fulfilment of two conditions. First, the threatened damage must affect human instincts as a pain stimulus. Where, however, man's instincts of self-preservation are weakened, senile or perverted, they will seek rather than avoid pain stimulus. Secondly, the artificial threat to existence inherent in the punishment must surpass any prospective gain, in the widest sense of the word, if it is to act as a deterrent. The legislator here proceeds from the concept of an average, which is not often to be found in real life. It is always possible that an expected gain will appear greater or more certain than the prospective punishment, especially since the danger threatened by a state power is no natural phenomenon with automatic incidence but one which can be effected only through a lengthy process of police and judicial investigation. The large number of attempted and successful suicides and a whole series of self-destructive perversions of the instincts show that in modern civilization, perhaps contrary to the situation prevalent in primitive society, the instinct of self-preservation is not sufficiently stable and unchanging to make punishment a guaranteed part of the mechanism of social compulsion. Furthermore certain physiological conditions, such as puberty, and the desire for adventure characteristic of many chronically infantile natures can convert danger from a deterrent into an incitement. Finally, the polarity of slight danger and great gain can have undesired effects. Even uncertainty of punishment connected with certainty of the desired gain or the remoteness in time of the punishment linked with the immediacy of the fruits of crime may sometimes introduce additional complications into the psychological problems involved in punishment.

The administration of punishment, however, is no simple give and take between punisher and punished: there is a sociology as well as a psychology of punishment. Every act of punishment also reverberates upon the general population. Since an exact examination of the secondary impact of punishment is not feasible, this field has become a refuge for unscientific claims. Endeavors are made to attribute to methods of punishment whose ineffectiveness or harmfulness, as far as the offender is concerned, is transparent at least some effectiveness in deterring others. It is of course true that the prospect of punishment serves to deter in situations where no reliable moral impulse has yet developed, especially where the prospective victim is a collective entity, such as the state as tax collector or an insurance company, whose suffering is not regarded in the same light as that of a living being. It is true too that there are people whose state of moral indecision is crystallized in the direction of lawful action by the pressure of threatened punishment. But in general the effect of deterrence has been overestimated. For example, although primitive peoples believed in the avenging intervention of an omniscient and omnipotent divinity, crime was not thereby dispelled from the world. Conversely, there is a tendency to underestimate the effect of state punitive methods on the popular cultural standard. When punishing an offender the state, the most imposing and powerful model for moral action, instils in the masses suggestions of behavior. Its punitive practises can educate or

poison the watching, experiencing, acting public.

The genesis of punishment is to be sought in many human institutions. It appeared in the family with the increasing collapse of the matriarchate and the transfer of family leadership under the patriarchate to the physically stronger male, who exercised disciplinary power over his wife, children and slaves. The right to punish thus became attached to the patria potestas. Outside of the family group the chief's discipline in war was also a basis of punishment. Under martial conditions quick terrifying punishments requiring little reflection, consultation or expenditure of force were universally adopted. The tension of war itself tended to encourage hasty resort to weapons.

In outlawry (Roman *proscriptio*, German *Friedloslegung*) a diluted form of lynch law may quite justifiably be discerned. That there is involved here a rationalized substitution for an outburst of passion may be concluded from the remains of primitive destruction of domiciles, a process known in German law as *Wüstung*. When the massacre of the offender gave way to his banishment, the razing of his property remained an outlet for emotional tension. Attic ideas of pollution may be taken as evidence that religious notions played a role in outlawry. Originally outlawry meant death, but with the growth of mutual relations among men banishment was substituted. In Greek the same word meant banishment and place of refuge.

Another root of punishment lies in the blood feud, which still prevails in remote corners of the world. Blood vengeance is a simple psychological reaction antecedent to any utilitarian considerations. Every man harbors despotic impulses, the urge to power. The strongest sense of power is conveyed by the destruction of an opponent, while at the same time a sense of security is gained. To strike out is not only to win release from fear; the emotional accompaniment of retaliation and destruction is gratifying in the highest degree. If it is realized that under primitive conditions struggle accompanies the securing of all property (means of subsistence, women), it will be understood that the feeling of struggle can easily acquire a value of its own. It must not be forgotten, however, that the blood feud was at the same time a form of the death cult serving to appease departed spirits. The desuetude of the blood feud came about in various ways. Its liquidation through composition was perhaps facilitated by the ideas related to the cult of death. The deceased could be propitiated by gifts which enriched his family and benefited him by virtue of their sacrificial nature. The spirit of the slain was blessed with a vision of the material well being of the family group to whose fate he was linked.

Specific forms of punishment have been extremely diverse. They exhibit a jumble of purposes: vengeance, deterrence, expiation and, finally, reformation. The death penalty preceded all other punishments. Suppressed from time to time, it still persists. It is possible to grasp the tremendous tenacity of the death penalty in the emotional life of human beings as well as its importance in state practise only if two considerations are constantly kept in mind. In the first place, there are close affinities between the death penalty and deeply rooted sacrificial conceptions. Human sacrifice was an inexorable exaction to avert the anger of divinity. In the second place, for the religious man earthly existence was but a preparation for the kingdom of heaven. To take from him an existence which is but a provisional and introductory stage and, after and through the expiation of his crime, to give him a much prized existence in the hereafter were something quite different from the final obliteration which terrifies the unbeliever. To the mind of the unquestioning believer errors of earthly justice can be remedied with relative ease; in the light of such sentiments the argument as to the irreparability of a judicial blunder loses all weight, for compensation can be made without difficulty in another life. Yet modern skepticism has not led to the abrogation of the death penalty, which has been undermined rather by the gradual realization of its complete inefficacy.

The decline of corporal punishment is perhaps even more striking than that of the death penalty. Mutilating punishments have either been almost entirely abandoned or become disguised as "measures of security." But this development has not been a consequence of theoretical considerations; it is attributable, as in the case of the death penalty, to the fact that they have had noticeably bad results. The death penalty has at least the virtues of its pronounced shortcomings: the certainty of security is absolute. The victim of the lash, however, returns to society embittered by his experience. On the other hand, the fact that flogging releases a particular affective tension in the punisher causes a recurrent demand for it by a certain type of person at particular times. Because of the intimate connection between sadistic and maso-

chistic impulses resort to the lash is particularly irrational in cases of brutal crime.

Imprisonment is the chief modern penalty. Known only in limited forms in antiquity and the Middle Ages, it was introduced toward the end of the sixteenth century as a punishment for the increasing number of minor crimes which it was impossible and undesirable to punish with death. The modern prison is often not much better than the seventeenth century combination of poorhouse, jail and madhouse. Imprisonment has come to be recognized as a cruel and demoralizing punishment. Yet curiously enough its extension was bound up with the Enlightenment, whose great protagonists saw in it an opportunity to end the excesses and brutalities of the older forms of punishment. Moreover it was admirably suited to the exact measurement of penalties in relation to the gravity of the particular crime.

Nevertheless, imprisonment first made possible the study of the criminal, who had previously been subject to observation only in the fleeting period between his crime and his execution. In a sense therefore it represents the foundation of modern penology. The deprivation of freedom has the advantage of encompassing the end of social security to a certain extent without visibly destroying the criminal. It is true that the growing power of judges to impose short or indeterminate sentences and to admit offenders to probation has considerably weakened imprisonment as a measure of security. Furthermore the unavoidable agglomeration of criminal individuals in a jail complicates the pedagogical problem. But the question of how to avoid the execution of sentences of imprisonment has become as significant as the problem of how to secure, in cases of confirmed criminality, a measure of social protection in long term imprisonment without uselessly increasing the pain of confinement. The fine would offer an alternative to imprisonment for minor offenses but for the fact that many offenders are unable to pay, in which case the fine is commuted to imprisonment. A more rational substitute would be the conversion of the sum of the fine into hours of labor, an idea, however, which must seem utopian in an epoch of mass unemployment.

Some of the oldest forms of punishment still survive to compete with imprisonment. Deportation has been employed by European nations for the past two thousand years. In the form of penal transportation it has been used to settle new lands. When the transportation has been to penal colonies, the punishment has been tantamount to imprisonment at a distance. Here the desire for social security has dominated. Removal to a deathly climate has often meant the early end of the offender. There have never been applied in deportation scientific notions as to the utilization of certain stimulating or soothing climatic factors in the treatment of particular criminal tendencies.

Punishment by disgrace is declining rapidly. Some forms of it corresponded only to particular complexes of ideas, such as the loss of burial rights and the obliteration of memory in late Roman criminal law. Other punishments by disgrace, such as the stocks and the pillory, depend for their effect on the compactness of a village or small community. The metropolis has destroyed those intimate bonds which were the basis of numerous mediaeval punishments by disgrace. Some modern analogies, such as the total or partial loss of civil rights, are in reality accessory property punishments; others, such as the prohibition of residence in a particular community, contribute to the complete and lasting deracination of the offender. The formal publication of penal judgments has been suggested by some penologists as a punishment by disgrace. It must not be forgotten, however, that mere subjection to punishment acts as a disgrace.

The growth of scientific criminology since the Enlightenment has caused a profound reorientation with regard to the function of punishment; not only the protection of society but the reformation of the offender have been recognized as its objectives. It is justified by many as a measure of social defense rather than upon the basis of moral responsibility.

Yet many obstacles stand in the way of a truly scientific technique and psychology of punishment. Rational treatment is conditioned by the long history of criminal punishment. This history began with magical and religious conceptions, and only gradually did punishment rise to the point where appropriateness was a consideration. The fossils of punishment remain; in some periods ancient superstitious conceptions break through the surface to reappear suddenly in mass behavior under the mask of some pseudo-rational justification.

Another vital difficulty lies in the fact that criminals excite the emotional reactions of the victim or the fearful. As soon as such tensions exist, there is a relapse to summary and blind

defensive reflexes. The resultant emphasis upon retaliation, terrorization, defense of authority, complicate or even prevent any causal analysis of the real problem. There follows a retrogression to those subjective methods which humanity has tested over thousands of years and finally abandoned as ineffective; the punisher readopts them as substitutes for measures which are in reality less satisfying at the moment.

If punishment is to be regarded simply as a problem in the effective treatment of human beings, the question arises as to why there should be punishment at all. The answer is offered that punishment is a mechanism of social selectivity. Men who have characteristics more or less unsuited to social life are subjected to a selective process by means of certain state mechanisms. This process begins with very light, easily reversible selective instruments, such as fines or mild imprisonment, and culminates in the most harsh eliminative methods. Punishment is an artificial hardening of life through means ranging from the cautious exploration of a personality to the mechanical effacement of the individual. Earlier selective methods, generally crude and undifferentiated, have been replaced by a system of graduated effects. The most extreme application of selectivity, total elimination, may be achieved not only by capital punishment but by death in prison, by the suicide of the criminal or by mortality in free life, which may often be traced to the economic decline resulting from the stigma of a prison sentence. The ordinary purposes of punishment—reformation, cure, deterrence, security—may easily be regarded as successive steps in the application of the selective process.

A powerful factor in preventing the scientific application of punishment is the fear that civil liberty will be imperiled if the treatment of the offender is entrusted to the scientific penologist. The reform of the penal law began after the French Revolution with the abolition of arbitrary punishments. The maxim *nulla poena sine lege* was established as the fundamental premise of the criminal law. Barriers were erected against the discretion of the judge. At most penalties must vary between fixed minima and maxima. Today the offense still primarily determines the type of punitive treatment, although a more discriminating viewpoint is applied with respect to special categories of criminals, such as juveniles, the demented and recidivists, under what are known legally as "extenuating" and "aggravating" circumstances. In so far as punishment is a means of rendering the socially dangerous harmless in the broadest sense of the term, the physical and psychic condition of the subject must be known. Furthermore it is important to have a knowledge of the environmental influences which have surrounded the offender and which, in conjunction with particular predispositions, have induced his criminal reaction. Only thus is it possible to give reality to the individualization of punishment.

The science of punishment—which as yet does not exist—will have to be based on a science of criminal causality, whose construction is proceeding gradually. The causal relations which are studied and disclosed will, on the one hand, serve to construct a prophylactic system and, on the other, to supply the basis for a punitive science. Presumably the state arsenal for the struggle against crime will be enriched by a number of methods not at present included under the term punishment. Resocialization will be achieved by a medical approach involving organotherapy and other techniques, by the most diverse corrective forms and security measures. A substitute for deterrence may be found in the successful investigatory work of a scientifically improved criminal police. The widened discretion of the criminal judge will be balanced by a scientific and humane cultivation of such discretion. The correction of erroneous diagnoses and misapplied therapy must be the task of a superior tribunal dealing with questions both of fact and of law. Finally, mass education toward an understanding of purposive punishment is essential; and if such powerful modern instruments for molding opinion as the press and the radio are utilized, it is not impossible. Such an effort at education and training should in time strike at the very roots of criminality.

HANS VON HENTIG

See: CRIMINOLOGY; CRIME; CRIMINAL LAW; SANCTION, SOCIAL; PROCEDURE, LEGAL; RECIDIVISM; FINES; IMPRISONMENT; CAPITAL PUNISHMENT; CORPORAL PUNISHMENT; TRANSPORTATION OF CRIMINALS; EXILE; OUTLAWRY; OSTRACISM; BLOOD VENGEANCE FEUD; ATTAINDER; PENAL INSTITUTIONS; HUMANITARIANISM; PARDON; PROBATION AND PAROLE; COMMUTATION OF SENTENCE; INDETERMINATE SENTENCE; JUVENILE DELINQUENCY AND JUVENILE COURTS; INSANITY; INTENT, CRIMINAL.

Consult: Merkel, Adolf, *Vergeltungsidee und Zweckgedanke im Strafrecht* (Strasbourg 1892); Quanter, Rudolf, *Die Schand- und Ehrenstrafen in der deutschen Rechtspflege* (Dresden 1901); Tesař, Ottokar, *Die symptomatische Bedeutung des verbrecherischen Verhaltens*, Berlin University, Kriminalistisches Seminar, Abhandlungen, n.s., vol. v, no. 3 (Berlin 1907); Gold-

schmidt, J., "Strafen" in *Vergleichende Darstellung des deutschen und ausländischen Strafrechts, Allgemeiner Teil*, 16 vols. (Berlin 1905–09) vol. iv, p. 81–470; Beling, Ernst L., *Die Vergeltungsidee und ihre Bedeutung für das Strafrecht*, Kritische Beiträge zur Strafrechtsreform, no. i (Leipsic 1908); Allfeld, Philipp, *Der Einfluss der Gesinnung des Verbrechers auf die Bestrafung*, Kritische Beiträge zur Strafrechtsreform, no. 9 (Leipsic 1909); Jellinek, Georg, *Die sozialethische Bedeutung von Recht, Unrecht und Strafe* (2nd ed. Berlin 1908); Friedrich, Julius, *Die Bestrafung der Motive und die Motive der Bestrafung* (Berlin 1910); Köhler, August, *Der Vergeltungsgedanke und seine praktische Bedeutung*, Kritische Beiträge zur Strafrechtsreform, no. 5 (Leipsic 1909); Leonhard, Walther, *Die modernen Strafrechtsideen und der Strafvollzug*, Kritische Beiträge zur Strafrechtsreform, no. 12 (Leipsic 1910); Exner, Franz, *Die Theorie der Sicherungsmittel*, Berlin University, Kriminalistisches Institut, Abhandlungen, pt. 3, vol. i, no. 1 (Berlin 1914); Reik, Theodor, *Geständniszwang und Strafbedürfnis*, Internationale psychoanalytische Bibliothek, no. 18 (Leipsic 1925); Daniel, Gerhard, *Gefährlichkeit und Strafmass im Sinne der positiven Kriminalistenschule*, Kriminalistische Abhandlungen, no. 4 (Leipsic 1927); Steinmetz, S. R., *Ethnologische Studien zur ersten Entwicklung der Strafe*, 2 vols. (2nd ed. Groningen 1928); Hampe, Theodor, *Die Nürnberger Malefizbücher als Quellen der reichsstädtischen Sittengeschichte vom 14. bis zum 18. Jahrhundert* (Bamberg 1927), tr. by M. H. I. Letts as *Crime and Punishment in Germany* (London 1929); Keller, Albrecht, *Der Scharfrichter in der deutschen Kulturgeschichte*, Bücherei der Kultur und Geschichte, vol. xxi (Bonn 1931); Finke, Hanns, *Der Rechtsbrecher im Lichte der Erziehung*, Forschungen und Werke zur Erziehungswissenschaft, vol. xv (Weimar 1931); Hentig, Hans von, *Die Strafe: Ursprung, Zweck, Psychologie* (Stuttgart 1932); Wolff, Grete, *Strafvollzug und Rechtsstaat*, Strafrechtliche Abhandlungen, no. 319 (Breslau 1933); Prins, Adolphe, *La défense sociale et les transformations du droit pénal*, Instituts Solvay, Institut de Sociologie, Travaux, Actualités sociales, no. 15 (Brussels 1910); Saleilles, Raymond, *L'individualisation de la peine*, ed. by Gaston Morin (3rd ed. Paris 1927), tr. by R. S. Jastrow, American Institute of Criminal Law and Criminology, Modern Criminal Science series (Boston 1911); Tarde, Gabriel de, *La philosophie pénale* (5th ed. Paris 1900), tr. by Rapelje Howell, American Institute of Criminal Law and Criminology, Modern Criminal Science series, no. 6 (Boston 1912); Szerer, M., *Kara. Szkic socyologiczny* (Cracow 1910), tr. into French by M. Duval as *La conception sociologique de la peine* (Paris1914); Roux, J. A., *Répression et prévention* (Paris 1922); Desprez, Jean, *Du rôle du jury dans l'application de la peine* (Paris 1924); Anchel, Robert, *Crimes et châtiments au XVIIIe siècle* (Paris 1933); Ferri, Enrico, *Sociologia criminale* (4th ed. Turin 1900), tr. from 2nd French ed. by J. I. Kelly and John Lisle, ed. by W. W. Smithers, Modern Criminal Science series, vol. ix (Boston 1917); Cuello Calón, Eugenio, *Penología*, Biblioteca Jurídica de Autores Españoles y Extranjeros, vol. xxxv (Madrid 1920); Saldaña y Garcia Rubio, Quintiliano, *Nueva penología* (Madrid 1931); Andrews, William, *Old-Time Punishments* (Hull 1890); Oppenheimer, Heinrich, *The Rationale of Punishment*, University of London, Monographs on Sociology, vol. i (London 1913); Ives, George, *A History of Penal Methods* (London 1914); Wines, F. H., *Punishment and Reformation* (rev. ed. by W. D. Lane, New York 1919); Robinson, L. N., *Penology in the United States* (Philadelphia 1921); Gillin, J. L., *Criminology and Penology* (New York 1926); Ewing, A. C., *The Morality of Punishment* (London 1929); Barnes, H. E., *The Story of Punishment* (Boston 1930); Elliott, M. A., *Conflicting Penal Theories in Statutory Criminal Law* (Chicago 1931); Wilson, Margaret, *The Crime of Punishment* (New York 1931); Sen, P. K., *From Punishment to Prevention* (London 1932); Sears, Laurence, *Responsibility; Its Development throug Punishment and Reward* (New York 1932).